

HB0260S04 compared with HB0260S03

~~{deleted text}~~ shows text that was in HB0260S03 but was deleted in HB0260S04.

Inserted text shows text that was not in HB0260S03 but was inserted into HB0260S04.

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~~{Representative Derrin R. Owens}~~Senator Evan J. Vickers proposes the following substitute bill:

ACCESS UTAH PROMISE SCHOLARSHIP PROGRAM

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

Senate Sponsor: ~~{~~Evan J. Vickers

Cosponsors:

Cheryl K. Acton

Carl R. Albrecht

Walt Brooks

Scott H. Chew

Jennifer Dailey-Provost

Susan Duckworth

Suzanne Harrison

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Marie H. Poulson

Lawanna Shurtliff

Christine F. Watkins

Mike Winder

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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- ▶ defines terms;
- ▶ 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;
- ▶ amends provisions related to a Regents' scholarship and a New Century Scholarship, including:
 - the maximum amount of a scholarship;
 - the postsecondary institutions at which a student may use a scholarship; and
 - allowable uses for a scholarship;
- ▶ requires the board to make administrative rules;
- ▶ allows the board to use certain existing funds for administrative costs associated with certain scholarships;
- ▶ provides repeal dates; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2020:

- ▶ to the State Board of Regents – Student Assistance – Access Utah Promise Scholarship Program, as ~~a one-time~~ an ongoing appropriation:
 - from the Education Fund, ~~One-time, \$30~~ \$2,000,000.

Other Special Clauses:

This bill provides a coordination clause.

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Utah Code Sections Affected:

AMENDS:

- 53B-6-105, as last amended by Laws of Utah 2009, Chapters 210 and 370
- 53B-6-105.5, as last amended by Laws of Utah 2013, Chapter 49
- 53B-6-105.7, as last amended by Laws of Utah 2009, Chapter 210
- 53B-8-105, as last amended by Laws of Utah 2017, Chapter 386
- 53B-8-112, as enacted by Laws of Utah 2017, Chapter 426
- 53B-8-201, as enacted by Laws of Utah 2017, Chapter 386
- 63G-12-402, as last amended by Laws of Utah 2017, Chapter 386
- 63I-2-253, as last amended by Laws of Utah 2018, Chapters 107, 281, 382, 415, and 456

ENACTS:

- 53B-8-114, Utah Code Annotated 1953
- 53B-8-301, Utah Code Annotated 1953
- 53B-8-302, Utah Code Annotated 1953
- 53B-8-303, Utah Code Annotated 1953
- 53B-8-304, Utah Code Annotated 1953

REPEALS:

- 53B-8-113, as enacted by Laws of Utah 2017, Chapter 426

Utah Code Sections Affected by Coordination Clause:

- 53B-1-301, Utah Code Annotated 1953

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

Section 1. Section **53B-6-105** is amended to read:

53B-6-105. Engineering and Computer Technology Initiative.

(1) The Legislature recognizes that a significant increase in the number of engineering, computer science, and related technology graduates from the state system of higher education is required over the next several years to advance the intellectual, cultural, social, and economic well-being of the state and its citizens.

(2) (a) (i) The [~~State Board of Regents~~] board shall therefore develop, establish, and maintain an Engineering and Computer Science Initiative within the state system of higher

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education to double the number of graduates in engineering, computer science, and related technology by 2006 and triple the number of graduates by 2009.

(ii) The board shall make ~~[a rule]~~ rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing the criteria for those fields of study that qualify as "related technology" under this section and ~~[Sections 53B-6-105.7 and]~~ Section 53B-6-105.9.

(b) The initiative shall include components that:

(i) improve the quality of instructional programs in engineering, computer science, and related technology by providing supplemental money for equipment purchases; and

~~[(ii) provide incentives to:]~~

~~[(A) students through a scholarship program under Section 53B-6-105.7; and]~~

~~[(B)]~~ (ii) provide incentives to institutions to hire and retain faculty under Section 53B-6-105.9.

(3) The increase in program capacity under Subsection (2)(a) shall include funding for new and renovated capital facilities and funding for new engineering and computer science programs.

(4) The Legislature shall provide an annual appropriation to the ~~[State Board of Regents]~~ board to fund the initiative.

Section 2. Section **53B-6-105.5** is amended to read:

53B-6-105.5. Technology Initiative Advisory Board -- Composition -- Duties.

(1) There is created a Technology Initiative Advisory Board to assist and make recommendations to the State Board of Regents in its administration of the Engineering and Computer Science Initiative established under Section 53B-6-105.

(2) (a) The advisory board shall consist of individuals appointed by the governor from business and industry who have expertise in the areas of engineering, computer science, and related technologies.

(b) The advisory board shall select a chair and cochair.

(c) The advisory board shall meet at the call of the chair.

(d) The State Board of Regents, through the commissioner of higher education, shall provide staff support for the advisory board.

(3) A member of an advisory board may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

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- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (4) The advisory board shall:
 - (a) make recommendations to the State Board of Regents on the allocation and distribution of money appropriated to fund:
 - (i) the faculty incentive program established in Section 53B-6-105.9; and
 - (ii) equipment purchases required to improve the quality of instructional programs in engineering, computer science, and related technology; [~~and~~]
 - ~~[(iii) the scholarship program established in Section 53B-6-105.7.]~~
 - (b) prepare a strategic plan that details actions required by the State Board of Regents to meet the intent of the Engineering and Technology Science Initiative;
 - (c) review and assess engineering, computer science, and related technology programs currently being offered at higher education institutions and their impact on the economic prosperity of the state;
 - (d) provide the State Board of Regents with an assessment and reporting plan that:
 - (i) measures results against expectations under the initiative, including verification of the matching requirements for institutions of higher education to receive money under Section 53B-6-105.9; and
 - (ii) includes an analysis of market demand for technical employment, program articulation among higher education institutions in engineering, computer science, and related technology, tracking of student placement, student admission to the initiative program by region, transfer rates, and retention in and graduation rates from the initiative program; and
 - (e) make an annual report of its activities to the State Board of Regents.
- (5) The annual report of the Technology Initiative Advisory Board shall include the summary report of the institutional matches described in Section 53B-6-105.9.

