LEGISLATIVE GENERAL COUNSEL
₵ Approved for Filing: R.M. Bradway ₵
₵ 02-11-19 11:18 AM ₵

H.B. 260
1st Sub. (Buff)

Representative Derrin R. Owens proposes the following substitute bill:

ACCESS UTAH PROMISE SCHOLARSHIP PROGRAM

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates the Access Utah Promise Scholarship Program and repeals certain other scholarship programs.

Highlighted Provisions:

This bill:

- creates the Access Utah Promise Scholarship Program;
- enacts provisions related to promise scholarships, including provisions related to:
  - eligibility; and
  - the amount awarded for a promise scholarship;
- enacts provisions related to promise partner awards, including provisions related to:
  - eligibility, including requirements for employers who intend to participate as promise partners; and
  - administration of the program;
- prohibits the State Board of Regents (board) and institutions of higher education from accepting applications for certain previously authorized scholarships after certain dates;
- allows an individual who received certain scholarships before certain dates to receive the scholarships until the end of the scholarship term;

26 ▸ amends provisions related to the amount of a Regents' scholarship;
27 ▸ requires the board to make administrative rules;
28 ▸ allows the board to use certain existing funds for administrative costs associated
29 with certain scholarships;
30 ▸ provides repeal dates; and
31 ▸ makes technical and conforming changes.
32 **Money Appropriated in this Bill:**
33 This bill appropriates in fiscal year 2020:
34 ▸ to the State Board of Regents – Student Assistance – Access Utah Promise
35 Scholarship Program, as a one-time appropriation:
36 • from the Education Fund, One-time, $30,000,000.
37 **Other Special Clauses:**
38 This bill provides a coordination clause.
39 **Utah Code Sections Affected:**
40 AMENDS:
41 **53B-6-105**, as last amended by Laws of Utah 2009, Chapters 210 and 370
42 **53B-6-105.5**, as last amended by Laws of Utah 2013, Chapter 49
43 **53B-6-105.7**, as last amended by Laws of Utah 2009, Chapter 210
44 **53B-8-105**, as last amended by Laws of Utah 2017, Chapter 386
45 **53B-8-112**, as enacted by Laws of Utah 2017, Chapter 426
46 **53B-8-201**, as enacted by Laws of Utah 2017, Chapter 386
47 **63G-12-402**, as last amended by Laws of Utah 2017, Chapter 386
48 **63I-2-253**, as last amended by Laws of Utah 2018, Chapters 107, 281, 382, 415, and
49 456
50 **63I-2-263**, as last amended by Laws of Utah 2018, Chapters 38, 95, 382, and 469
51 ENACTS:
52 **53B-8-114**, Utah Code Annotated 1953
53 **53B-8-301**, Utah Code Annotated 1953
54 **53B-8-302**, Utah Code Annotated 1953
55 **53B-8-303**, Utah Code Annotated 1953
56 **53B-8-304**, Utah Code Annotated 1953

57 REPEALS:
58 **53B-8-113**, as enacted by Laws of Utah 2017, Chapter 426
59 **Utah Code Sections Affected by Coordination Clause:**
60 **53B-1-301**, Utah Code Annotated 1953
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62 *Be it enacted by the Legislature of the state of Utah:*
63 Section 1. Section **53B-6-105** is amended to read:
64 **53B-6-105. Engineering and Computer Technology Initiative.**
65 (1) The Legislature recognizes that a significant increase in the number of engineering,
66 computer science, and related technology graduates from the state system of higher education is
67 required over the next several years to advance the intellectual, cultural, social, and economic
68 well-being of the state and its citizens.
69 (2) (a) (i) The [~~State Board of Regents~~] board shall therefore develop, establish, and
70 maintain an Engineering and Computer Science Initiative within the state system of higher
71 education to double the number of graduates in engineering, computer science, and related
72 technology by 2006 and triple the number of graduates by 2009.
73 (ii) The board shall make [~~a rule~~] rules in accordance with Title 63G, Chapter 3, Utah
74 Administrative Rulemaking Act, providing the criteria for those fields of study that qualify as
75 "related technology" under this section and [~~Sections 53B-6-105.7 and~~] Section 53B-6-105.9.
76 (b) The initiative shall include components that:
77 (i) improve the quality of instructional programs in engineering, computer science, and
78 related technology by providing supplemental money for equipment purchases; and
79 [~~(ii) provide incentives to:~~]
80 [~~(A) students through a scholarship program under Section 53B-6-105.7; and~~]
81 [~~(B)~~] (ii) provide incentives to institutions to hire and retain faculty under Section
82 53B-6-105.9.
83 (3) The increase in program capacity under Subsection (2)(a) shall include funding for
84 new and renovated capital facilities and funding for new engineering and computer science
85 programs.
86 (4) The Legislature shall provide an annual appropriation to the [~~State Board of~~
87 ~~Regents~~] board to fund the initiative.

88 Section 2. Section **53B-6-105.5** is amended to read:
89 **53B-6-105.5. Technology Initiative Advisory Board -- Composition -- Duties.**
90 (1) There is created a Technology Initiative Advisory Board to assist and make
91 recommendations to the State Board of Regents in its administration of the Engineering and
92 Computer Science Initiative established under Section 53B-6-105.
93 (2) (a) The advisory board shall consist of individuals appointed by the governor from
94 business and industry who have expertise in the areas of engineering, computer science, and
95 related technologies.
96 (b) The advisory board shall select a chair and cochair.
97 (c) The advisory board shall meet at the call of the chair.
98 (d) The State Board of Regents, through the commissioner of higher education, shall
99 provide staff support for the advisory board.
100 (3) A member of an advisory board may not receive compensation or benefits for the
101 member's service, but may receive per diem and travel expenses in accordance with:
102 (a) Section 63A-3-106;
103 (b) Section 63A-3-107; and
104 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
105 63A-3-107.
106 (4) The advisory board shall:
107 (a) make recommendations to the State Board of Regents on the allocation and
108 distribution of money appropriated to fund:
109 (i) the faculty incentive program established in Section 53B-6-105.9; and
110 (ii) equipment purchases required to improve the quality of instructional programs in
111 engineering, computer science, and related technology; [~~and~~]
112 [~~(iii) the scholarship program established in Section 53B-6-105.7.~~]
113 (b) prepare a strategic plan that details actions required by the State Board of Regents
114 to meet the intent of the Engineering and Technology Science Initiative;
115 (c) review and assess engineering, computer science, and related technology programs
116 currently being offered at higher education institutions and their impact on the economic
117 prosperity of the state;
118 (d) provide the State Board of Regents with an assessment and reporting plan that:

119 (i) measures results against expectations under the initiative, including verification of
120 the matching requirements for institutions of higher education to receive money under Section
121 53B-6-105.9; and
122 (ii) includes an analysis of market demand for technical employment, program
123 articulation among higher education institutions in engineering, computer science, and related
124 technology, tracking of student placement, student admission to the initiative program by
125 region, transfer rates, and retention in and graduation rates from the initiative program; and
126 (e) make an annual report of its activities to the State Board of Regents.
127 (5) The annual report of the Technology Initiative Advisory Board shall include the
128 summary report of the institutional matches described in Section 53B-6-105.9.
129 Section 3. Section **53B-6-105.7** is amended to read:
130 **53B-6-105.7. Initiative student scholarship program.**
131 (1) Notwithstanding the provisions of this section, beginning on July 1, 2019, the board
132 may not accept new applications for a scholarship described in this section.
133 [~~(1)~~] (2) (a) There is established an engineering, computer science, and related
134 technology scholarship program as a component of the initiative created in Section 53B-6-105.
135 (b) The program is established to recruit, retain, and train engineering, computer
136 science, and related technology students to assist in providing for and advancing the intellectual
137 and economic welfare of the state.
138 [~~(2)~~] (3) (a) The board:
139 (i) may make rules for the overall administration of the scholarship program in
140 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
141 (ii) shall administer the program in consultation with the Technology Initiative
142 Advisory Board created in Section 53B-6-105.5.
143 (b) The board shall also use the following policies and procedures in administering the
144 student scholarship program:
145 (i) students may use scholarship money at any institution within the state system of
146 higher education that offers an engineering, computer science, or related technology degree;
147 (ii) scholarships shall be given to students who declare an intent to complete a
148 prescribed course of instruction in one of the areas referred to in Subsection [~~(2)~~] (3)(b)(i) and
149 to work in the state after graduation in one of those areas; and

150 (iii) a scholarship may be cancelled at any time by the institution of attendance, if the
151 student fails to make reasonable progress towards obtaining the degree or there appears to be a
152 reasonable certainty that the student does not intend to work in the state upon graduation.
153 [~~(3) (a) By June 1 of each year, the Technology Initiative Advisory Board shall~~
154 ~~recommend to the board a distribution of the scholarship funds to institutions in the state~~
155 ~~system of higher education, based on a formula.~~]
156 [~~(b) The Technology Initiative Advisory Board shall develop the formula for~~
157 ~~distribution of total scholarship funds to the institutions, which shall contain the following~~
158 ~~components:~~]
159 [~~(i) the number of graduates of engineering, computer science, and related technology~~
160 ~~degrees from the previous year;~~]
161 [~~(ii) the number and level of engineering, computer science, and related technology~~
162 ~~degrees offered at an institution; and~~]
163 [~~(iii) the length of each engineering, computer science, and related technology degree~~
164 ~~offered at an institution.~~]
165 (4) The Legislature shall make an annual appropriation to the board to fund the student
166 scholarship program created in this section.
167 Section 4. Section **53B-8-105** is amended to read:
168 **53B-8-105. New Century scholarships -- High school requirements.**
169 (1) As used in this section, "complete the requirements for an associate degree" means
170 that a student:
171 (a) (i) completes all the required courses for an associate degree from a higher
172 education institution within the state system of higher education that offers associate degrees;
173 and
174 (ii) applies for the associate degree from the institution; or
175 (b) completes equivalent requirements described in Subsection (1)(a)(i) from a higher
176 education institution within the state system of higher education that offers baccalaureate
177 degrees but does not offer associate degrees.
178 (2) (a) Notwithstanding the provisions of this section, beginning on October 1, 2019,
179 the board may not accept new applications for a scholarship described in this section.
180 (b) The board shall award New Century scholarships.

181 [~~(b)~~] (c) The board shall develop and approve the math and science curriculum
182 described under Subsection (3)(a)(ii).
183 (3) (a) In order to qualify for a New Century scholarship, a student in Utah schools
184 shall complete the requirements for an:
185 (i) associate degree; or
186 (ii) approved math and science curriculum.
187 (b) The requirements under Subsection (3)(a) shall be completed:
188 (i) (A) for a student whose class graduates from high school in 2010 or before, by
189 September 1 of the year the student's class graduates from high school; or
190 (B) for a student whose class graduates from high school in 2011 or after, by the day on
191 which the student's class graduates from high school; and
192 (ii) with at least a 3.0 grade point average.
193 (c) In addition to the requirements in Subsection (3)(a), a student in Utah schools
194 whose class graduates from high school in 2011 or after shall:
195 (i) complete the high school graduation requirements of:
196 (A) a public high school established by the State Board of Education and the student's
197 school district or charter school; or
198 (B) a private high school in the state that is accredited by a regional accrediting body
199 approved by the board; and
200 (ii) complete high school with at least a 3.5 cumulative high school grade point
201 average.
202 (4) Notwithstanding Subsection (3), for a student who does not receive a high school
203 grade point average, the student shall:
204 (a) complete the requirements for an associate degree:
205 (i) (A) for a student who completes high school in 2010 or before, by September 1 of
206 the year the student completes high school; or
207 (B) for a student who completes high school in 2011 or after, by June 15 of the year the
208 student completes high school; and
209 (ii) with at least a 3.0 grade point average; and
210 (b) score a composite ACT score of 26 or higher.
211 (5) To be eligible for the scholarship, a student:

212 (a) shall submit an application to the board with:
213 (i) an official college transcript showing college courses the student has completed to
214 complete the requirements for an associate degree; and
215 (ii) (A) if applicable, an official high school transcript; or
216 (B) if applicable, a copy of the student's ACT scores;
217 (b) shall be a citizen of the United States or a noncitizen who is eligible to receive
218 federal student aid;
219 (c) may not have a criminal record, with the exception of a misdemeanor traffic
220 citation; and
221 (d) if applicable, shall meet the application deadlines as established by the board under
222 Subsection (10).
223 (6) (a) The scholarship may be used at a:
224 (i) higher education institution within the state system of higher education that offers
225 baccalaureate programs; or
226 (ii) private, nonprofit college or university in the state accredited by the Northwest
227 Association of Schools and Colleges that offers baccalaureate programs.
228 (b) For a student whose class graduates from high school in 2010 and who completes
229 the requirements under Subsection (3)(a) by September 1, 2010:
230 (i) if used at an institution described in Subsection (6)(a)(i), the value of the
231 scholarship is up to 75% of the tuition costs at the selected institution; or
232 (ii) if used at an institution described in Subsection (6)(a)(ii), the value of the
233 scholarship is up to 75% of the tuition costs at the institution, not to exceed 75% of the average
234 tuition costs at the institutions referred in Subsection (6)(a)(i).
235 (c) (i) For a student whose class graduates in 2011 or after and who completes the
236 requirements under this section, the total value of the scholarship is up to $5,000, allocated
237 over a time period described in Subsection (6)(d), as prescribed by the board.
238 (ii) The board may increase the scholarship amount described in Subsection (6)(c)(i) by
239 an amount not to exceed the average percentage tuition increase approved by the board for
240 institutions in the state system of higher education.
241 (d) The scholarship is valid for the shortest of the following time periods:
242 (i) two years of full-time equivalent enrollment;

243 (ii) 60 credit hours; or
244 (iii) until the student meets the requirements for a baccalaureate degree.
245 (e) (i) A scholarship holder shall enroll full-time at a higher education institution by no
246 later than the fall term immediately following the student's high school graduation date or
247 receive an approved deferral from the board.
248 (ii) The board may grant a deferral or leave of absence to a scholarship holder, but the
249 student may only receive scholarship money within five years of the student's high school
250 graduation date.
251 (7) The board may cancel a New Century scholarship at any time if the student fails to:
252 (a) register for at least 15 credit hours per semester;
253 (b) maintain a 3.3 grade point average for two consecutive semesters; or
254 (c) make reasonable progress toward the completion of a baccalaureate degree.
255 (8) (a) Subject to future budget constraints, the Legislature shall make an annual
256 appropriation from the General Fund to the board for the costs associated with the New
257 Century Scholarship Program authorized under this section.
258 (b) It is understood that the appropriation is offset in part by the state money that would
259 otherwise be required and appropriated for these students if they were enrolled in a four-year
260 postsecondary program at a state-operated institution.
261 (c) Notwithstanding Subsections (2)[~~(a)~~] (b) and (6), if the appropriation under
262 Subsection (8)(a) is insufficient to cover the costs associated with the New Century Scholarship
263 Program, the board may reduce the scholarship amount.
264 (9) (a) The board shall adopt policies establishing an application process and an appeal
265 process for a New Century scholarship.
266 (b) The board shall disclose on all applications and related materials that the amount of
267 the scholarship is subject to funding and may be reduced, in accordance with Subsection (8)(c).
268 (c) The board shall require an applicant for a New Century scholarship to certify under
269 penalty of perjury that:
270 (i) the applicant is a United States citizen; or
271 (ii) the applicant is a noncitizen who is eligible to receive federal student aid.
272 (d) The certification under this Subsection (9) shall include a statement advising the
273 signer that providing false information subjects the signer to penalties for perjury.

274 (10) The board may set deadlines for receiving New Century scholarship applications
275 and supporting documentation.
276 (11) A student may not receive both a New Century scholarship and a Regents'
277 scholarship established in Part 2, Regents' Scholarship Program.
278 Section 5. Section **53B-8-112** is amended to read:
279 **53B-8-112. Public Safety Officer Career Advancement Reimbursement Program.**
280 (1) The Public Safety Officer Career Advancement Reimbursement Program is created.
281 (2) (a) Notwithstanding the provisions in this section, the board may not reimburse an
282 individual for an academic year that begins on or after July 1, 2019.
283 (b) Subject to legislative appropriations and Subsection (7) the board shall reimburse
284 an applicant who:
285 [~~(a)~~] (i) is a certified peace officer, currently employed by a law enforcement agency
286 within the state;
287 [~~(b)~~] (ii) has been employed as a certified peace officer for three or more consecutive
288 years;
289 [~~(c)~~] (iii) is seeking a post-secondary degree in the area of criminal justice from a
290 credit-granting higher education institution within the state system of higher education,
291 described in Section 53B-1-102; and
292 [~~(d)~~] (iv) is employed as a peace officer for one year following completion of the
293 academic year for which the individual is seeking reimbursement.
294 (3) Individuals who qualify for reimbursement from the Public Safety Officer Career
295 Advancement Reimbursement [~~program~~] Program may apply for reimbursement by July 1 one
296 year after each academic year for which they are requesting reimbursement.
297 (4) Subject to Legislative appropriations, of the funds appropriated for the [~~Peace~~]
298 Public Safety Officer Career Advancement Reimbursement Program:
299 (a) 25% of the annual appropriation shall be designated for applicants who are
300 currently employed by a law enforcement agency with jurisdiction in a county of the third or
301 fourth class; and
302 (b) 12% of the annual appropriation shall be designated for applicants who are
303 currently employed by a law enforcement agency with jurisdiction in a county of the fifth or
304 sixth class.

