LEGISLATIVE GENERAL COUNSEL
₵ Approved for Filing: M.E. Curtis ₵
₵ 02-10-20 8:14 AM ₵

HIGHER EDUCATION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Brad R. Wilson

LONG TITLE

General Description:

This bill amends and enacts provisions related to higher education governance.

Highlighted Provisions:

This bill:

- defines terms;
- renames the State Board of Regents to the Utah Board of Higher Education;
- enacts provisions related to the Utah Board of Higher Education, including:
  - powers and duties;
  - membership;
  - compensation for members; and
  - subcommittees;
- creates a nominating committee to nominate individuals to the governor to appoint to the Utah Board of Higher Education;
- repeals the Utah System of Technical Colleges Board of Trustees;
- transitions duties of the Utah System of Technical Colleges Board of Trustees to the Utah Board of Higher Education;
- provides that the Utah Board of Higher Education is the successor to the Utah System of Technical Colleges Board of Trustees;
- provides for the transition in the membership of the Utah Board of Higher Education from the membership of the State Board of Regents and the Utah System

S.B. 111

28 of Technical Colleges Board of Trustees;
29 ▸ creates the positions of associate commissioner for academic education and
30 associate commissioner for technical education;
31 ▸ repeals provisions related to the commissioner of technical education;
32 ▸ amends provisions related to the selection of institution of higher education
33 presidents;
34 ▸ amends requirements related to an institution of higher education's authority to
35 approve a new program of instruction;
36 ▸ changes the name of a governing board for a technical college from a technical
37 college board of directors to a technical college board of trustees;
38 ▸ amends provisions related to the Higher Education Strategic Planning Commission,
39 including extending the commission by one year;
40 ▸ amends other provisions related to higher education; and
41 ▸ makes technical and conforming changes.
42 **Money Appropriated in this Bill:**
43 This bill appropriates in fiscal year 2021:
44 ▸ to the Legislature - Office of Legislative Research and General Counsel as a
45 one-time appropriation:
46 • from the General Fund $1,200;
47 ▸ to the Legislature - Senate as a one-time appropriation:
48 • from the General Fund $4,000; and
49 ▸ to the Legislature - House of Representatives as a one-time appropriation:
50 • from the General Fund $4,000.
51 **Other Special Clauses:**
52 This bill provides a special effective date.
53 **Utah Code Sections Affected:**
54 AMENDS:
55 **7-22-101**, as last amended by Laws of Utah 2015, Chapter 284
56 **9-9-104.6**, as last amended by Laws of Utah 2019, Chapter 246
57 **9-22-103**, as renumbered and amended by Laws of Utah 2019, Chapter 487
58 **9-22-104**, as renumbered and amended by Laws of Utah 2019, Chapter 487

59 **9-22-106**, as renumbered and amended by Laws of Utah 2019, Chapter 487
60 **11-17-17**, as last amended by Laws of Utah 1993, Chapters 4 and 67
61 **11-27-2**, as last amended by Laws of Utah 2016, Chapter 350
62 **11-59-302**, as enacted by Laws of Utah 2018, Chapter 388
63 **13-34a-104**, as last amended by Laws of Utah 2017, Chapter 98
64 **19-3-320**, as last amended by Laws of Utah 2016, Chapter 144
65 **20A-11-1202**, as last amended by Laws of Utah 2019, Chapter 203
66 **35A-1-206**, as last amended by Laws of Utah 2018, Chapter 39
67 **35A-5-103**, as last amended by Laws of Utah 2016, Chapter 144
68 **35A-6-105**, as enacted by Laws of Utah 2019, Chapter 224
69 **35A-8-2103**, as renumbered and amended by Laws of Utah 2018, Chapter 182
70 **35A-13-603**, as last amended by Laws of Utah 2019, Chapter 89
71 **35A-14-102**, as last amended by Laws of Utah 2018, Chapter 341 and last amended by
72 Coordination Clause, Laws of Utah 2018, Chapter 315
73 **35A-14-203**, as enacted by Laws of Utah 2017, Chapter 375
74 **35A-14-302**, as enacted by Laws of Utah 2017, Chapter 375
75 **36-21-1**, as last amended by Laws of Utah 2018, Chapter 25
76 **36-28-102**, as last amended by Laws of Utah 2018, Chapter 39
77 **41-6a-2002**, as last amended by Laws of Utah 2018, Chapter 25
78 **49-11-102**, as last amended by Laws of Utah 2019, Chapter 31
79 **49-11-403**, as last amended by Laws of Utah 2015, Chapter 243
80 **49-12-203**, as last amended by Laws of Utah 2018, Chapter 10 and last amended by
81 Coordination Clause, Laws of Utah 2018, Chapter 315
82 **49-12-204**, as last amended by Coordination Clause, Laws of Utah 2018, Chapter 315
83 **49-12-402**, as last amended by Laws of Utah 2017, Chapter 141
84 **49-13-203**, as last amended by Laws of Utah 2018, Chapter 10 and last amended by
85 Coordination Clause, Laws of Utah 2018, Chapter 315
86 **49-13-204**, as last amended by Coordination Clause, Laws of Utah 2018, Chapter 315
87 **49-13-402**, as last amended by Laws of Utah 2019, Chapter 31
88 **49-21-102**, as last amended by Laws of Utah 2018, Chapter 185
89 **49-22-203**, as last amended by Coordination Clause, Laws of Utah 2018, Chapter 315

90 **49-22-204**, as last amended by Coordination Clause, Laws of Utah 2018, Chapter 315
91 **51-7-4**, as last amended by Laws of Utah 2017, Chapter 363
92 **51-7-13**, as last amended by Laws of Utah 2018, Chapter 415
93 **51-8-303**, as enacted by Laws of Utah 2007, Chapter 59
94 **51-9-201**, as last amended by Laws of Utah 2014, Chapter 96
95 **53-2a-802**, as last amended by Laws of Utah 2017, Chapter 363
96 **53-7-204**, as last amended by Laws of Utah 2018, Chapter 152
97 **53B-1-101.5**, as last amended by Laws of Utah 2017, Chapter 382
98 **53B-1-102**, as last amended by Laws of Utah 2017, Chapter 382
99 **53B-1-109**, as last amended by Laws of Utah 2018, Chapter 415
100 **53B-1-114**, as last amended by Laws of Utah 2018, Chapter 415
101 **53B-1-301**, as enacted by Laws of Utah 2019, Chapter 324 and last amended by
102 Coordination Clause, Laws of Utah 2019, Chapter 444
103 **53B-2-102**, as last amended by Laws of Utah 2018, Chapter 382
104 **53B-2-103**, as last amended by Laws of Utah 2017, Chapter 382
105 **53B-2-104**, as last amended by Laws of Utah 2019, Chapter 357
106 **53B-2-106**, as last amended by Laws of Utah 2017, Chapter 382
107 **53B-2a-100.5**, as enacted by Laws of Utah 2017, Chapter 382
108 **53B-2a-101**, as last amended by Laws of Utah 2019, Chapter 482
109 **53B-2a-104**, as last amended by Laws of Utah 2018, Chapter 382
110 **53B-2a-105**, as last amended by Laws of Utah 2018, Chapter 382
111 **53B-2a-106**, as last amended by Laws of Utah 2018, Chapters 382 and 415
112 **53B-2a-107**, as last amended by Laws of Utah 2018, Chapter 382
113 **53B-2a-108**, as repealed and reenacted by Laws of Utah 2018, Chapter 382
114 **53B-2a-109**, as last amended by Laws of Utah 2018, Chapter 382
115 **53B-2a-110**, as last amended by Laws of Utah 2017, Chapter 382
116 **53B-2a-112**, as last amended by Laws of Utah 2018, Chapter 382
117 **53B-2a-113**, as last amended by Laws of Utah 2018, Chapter 382
118 **53B-2a-114**, as last amended by Laws of Utah 2018, Chapter 382
119 **53B-2a-115**, as enacted by Laws of Utah 2017, Chapter 382
120 **53B-2a-116**, as last amended by Laws of Utah 2019, Chapter 13