Section 3. Section **53B-6-105.7** is amended to read:

53B-6-105.7. Initiative student scholarship program.

(1) Notwithstanding the provisions of this section, beginning on July 1, 2019, the board may not accept new applications for a scholarship described in this section.

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~~[(1)]~~ (2) (a) There is established an engineering, computer science, and related technology scholarship program as a component of the initiative created in Section 53B-6-105.

(b) The program is established to recruit, retain, and train engineering, computer science, and related technology students to assist in providing for and advancing the intellectual and economic welfare of the state.

~~[(2)]~~ (3) (a) The board:

(i) may make rules for the overall administration of the scholarship program in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(ii) shall administer the program in consultation with the Technology Initiative Advisory Board created in Section 53B-6-105.5.

(b) The board shall also use the following policies and procedures in administering the student scholarship program:

(i) students may use scholarship money at any institution within the state system of higher education that offers an engineering, computer science, or related technology degree;

(ii) scholarships shall be given to students who declare an intent to complete a prescribed course of instruction in one of the areas referred to in Subsection ~~[(2)]~~ (3)(b)(i) and to work in the state after graduation in one of those areas; and

(iii) a scholarship may be cancelled at any time by the institution of attendance, if the student fails to make reasonable progress towards obtaining the degree or there appears to be a reasonable certainty that the student does not intend to work in the state upon graduation.

~~[(3)(a) By June 1 of each year, the Technology Initiative Advisory Board shall recommend to the board a distribution of the scholarship funds to institutions in the state system of higher education, based on a formula.]~~

~~[(b) The Technology Initiative Advisory Board shall develop the formula for distribution of total scholarship funds to the institutions, which shall contain the following components:]~~

~~[(i) the number of graduates of engineering, computer science, and related technology degrees from the previous year;]~~

~~[(ii) the number and level of engineering, computer science, and related technology degrees offered at an institution; and]~~

~~[(iii) the length of each engineering, computer science, and related technology degree]~~

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~~offered at an institution.]~~

(4) The Legislature shall make an annual appropriation to the board to fund the student scholarship program created in this section.

Section 4. Section **53B-8-105** is amended to read:

53B-8-105. New Century scholarships -- High school requirements.

(1) As used in this section~~["complete"]~~:

(a) "Complete the requirements for an associate degree" means that a student:

~~[(a)]~~ (i) (A) completes all the required courses for an associate degree from a higher education institution within the state system of higher education that offers associate degrees; and

~~[(ii)]~~ (B) applies for the associate degree from the institution; or

~~[(b)]~~ (ii) completes equivalent requirements described in Subsection (1)(a)(i)(A) from a higher education institution within the state system of higher education that offers baccalaureate degrees but does not offer associate degrees.

(b) "Fee" means a fee approved by the board.

(2) (a) The board shall award New Century scholarships.

(b) The board shall develop and approve the math and science curriculum described under Subsection (3)(a)(ii).

(3) (a) In order to qualify for a New Century scholarship, a student in Utah schools shall complete the requirements for an:

(i) associate degree; or

(ii) approved math and science curriculum.

(b) The requirements under Subsection (3)(a) shall be completed:

~~[(i) (A) for a student whose class graduates from high school in 2010 or before, by September 1 of the year the student's class graduates from high school; or]~~

~~[(B) for a student whose class graduates from high school in 2011 or after;]~~

(i) by the day on which the student's class graduates from high school; and

(ii) with at least a 3.0 grade point average.

(c) In addition to the requirements in Subsection (3)(a), a student in Utah ~~[schools whose class graduates from high school in 2011 or after]~~ shall:

(i) complete the high school graduation requirements of:

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(A) a public high school established by the State Board of Education and the student's school district or charter school; or

(B) a private high school in the state that is accredited by a regional accrediting body approved by the board; and

(ii) complete high school with at least a 3.5 cumulative high school grade point average.

(4) Notwithstanding Subsection (3), for a student who does not receive a high school grade point average, the student shall:

(a) complete the requirements for an associate degree:

~~[(i) (A) for a student who completes high school in 2010 or before, by September 1 of the year the student completes high school; or]~~

~~[(B) for a student who completes high school in 2011 or after,]~~

~~(i) by June 15 of the year the student completes high school; and~~

~~(ii) with at least a 3.0 grade point average; and~~

~~(b) score a composite ACT score of 26 or higher.~~

(5) To be eligible for the scholarship, a student:

(a) shall submit an application to the board with:

(i) an official college transcript showing college courses the student has completed to complete the requirements for an associate degree; and

(ii) (A) if applicable, an official high school transcript; or

(B) if applicable, a copy of the student's ACT scores;

(b) shall be a citizen of the United States or a noncitizen who is eligible to receive federal student aid;

(c) may not have a criminal record, with the exception of a misdemeanor traffic citation; and

(d) if applicable, shall meet the application deadlines as established by the board under Subsection (10).