305 (5) (a) A qualified applicant may be reimbursed up to half of the cost of tuition and
306 fees.
307 (b) A reimbursement under Subsection (5)(a) is limited to:
308 (i) a maximum of $5,000 each academic year; and
309 (ii) a maximum of eight academic years.
310 (6) (a) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
311 Administrative Rulemaking Act, to:
312 (i) set deadlines for receiving reimbursement applications and supporting
313 documentation; and
314 (ii) establish the application process and an appeal process for a reimbursement from
315 the [~~Peace~~] Public Safety Officer Career Advancement Reimbursement Program, including
316 procedures to allow for online application submittals.
317 (b) The board shall include a disclosure on all applications and related materials that
318 the amount of the awarded reimbursements may be subject to funding or be reduced, in
319 accordance with Subsection (7).
320 (7) (a) Subject to future budget constraints, the Legislature shall make an annual
321 appropriation from the Education Fund to the board for the costs associated with the [~~Peace~~]
322 Public Safety Officer Career Advancement Reimbursement Program authorized under this
323 section.
324 (b) Notwithstanding the provisions of this section, if the appropriation under this
325 section is insufficient to cover the costs associated with the [~~Peace~~] Public Safety Officer
326 Career Advancement Reimbursement Program, the board may reduce the amount of a
327 reimbursement.
328 (c) Any individual who is denied reimbursement because of insufficient funds
329 appropriated may re-apply for reimbursement up to two years after the first year of eligibility.
330 Section 6. Section **53B-8-114** is enacted to read:
331 **53B-8-114. Continuation of previously authorized scholarships.**
332 (1) As used in this section:
333 (a) "Institution of higher education" means an institution that awards money through a
334 program described in Subsection (2)(a).
335 (b) "Scholarship term" means the length of time during which an individual is eligible

336 to receive award money through a program described in Subsection (2)(a).
337 (2) The board or an institution of higher education:
338 (a) may not accept a new application:
339 (i) beginning on July 1, 2019, for an award described in:
340 (A) Section 53B-6-105.7, which describes engineering and computer technology
341 scholarships; or
342 (B) Section 53B-8-112, which describes a reimbursement for public safety officers;
343 (ii) beginning on October 1, 2019, for an award described in Section 53B-8-105, which
344 describes New Century scholarships; and
345 (iii) beginning on July 1, 2021, for an award described in Chapter 8, Part 2, Regents'
346 Scholarship Program; and
347 (b) may pay, through the end of the scholarship term, an award through a program
348 described in Subsection (2)(a) to an individual whose application for the program was accepted
349 before the applicable date described in Subsection (2)(a).
350 Section 7. Section **53B-8-201** is amended to read:
351 **53B-8-201. Regents' Scholarship Program.**
352 (1) As used in this section:
353 (a) "Eligible institution" means:
354 (i) a credit-granting institution of higher education within the state system of higher
355 education described in Section 53B-1-102; or
356 (ii) a private, nonprofit college or university in the state that is accredited by the
357 Northwest Commission on Colleges and Universities.
358 (b) "Eligible student" means a student who:
359 (i) applies to the board in accordance with the rules described in Subsection [~~(6)~~] (8);
360 (ii) is enrolled in an eligible institution; and
361 (iii) meets the criteria established by the board in rules described in Subsection [~~(6)~~]
362 (8).
363 (c) "Program" means the Regents' Scholarship Program described in this section.
364 (2) Notwithstanding the provisions of this section, beginning on July 1, 2021, the board
365 may not accept new applications for a Regents' scholarship.
366 [~~(2)~~] (3) (a) A student who graduates from high school after July 1, 2018, and before

367 July 1, 2021:
368 (i) may receive a Regents' scholarship in accordance with this section; and
369 (ii) may not [~~may~~] receive a scholarship in accordance with Sections 53B-8-202
370 through 53B-8-205.
371 (b) A student who graduates from high school on or before July 1, 2018:
372 (i) may receive a scholarship in accordance with Sections 53B-8-202 through
373 53B-8-205; and
374 (ii) may not receive a Regents' scholarship in accordance with this section.
375 [~~(3)~~] (4) (a) Subject to legislative appropriations and Subsection [~~(3)~~] (4)(d), beginning
376 with an appropriation for fiscal year 2019, the board shall annually distribute money for the
377 Regents' Scholarship Program described in this section to each eligible institution to award as
378 Regents' scholarships to eligible students.
379 (b) The board shall annually determine the amount of a Regents' scholarship based on:
380 (i) the number of eligible students in the state; and
381 (ii) money available for the program.
382 (c) The board shall annually determine the total amount of money to distribute to an
383 eligible institution based on the eligible institution's share of all eligible students in the state.
384 (d) An eligible institution that is a private, nonprofit college or university shall, to
385 receive money distributed by the board described in Subsection [~~(3)~~] (4)(a), enter into a written
386 agreement with the board in which the eligible institution agrees to:
387 (i) provide the board with access to information and data necessary for the purposes of
388 the program; and
389 (ii) comply with an audit by the board described in Subsection [~~(5)~~] (7) if the board
390 conducts an audit.
391 [~~(4)~~] (5) (a) Except as provided in Subsection [~~(4)~~] (5)(b), an eligible institution shall
392 provide to an eligible student a Regents' scholarship in the amount determined by the board
393 described in Subsection [~~(3)~~] (4)(b).
394 (b) [~~An~~] Except as provided in Subsection (6)(a), an eligible institution may reduce the
395 amount of a Regents' scholarship provided to an eligible student based on other state aid
396 awarded to the eligible student for tuition and fees.
397 (6) Beginning with a Regents' scholarship for which an eligible student applies after