121 **53B-2a-117**, as enacted by Laws of Utah 2019, Chapter 482
122 **53B-6-104**, as last amended by Laws of Utah 2017, Chapter 43
123 **53B-6-105.5**, as last amended by Laws of Utah 2019, Chapter 444
124 **53B-6-105.9**, as last amended by Laws of Utah 2008, Chapter 382
125 **53B-6-106**, as last amended by Laws of Utah 2017, Chapter 382
126 **53B-7-101**, as last amended by Laws of Utah 2019, Chapters 324 and 482
127 **53B-7-104**, as last amended by Laws of Utah 1989, Chapter 277
128 **53B-7-702**, as last amended by Coordination Clause, Laws of Utah 2018, Chapter 315
129 **53B-7-703**, as last amended by Coordination Clause, Laws of Utah 2018, Chapter 315
130 **53B-7-705**, as last amended by Coordination Clause, Laws of Utah 2018, Chapter 315
131 **53B-7-706**, as last amended by Laws of Utah 2019, Chapter 324
132 **53B-7-707**, as last amended by Laws of Utah 2019, Chapter 324
133 **53B-8-101**, as last amended by Laws of Utah 2018, Chapters 281 and 382
134 **53B-8-103**, as last amended by Laws of Utah 2013, Chapters 10 and 23
135 **53B-8-104**, as last amended by Laws of Utah 2019, Chapter 324
136 **53B-8-106**, as enacted by Laws of Utah 2002, Chapter 230
137 **53B-8-107**, as last amended by Laws of Utah 2018, Chapter 39
138 **53B-8-201**, as last amended by Laws of Utah 2019, Chapter 444
139 **53B-8-301**, as enacted by Laws of Utah 2019, Chapter 444
140 **53B-8-303**, as enacted by Laws of Utah 2019, Chapter 444
141 **53B-8a-102.5**, as enacted by Laws of Utah 2017, Chapter 389
142 **53B-8a-204**, as last amended by Coordination Clause, Laws of Utah 2018, Chapter 315
143 **53B-8e-103**, as last amended by Laws of Utah 2018, Chapter 39
144 **53B-10-201**, as enacted by Laws of Utah 2018, Chapter 402
145 **53B-11-104**, as enacted by Laws of Utah 1998, Chapter 70
146 **53B-12-102**, as last amended by Laws of Utah 2011, Chapter 46
147 **53B-16-101**, as last amended by Laws of Utah 2017, Chapter 382
148 **53B-16-102**, as last amended by Laws of Utah 2017, Chapter 382
149 **53B-16-105**, as last amended by Laws of Utah 2019, Chapter 102
150 **53B-16-107**, as last amended by Laws of Utah 2019, Chapter 102
151 **53B-16-110**, as enacted by Laws of Utah 2019, Chapter 102

152 **53B-16-202**, as renumbered and amended by Laws of Utah 1987, Chapter 8
153 **53B-16-205**, as last amended by Laws of Utah 2009, Chapter 346
154 **53B-16-205.5**, as enacted by Laws of Utah 2014, Chapter 69
155 **53B-16-209**, as last amended by Laws of Utah 2017, Chapter 382
156 **53B-16-303**, as last amended by Laws of Utah 2008, Chapter 382
157 **53B-16-401**, as last amended by Laws of Utah 2017, Chapter 382
158 **53B-16-402**, as enacted by Laws of Utah 1996, Chapter 73
159 **53B-16-501**, as last amended by Laws of Utah 2015, Chapter 337
160 **53B-17-101**, as last amended by Laws of Utah 2014, Chapter 63
161 **53B-17-103**, as last amended by Laws of Utah 2006, Chapter 150
162 **53B-17-104**, as last amended by Laws of Utah 2014, Chapter 63
163 **53B-17-105**, as last amended by Laws of Utah 2017, Chapter 382
164 **53B-17-503**, as enacted by Laws of Utah 1987, Chapter 167
165 **53B-17-505**, as enacted by Laws of Utah 1987, Chapter 167
166 **53B-17-901**, as enacted by Laws of Utah 2013, Chapter 302
167 **53B-17-1203**, as last amended by Laws of Utah 2019, Chapter 186 and renumbered and
168 amended by Laws of Utah 2019, Chapter 446 and last amended by Coordination
169 Clause, Laws of Utah 2019, Chapter 446
170 **53B-17-1204**, as last amended by Laws of Utah 2019, Chapter 186 and renumbered and
171 amended by Laws of Utah 2019, Chapter 446 and last amended by Coordination
172 Clause, Laws of Utah 2019, Chapter 446
173 **53B-18-501**, as enacted by Laws of Utah 1988, Chapter 218
174 **53B-18-1301**, as enacted by Laws of Utah 2011, Chapter 249
175 **53B-21-104**, as enacted by Laws of Utah 1987, Chapter 167
176 **53B-21-105**, as last amended by Laws of Utah 2011, Chapter 342
177 **53B-21-113**, as enacted by Laws of Utah 1987, Chapter 167
178 **53B-22-201**, as enacted by Laws of Utah 2019, Chapter 482
179 **53B-23-104**, as enacted by Laws of Utah 2006, Chapter 301
180 **53B-23-106**, as enacted by Laws of Utah 2006, Chapter 301
181 **53B-26-103**, as last amended by Laws of Utah 2019, Chapters 324 and 357
182 **53B-26-202**, as last amended by Laws of Utah 2019, Chapter 324

183 **53B-27-301**, as enacted by Laws of Utah 2018, Chapter 325
184 **53B-27-303**, as enacted by Laws of Utah 2018, Chapter 325
185 **53B-28-401**, as enacted by Laws of Utah 2019, Chapter 476
186 **53E-1-201**, as last amended by Laws of Utah 2019, Chapter 324 and last amended by
187 Coordination Clause, Laws of Utah 2019, Chapters 41, 205, 223, 342, 446, and 476
188 **53E-1-203**, as enacted by Laws of Utah 2019, Chapter 324
189 **53E-2-302**, as last amended by Laws of Utah 2019, Chapter 186
190 **53E-3-502**, as renumbered and amended by Laws of Utah 2018, Chapter 1
191 **53E-3-505**, as last amended by Laws of Utah 2019, Chapters 186 and 226
192 **53E-3-507**, as last amended by Laws of Utah 2019, Chapters 186, 324, and 357
193 **53E-4-206**, as last amended by Laws of Utah 2019, Chapter 186
194 **53E-4-308**, as last amended by Laws of Utah 2019, Chapters 186 and 342
195 **53E-6-201**, as last amended by Laws of Utah 2019, Chapter 186
196 **53E-10-301**, as last amended by Laws of Utah 2019, Chapters 120 and 147
197 **53E-10-302**, as last amended by Laws of Utah 2019, Chapters 120, 147, and 186
198 **53E-10-303**, as renumbered and amended by Laws of Utah 2018, Chapter 1
199 **53E-10-304**, as last amended by Laws of Utah 2019, Chapter 186
200 **53E-10-305**, as last amended by Laws of Utah 2019, Chapters 120, 147, and 223
201 **53E-10-308**, as last amended by Laws of Utah 2019, Chapters 186 and 324
202 **53E-10-704**, as last amended by Laws of Utah 2019, Chapter 186
203 **53F-2-409**, as last amended by Laws of Utah 2019, Chapters 136 and 186
204 **53F-2-501**, as last amended by Laws of Utah 2019, Chapter 186
205 **53F-5-204**, as last amended by Laws of Utah 2019, Chapters 186 and 324
206 **53F-5-205**, as last amended by Laws of Utah 2019, Chapter 186
207 **53G-5-102**, as last amended by Laws of Utah 2019, Chapter 293
208 **53G-5-306**, as last amended by Laws of Utah 2019, Chapter 293
209 **53G-10-303**, as last amended by Laws of Utah 2019, Chapter 293
210 **54-8b-10**, as last amended by Laws of Utah 2019, Chapter 349
211 **58-22-302**, as last amended by Laws of Utah 2017, Chapter 382
212 **59-12-102**, as last amended by Laws of Utah 2019, Chapters 325, 481, and 486
213 **63A-3-103**, as last amended by Laws of Utah 2019, Chapter 370