(6) (a) The scholarship may be used at a:

(i) higher education institution within the state system of higher education that offers baccalaureate programs; or

(ii) if the scholarship holder applies for the scholarship on or before October 1, 2019,

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private, nonprofit college or university in the state accredited by the Northwest Association of Schools and Colleges that offers baccalaureate programs.

~~[(b) For a student whose class graduates from high school in 2010 and who completes the requirements under Subsection (3)(a) by September 1, 2010:]~~

~~[(i) if used at an institution described in Subsection (6)(a)(i), the value of the scholarship is up to 75% of the tuition costs at the selected institution; or]~~

~~[(ii) if used at an institution described in Subsection (6)(a)(ii), the value of the scholarship is up to 75% of the tuition costs at the institution, not to exceed 75% of the average tuition costs at the institutions referred in Subsection (6)(a)(i).]~~

~~[(c) (i) For a student whose class graduates in 2011 or after and who completes the requirements under this section]~~

(b) (i) Subject to Subsection (6)(e), the total value of the scholarship is up to \$5,000, allocated over a time period described in Subsection (6)[(d)](c), as prescribed by the board.

(ii) The board may increase the scholarship amount described in Subsection (6)[(e)](b)(i) by an amount not to exceed the average percentage tuition increase approved by the board for institutions in the state system of higher education.

~~[(d) (c) The scholarship is valid for the shortest of the following time periods:~~

~~(i) two years of full-time equivalent enrollment;~~

~~(ii) 60 credit hours; or~~

~~(iii) until the student meets the requirements for a baccalaureate degree.~~

[(e) (d) (i) A scholarship holder shall enroll full-time at a higher education institution by no later than the fall term immediately following the student's high school graduation date or receive an approved deferral from the board.

(ii) The board may grant a deferral or leave of absence to a scholarship holder, but the [student] scholarship holder may only receive scholarship money within five years of the student's high school graduation date.

(e) For a scholarship for which a student applies after October 1, 2019:

(i) the board shall reduce the amount of the scholarship holder's scholarship so that the total amount of state aid awarded to the scholarship holder, including tuition or fee waivers or the scholarship, does not exceed the cost of the scholarship holder's tuition and fees; and

(ii) the scholarship holder may only ~~used~~ use the scholarship for tuition and fees.

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(7) The board may cancel a New Century scholarship at any time if the student fails to:

- (a) register for at least 15 credit hours per semester;
- (b) maintain a 3.3 grade point average for two consecutive semesters; or
- (c) make reasonable progress toward the completion of a baccalaureate degree.

(8) (a) Subject to future budget constraints, the Legislature shall make an annual appropriation from the General Fund to the board for the costs associated with the New Century Scholarship Program authorized under this section.

(b) It is understood that the appropriation is offset in part by the state money that would otherwise be required and appropriated for these students if they were enrolled in a four-year postsecondary program at a state-operated institution.

(c) Notwithstanding Subsections (2)(a) and (6), if the appropriation under Subsection (8)(a) is insufficient to cover the costs associated with the New Century Scholarship Program, the board may reduce the scholarship amount.

(d) If money appropriated under this section is available after New Century scholarships are awarded, the board shall use the money for the Access Utah Promise Scholarship Program created in Section 53B-8-302.

(9) (a) The board shall adopt policies establishing an application process and an appeal process for a New Century scholarship.

(b) The board shall disclose on all applications and related materials that the amount of the scholarship is subject to funding and may be reduced, in accordance with Subsection (8)(c).

(c) The board shall require an applicant for a New Century scholarship to certify under penalty of perjury that:

- (i) the applicant is a United States citizen; or
- (ii) the applicant is a noncitizen who is eligible to receive federal student aid.

(d) The certification under this Subsection (9) shall include a statement advising the signer that providing false information subjects the signer to penalties for perjury.

(10) The board may set deadlines for receiving New Century scholarship applications and supporting documentation.

(11) A student may not receive both a New Century scholarship and a Regents' scholarship established in Part 2, Regents' Scholarship Program.

Section 5. Section **53B-8-112** is amended to read:

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53B-8-112. Public Safety Officer Career Advancement Reimbursement Program.

(1) The Public Safety Officer Career Advancement Reimbursement Program is created.

(2) (a) ~~Notwithstanding the provisions in this section, the board may not reimburse an individual~~ accept a new application for a reimbursement described in this section for an academic year that begins on or after July 1, 2019.

(b) Subject to legislative appropriations and Subsection (7) the board shall reimburse an applicant who:

~~(a)~~ (i) is a certified peace officer, currently employed by a law enforcement agency within the state;

~~(b)~~ (ii) has been employed as a certified peace officer for three or more consecutive years;

~~(c)~~ (iii) is seeking a post-secondary degree in the area of criminal justice from a credit-granting higher education institution within the state system of higher education, described in Section 53B-1-102; and

~~(d)~~ (iv) is employed as a peace officer for one year following completion of the academic year for which the individual is seeking reimbursement.

(3) Individuals who qualify for reimbursement from the Public Safety Officer Career Advancement Reimbursement ~~[program]~~ Program may apply for reimbursement by July 1 one year after each academic year for which they are requesting reimbursement.

(4) Subject to Legislative appropriations, of the funds appropriated for the ~~[Peace]~~ Public Safety Officer Career Advancement Reimbursement Program:

(a) 25% of the annual appropriation shall be designated for applicants who are currently employed by a law enforcement agency with jurisdiction in a county of the third or fourth class; and

(b) 12% of the annual appropriation shall be designated for applicants who are currently employed by a law enforcement agency with jurisdiction in a county of the fifth or sixth class.