398 July 1, 2019:
399 (a) an eligible institution shall reduce the amount of the Regents' scholarship so that the
400 total amount of state aid awarded to the eligible student, including the Regents' scholarship,
401 does not exceed the cost of the eligible student's tuition and fees; and
402 (b) the eligible student may only use the Regents' scholarship for tuition and fees.
403 [~~(5)~~] (7) The board may:
404 (a) audit an eligible institution's administration of Regents' scholarships; and
405 (b) require an eligible institution to repay to the board money distributed to the eligible
406 institution under this section that is not provided to an eligible student as a Regents'
407 scholarship.
408 [~~(6)~~] (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
409 Act, the board shall make rules that establish:
410 (a) requirements related to an eligible institution's administration of Regents'
411 scholarships;
412 (b) a process for a student to apply to the board to determine the student's eligibility for
413 a Regents' scholarship;
414 (c) criteria to determine a student's eligibility for a Regents' scholarship, including:
415 (i) minimum secondary education academic performance standards;
416 (ii) the completion of secondary core curriculum and graduation requirements;
417 (iii) the completion of a Free Application for Federal Student Aid;
418 (iv) need-based measures that address college affordability and access; and
419 (v) minimum enrollment requirements in an eligible institution; and
420 (d) a requirement for each eligible institution to annually report to the board on all
421 Regents' scholarships awarded by the eligible institution.
422 [~~(7) The board shall annually report on the program to the Higher Education~~
423 ~~Appropriations Subcommittee.~~]
424 [~~(8)~~] (9) (a) The State Board of Education, a school district, or a public high school
425 shall cooperate with the board and eligible institutions to facilitate the program, including by
426 exchanging relevant data where allowed by law.
427 (b) The State Board of Education shall annually provide to the board a list of directory
428 information, including name and address, for each grade 8 student in the state.

429 Section 8. Section **53B-8-301** is enacted to read:

430 **Part 3. Access Utah Promise Scholarship Program**

431 **53B-8-301. Definitions.**

432 As used in this part:

433 (1) "Access Utah promise scholarship" or "promise scholarship" means a scholarship
434 described in Section 53B-8-303.

435 (2) "Eligible individual" means an individual who:

436 (a) applies for a promise scholarship in accordance with Section 53B-8-303; and

437 (b) meets the eligibility requirements described in Section 53B-8-303.

438 (3) "Institution of higher education" or "institution" means an institution described in
439 Section 53B-1-102.

440 (4) "Membership hour" means 60 minutes of scheduled instruction provided by an
441 institution to a student enrolled in a noncredit certificate program.

442 (5) "Partner award" means a financial award described in Section 53B-8-304.

443 (6) "Promise partner" means an employer that participates in the program described in
444 Section 53B-8-304.

445 Section 9. Section **53B-8-302** is enacted to read:

446 **53B-8-302. Access Utah Promise Scholarship Program.**

447 (1) There is created the Access Utah Promise Scholarship Program, which includes:

448 (a) promise scholarships described Section 53B-8-303; and

449 (b) partner awards described in Section 53B-8-304.

450 (2) The board may not allocate more than 20% of a legislative appropriation for the
451 Access Utah Promise Scholarship Program for partner awards.

452 Section 10. Section **53B-8-303** is enacted to read:

453 **53B-8-303. Access Utah promise scholarships.**

454 (1) An individual may apply for a promise scholarship in accordance with the rules
455 described in Subsection (8).

456 (2) An individual is eligible to receive a promise scholarship if the individual:

457 (a) (i) has a high school diploma or the equivalent; and

458 (ii) does not have an associate or higher postsecondary degree;

459 (b) demonstrates financial need, in accordance with the rules described in Subsection

460 (8);
461 (c) is a Utah resident;
462 (d) enrolls in an institution; and
463 (e) accepts all other grants and scholarships offered to the individual to attend the
464 institution in which the individual enrolls.
465 (3) Subject to legislative appropriations, and in accordance with the rules described in
466 Subsection (8), the board shall annually distribute money for promise scholarships to each
467 institution.
468 (4) (a) Except as provided in Subsection (4)(d), an institution shall award a promise
469 scholarship to an eligible individual.
470 (b) For a promise scholarship recipient, an institution shall:
471 (i) evaluate the recipient's knowledge, skills, and competencies acquired through
472 formal or informal education outside the traditional postsecondary academic environment; and
473 (ii) award credit, as applicable, for the recipient's prior learning described in Subsection
474 (4)(b)(i).
475 (c) An institution shall award a promise scholarship in an amount that is equal to the
476 difference between:
477 (i) the total cost of tuition and fees for the program in which the recipient is enrolled;
478 and
479 (ii) the total value of all other grants, fee waivers, and scholarships received by the
480 recipient to attend the institution.
481 (d) If an institution's distribution described in Subsection (3) is insufficient to award a
482 promise scholarship to each eligible individual in the amount described in Subsection (4)(c),
483 the institution:
484 (i) shall, when possible, use other funding sources to fully fund the amount described
485 in Subsection (4)(c) for each eligible individual; and
486 (ii) may prioritize promise scholarships based on financial need in accordance with the
487 rules described in Subsection (8).
488 (e) An institution may use up to 3% of the institution's distribution described in
489 Subsection (3) for administration.
490 (5) (a) Subject to Subsection (5)(b), an institution shall continue to award a promise

491 scholarship to a recipient who meets the requirements established by the board in the rules
492 described in Subsection (8) until the earliest of the following:
493 (i) two years after the individual initially receives a promise scholarship;
494 (ii) the recipient uses a promise scholarship to attend an institution for four semesters;
495 (iii) the recipient completes the requirements for an associate degree; or
496 (iv) if the recipient attends an institution that does not offer associate degrees, the
497 recipient has 60 earned credit hours.
498 (b) A recipient may not use a promise scholarship to complete more than 900
499 membership hours.
500 (6) A recipient may only use a promise scholarship for tuition and fees.
501 (7) A promise scholarship is transferable between institutions.
502 (8) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
503 and Subsection (8)(b), the board shall make rules to establish:
504 (i) requirements related to whether an individual is eligible for a promise scholarship,
505 including:
506 (A) a process for an eligible individual to defer a promise scholarship;
507 (B) how an individual demonstrates financial need for purposes of receiving a promise
508 scholarship; and
509 (C) how to determine whether an individual is a Utah resident;
510 (ii) a process and requirements for an individual to apply for a promise scholarship;
511 (iii) a formula to determine the distributions to each institution described in Subsection
512 (3) that takes into account:
513 (A) the cost of tuition and fees for programs offered by institutions; and
514 (B) the number of eligible individuals who attend each institution;
515 (iv) how an institution may prioritize awarding scholarships based on the financial
516 needs of eligible individuals;
517 (v) conditions a recipient is required to meet to continue to receive a promise
518 scholarship, including requirements related to academic achievement and enrollment status;
519 and
520 (vi) a requirement that in communicating about promise scholarships to recipients and
521 potential recipients, the board and institutions do not portray the Access Utah Promise