214 **63A-3-110**, as last amended by Laws of Utah 2019, Chapter 211
215 **63A-4-103**, as last amended by Laws of Utah 2010, Chapter 324
216 **63A-5-104**, as last amended by Laws of Utah 2019, Chapters 468 and 482
217 **63A-5-303**, as enacted by Laws of Utah 1995, Chapter 113
218 **63A-5-305**, as last amended by Laws of Utah 2016, Chapter 240
219 **63A-5-501**, as renumbered and amended by Laws of Utah 2008, Chapter 382
220 **63C-19-102**, as enacted by Laws of Utah 2018, Chapter 382
221 **63C-19-201**, as enacted by Laws of Utah 2018, Chapter 382
222 **63C-19-202**, as enacted by Laws of Utah 2018, Chapter 382
223 **63D-2-102**, as last amended by Laws of Utah 2009, Chapter 356
224 **63F-1-102**, as last amended by Laws of Utah 2019, Chapter 246
225 **63F-1-206**, as last amended by Laws of Utah 2017, Chapter 238
226 **63F-1-303**, as last amended by Laws of Utah 2019, Chapter 246
227 **63F-2-102**, as last amended by Laws of Utah 2018, Chapter 81
228 **63G-2-103**, as last amended by Laws of Utah 2019, Chapters 254 and 280
229 **63G-6a-103**, as last amended by Laws of Utah 2019, Chapters 136, 170, 314, and 456
230 **63G-6a-202**, as last amended by Laws of Utah 2016, Chapter 144
231 **63G-7-301**, as last amended by Laws of Utah 2019, Chapters 229 and 248
232 **63G-10-102**, as last amended by Laws of Utah 2016, Chapter 144
233 **63I-2-253**, as last amended by Laws of Utah 2019, Chapters 41, 129, 136, 223, 324,
234 325, and 444
235 **63I-2-263**, as last amended by Laws of Utah 2019, Chapters 182, 240, 246, 325, 370,
236 and 483
237 **63I-5-102**, as last amended by Laws of Utah 2016, Chapters 144 and 195
238 **63I-5-201**, as last amended by Laws of Utah 2018, Chapter 25
239 **63J-1-210**, as last amended by Laws of Utah 2011, Chapters 323 and 342
240 **63J-1-219**, as last amended by Laws of Utah 2018, Chapter 39
241 **63J-1-602.2**, as last amended by Laws of Utah 2019, Chapters 136, 326, 468, and 469
242 **63J-2-102**, as last amended by Laws of Utah 2018, Chapter 469
243 **63J-3-103**, as last amended by Laws of Utah 2017, Chapter 382
244 **63N-1-301**, as last amended by Laws of Utah 2019, Chapter 487

245 **63N-12-503**, as last amended by Laws of Utah 2019, Chapter 427
246 **63N-12-508**, as enacted by Laws of Utah 2019, Chapter 487
247 **67-8-3**, as last amended by Laws of Utah 2018, Chapter 415
248 **67-19c-101**, as last amended by Laws of Utah 2012, Chapter 212
249 **67-21-3**, as last amended by Laws of Utah 2018, Chapter 178
250 ENACTS:
251 **53B-1-401**, Utah Code Annotated 1953
252 **53B-1-403**, Utah Code Annotated 1953
253 **53B-1-405**, Utah Code Annotated 1953
254 **53B-1-406**, Utah Code Annotated 1953
255 **53B-1-407**, Utah Code Annotated 1953
256 **53B-1-409**, Utah Code Annotated 1953
257 **53B-1-410**, Utah Code Annotated 1953
258 **53B-1-501**, Utah Code Annotated 1953
259 **53B-1-502**, Utah Code Annotated 1953
260 **53B-1-503**, Utah Code Annotated 1953
261 RENUMBERS AND AMENDS:
262 **53B-1-402**, (Renumbered from 53B-1-103, as last amended by Laws of Utah 2019,
263 Chapter 357)
264 **53B-1-404**, (Renumbered from 53B-1-104, as last amended by Laws of Utah 2018,
265 Chapter 382)
266 **53B-1-408**, (Renumbered from 53B-1-105, as last amended by Laws of Utah 2012,
267 Chapter 78)
268 REPEALS:
269 **53B-1-101**, as last amended by Laws of Utah 2017, Chapter 382
270 **53B-1-106**, as last amended by Laws of Utah 2018, Chapter 325
271 **53B-1-107**, as last amended by Laws of Utah 2019, Chapter 324
272 **53B-2a-102**, as last amended by Laws of Utah 2018, Chapter 382
273 **53B-2a-111**, as last amended by Laws of Utah 2017, Chapter 382
274
275 *Be it enacted by the Legislature of the state of Utah:*

276 Section 1. Section **7-22-101** is amended to read:
277 **7-22-101. Definitions -- Exemptions.**
278 (1) As used in this chapter:
279 (a) "Escrow" means an agreement, express or implied, that provides for one or more
280 parties to deliver or entrust money, a certificate of deposit, a security, a negotiable instrument, a
281 deed, or other property or asset to another person to be held, paid, or delivered in accordance
282 with terms and conditions prescribed in the agreement.
283 (b) "Escrow agent" means a person that provides or offers to provide escrow services
284 to the public.
285 (c) "Nationwide database" means the Nationwide Mortgage Licensing System and
286 Registry, authorized under 12 U.S.C. Sec. 5101 for federal licensing of mortgage loan
287 originators.
288 (2) This chapter does not apply to:
289 (a) a trust company authorized to engage in the trust business in Utah in accordance
290 with Chapter 5, Trust Business;
291 (b) a person other than an escrow agent regulated under this chapter that is exempted
292 from the definition of trust business in Subsection 7-5-1(1);
293 (c) a depository institution chartered by a state or the federal government that is
294 engaged in business as a depository institution in Utah;
295 (d) the [~~State Board of Regents~~] Utah Board of Higher Education, the Utah Higher
296 Education Assistance Authority, or the State Treasurer; and
297 (e) a person licensed under Title 31A, Insurance Code.
298 Section 2. Section **9-9-104.6** is amended to read:
299 **9-9-104.6. Participation of state agencies in meetings with tribal leaders --**
300 **Contact information.**
301 (1) For at least three of the joint meetings described in Subsection 9-9-104.5(2)(a), the
302 division shall coordinate with representatives of tribal governments and the entities listed in
303 Subsection (2) to provide for the broadest participation possible in the joint meetings.
304 (2) The following may participate in all meetings described in Subsection (1):
305 (a) the chairs of the Native American Legislative Liaison Committee created in Section
306 36-22-1;

307 (b) the governor or the governor's designee;
308 (c) (i) the American Indian-Alaskan Native Health Liaison appointed in accordance
309 with Section 26-7-2.5; or
310 (ii) if the American Indian-Alaskan Native Health Liaison is not appointed, a
311 representative of the Department of Health appointed by the executive director of the
312 Department of Health;
313 (d) the American Indian-Alaskan Native Public Education Liaison appointed in
314 accordance with Section 53F-5-604; and
315 (e) a representative appointed by the chief administrative officer of the following:
316 (i) the Department of Human Services;
317 (ii) the Department of Natural Resources;
318 (iii) the Department of Workforce Services;
319 (iv) the Governor's Office of Economic Development;
320 (v) the State Board of Education; and
321 (vi) the [~~State Board of Regents~~] Utah Board of Higher Education.
322 (3) (a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:
323 (i) designate the name of a contact person for that agency that can assist in coordinating
324 the efforts of state and tribal governments in meeting the needs of the Native Americans
325 residing in the state; and
326 (ii) notify the division:
327 (A) who is the designated contact person described in Subsection (3)(a)(i); and
328 (B) of any change in who is the designated contact person described in Subsection
329 (3)(a)(i).
330 (b) This Subsection (3) applies to:
331 (i) the Department of Agriculture and Food;
332 (ii) the Department of Heritage and Arts;
333 (iii) the Department of Corrections;
334 (iv) the Department of Environmental Quality;
335 (v) the Department of Public Safety;
336 (vi) the Department of Transportation;
337 (vii) the Office of the Attorney General;

338 (viii) the State Tax Commission; and
339 (ix) any agency described in Subsections (2)(c) through (e).
340 (c) At the request of the division, a contact person listed in Subsection (3)(b) may
341 participate in a meeting described in Subsection (1).
342 (4) (a) A participant under this section who is not a legislator may not receive
343 compensation or benefits for the participant's service, but may receive per diem and travel
344 expenses as allowed in:
345 (i) Section 63A-3-106;
346 (ii) Section 63A-3-107; and
347 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
348 63A-3-107.
349 (b) Compensation and expenses of a participant who is a legislator are governed by
350 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
351 Section 3. Section **9-22-103** is amended to read:
352 **9-22-103. STEM Action Center Board creation -- Membership.**
353 (1) There is created the STEM Action Center Board, composed of the following
354 members:
355 (a) six private sector members who represent business, appointed by the governor;
356 (b) the state superintendent of public instruction or the state superintendent's designee;
357 (c) the commissioner of higher education or the commissioner's designee;
358 (d) one member appointed by the governor;
359 (e) a member of the State Board of Education, chosen by the chair of the State Board of
360 Education;
361 (f) the executive director of the department or the executive director's designee;
362 [~~(g) the Utah System of Technical Colleges commissioner of technical education or the~~
363 ~~commissioner's designee;~~]
364 [~~(h)~~] (g) the executive director of the Department of Workforce Services or the
365 executive director's designee; and
366 [~~(i)~~] (h) one member who has a degree in engineering and experience working in a
367 government military installation, appointed by the governor.
368 (2) (a) The private sector members appointed by the governor in Subsection (1)(a) shall