(5) (a) A qualified applicant may be reimbursed up to half of the cost of tuition and fees.

(b) A reimbursement under Subsection (5)(a) is limited to:

(i) a maximum of \$5,000 each academic year; and

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(ii) a maximum of eight academic years.

(6) (a) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(i) set deadlines for receiving reimbursement applications and supporting documentation; and

(ii) establish the application process and an appeal process for a reimbursement from the [~~Peace~~] Public Safety Officer Career Advancement Reimbursement Program, including procedures to allow for online application submittals.

(b) The board shall include a disclosure on all applications and related materials that the amount of the awarded reimbursements may be subject to funding or be reduced, in accordance with Subsection (7).

(7) (a) Subject to future budget constraints, the Legislature shall make an annual appropriation from the Education Fund to the board for the costs associated with the [~~Peace~~] Public Safety Officer Career Advancement Reimbursement Program authorized under this section.

(b) Notwithstanding the provisions of this section, if the appropriation under this section is insufficient to cover the costs associated with the [~~Peace~~] Public Safety Officer Career Advancement Reimbursement Program, the board may reduce the amount of a reimbursement.

(c) Any individual who is denied reimbursement because of insufficient funds appropriated may re-apply for reimbursement up to two years after the first year of eligibility.

Section 6. Section **53B-8-114** is enacted to read:

53B-8-114. Continuation of previously authorized scholarships.

(1) As used in this section:

(a) "Institution of higher education" means an institution that awards money through a program described in Subsection (2)(a).

(b) "Scholarship term" means the length of time during which an individual is eligible to receive award money through a program described in Subsection (2)(a).

(2) The board or an institution of higher education:

(a) beginning on July 1, 2019, may not accept a new application for an award described in:

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(i) Section 53B-6-105.7, which describes engineering and computer technology scholarships; or

(ii) Section 53B-8-112, which describes a reimbursement for public safety officers; and

(b) may pay, through the end of the scholarship term, an award through a program described in Subsection (2)(a) to an individual whose application for the program was accepted before the applicable date described in Subsection (2)(a).

Section 7. Section **53B-8-201** is amended to read:

53B-8-201. Regents' Scholarship Program.

(1) As used in this section:

(a) "Eligible institution" means~~[(i) a credit-granting]~~ an institution of higher education within the state system of higher education described in Section 53B-1-102~~[-or]~~.

~~[(ii) a private, nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities.]~~

(b) "Eligible student" means a student who:

(i) applies to the board in accordance with the rules described in Subsection (6);

(ii) is enrolled in an eligible institution; and

(iii) meets the criteria established by the board in rules described in Subsection (6).

(c) "Fee" means:

(i) for an eligible institution that is part of the Utah System of Higher Education, a fee approved by the board; or

(ii) for an eligible institution that is a technical college, a fee approved by the eligible institution.

~~[(c)]~~ (d) "Program" means the Regents' Scholarship Program described in this section.

(2) (a) A student who graduates from high school after July 1, 2018:

(i) may receive a Regents' scholarship in accordance with this section; and

(ii) may not ~~[may]~~ receive a scholarship in accordance with Sections 53B-8-202 through 53B-8-205.

(b) A student who graduates from high school on or before July 1, 2018:

(i) may receive a scholarship in accordance with Sections 53B-8-202 through 53B-8-205; and

(ii) may not receive a Regents' scholarship in accordance with this section.

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(3) (a) Subject to legislative appropriations ~~[and Subsection (3)(d)]~~, beginning with an appropriation for fiscal year 2019, the board shall annually distribute money for the Regents' Scholarship Program described in this section to each eligible institution to award as Regents' scholarships to eligible students.

(b) The board shall annually determine the amount of a Regents' scholarship based on:

- (i) the number of eligible students in the state; and
- (ii) money available for the program.

(c) The board shall annually determine the total amount of money to distribute to an eligible institution based on the eligible institution's share of all eligible students in the state.

~~[(d) An eligible institution that is a private, nonprofit college or university shall, to receive money distributed by the board described in Subsection (3)(a), enter into a written agreement with the board in which the eligible institution agrees to:]~~

~~[(i) provide the board with access to information and data necessary for the purposes of the program; and]~~

~~[(ii) comply with an audit by the board described in Subsection (5) if the board conducts an audit.]~~

(4) (a) Except as provided in Subsection (4)(b) or (c), an eligible institution shall provide to an eligible student a Regents' scholarship in the amount determined by the board described in Subsection (3)(b).

(b) ~~[An]~~ For a Regents' scholarship for which an eligible student applies on or before July 1, 2019, an eligible institution may reduce the amount of ~~[a]~~ the Regents' scholarship ~~[provided to an eligible student]~~ based on other state aid awarded to the eligible student for tuition and fees.

(c) For a Regents' scholarship for which an eligible student applies after July 1, 2019:

(i) an eligible institution shall reduce the amount of the Regents' scholarship so that the total amount of state aid awarded to the eligible student, including tuition or fee waivers and the Regents' scholarship, does not exceed the cost of the eligible student's tuition and fees; and

(ii) the eligible student may only use the Regents' scholarship for tuition and fees.

(5) The board may:

- (a) audit an eligible institution's administration of Regents' scholarships; and
- (b) require an eligible institution to repay to the board money distributed to the eligible

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institution under this section that is not provided to an eligible student as a Regents' scholarship.