522 Scholarship Program as a program that is guaranteed to be in effect indefinitely.
523 (b) In making the rules described in Subsection (8)(a), the board shall consult with the
524 Utah System of Technical Colleges Board of Trustees.
525 (9) On or before November 1 each year, the board shall report to the Higher Education
526 Appropriations Subcommittee regarding promise scholarships, including:
527 (a) the number of scholarships awarded; and
528 (b) whether the promise scholarship program is effective in helping underserved
529 students access higher education.
530 Section 11. Section **53B-8-304** is enacted to read:
531 **53B-8-304. Utah promise partners.**
532 (1) In consultation with the Talent Ready Utah Center created in Section 63N-12-502,
533 and in accordance with Subsection (2), the board shall select employers to be promise partners.
534 (2) The board may select an employer as a promise partner if the employer:
535 (a) applies to the board to be a promise partner; and
536 (b) meets other requirements established by the board in the rules described in
537 Subsection (5).
538 (3) An individual employed by a promise partner is eligible to receive a partner award
539 if the individual:
540 (a) applies for a partner award;
541 (b) is admitted to and enrolled in an institution;
542 (c) is a Utah resident;
543 (d) does not have an associate or higher postsecondary degree;
544 (e) meets requirements established by the promise partner related to a partner award;
545 and
546 (f) maintains the eligibility requirements described in this Subsection (3) for the full
547 length of time the individual receives the partner award.
548 (4) (a) Subject to legislative appropriations and Subsection (4)(b), the board shall
549 award a partner award to an individual who meets the requirements described in Subsection
550 (3).
551 (b) The board may:
552 (i) award a partner award for up to the portion of tuition and fees for a program at an

553 institution that is not covered by an employer reimbursement described in Subsection (5)(b);
554 and
555 (ii) prioritize awarding partner awards if an appropriation for partner awards is not
556 sufficient to provide a partner award to each individual who is eligible under Subsection (3).
557 (c) (i) Subject to Subsection (4)(c)(ii), the board may continue to award a partner award
558 to a recipient who meets the requirements described in Subsection (3) until the earliest of the
559 following:
560 (A) two years after the individual initially receives a partner award;
561 (B) the recipient uses a partner award to attend an institution for four semesters;
562 (C) the recipient completes the requirements for an associate degree; or
563 (D) if the recipient attends an institution that does not offer associate degrees, the
564 recipient has 60 earned credit hours.
565 (ii) A recipient may not use a partner award to complete more than 900 membership
566 hours.
567 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
568 board shall make rules that establish:
569 (a) requirements for an employer to seek and receive approval from the board for the
570 employer's employees to receive partner awards;
571 (b) requirements related to an employer providing reimbursement to an employee who
572 receives a partner award for a portion of the employee's tuition and fees;
573 (c) a process for an individual to apply for a partner award;
574 (d) criteria for the board to prioritize awarding partner awards; and
575 (e) a requirement that an institution shall, for a recipient of a partner award:
576 (i) evaluate the recipient's knowledge, skills, and competencies acquired through
577 formal or informal education outside the traditional postsecondary academic environment; and
578 (ii) award credit, as applicable, for the recipient's prior learning described in Subsection
579 (5)(e)(i).
580 Section 12. Section **63G-12-402** is amended to read:
581 **63G-12-402. Receipt of state, local, or federal public benefits -- Verification --**
582 **Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.**
583 (1) (a) Except as provided in Subsection (3) or when exempted by federal law, an

584 agency or political subdivision of the state shall verify the lawful presence in the United States
585 of an individual at least 18 years of age who applies for:
586 (i) a state or local public benefit as defined in 8 U.S.C. Sec. 1621; or
587 (ii) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by an
588 agency or political subdivision of this state.
589 (b) For purpose of a license issued under Title 58, Chapter 55, Utah Construction
590 Trades Licensing Act, to an applicant that is an unincorporated entity, the Department of
591 Commerce shall verify in accordance with this Subsection (1) the lawful presence in the United
592 States of each individual who:
593 (i) owns an interest in the contractor that is an unincorporated entity; and
594 (ii) engages, or will engage, in a construction trade in Utah as an owner of the
595 contractor described in Subsection (1)(b)(i).
596 (2) This section shall be enforced without regard to race, religion, gender, ethnicity, or
597 national origin.
598 (3) Verification of lawful presence under this section is not required for:
599 (a) any purpose for which lawful presence in the United States is not restricted by law,
600 ordinance, or regulation;
601 (b) assistance for health care items and services that:
602 (i) are necessary for the treatment of an emergency medical condition, as defined in 42
603 U.S.C. Sec. 1396b(v)(3), of the individual involved; and
604 (ii) are not related to an organ transplant procedure;
605 (c) short-term, noncash, in-kind emergency disaster relief;
606 (d) public health assistance for immunizations with respect to immunizable diseases
607 and for testing and treatment of symptoms of communicable diseases whether or not the
608 symptoms are caused by the communicable disease;
609 (e) programs, services, or assistance such as soup kitchens, crisis counseling and
610 intervention, and short-term shelter, specified by the United States Attorney General, in the
611 sole and unreviewable discretion of the United States Attorney General after consultation with
612 appropriate federal agencies and departments, that:
613 (i) deliver in-kind services at the community level, including through public or private
614 nonprofit agencies;