369 represent a business or trade association whose primary focus is science, technology, or
370 engineering.
371 (b) Except as required by Subsection (2)(c), members appointed by the governor shall
372 be appointed to four-year terms.
373 (c) The length of terms of the members shall be staggered so that approximately half of
374 the committee is appointed every two years.
375 (d) The members may not serve more than two full consecutive terms except where the
376 governor determines that an additional term is in the best interest of the state.
377 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
378 appointed for the unexpired term.
379 (3) Attendance of a simple majority of the members constitutes a quorum for the
380 transaction of official committee business.
381 (4) Formal action by the STEM board requires a majority vote of a quorum.
382 (5) A member may not receive compensation or benefits for the member's service, but
383 may receive per diem and travel expenses in accordance with:
384 (a) Section 63A-3-106;
385 (b) Section 63A-3-107; and
386 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
387 (6) The governor shall select the chair of the STEM board to serve a two-year term.
388 (7) The executive director of the department or the executive director's designee shall
389 serve as the vice chair of the STEM board.
390 Section 4. Section **9-22-104** is amended to read:
391 **9-22-104. STEM Action Center Board -- Duties.**
392 (1) The STEM board shall:
393 (a) establish a STEM Action Center to:
394 (i) coordinate STEM activities in the state among the following stakeholders:
395 (A) the State Board of Education;
396 (B) school districts and charter schools;
397 (C) the [~~State Board of Regents~~] Utah Board of Higher Education;
398 (D) institutions of higher education;
399 (E) parents of home-schooled students;

400 (F) other state agencies; and
401 (G) business and industry representatives;
402 (ii) align public education STEM activities with higher education STEM activities; and
403 (iii) create and coordinate best practices among public education and higher education;
404 (b) with the consent of the Senate, appoint a director to oversee the administration of
405 the STEM Action Center;
406 (c) select a physical location for the STEM Action Center;
407 (d) strategically engage industry and business entities to cooperate with the STEM
408 board:
409 (i) to support high quality professional development and provide other assistance for
410 educators and students; and
411 (ii) to provide private funding and support for the STEM Action Center;
412 (e) give direction to the STEM Action Center and the providers selected through a
413 request for proposals process pursuant to this part; and
414 (f) work to meet the following expectations:
415 (i) that at least 50 educators are implementing best practice learning tools in
416 classrooms;
417 (ii) performance change in student achievement in each classroom participating in a
418 STEM Action Center project; and
419 (iii) that students from at least 50 schools in the state participate in the STEM
420 competitions, fairs, and camps described in Subsection 9-22-106(2)(d).
421 (2) The STEM board may:
422 (a) enter into contracts for the purposes of this part;
423 (b) apply for, receive, and disburse funds, contributions, or grants from any source for
424 the purposes set forth in this part;
425 (c) employ, compensate, and prescribe the duties and powers of individuals necessary
426 to execute the duties and powers of the STEM board;
427 (d) prescribe the duties and powers of the STEM Action Center providers; and
428 (e) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
429 make rules to administer this part.
430 (3) The STEM board may establish a foundation to assist in:

431 (a) the development and implementation of the programs authorized under this part to
432 promote STEM education; and
433 (b) implementation of other STEM education objectives described in this part.
434 (4) A foundation established by the STEM board under Subsection (3):
435 (a) may solicit and receive contributions from a private organization for STEM
436 education objectives described in this part;
437 (b) shall comply with the requirements described in Section 9-22-105;
438 (c) does not have power or authority to incur contractual obligations or liabilities that
439 constitute a claim against public funds;
440 (d) may not exercise executive or administrative authority over the programs or other
441 activities described in this part, except to the extent specifically authorized by the STEM board;
442 (e) shall provide the STEM board with information detailing transactions and balances
443 associated with the foundation; and
444 (f) may not:
445 (i) engage in lobbying activities;
446 (ii) attempt to influence legislation; or
447 (iii) participate in any campaign activity for or against:
448 (A) a political candidate; or
449 (B) an initiative, referendum, proposed constitutional amendment, bond, or any other
450 ballot proposition submitted to the voters.
451 Section 5. Section **9-22-106** is amended to read:
452 **9-22-106. STEM Action Center.**
453 (1) The STEM board shall:
454 (a) establish a STEM Action Center;
455 (b) ensure that the STEM Action Center:
456 (i) is accessible to the public; and
457 (ii) includes the components described in Subsection (2);
458 (c) work cooperatively with the State Board of Education to:
459 (i) further STEM education; and
460 (ii) ensure best practices are implemented as described in Sections 9-22-107 and
461 9-22-108;

462 (d) engage private entities to provide financial support or employee time for STEM
463 activities in schools in addition to what is currently provided by private entities; and
464 (e) work cooperatively with stakeholders to support and promote activities that align
465 STEM education and training activities with the employment needs of business and industry in
466 the state.
467 (2) As funding allows, the director of the STEM Action Center shall:
468 (a) support high quality professional development for educators regarding STEM
469 education;
470 (b) ensure that the STEM Action Center acts as a research and development center for
471 STEM education through a request for proposals process described in Section 9-22-107;
472 (c) review and acquire STEM education related materials and products for:
473 (i) high quality professional development;
474 (ii) assessment, data collection, analysis, and reporting; and
475 (iii) public school instruction;
476 (d) facilitate participation in interscholastic STEM related competitions, fairs, camps,
477 and STEM education activities;
478 (e) engage private industry in the development and maintenance of the STEM Action
479 Center and STEM Action Center projects;
480 (f) use resources to bring the latest STEM education learning tools into public
481 education classrooms;
482 (g) identify at least 10 best practice innovations used in Utah that have resulted in a
483 measurable improvement in student performance or outcomes in STEM areas;
484 (h) identify best practices being used outside the state and, as appropriate, develop and
485 implement selected practices through a pilot program;
486 (i) identify:
487 (i) learning tools for kindergarten through grade 6 identified as best practices; and
488 (ii) learning tools for grades 7 through 12 identified as best practices;
489 (j) collect data on Utah best practices, including best practices from public education,
490 higher education, the Utah Education and Telehealth Network, and other STEM related
491 entities;
492 (k) keep track of the following items related to best practices described in Subsection

493 (2)(j):
494 (i) how the best practices data are being used; and
495 (ii) how many individuals are using the data, including the demographics of the users,
496 if available;
497 (l) as appropriate, join and participate in a national STEM network;
498 (m) work cooperatively with the State Board of Education to designate schools as
499 STEM schools, where the schools have agreed to adopt a plan of STEM implementation in
500 alignment with criteria set by the State Board of Education and the board;
501 (n) support best methods of high quality professional development for STEM
502 education in kindergarten through grade 12, including methods of high quality professional
503 development that reduce cost and increase effectiveness, to help educators learn how to most
504 effectively implement best practice learning tools in classrooms;
505 (o) recognize achievement in the STEM competitions, fairs, and camps described in
506 Subsection (2)(d);
507 (p) send student results from STEM competitions, fairs, and camps described in
508 Subsection (2)(d) to media and ask the media to report on them;
509 (q) develop and distribute STEM information to parents of students in the state;
510 (r) support targeted high quality professional development for improved instruction in
511 STEM education, including:
512 (i) improved instructional materials that are dynamic and engaging for students;
513 (ii) use of applied instruction; and
514 (iii) introduction of other research-based methods that support student achievement in
515 STEM areas; and
516 (s) ensure that an online college readiness assessment tool be accessible by:
517 (i) public education students; and
518 (ii) higher education students.
519 (3) The STEM board may prescribe other duties for the STEM Action Center in
520 addition to the responsibilities described in this section.
521 (4) (a) The director shall work with an independent evaluator to track and compare the
522 student performance of students participating in a STEM Action Center program to all other
523 similarly situated students in the state, if appropriate, in the following activities:

524 (i) public education high school graduation rates;
525 (ii) the number of students taking a remedial mathematics course at an institution of
526 higher education described in Section 53B-2-101;
527 (iii) the number of students who graduate from a Utah public school and begin a
528 postsecondary education program; and
529 (iv) the number of students, as compared to all similarly situated students, who are
530 performing at grade level in STEM classes.
531 (b) The State Board of Education and the [~~State Board of Regents~~] Utah Board of
532 Higher Education shall provide information to the STEM board to assist the STEM board in
533 complying with the requirements of Subsection (4)(a) if allowed under federal law.
534 Section 6. Section **11-17-17** is amended to read:
535 **11-17-17. State universities granted same powers as municipalities and counties --**
536 **Authority to issue bonds.**
537 (1) The [~~State Board of Regents~~] Utah Board of Higher Education may, on behalf of
538 the University of Utah and Utah State University exercise all powers granted to municipalities
539 and counties pursuant to this chapter, except as provided in Subsection (2).
540 (2) The [~~board~~] Utah Board of Higher Education may not issue bonds in excess of
541 $10,000,000 in any one fiscal year under this chapter on behalf of either institution as the
542 borrower without prior approval from the Legislature.
543 (3) Refunding bonds are exempt from the requirements of Subsection (2) if:
544 (a) the bonds are issued to reduce debt service costs; and
545 (b) the refunding bonds mature during the same time frame as the original obligation.
546 Section 7. Section **11-27-2** is amended to read:
547 **11-27-2. Definitions.**
548 As used in this chapter:
549 (1) "Advance refunding bonds" means refunding bonds issued for the purpose of
550 refunding outstanding bonds in advance of their maturity.
551 (2) "Assessments" means a special tax levied against property within a special
552 improvement district to pay all or a portion of the costs of making improvements in the district.
553 (3) "Bond" means any revenue bond, general obligation bond, tax increment bond,
554 special improvement bond, local building authority bond, or refunding bond.