(6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules that establish:

~~[(a)]~~ (i) requirements related to an eligible institution's administration of Regents' scholarships;

~~[(b)]~~ (ii) a process for a student to apply to the board to determine the student's eligibility for a Regents' scholarship;

~~[(c)]~~ (iii) criteria to determine a student's eligibility for a Regents' scholarship, including:

~~[(i)]~~ (A) minimum secondary education academic performance standards;

~~[(ii)]~~ (B) the completion of secondary core curriculum and graduation requirements;

~~[(iii)]~~ (C) the completion of a Free Application for Federal Student Aid;

~~[(iv)]~~ (D) need-based measures that address college affordability and access; and

~~[(v)]~~ (E) minimum enrollment requirements in an eligible institution; and

~~[(d)]~~ (iv) a requirement for each eligible institution to annually report to the board on all Regents' scholarships awarded by the eligible institution.

(b) In making rules described in Subsection (6)(a) that apply to a technical college, the board shall consult with the Utah System of Technical Colleges Board of Trustees.

(7) The board shall annually report on the program to the Higher Education Appropriations Subcommittee.

(8) (a) The State Board of Education, a school district, or a public high school shall cooperate with the board and eligible institutions to facilitate the program, including by exchanging relevant data where allowed by law.

(b) The State Board of Education shall annually provide to the board a list of directory information, including name and address, for each grade 8 student in the state.

(9) Notwithstanding the provisions in this section, a private, nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities is an eligible institution for purposes of providing a Regents' scholarship to an eligible student who applies for a Regents' scholarship on or before July 1, 2019.

(10) If money appropriated under this section is available after Regents' scholarships

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are awarded, the board shall use the money for the Access Utah Promise Scholarship Program created in Section 53B-8-302.

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

Part 3. Access Utah Promise Scholarship Program

53B-8-301. Definitions.

As used in this part:

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

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

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

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

(3) "Fee" means:

(a) for an institution that is part of the Utah System of Higher Education, a fee approved by the board; or

(b) for an institution that is a technical college, a fee approved by the institution.

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

~~{~~ (5) "Membership hour" means 60 minutes of scheduled instruction provided by an institution to a student enrolled in a noncredit certificate program.

~~‡~~ ~~{6}~~5 "Partner award" means a financial award described in Section 53B-8-304.

~~{7}~~6 "Promise partner" means an employer that participates in the program described in Section 53B-8-304.

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

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

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

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

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

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

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

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

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

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

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

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

(b) demonstrates financial need, in accordance with the rules described in Subsection (8);

(c) is a Utah resident;

(d) enrolls in an institution; and

(e) accepts all other grants, tuition or fee waivers, and scholarships offered to the individual to attend the institution in which the individual enrolls.

(3) Subject to legislative appropriations, and in accordance with the rules described in Subsection (8), the board shall annually distribute money for promise scholarships to each institution.

(4) (a) Except as provided in Subsection (4)(d), an institution shall award a promise scholarship to an eligible individual.

(b) For a promise scholarship recipient, an institution shall:

(i) evaluate the recipient's knowledge, skills, and competencies acquired through formal or informal education outside the traditional postsecondary academic environment; and

(ii) award credit, as applicable, for the recipient's prior learning described in Subsection (4)(b)(i).

(c) An institution shall award a promise scholarship in an amount that is equal to the difference between:

(i) the total cost of tuition and fees for the program in which the recipient is enrolled; and

(ii) the total value of all other grants, tuition waivers, fee waivers, and scholarships received by the recipient to attend the institution.

(d) If an institution's distribution described in Subsection (3) is insufficient to award a promise scholarship to each eligible individual in the amount described in Subsection (4)(c), the institution:

(i) shall, when possible, use other funding sources to fully fund the amount described

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in Subsection (4)(c) for each eligible individual; and

(ii) may prioritize promise scholarships based on financial need in accordance with the rules described in Subsection (8).

(e) An institution may use up to 3% of the institution's distribution described in Subsection (3) for administration.

(5) ~~{(a) Subject to Subsection (5)(b), an}~~ An institution shall continue to award a promise scholarship to a recipient who meets the requirements established by the board in the rules described in Subsection (8) until the earliest of the following:

~~{(i)}~~ a two years after the ~~{individual}~~ recipient initially receives a promise scholarship;

~~{(ii)}~~ b the recipient uses a promise scholarship to attend an institution for four semesters;

~~(c) the recipient completes the requirements for an associate degree; or~~

~~(d) if the recipient attends an institution that does not offer associate degrees, the recipient has 60 earned credit hours.~~

~~(6) A recipient may only use a promise scholarship for tuition and fees.~~

~~(7) A promise scholarship is transferable between institutions.~~

~~(8) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and Subsection (8)(b), the board shall make rules to establish:~~

~~(i) requirements related to whether an individual is eligible for a promise scholarship, including:~~

~~(A) a process for an eligible individual to defer a promise scholarship;~~

~~(B) how an individual demonstrates financial need for purposes of receiving a promise scholarship; and~~

~~(C) how to determine whether an individual is a Utah resident;~~

~~(ii) a process and requirements for an individual to apply for a promise scholarship;~~

~~(iii) a formula to determine the distributions to each institution described in Subsection~~

~~(3) that takes into account:~~

~~(A) the cost of tuition and fees for programs offered by institutions; and~~

~~(B) the number of eligible individuals who attend each institution;~~

~~(iv) how an institution may prioritize awarding scholarships based on the financial needs of eligible individuals;~~

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(v) conditions a recipient is required to meet to continue to receive a promise scholarship, including requirements related to academic achievement and enrollment status;
and

(vi) a requirement that in communicating about promise scholarships to recipients and potential recipients, the board and institutions do not portray the Access Utah Promise Scholarship Program as a program that is guaranteed to be in effect indefinitely.