615 (ii) do not condition the provision of assistance, the amount of assistance provided, or
616 the cost of assistance provided on the income or resources of the individual recipient; and
617 (iii) are necessary for the protection of life or safety;
618 (f) the exemption for paying the nonresident portion of total tuition as set forth in
619 Section 53B-8-106;
620 (g) an applicant for a license under Section 61-1-4, if the applicant:
621 (i) is registered with the Financial Industry Regulatory Authority; and
622 (ii) files an application with the state Division of Securities through the Central
623 Registration Depository;
624 (h) a state public benefit to be given to an individual under Title 49, Utah State
625 Retirement and Insurance Benefit Act;
626 (i) a home loan that will be insured, guaranteed, or purchased by:
627 (i) the Federal Housing Administration, the Veterans Administration, or any other
628 federal agency; or
629 (ii) an enterprise as defined in 12 U.S.C. Sec. 4502;
630 (j) a subordinate loan or a grant that will be made to an applicant in connection with a
631 home loan that does not require verification under Subsection (3)(i);
632 (k) an applicant for a license issued by the Department of Commerce or individual
633 described in Subsection (1)(b), if the applicant or individual provides the Department of
634 Commerce:
635 (i) certification, under penalty of perjury, that the applicant or individual is:
636 (A) a United States citizen;
637 (B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or
638 (C) lawfully present in the United States; and
639 (ii) (A) the number assigned to a driver license or identification card issued under Title
640 53, Chapter 3, Uniform Driver License Act; or
641 (B) the number assigned to a driver license or identification card issued by a state other
642 than Utah if, as part of issuing the driver license or identification card, the state verifies an
643 individual's lawful presence in the United States; and
644 (l) an applicant for:
645 (i) a Regents' scholarship described in Title 53B, Chapter 8, Part 2, Regents'

646 Scholarship Program;
647 (ii) a New Century scholarship described in Section 53B-8-105; [~~or~~]
648 (iii) a promise scholarship described in Section 53B-8-303; or
649 [~~(iii)~~] (iv) a privately funded scholarship:
650 (A) for an individual who is a graduate of a high school located within Utah; and
651 (B) administered by an institution of higher education as defined in Section 53B-2-101.
652 (4) (a) An agency or political subdivision required to verify the lawful presence in the
653 United States of an applicant under this section shall require the applicant to certify under
654 penalty of perjury that:
655 (i) the applicant is a United States citizen; or
656 (ii) the applicant is:
657 (A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and
658 (B) lawfully present in the United States.
659 (b) The certificate required under this Subsection (4) shall include a statement advising
660 the signer that providing false information subjects the signer to penalties for perjury.
661 (5) An agency or political subdivision shall verify a certification required under
662 Subsection (4)(a)(ii) through the federal SAVE program.
663 (6) (a) An individual who knowingly and willfully makes a false, fictitious, or
664 fraudulent statement or representation in a certification under Subsection (3)(k) or (4) is subject
665 to the criminal penalties applicable in this state for:
666 (i) making a written false statement under Subsection 76-8-504(2); and
667 (ii) fraudulently obtaining:
668 (A) public assistance program benefits under Sections 76-8-1205 and 76-8-1206; or
669 (B) unemployment compensation under Section 76-8-1301.
670 (b) If the certification constitutes a false claim of United States citizenship under 18
671 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the United
672 States Attorney General for the applicable district based upon the venue in which the
673 application was made.
674 (c) If an agency or political subdivision receives verification that a person making an
675 application for a benefit, service, or license is not a qualified alien, the agency or political
676 subdivision shall provide the information to the Office of the Attorney General unless

677 prohibited by federal mandate.
678 (7) An agency or political subdivision may adopt variations to the requirements of this
679 section that:
680 (a) clearly improve the efficiency of or reduce delay in the verification process; or
681 (b) provide for adjudication of unique individual circumstances where the verification
682 procedures in this section would impose an unusual hardship on a legal resident of Utah.
683 (8) It is unlawful for an agency or a political subdivision of this state to provide a state,
684 local, or federal benefit, as defined in 8 U.S.C. Sec. 1611 and 1621, in violation of this section.
685 (9) A state agency or department that administers a program of state or local public
686 benefits shall:
687 (a) provide an annual report to the governor, the president of the Senate, and the
688 speaker of the House regarding its compliance with this section; and
689 (b) (i) monitor the federal SAVE program for application verification errors and
690 significant delays;
691 (ii) provide an annual report on the errors and delays to ensure that the application of
692 the federal SAVE program is not erroneously denying a state or local benefit to a legal resident
693 of the state; and
694 (iii) report delays and errors in the federal SAVE program to the United States
695 Department of Homeland Security.
696 Section 13. Section **63I-2-253** is amended to read:
697 **63I-2-253. Repeal dates -- Titles 53 through 53G.**
698 [~~(1) Section 53A-24-602 is repealed July 1, 2018.~~]
699 [~~(2)~~] (1) (a) Subsections 53B-2a-103(2) and (4) are repealed July 1, 2019.
700 (b) When repealing Subsections 53B-2a-103(2) and (4), the Office of Legislative
701 Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3),
702 make necessary changes to subsection numbering and cross references.
703 [~~(3)~~] (2) (a) Subsection 53B-2a-108(5) is repealed July 1, 2022.
704 (b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and
705 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make
706 necessary changes to subsection numbering and cross references.
707 (3) Section 53B-6-105.7 is repealed July 1, 2024.