555 (4) "General obligation bond" means any bond, note, warrant, certificate of
556 indebtedness, or other obligation of a public body payable in whole or in part from revenues
557 derived from ad valorem taxes and that constitutes an indebtedness within the meaning of any
558 applicable constitutional or statutory debt limitation.
559 (5) "Governing body" means the council, commission, county legislative body, board
560 of directors, board of trustees, board of education, [~~board of regents~~] board of higher education,
561 or other legislative body of a public body designated in this chapter that is vested with the
562 legislative powers of the public body, and, with respect to the state, the State Bonding
563 Commission created by Section 63B-1-201.
564 (6) "Government obligations" means:
565 (a) direct obligations of the United States of America, or other securities, the principal
566 of and interest on which are unconditionally guaranteed by the United States of America; or
567 (b) obligations of any state, territory, or possession of the United States, or of any of
568 the political subdivisions of any state, territory, or possession of the United States, or of the
569 District of Columbia described in Section 103(a), Internal Revenue Code of 1986.
570 (7) "Issuer" means the public body issuing any bond or bonds.
571 (8) "Public body" means the state or any agency, authority, instrumentality, or
572 institution of the state, or any municipal or quasi-municipal corporation, political subdivision,
573 agency, school district, local district, special service district, or other governmental entity now
574 or hereafter existing under the laws of the state.
575 (9) "Refunding bonds" means bonds issued under the authority of this chapter for the
576 purpose of refunding outstanding bonds.
577 (10) "Resolution" means a resolution of the governing body of a public body taking
578 formal action under this chapter.
579 (11) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or
580 other obligation for the payment of money issued by a public body or any predecessor of any
581 public body and that is payable from designated revenues not derived from ad valorem taxes or
582 from a special fund composed of revenues not derived from ad valorem taxes, but excluding all
583 of the following:
584 (a) any obligation constituting an indebtedness within the meaning of any applicable
585 constitutional or statutory debt limitation;

586 (b) any obligation issued in anticipation of the collection of taxes, where the entire
587 issue matures not later than one year from the date of the issue; and
588 (c) any special improvement bond.
589 (12) "Special improvement bond" means any bond, note, warrant, certificate of
590 indebtedness, or other obligation of a public body or any predecessor of any public body that is
591 payable from assessments levied on benefitted property and from any special improvement
592 guaranty fund.
593 (13) "Special improvement guaranty fund" means any special improvement guaranty
594 fund established under Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;
595 Title 11, Chapter 42, Assessment Area Act; or any predecessor or similar statute.
596 (14) "Tax increment bond" means any bond, note, warrant, certificate of indebtedness,
597 or other obligation of a public body issued under authority of Title 17C, Limited Purpose Local
598 Government Entities - Community Reinvestment Agency Act.
599 Section 8. Section **11-59-302** is amended to read:
600 **11-59-302. Number of board members -- Appointment -- Vacancies -- Chairs.**
601 (1) The board shall consist of 11 members as provided in Subsection (2).
602 (2) (a) The president of the Senate shall appoint two members of the Senate to serve as
603 members of the board.
604 (b) The speaker of the House of Representatives shall appoint two members of the
605 House of Representatives to serve as members of the board.
606 (c) The governor shall appoint four individuals to serve as members of the board:
607 (i) one of whom shall be a member of the board of or employed by the Governor's
608 Office of Economic Development, created in Section 63N-1-201; and
609 (ii) one of whom shall be an employee of the Division of Facilities Construction and
610 Management, created in Section 63A-5-201.
611 (d) The Salt Lake County mayor shall appoint one board member, who shall be an
612 elected Salt Lake County government official.
613 (e) The mayor of Draper, or a member of the Draper city council that the mayor
614 designates, shall serve as a board member.
615 (f) The commissioner of higher education, appointed under Section [~~53B-1-105~~]
616 53B-1-408, or the commissioner's designee, shall serve as a board member.

617 (3) (a) (i) Subject to Subsection (3)(a)(ii), a vacancy on the board shall be filled in the
618 same manner under this section as the appointment of the member whose vacancy is being
619 filled.
620 (ii) If the mayor of Draper or commissioner of higher education is removed as a board
621 member under Subsection (5), the mayor of Draper or commissioner of higher education, as the
622 case may be, shall designate an individual to serve as a member of the board, as provided in
623 Subsection (2)(e) or (f), respectively.
624 (b) Each person appointed or designated to fill a vacancy shall serve the remaining
625 unexpired term of the member whose vacancy the person is filling.
626 (4) A member of the board appointed by the governor, president of the Senate, or
627 speaker of the House of Representatives serves at the pleasure of and may be removed and
628 replaced at any time, with or without cause, by the governor, president of the Senate, or speaker
629 of the House of Representatives, respectively.
630 (5) A member of the board may be removed by a vote of two-thirds of all members of
631 the board.
632 (6) (a) The governor shall appoint one board member to serve as cochair of the board.
633 (b) The president of the Senate and speaker of the House of Representatives shall
634 jointly appoint one legislative member of the board to serve as cochair of the board.
635 Section 9. Section **13-34a-104** is amended to read:
636 **13-34a-104. Authority to execute interstate reciprocity agreement -- Rulemaking.**
637 (1) The division may execute an interstate reciprocity agreement that:
638 (a) is for purposes of state authorization under 34 C.F.R. Sec. 600.9; and
639 (b) is for the benefit of:
640 (i) postsecondary schools in the state; or
641 (ii) (A) postsecondary schools in the state; and
642 (B) institutions that are part of the state system of higher education under Section
643 53B-1-102.
644 (2) If the division executes an interstate reciprocity agreement described in Subsection
645 (1) or the [~~State Board of Regents~~] Utah Board of Higher Education executes an interstate
646 reciprocity agreement under Section 53B-16-109:
647 (a) except as provided by division rule, this chapter does not apply to a postsecondary

648 school that obtains state authorization under the reciprocity agreement; and
649 (b) the division may, in accordance with Title 63G, Chapter 3, Utah Administrative
650 Rulemaking Act, make rules relating to:
651 (i) the standards for granting a postsecondary school state authorization under a
652 reciprocity agreement;
653 (ii) any filing, document, or fee required for a postsecondary school to obtain
654 authorization under a reciprocity agreement; and
655 (iii) penalties if a postsecondary school fails to comply with the rules that the division
656 makes under this Subsection (2).
657 (3) If the division executes an interstate reciprocity agreement described in Subsection
658 (1) that includes institutions that are part of the state system of higher education under Section
659 53B-1-102, the [~~State Board of Regents~~] Utah Board of Higher Education may make rules that:
660 (a) implement the reciprocity agreement; and
661 (b) relate to institutions that are part of the state system of higher education under
662 Section 53B-1-102.
663 Section 10. Section **19-3-320** is amended to read:
664 **19-3-320. Efforts to prevent siting of any nuclear waste facility to include**
665 **economic development study regarding Native American reservation lands within the**
666 **state.**
667 (1) It is the intent of the Legislature that the department, in its efforts to prevent the
668 siting of a nuclear waste facility within the exterior borders of the state, include in its work the
669 study under Subsection (2) and the report under Subsection (3).
670 (2) It is the intent of the Legislature that the Department of Environmental Quality, in
671 coordination with the office of the governor, and in cooperation with the Departments of
672 Heritage and Arts, Human Services, Health, Workforce Services, Agriculture and Food,
673 Natural Resources, and Transportation, the State Board of Education, and the [~~Board of~~
674 ~~Regents~~] Utah Board of Higher Education:
675 (a) study the needs and requirements for economic development on the Native
676 American reservations within the state; and
677 (b) prepare, on or before November 30, 2001, a long-term strategic plan for economic
678 development on the reservations.