(b) In making the rules described in Subsection (8)(a), the board shall consult with the Utah System of Technical Colleges Board of Trustees.

(9) On or before November 1 each year, the board shall report to the Higher Education Appropriations Subcommittee regarding promise scholarships, including:

(a) the number of scholarships awarded; and

(b) whether the promise scholarship program is effective in helping underserved students access higher education.

Section 11. Section 53B-8-304 is enacted to read:

53B-8-304. Utah promise partners.

(1) In consultation with the Talent Ready Utah Center created in Section 63N-12-502, and in accordance with Subsection (2), the board shall select employers to be promise partners.

(2) The board may select an employer as a promise partner if the employer:

(a) applies to the board to be a promise partner; and

(b) meets other requirements established by the board in the rules described in Subsection (5).

(3) An individual employed by a promise partner is eligible to receive a partner award if the individual:

(a) applies for a partner award;

(b) is admitted to and enrolled in an institution;

(c) is a Utah resident;

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

(e) meets requirements established by the promise partner related to a partner award;

and

(f) maintains the eligibility requirements described in this Subsection (3) for the full length of time the individual receives the partner award.

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(4) (a) Subject to legislative appropriations and Subsection (4)(b), the board shall award a partner award to an individual who meets the requirements described in Subsection (3).

(b) The board may:

(i) award a partner award for up to the portion of tuition and fees for a program at an institution that is not covered by an employer reimbursement described in Subsection (5)(b); and

(ii) prioritize awarding partner awards if an appropriation for partner awards is not sufficient to provide a partner award to each individual who is eligible under Subsection (3).

(c) The board may continue to award a partner award to a recipient who meets the requirements described in Subsection (3) until the earliest of the following:

(i) two years after the individual initially receives a partner award;

(ii) the recipient uses a partner award to attend an institution for four semesters;

(iii) the recipient completes the requirements for an associate degree; or

(iv) if the recipient attends an institution that does not offer associate degrees, the recipient has 60 earned credit hours.

~~{ (b) A recipient may not use a promise scholarship to complete more than 900 membership hours:~~

~~— (6) A recipient may only use a promise scholarship for tuition and fees:~~

~~— (7) A promise scholarship is transferable between institutions:~~

~~— (8) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and Subsection (8)(b), the board shall make rules to establish:~~

~~— (i) requirements related to whether an individual is eligible for a promise scholarship, including:~~

~~— (A) a process for an eligible individual to defer a promise scholarship;~~

~~— (B) how an individual demonstrates financial need for purposes of receiving a promise scholarship; and~~

~~— (C) how to determine whether an individual is a Utah resident;~~

~~— (ii) a process and requirements for an individual to apply for a promise scholarship;~~

~~— (iii) a formula to determine the distributions to each institution described in Subsection (3) that takes into account:~~

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- ~~—— (A) the cost of tuition and fees for programs offered by institutions; and~~
- ~~—— (B) the number of eligible individuals who attend each institution;~~
- ~~—— (iv) how an institution may prioritize awarding scholarships based on the financial needs of eligible individuals;~~
- ~~—— (v) conditions a recipient is required to meet to continue to receive a promise scholarship, including requirements related to academic achievement and enrollment status; and~~
- ~~—— (vi) a requirement that in communicating about promise scholarships to recipients and potential recipients, the board and institutions do not portray the Access Utah Promise Scholarship Program as a program that is guaranteed to be in effect indefinitely.~~
- ~~—— (b) In making the rules described in Subsection (8)(a), the board shall consult with the Utah System of Technical Colleges Board of Trustees.~~
- ~~—— (9) On or before November 1 each year, the board shall report to the Higher Education Appropriations Subcommittee regarding promise scholarships, including:~~
 - ~~—— (a) the number of scholarships awarded; and~~
 - ~~—— (b) whether the promise scholarship program is effective in helping underserved students access higher education.~~
- ~~—— Section 11. Section **53B-8-304** is enacted to read:~~
- ~~—— **53B-8-304. Utah promise partners:**~~
 - ~~—— (1) In consultation with the Talent Ready Utah Center created in Section 63N-12-502, and in accordance with Subsection (2), the board shall select employers to be promise partners.~~
 - ~~—— (2) The board may select an employer as a promise partner if the employer:~~
 - ~~—— (a) applies to the board to be a promise partner; and~~
 - ~~—— (b) meets other requirements established by the board in the rules described in Subsection (5):~~
 - ~~—— (3) An individual employed by a promise partner is eligible to receive a partner award if the individual:~~
 - ~~—— (a) applies for a partner award;~~
 - ~~—— (b) is admitted to and enrolled in an institution;~~
 - ~~—— (c) is a Utah resident;~~
 - ~~—— (d) does not have an associate or higher postsecondary degree;~~

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~~_____ (e) meets requirements established by the promise partner related to a partner award;
and~~

~~_____ (f) maintains the eligibility requirements described in this Subsection (3) for the full
length of time the individual receives the partner award.~~

~~_____ (4) (a) Subject to legislative appropriations and Subsection (4)(b), the board shall
award a partner award to an individual who meets the requirements described in Subsection
(3):~~

~~_____ (b) The board may:~~

~~_____ (i) award a partner award for up to the portion of tuition and fees for a program at an
institution that is not covered by an employer reimbursement described in Subsection (5)(b);
and~~

~~_____ (ii) prioritize awarding partner awards if an appropriation for partner awards is not
sufficient to provide a partner award to each individual who is eligible under Subsection (3):~~

~~_____ (c) (i) Subject to Subsection (4)(c)(ii), the board may continue to award a partner award
to a recipient who meets the requirements described in Subsection (3) until the earliest of the
following:~~