708 (4) (a) Subsection 53B-7-705(6)(b)(ii)(A), the language that states "Except as provided
709 in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.
710 (b) Subsection 53B-7-705(6)(b)(ii)(B) is repealed July 1, 2021.
711 (5) (a) Subsection 53B-7-707(4)(a)(ii), the language that states "Except as provided in
712 Subsection (4)(b)," is repealed July 1, 2021.
713 (b) Subsection 53B-7-707(4)(b) is repealed July 1, 2021.
714 (6) Section 53B-8-105 is repealed July 1, 2024.
715 (7) Section 53B-8-112 is repealed July 1, 2024.
716 (8) Section 53B-8-114 is repealed July 1, 2024.
717 (9) Section 53B-8-201 is repealed July 1, 2026.
718 [~~(6)~~] (10) (a) The following sections are repealed on July 1, 2023:
719 (i) Section 53B-8-202;
720 (ii) Section 53B-8-203;
721 (iii) Section 53B-8-204; and
722 (iv) Section 53B-8-205.
723 (b) (i) Subsection 53B-8-201(2) is repealed on July 1, 2023.
724 (ii) When repealing Subsection 53B-8-201(2), the Office of Legislative Research and
725 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make
726 necessary changes to subsection numbering and cross references.
727 [~~(7)~~] (11) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is
728 repealed July 1, 2023.
729 [~~(8)~~] (12) Subsection 53E-5-306(3)(b)(ii)(B) is repealed July 1, 2020.
730 [~~(9)~~] (13) Section 53E-5-307 is repealed July 1, 2020.
731 [~~(10)~~] (14) Subsections 53F-2-205(4) and (5), the language that states "or 53F-2-301.5,
732 as applicable" is repealed July 1, 2023.
733 [~~(11)~~] (15) Subsection 53F-2-301(1) is repealed July 1, 2023.
734 [~~(12)~~] (16) Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as
735 applicable" is repealed July 1, 2023.
736 [~~(13)~~] (17) Section 53F-4-204 is repealed July 1, 2019.
737 [~~(14)~~] (18) Section 53F-6-202 is repealed July 1, 2020.
738 [~~(15)~~] (19) Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as

739 applicable" is repealed July 1, 2023.
740 [~~(16)~~] (20) Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
741 applicable" is repealed July 1, 2023.
742 [~~(17)~~] (21) Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
743 applicable" is repealed July 1, 2023.
744 [~~(18)~~] (22) Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5, as
745 applicable" is repealed July 1, 2023.
746 [~~(19)~~] (23) On July 1, 2023, when making changes in this section, the Office of
747 Legislative Research and General Counsel shall, in addition to the office's authority under
748 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections
749 identified in this section are complete sentences and accurately reflect the office's perception of
750 the Legislature's intent.
751 Section 14. Section **63I-2-263** is amended to read:
752 **63I-2-263. Repeal dates, Title 63A to Title 63N.**
753 (1) On July 1, 2020:
754 (a) Subsection 63A-3-403(5)(a)(i) is repealed; and
755 (b) in Subsection 63A-3-403(5)(a)(ii), the language that states "appointed on or after
756 May 8, 2018," is repealed.
757 (2) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is
758 repealed July 1, 2020.
759 (3) Subsection 63G-12-402(3)(l)(i), referring to a Regents' scholarship, is repealed July
760 1, 2026.
761 (4) Subsection 63G-12-402(3)(l)(ii), referring to a New Century scholarship, is
762 repealed on July 1, 2024.
763 [~~(3)~~] (5) Section 63H-7a-303 is repealed on July 1, 2022.
764 [~~(4)~~] (6) On July 1, 2019:
765 (a) in Subsection 63J-1-206(2)(c)(i), the language that states "Subsection (2)(c)(ii) and"
766 is repealed; and
767 (b) Subsection 63J-1-206(2)(c)(ii) is repealed.
768 [~~(5)~~] (7) Section 63J-4-708 is repealed January 1, 2023.
769 [~~(6)~~] (8) Subsection 63N-3-109(2)(f)(i)(B) is repealed July 1, 2020.

770 [~~(7)~~] (9) Section 63N-3-110 is repealed July 1, 2020.
771 Section 15. **Repealer.**
772 This bill repeals:
773 Section **53B-8-113, Reporting.**
774 Section 16. **Appropriation.**
775 The following sums of money are appropriated for the fiscal year beginning July 1,
776 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
777 fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
778 Act, the Legislature appropriates the following sums of money from the funds or accounts
779 indicated for the use and support of the government of the state of Utah.
780 ITEM 1
781 To Board of Regents – Student Assistance
782 From Education Fund, One-time $30,000,000
783 Schedule of Programs:
784 Access Utah Promise Scholarship Program $30,000,000
785 The Legislature intends that:
786 (1) appropriations under this item be used for the Access Utah Promise Scholarship
787 Program described in Title 53B, Chapter 8, Part 3, Access Utah Promise Scholarship Program;
788 (2) the State Board of Regents use money as it becomes available as new awards are no
789 longer granted through a program described in Section 53B-8-114 for the Access Utah Promise
790 Scholarship Program described in Title 53B, Chapter 8, Part 3, Access Utah Promise
791 Scholarship Program; and
792 (3) under Section 64J-1-603, appropriations provided under this item not lapse at the
793 close of fiscal year 2020 and the use of any nonlapsing funds is limited to the purposes
794 described in Title 53B, Chapter 8, Part 3, Access Utah Promise Scholarship Program.
795 Section 17. **Coordinating H.B. 260 with S.B. 14 -- Substantive language.**
796 If this H.B. 260 and S.B. 14, Education Reporting Requirements, both pass and become
797 law, it is the intent of the Legislature that the Office of Legislative Research and General
798 Counsel prepare the Utah Code database for publication by:
799 (1) inserting the following language as a new Subsection 53B-1-301(1)(g):
800 "(g) the report described in Section 53B-8-303 by the State Board of Regents regarding

801 Access Utah promise scholarships;";
802 (2) deleting the language:
803 (a) in Subsection 53B-1-301(1)(e) that reads "(e) the report described in Section
804 53B-8-113 by the board on the Public Safety Officer Career Advancement Reimbursement
805 Program;"; and
806 (b) in Subsection 53B-1-301(1)(f) that reads "(f) the report described in Section
807 53B-8-201 by the board on the Regents' Scholarship Program;"; and
808 (3) renumbering remaining subsections accordingly.