679 (3) It is the intent of the Legislature that this plan, prepared under Subsection (2)(b),
680 shall be distributed to the governor and the members of the Legislature on or before December
681 31, 2001.
682 Section 11. Section **20A-11-1202** is amended to read:
683 **20A-11-1202. Definitions.**
684 As used in this part:
685 (1) "Applicable election officer" means:
686 (a) a county clerk, if the email relates only to a local election; or
687 (b) the lieutenant governor, if the email relates to an election other than a local
688 election.
689 (2) "Ballot proposition" means constitutional amendments, initiatives, referenda,
690 judicial retention questions, opinion questions, bond approvals, or other questions submitted to
691 the voters for their approval or rejection.
692 (3) "Campaign contribution" means any of the following when done for a political
693 purpose or to advocate for or against a ballot proposition:
694 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value
695 given to a filing entity;
696 (b) an express, legally enforceable contract, promise, or agreement to make a gift,
697 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything
698 of value to a filing entity;
699 (c) any transfer of funds from another reporting entity to a filing entity;
700 (d) compensation paid by any person or reporting entity other than the filing entity for
701 personal services provided without charge to the filing entity;
702 (e) remuneration from:
703 (i) any organization or the organization's directly affiliated organization that has a
704 registered lobbyist; or
705 (ii) any agency or subdivision of the state, including a school district; or
706 (f) an in-kind contribution.
707 (4) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation
708 agency that receives its revenues from conduct of its commercial operations.
709 (b) "Commercial interlocal cooperation agency" does not mean an interlocal

710 cooperation agency that receives some or all of its revenues from:
711 (i) government appropriations;
712 (ii) taxes;
713 (iii) government fees imposed for regulatory or revenue raising purposes; or
714 (iv) interest earned on public funds or other returns on investment of public funds.
715 (5) "Expenditure" means:
716 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
717 or anything of value;
718 (b) an express, legally enforceable contract, promise, or agreement to make any
719 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
720 value;
721 (c) a transfer of funds between a public entity and a candidate's personal campaign
722 committee;
723 (d) a transfer of funds between a public entity and a political issues committee; or
724 (e) goods or services provided to or for the benefit of a candidate, a candidate's
725 personal campaign committee, or a political issues committee for political purposes at less than
726 fair market value.
727 (6) "Filing entity" means the same as that term is defined in Section 20A-11-101.
728 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation
729 agency that receives some or all of its revenues from:
730 (a) government appropriations;
731 (b) taxes;
732 (c) government fees imposed for regulatory or revenue raising purposes; or
733 (d) interest earned on public funds or other returns on investment of public funds.
734 (8) "Influence" means to campaign or advocate for or against a ballot proposition.
735 (9) "Interlocal cooperation agency" means an entity created by interlocal agreement
736 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.
737 (10) "Local district" means an entity under Title 17B, Limited Purpose Local
738 Government Entities - Local Districts, and includes a special service district under Title 17D,
739 Chapter 1, Special Service District Act.
740 (11) "Political purposes" means an act done with the intent or in a way to influence or

741 intend to influence, directly or indirectly, any person to refrain from voting or to vote for or
742 against any:
743 (a) candidate for public office at any caucus, political convention, primary, or election;
744 or
745 (b) judge standing for retention at any election.
746 (12) "Proposed initiative" means an initiative proposed in an application filed under
747 Section 20A-7-202 or 20A-7-502.
748 (13) "Proposed referendum" means a referendum proposed in an application filed
749 under Section 20A-7-302 or 20A-7-602.
750 (14) (a) "Public entity" includes the state, each state agency, each county, municipality,
751 school district, local district, governmental interlocal cooperation agency, and each
752 administrative subunit of each of them.
753 (b) "Public entity" does not include a commercial interlocal cooperation agency.
754 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,
755 Department of Health Organization.
756 (15) (a) "Public funds" means any money received by a public entity from
757 appropriations, taxes, fees, interest, or other returns on investment.
758 (b) "Public funds" does not include money donated to a public entity by a person or
759 entity.
760 (16) (a) "Public official" means an elected or appointed member of government with
761 authority to make or determine public policy.
762 (b) "Public official" includes the person or group that:
763 (i) has supervisory authority over the personnel and affairs of a public entity; and
764 (ii) approves the expenditure of funds for the public entity.
765 (17) "Reporting entity" means the same as that term is defined in Section 20A-11-101.
766 (18) (a) "State agency" means each department, commission, board, council, agency,
767 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
768 unit, bureau, panel, or other administrative unit of the state.
769 (b) "State agency" includes the legislative branch, the [~~Board of Regents, the~~
770 ~~institutional councils of each higher education institution~~] Utah Board of Higher Education,
771 each institution of higher education board of trustees, and each higher education institution.

772 Section 12. Section **35A-1-206** is amended to read:
773 **35A-1-206. State Workforce Development Board -- Appointment -- Membership**
774 **-- Terms of members -- Compensation.**
775 (1) There is created within the department the State Workforce Development Board in
776 accordance with the provisions of the Workforce Innovation and Opportunity Act, 29 U.S.C.
777 Sec. 3101 et seq.
778 (2) The board shall consist of the following [~~39~~] 38 members:
779 (a) the governor or the governor's designee;
780 (b) one member of the Senate, appointed by the president of the Senate;
781 (c) one representative of the House of Representatives, appointed by the speaker of the
782 House of Representatives;
783 (d) the executive director or the executive director's designee;
784 (e) the executive director of the Department of Human Services or the executive
785 director's designee;
786 (f) the director of the Utah State Office of Rehabilitation or the director's designee;
787 (g) the state superintendent of public instruction or the superintendent's designee;
788 (h) the commissioner of higher education or the commissioner's designee;
789 [~~(i) the Utah System of Technical Colleges commissioner of technical education or the~~
790 ~~commissioner of technical education's designee;~~]
791 [~~(j)~~] (i) the executive director of the Governor's Office of Economic Development or
792 the executive director's designee;
793 [~~(k)~~] (j) the executive director of the Department of Veterans and Military Affairs or
794 the executive director's designee; and
795 [~~(l)~~] (k) the following members appointed by the governor:
796 (i) 20 representatives of business in the state, selected among the following:
797 (A) owners of businesses, chief executive or operating officers of businesses, or other
798 business executives or employers with policymaking or hiring authority;
799 (B) representatives of businesses, including small businesses, that provide employment
800 opportunities that include high-quality, work-relevant training and development in in-demand
801 industry sectors or occupations in the state; and
802 (C) representatives of businesses appointed from among individuals nominated by state

803 business organizations or business trade associations;
804 (ii) six representatives of the workforce within the state, which:
805 (A) shall include at least two representatives of labor organizations who have been
806 nominated by state labor federations;
807 (B) shall include at least one representative from a registered apprentice program;
808 (C) may include one or more representatives from a community-based organization
809 that has demonstrated experience and expertise in addressing the employment, training, or
810 educational needs of individuals with barriers to employment; and
811 (D) may include one or more representatives from an organization that has
812 demonstrated experience and expertise in addressing the employment, training, or education
813 needs of eligible youth, including organizations that serve out of school youth; and
814 (iii) two elected officials that represent a city or a county.
815 (3) (a) The governor shall appoint one of the appointed business representatives as
816 chair of the board.
817 (b) The chair shall serve at the pleasure of the governor.
818 (4) (a) The governor shall ensure that members appointed to the board represent
819 diverse geographic areas of the state, including urban, suburban, and rural areas.
820 (b) A member appointed by the governor shall serve a term of four years and may be
821 reappointed to one additional term.
822 (c) A member shall continue to serve until the member's successor has been appointed
823 and qualified.
824 (d) Except as provided in Subsection (4)(e), as terms of board members expire, the
825 governor shall appoint each new member or reappointed member to a four-year term.
826 (e) Notwithstanding the requirements of Subsection (4)(d), the governor shall, at the
827 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
828 board members are staggered so that approximately one half of the board is appointed every
829 two years.
830 (f) When a vacancy occurs in the membership for any reason, the replacement shall be
831 appointed for the unexpired term.
832 (g) The executive director shall terminate the term of any governor-appointed member
833 of the board if the member leaves the position that qualified the member for the appointment.

834 (5) A majority of members constitutes a quorum for the transaction of business.
835 (6) (a) A member of the board who is not a legislator may not receive compensation or
836 benefits for the member's service, but may receive per diem and travel expenses as allowed in:
837 (i) Section 63A-3-106;
838 (ii) Section 63A-3-107; and
839 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
840 63A-3-107.
841 (b) Compensation and expenses of a member who is a legislator are governed by
842 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
843 (7) The department shall provide staff and administrative support to the board at the
844 direction of the executive director.
845 (8) The board has the duties, responsibilities, and powers described in 29 U.S.C. Sec.
846 3111, including:
847 (a) identifying opportunities to align initiatives in education, training, workforce
848 development, and economic development;
849 (b) developing and implementing the state workforce services plan described in
850 Section 35A-1-207;
851 (c) utilizing strategic partners to ensure the needs of industry are met, including the
852 development of expanded strategies for partnerships for in-demand occupations and
853 understanding and adapting to economic changes;
854 (d) developing strategies for staff training;
855 (e) developing and improving employment centers; and
856 (f) performing other responsibilities within the scope of workforce services as
857 requested by:
858 (i) the Legislature;
859 (ii) the governor; or
860 (iii) the executive director.
861 Section 13. Section **35A-5-103** is amended to read:
862 **35A-5-103. Roles of service providers.**
863 (1) Delivery of job training related services not administered by the department under
864 this chapter shall be provided in accordance with Subsections (2) and (3).