~~_____ (A) two years after the individual initially receives a partner award;~~

~~_____ (B) the recipient uses a partner award to attend an institution for four semesters;~~

~~_____ (C) the recipient completes the requirements for an associate degree; or~~

~~_____ (D) if the recipient attends an institution that does not offer associate degrees, the
recipient has 60 earned credit hours:~~

~~_____ (ii) A recipient may not use a partner award to complete more than 900 membership
hours:~~

‡ (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
board shall make rules that establish:

(a) requirements for an employer to seek and receive approval from the board for the
employer's employees to receive partner awards;

(b) requirements related to an employer providing reimbursement to an employee who
receives a partner award for a portion of the employee's tuition and fees;

(c) a process for an individual to apply for a partner award;

(d) criteria for the board to prioritize awarding partner awards; and

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(e) a requirement that an institution shall, for a recipient of a partner award:

(i) evaluate the recipient's knowledge, skills, and competencies acquired through formal or informal education outside the traditional postsecondary academic environment; and

(ii) award credit, as applicable, for the recipient's prior learning described in Subsection (5)(e)(i).

Section 12. Section **63G-12-402** is amended to read:

63G-12-402. Receipt of state, local, or federal public benefits -- Verification -- Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.

(1) (a) Except as provided in Subsection (3) or when exempted by federal law, an agency or political subdivision of the state shall verify the lawful presence in the United States of an individual at least 18 years of age who applies for:

(i) a state or local public benefit as defined in 8 U.S.C. Sec. 1621; or

(ii) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by an agency or political subdivision of this state.

(b) For purpose of a license issued under Title 58, Chapter 55, Utah Construction Trades Licensing Act, to an applicant that is an unincorporated entity, the Department of Commerce shall verify in accordance with this Subsection (1) the lawful presence in the United States of each individual who:

(i) owns an interest in the contractor that is an unincorporated entity; and

(ii) engages, or will engage, in a construction trade in Utah as an owner of the contractor described in Subsection (1)(b)(i).

(2) This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

(3) Verification of lawful presence under this section is not required for:

(a) any purpose for which lawful presence in the United States is not restricted by law, ordinance, or regulation;

(b) assistance for health care items and services that:

(i) are necessary for the treatment of an emergency medical condition, as defined in 42 U.S.C. Sec. 1396b(v)(3), of the individual involved; and

(ii) are not related to an organ transplant procedure;

(c) short-term, noncash, in-kind emergency disaster relief;

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(d) public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not the symptoms are caused by the communicable disease;

(e) programs, services, or assistance such as soup kitchens, crisis counseling and intervention, and short-term shelter, specified by the United States Attorney General, in the sole and unreviewable discretion of the United States Attorney General after consultation with appropriate federal agencies and departments, that:

(i) deliver in-kind services at the community level, including through public or private nonprofit agencies;

(ii) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the income or resources of the individual recipient; and

(iii) are necessary for the protection of life or safety;

(f) the exemption for paying the nonresident portion of total tuition as set forth in Section 53B-8-106;

(g) an applicant for a license under Section 61-1-4, if the applicant:

(i) is registered with the Financial Industry Regulatory Authority; and

(ii) files an application with the state Division of Securities through the Central Registration Depository;

(h) a state public benefit to be given to an individual under Title 49, Utah State Retirement and Insurance Benefit Act;

(i) a home loan that will be insured, guaranteed, or purchased by:

(i) the Federal Housing Administration, the Veterans Administration, or any other federal agency; or

(ii) an enterprise as defined in 12 U.S.C. Sec. 4502;

(j) a subordinate loan or a grant that will be made to an applicant in connection with a home loan that does not require verification under Subsection (3)(i);

(k) an applicant for a license issued by the Department of Commerce or individual described in Subsection (1)(b), if the applicant or individual provides the Department of Commerce:

(i) certification, under penalty of perjury, that the applicant or individual is:

(A) a United States citizen;

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(B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or

(C) lawfully present in the United States; and

(ii) (A) the number assigned to a driver license or identification card issued under Title 53, Chapter 3, Uniform Driver License Act; or

(B) the number assigned to a driver license or identification card issued by a state other than Utah if, as part of issuing the driver license or identification card, the state verifies an individual's lawful presence in the United States; and

(l) an applicant for:

(i) a Regents' scholarship described in Title 53B, Chapter 8, Part 2, Regents' Scholarship Program;

(ii) a New Century scholarship described in Section 53B-8-105; [~~or~~]

(iii) a promise scholarship described in Section 53B-8-303; or

~~[(iii)]~~ (iv) a privately funded scholarship:

(A) for an individual who is a graduate of a high school located within Utah; and

(B) administered by an institution of higher education as defined in Section 53B-2-101.

(4) (a) An agency or political subdivision required to verify the lawful presence in the United States of an applicant under this section shall require the applicant to certify under penalty of perjury that:

(i) the applicant is a United States citizen; or

(ii) the applicant is:

(A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and

(B) lawfully present in the United States.

(b) The certificate required under this Subsection (4) shall include a statement advising the signer that providing false information subjects the signer to penalties for perjury.

(5) An agency or political subdivision shall verify a certification required under Subsection (4)(a)(ii) through the federal SAVE program.

(6) (a) An individual who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in a certification under Subsection (3)(k) or (4) is subject to the criminal penalties applicable in this state for:

(i) making a written false statement under Subsection 76-8-504(2); and

(ii) fraudulently obtaining:

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(A) public assistance program benefits under Sections 76-8-1205 and 76-8-1206; or

(B) unemployment compensation under Section 76-8-1301.

