

**Representative Keele Johnson** proposes to substitute the following bill:

**HIGHER EDUCATION SAVINGS INCENTIVE PROGRAMS**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: Keele Johnson**

AN ACT RELATING TO HIGHER EDUCATION; MODIFYING DEFINITIONS RELATED TO THE HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**53B-8a-102**, as last amended by Chapter 39, Laws of Utah 1997

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53B-8a-102** is amended to read:

**53B-8a-102. Definitions.**

As used in this chapter:

(1) "Administrative fund" means the moneys used to administer the Utah Educational Savings Plan Trust.

(2) "Beneficiary" means the individual designated by a participation agreement to benefit from payments for higher education costs at an institution of higher education.

(3) "Benefits" means the payment of higher education costs on behalf of a beneficiary by the trust during the beneficiary's attendance at an institution of higher education.

(4) "Board" means the board of directors of the Utah Educational Savings Plan Trust which is the state Board of Regents acting in its capacity as the Utah Higher Education Assistance Authority under Title 53B, Chapter 12.

(5) "Endowment fund" means the endowment fund established under Section 53B-8a-107 which is held as a separate fund within the trust.

(6) "Higher education costs" means the certified costs of tuition, fees, room and board,

1 books, supplies, and equipment required for the enrollment or attendance of a designated  
2 beneficiary at an institution of higher education.

3 (7) "Institution of higher education" means a qualified proprietary school approved by the  
4 board, a two-year or four-year public or regionally accredited private nonprofit college or  
5 university or a Utah applied technology center, with regard to students enrolled in postsecondary  
6 training or education programs.

7 (8) "Participant" means an individual, firm, corporation, or its legal representative or their  
8 legal successor, who has entered into a participation agreement under this chapter for the advance  
9 payment of higher education costs on behalf of a beneficiary.

10 (9) "Participation agreement" means an agreement between a participant and the trust  
11 entered into under this chapter.

12 (10) "Program administrator" means the administrator of the trust appointed by the board  
13 to administer and manage the trust.

14 (11) "Program fund" means the program fund created under Section 53B-8a-107, which  
15 is held as a separate fund within the trust.

16 (12) "Tuition and fees" means the quarterly or semester charges imposed to attend an  
17 institution of higher education and required as a condition of enrollment.

18 (13) "Utah Educational Savings Plan Trust" or "trust" means the trust created under  
19 Section 53B-8a-103.

20 (14) "Vested participation agreement" means a participation agreement which has been  
21 in full force and effect during eight continuous years of residency of the beneficiary in the state  
22 while participating in the trust.