865 (2) The State Board of Education and the [~~Board of Regents~~] Utah Board of Higher
866 Education shall provide for basic education, remedial education, and applied technology
867 training.
868 (3) The Office of Rehabilitation shall provide those services authorized under the
869 Rehabilitation Act of 1973, as amended.
870 Section 14. Section **35A-6-105** is amended to read:
871 **35A-6-105. Commissioner of Apprenticeship Programs.**
872 (1) There is created the position of Commissioner of Apprenticeship Programs within
873 the department.
874 (2) The commissioner shall be appointed by the executive director and chosen from
875 one or more recommendations provided by a majority vote of the State Workforce
876 Development Board.
877 (3) The commissioner may be terminated without cause by the executive director.
878 (4) The commissioner shall:
879 (a) promote and educate the public, including high school guidance counselors and
880 potential participants in apprenticeship programs, about apprenticeship programs offered in the
881 state, including apprenticeship programs offered by private sector businesses, trade groups,
882 labor unions, partnerships with educational institutions, and other associations in the state;
883 (b) coordinate with the department and other stakeholders, including [~~the Utah System~~
884 ~~of Technical Colleges,~~] union and nonunion apprenticeship programs, the Office of
885 Apprenticeship, the State Board of Education, the Utah [~~System of Higher Education~~] system
886 of higher education, the Department of Commerce, the Division of Occupational and
887 Professional Licensing, and the Governor's Office of Economic Development to improve and
888 promote apprenticeship opportunities in the state; and
889 (c) provide an annual written report to:
890 (i) the department for inclusion in the department's annual written report described in
891 Section 35A-1-109;
892 (ii) the Business, Economic Development, and Labor Appropriations Subcommittee;
893 and
894 (iii) the Higher Education Appropriations Subcommittee.
895 (5) The annual written report described in Subsection (4)(c) shall provide information

896 concerning:
897 (a) the number of available apprenticeship programs in the state;
898 (b) the number of apprentices participating in each program;
899 (c) the completion rate of each program;
900 (d) the cost of state funding for each program; and
901 (e) recommendations for improving apprenticeship programs.
902 Section 15. Section **35A-8-2103** is amended to read:
903 **35A-8-2103. Private Activity Bond Review Board.**
904 (1) There is created within the department the Private Activity Bond Review Board,
905 composed of the following 11 members:
906 (a) (i) the executive director of the department or the executive director's designee;
907 (ii) the executive director of the Governor's Office of Economic Development or the
908 executive director's designee;
909 (iii) the state treasurer or the state treasurer's designee;
910 (iv) the chair of the [~~Board of Regents~~] Utah Board of Higher Education or the chair's
911 designee; and
912 (v) the chair of the Utah Housing Corporation or the chair's designee; and
913 (b) six local government members who are:
914 (i) three elected or appointed county officials, nominated by the Utah Association of
915 Counties and appointed by the governor with the consent of the Senate; and
916 (ii) three elected or appointed municipal officials, nominated by the Utah League of
917 Cities and Towns and appointed by the governor with the consent of the Senate.
918 (2) (a) Except as required by Subsection (2)(b), the terms of office for the local
919 government members of the board of review shall be four-year terms.
920 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
921 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
922 board of review members are staggered so that approximately half of the board of review is
923 appointed every two years.
924 (c) Members may be reappointed only once.
925 (3) (a) If a local government member ceases to be an elected or appointed official of
926 the city or county the member is appointed to represent, that membership on the board of

927 review terminates immediately and there shall be a vacancy in the membership.
928 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
929 appointed within 30 days in the manner of the regular appointment for the unexpired term.
930 (4) (a) The chair of the board of review is the executive director of the department or
931 the executive director's designee.
932 (b) The chair is nonvoting except in the case of a tie vote.
933 (5) Six members of the board of review constitute a quorum.
934 (6) Formal action by the board of review requires a majority vote of a quorum.
935 (7) A member may not receive compensation or benefits for the member's service, but
936 may receive per diem and travel expenses in accordance with:
937 (a) Section 63A-3-106;
938 (b) Section 63A-3-107; and
939 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
940 (8) The chair of the board of review serves as the state official designated under state
941 law to make certifications required to be made under Section 146 of the code including the
942 certification required by Section 149(e)(2)(F) of the code.
943 Section 16. Section **35A-13-603** is amended to read:
944 **35A-13-603. Board.**
945 (1) There is created to assist the director of the office the Interpreter Certification
946 Board consisting of the following 11 members:
947 (a) a designee of the assistant director;
948 (b) a designee of the [~~State Board of Regents~~] Utah Board of Higher Education;
949 (c) a designee of the State Board of Education;
950 (d) four professional interpreters, recommended by the assistant director; and
951 (e) four individuals who are deaf or hard of hearing, recommended by the assistant
952 director.
953 (2) (a) The director shall make all appointments to the board.
954 (b) In making appointments under Subsections (1)(d) and (e), the director shall give
955 consideration to recommendations by certified interpreters and members of the deaf and hard
956 of hearing community.
957 (3) (a) Board members shall serve three-year terms, except that for the initial terms of

958 board members, three shall serve one-year terms, four shall serve two-year terms, and four shall
959 serve three-year terms.
960 (b) An individual may not serve more than two three-year consecutive terms.
961 (c) If a vacancy occurs on the board for a reason other than the expiration of a term, the
962 director shall appoint a replacement for the remainder of the term in accordance with
963 Subsections (1) and (2).
964 (4) The director may remove a board member for cause, which may include
965 misconduct, incompetence, or neglect of duty.
966 (5) The board shall annually elect a chair and vice chair from among its members.
967 (6) The board shall meet as often as necessary to accomplish the purposes of this part,
968 but not less than quarterly.
969 (7) A member of the board may not receive compensation or benefits for the member's
970 service, but may receive travel expenses in accordance with:
971 (a) Section 63A-3-107; and
972 (b) rules made by the Division of Finance in accordance with Section 63A-3-107.
973 Section 17. Section **35A-14-102** is amended to read:
974 **35A-14-102. Definitions.**
975 As used in this chapter:
976 (1) "Advisory board" means the Utah Data Research Advisory Board created in Section
977 35A-14-203.
978 (2) "Center" means the Utah Data Research Center.
979 (3) "Data" means any information about a person stored in a physical or electronic
980 record.
981 (4) "Data research program" means the data maintained by the center in accordance
982 with Section 35A-14-301.
983 (5) "De-identified data" means data about a person that cannot, without additional
984 information, identify the person to another person or machine.
985 (6) "Director" means the director of the Workforce Research and Analysis Division.
986 (7) "Participating entity" means:
987 (a) the State Board of Education, which includes the director as defined in Section
988 53E-10-701;

989 [~~(b) the State Board of Regents;~~]
990 [~~(c) the Utah System of Technical Colleges Board of Trustees;~~]
991 (b) the Utah Board of Higher Education;
992 [~~(d)~~] (c) the Department of Workforce Services; and
993 [~~(e)~~] (d) the Department of Health.
994 Section 18. Section **35A-14-203** is amended to read:
995 **35A-14-203. Utah Data Research Advisory Board -- Composition -- Appointment.**
996 (1) There is created the Utah Data Research Advisory Board in accordance with this
997 section.
998 (2) The Utah Data Research Advisory Board is composed of the following members:
999 (a) the state superintendent of the State Board of Education or the state superintendent's
1000 designee;
1001 (b) the commissioner of higher education or the commissioner of higher education's
1002 designee;
1003 [~~(c) the commissioner of technical education or the commissioner's designee;~~]
1004 [~~(d)~~] (c) the executive director of the Department of Workforce Services or the
1005 executive director's designee; and
1006 [~~(e)~~] (d) the director of the Department of Health or the director's designee.
1007 (3) The executive director shall serve as chair.
1008 (4) A member of the board:
1009 (a) except to the extent a member's service on the board is related to the member's
1010 duties outside of the board, may not receive compensation or benefits for the member's service;
1011 and
1012 (b) may receive per diem and travel expenses in accordance with:
1013 (i) Section 63A-3-106;
1014 (ii) Section 63A-3-107; and
1015 (iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
1016 Section 19. Section **35A-14-302** is amended to read:
1017 **35A-14-302. Center duties -- Data studies.**
1018 (1) The center shall use data that the center maintains or that a participating entity
1019 contributes to the data research program under Section 35A-14-301 to conduct research for the