(b) If the certification constitutes a false claim of United States citizenship under 18 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the United States Attorney General for the applicable district based upon the venue in which the application was made.

(c) If an agency or political subdivision receives verification that a person making an application for a benefit, service, or license is not a qualified alien, the agency or political subdivision shall provide the information to the Office of the Attorney General unless prohibited by federal mandate.

(7) An agency or political subdivision may adopt variations to the requirements of this section that:

(a) clearly improve the efficiency of or reduce delay in the verification process; or

(b) provide for adjudication of unique individual circumstances where the verification procedures in this section would impose an unusual hardship on a legal resident of Utah.

(8) It is unlawful for an agency or a political subdivision of this state to provide a state, local, or federal benefit, as defined in 8 U.S.C. Sec. 1611 and 1621, in violation of this section.

(9) A state agency or department that administers a program of state or local public benefits shall:

(a) provide an annual report to the governor, the president of the Senate, and the speaker of the House regarding its compliance with this section; and

(b) (i) monitor the federal SAVE program for application verification errors and significant delays;

(ii) provide an annual report on the errors and delays to ensure that the application of the federal SAVE program is not erroneously denying a state or local benefit to a legal resident of the state; and

(iii) report delays and errors in the federal SAVE program to the United States Department of Homeland Security.

Section 13. Section **63I-2-253** is amended to read:

63I-2-253. Repeal dates -- Titles 53 through 53G.

~~[(1) Section 53A-24-602 is repealed July 1, 2018.]~~

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~~[(2)]~~ (1) (a) Subsections 53B-2a-103(2) and (4) are repealed July 1, 2019.

(b) When repealing Subsections 53B-2a-103(2) and (4), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

~~[(3)]~~ (2) (a) Subsection 53B-2a-108(5) is repealed July 1, 2022.

(b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

(3) Section 53B-6-105.7 is repealed July 1, 2024.

(4) (a) Subsection 53B-7-705(6)(b)(ii)(A), the language that states "Except as provided in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

(b) Subsection 53B-7-705(6)(b)(ii)(B) is repealed July 1, 2021.

(5) (a) Subsection 53B-7-707(4)(a)(ii), the language that states "Except as provided in Subsection (4)(b)," is repealed July 1, 2021.

(b) Subsection 53B-7-707(4)(b) is repealed July 1, 2021.

(6) Section 53B-8-112 is repealed July 1, 2024.

(7) Section 53B-8-114 is repealed July 1, 2024.

~~[(6)]~~ (8) (a) The following sections are repealed on July 1, 2023:

(i) Section 53B-8-202;

(ii) Section 53B-8-203;

(iii) Section 53B-8-204; and

(iv) Section 53B-8-205.

(b) (i) Subsection 53B-8-201(2) is repealed on July 1, 2023.

(ii) When repealing Subsection 53B-8-201(2), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

~~[(7)]~~ (9) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is repealed July 1, 2023.

~~[(8)]~~ (10) Subsection 53E-5-306(3)(b)(ii)(B) is repealed July 1, 2020.

~~[(9)]~~ (11) Section 53E-5-307 is repealed July 1, 2020.

~~[(10)]~~ (12) Subsections 53F-2-205(4) and (5), the language that states "or 53F-2-301.5,

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as applicable" is repealed July 1, 2023.

~~[(11)]~~ (13) Subsection 53F-2-301(1) is repealed July 1, 2023.

~~[(12)]~~ (14) Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(13)]~~ (15) Section 53F-4-204 is repealed July 1, 2019.

~~[(14)]~~ (16) Section 53F-6-202 is repealed July 1, 2020.

~~[(15)]~~ (17) Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(16)]~~ (18) Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(17)]~~ (19) Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(18)]~~ (20) Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(19)]~~ (21) On July 1, 2023, when making changes in this section, the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections identified in this section are complete sentences and accurately reflect the office's perception of the Legislature's intent.

Section 14. **Repealer.**

This bill repeals:

Section **53B-8-113, Reporting.**

Section 15. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To State Board of Regents – Student Assistance

From Education Fund ~~{, One-time}~~

~~(\$30)~~ \$2,000,000

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Schedule of Programs:

Access Utah Promise Scholarship Program ~~+\$30;~~ \$2,000,000

The Legislature intends that:

- (1) appropriations under this item be used for the Access Utah Promise Scholarship Program described in Title 53B, Chapter 8, Part 3, Access Utah Promise Scholarship Program;
- (2) the State Board of Regents use money as it becomes available as new awards are no longer granted through a program described in Section 53B-8-114 for the Access Utah Promise Scholarship Program described in Title 53B, Chapter 8, Part 3, Access Utah Promise Scholarship Program; and
- (3) under Section 64J-1-603, appropriations provided under this item not lapse at the close of fiscal year 2020 and the use of any nonlapsing funds is limited to the purposes described in Title 53B, Chapter 8, Part 3, Access Utah Promise Scholarship Program.

Section 16. Coordinating H.B. 260 with S.B. 14 -- Substantive language.

If this H.B. 260 and S.B. 14, Education Reporting Requirements, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by:

- (1) inserting the following language as a new Subsection 53B-1-301(1)(g):
"(g) the report described in Section 53B-8-303 by the State Board of Regents regarding Access Utah promise scholarships;"
- (2) deleting the language in Subsection 53B-1-301(1)(e) that reads "(e) the report described in Section 53B-8-113 by the board on the Public Safety Officer Career Advancement Reimbursement Program;"; and
- (3) renumbering remaining subsections accordingly.