1020 purpose of developing public policy for the state.
1021 (2) The director, with consultation by the advisory board, shall create a prioritized list
1022 of data research for the center to conduct using the data research program each year.
1023 (3) (a) In developing the list described in Subsection (2), the center shall accept data
1024 research requests from:
1025 (i) a legislative committee or a legislative staff office;
1026 (ii) the governor or an executive branch agency;
1027 (iii) the State Board of Education; and
1028 [~~(iv) the State Board of Regents; and~~]
1029 [~~(v) the Utah College of Applied Technology.~~]
1030 (iv) the Utah Board of Higher Education.
1031 (b) The department shall begin accepting the data research requests described in
1032 Subsection (3)(a) on July 1, 2017.
1033 (c) The center shall report the list described in Subsection (2) to the Education Interim
1034 Committee before December 1 of each year.
1035 (4) In addition to conducting data research in accordance with the prioritized list
1036 described in Subsection (2), the center may use additional resources to prepare data research at
1037 the request of:
1038 (a) a state government entity;
1039 (b) a political subdivision of the state;
1040 (c) a private entity; or
1041 (d) a member of the public.
1042 (5) The director, with approval by the board, shall determine, for a data research
1043 request described in Subsection (4):
1044 (a) whether the center has the resources to complete the data research request;
1045 (b) the order in which the center shall complete the data research request, if at all; and
1046 (c) a reasonable estimated cost for the request.
1047 (6) The center, after evaluating a request under Subsection (5), shall:
1048 (a) provide the person that requested the data research with a cost estimate; and
1049 (b) require, before accepting a data research request, that the person that submitted the
1050 data research request agree to pay, once the data research is complete, the full cost of

1051 completing the data research request as determined by the center under Subsection (5).
1052 (7) The center shall make available to the public, on a website maintained by the
1053 center, any data research request that the center completes under this section.
1054 (8) The center shall ensure that any data contained in a completed data research request
1055 is de-identified.
1056 (9) The center shall:
1057 (a) establish, by rule made in accordance with Title 63G, Chapter 3, Utah
1058 Administrative Rulemaking Act:
1059 (i) procedures for submitting a data research request under this section;
1060 (ii) criteria to determine how to prioritize data research requests; and
1061 (iii) minimum standards for information a person is required to include in a data
1062 research request; and
1063 (b) create a fee schedule in accordance with Section 63J-1-504 for completing a data
1064 research request.
1065 (10) In addition to submitting a data research request under Subsection (4), a
1066 participating entity, executive branch agency, or legislative staff office may request, and the
1067 center may release, a data set from the data research program if the data set is:
1068 (a) connected;
1069 (b) aggregated; and
1070 (c) de-identified.
1071 (11) (a) The center shall use any fee the center collects under this section to cover the
1072 center's costs to administer this chapter.
1073 (b) The center shall deposit any fee the center collects under this section not used to
1074 cover the center's costs into the General Fund.
1075 Section 20. Section **36-21-1** is amended to read:
1076 **36-21-1. Definition -- Deadline for state governmental entities filing legislation --**
1077 **Waiver.**
1078 (1) "Governmental entity" means:
1079 (a) the executive branch of the state, including all departments, institutions, boards,
1080 divisions, bureaus, offices, commissions, committees, and elected officials;
1081 (b) the judicial branch of the state, including the courts, the Judicial Council, the

1082 Administrative Office of the Courts, and similar administrative units in the judicial branch;
1083 (c) the State Board of Education, the [~~State Board of Regents~~] Utah Board of Higher
1084 Education, and any state-funded institution of higher education or public education;
1085 (d) the National Guard;
1086 (e) all quasi independent entities created by statute; and
1087 (f) any political subdivision of the state, including any county, city, town, school
1088 district, public transit district, redevelopment agency, special improvement or taxing district.
1089 (2) Legislation requested by a governmental entity may not be considered by the
1090 Legislature during the annual general session unless:
1091 (a) at the time the request for legislation is made it has a legislative sponsor;
1092 (b) the request for legislation is filed with the Office of Legislative Research and
1093 General Counsel by December 1st of the year immediately before the Legislature's annual
1094 general session; and
1095 (c) at the time the request for legislation is filed, it includes the purpose of the measure
1096 and all necessary drafting information.
1097 (3) The Legislature, by motion and with the approval of a majority vote in one house,
1098 may waive this requirement.
1099 (4) It is the intent of the Legislature that these agency requests will not be given higher
1100 priority than individual legislative requests filed at a later date.
1101 Section 21. Section **36-28-102** is amended to read:
1102 **36-28-102. Veterans and Military Affairs Commission -- Creation -- Membership**
1103 **-- Chairs -- Terms -- Per diem and expenses.**
1104 (1) There is created the Veterans and Military Affairs Commission.
1105 (2) The commission membership is composed of 19 permanent members, but may not
1106 exceed 24 members, and is as follows:
1107 (a) five legislative members to be appointed as follows:
1108 (i) three members from the House of Representatives, appointed by the speaker of the
1109 House of Representatives, no more than two of whom may be from the same political party;
1110 and
1111 (ii) two members from the Senate, appointed by the president of the Senate, no more
1112 than one of whom may be from the same political party;

1113 (b) the executive director of the Department of Veterans and Military Affairs or the
1114 director's designee;
1115 (c) the chair of the Utah Veterans Advisory Council;
1116 (d) the executive director of the Department of Workforce Services or the director's
1117 designee;
1118 (e) the executive director of the Department of Health or the director's designee;
1119 (f) the executive director of the Department of Human Services or the director's
1120 designee;
1121 (g) the adjutant general of the Utah National Guard or the adjutant general's designee;
1122 (h) the Guard and Reserve Transition Assistance Advisor;
1123 (i) a member of the [~~Board of Regents~~] Utah Board of Higher Education or that
1124 member's designee;
1125 (j) three representatives of veteran service organizations recommended by the Veterans
1126 Advisory Council and confirmed by the commission;
1127 (k) one member of the Executive Committee of the Utah Defense Alliance;
1128 (l) one military affairs representative from a chamber of commerce member, appointed
1129 by the Utah State Chamber of Commerce; and
1130 (m) a representative from the Veterans Health Administration.
1131 (3) The commission may appoint by majority vote of the entire commission up to five
1132 pro tempore members, representing:
1133 (a) state or local government agencies;
1134 (b) interest groups concerned with veterans issues; or
1135 (c) the general public.
1136 (4) (a) The president of the Senate shall designate a member of the Senate appointed
1137 under Subsection (2)(a) as a cochair of the commission.
1138 (b) The speaker of the House of Representatives shall designate a member of the House
1139 of Representatives appointed under Subsection (2)(a) as a cochair of the commission.
1140 (5) A majority of the members of the commission shall constitute a quorum. The
1141 action of a majority of a quorum constitutes the action of the commission.
1142 (6) The term for each pro tempore member appointed in accordance with Subsection
1143 (3) shall be two years from July 1 of the year of appointment. A pro tempore member may not

1144 serve more than three terms.
1145 (7) If a member leaves office or is unable to serve, the vacancy shall be filled as it was
1146 originally appointed. A person appointed to fill a vacancy under Subsection (6) serves the
1147 remaining unexpired term of the member being replaced. If the remaining unexpired term is
1148 less than six months, the newly appointed member shall be reappointed on July 1. The time
1149 served until July 1 is not counted in the restriction set forth in Subsection (6).
1150 (8) A member may not receive compensation or benefits for the member's service but
1151 may receive per diem and travel expenses in accordance with:
1152 (a) Section 63A-3-106;
1153 (b) Section 63A-3-107; and
1154 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1155 63A-3-107.
1156 Section 22. Section **41-6a-2002** is amended to read:
1157 **41-6a-2002. Definitions.**
1158 As used in this section:
1159 (1) "Automatic license plate reader system" means a system of one or more mobile or
1160 fixed automated high-speed cameras used in combination with computer algorithms to convert
1161 an image of a license plate into computer-readable data.
1162 (2) "Captured plate data" means the global positioning system coordinates, date and
1163 time, photograph, license plate number, and any other data captured by or derived from an
1164 automatic license plate reader system.
1165 (3) (a) "Governmental entity" means:
1166 (i) executive department agencies of the state;
1167 (ii) the offices of the governor, the lieutenant governor, the state auditor, the attorney
1168 general, and the state treasurer;
1169 (iii) the Board of Pardons and Parole;
1170 (iv) the Board of Examiners;
1171 (v) the National Guard;
1172 (vi) the Career Service Review Office;
1173 (vii) the State Board of Education;
1174 (viii) the [~~State Board of Regents~~] Utah Board of Higher Education;

1175 (ix) the State Archives;
1176 (x) the Office of the Legislative Auditor General;
1177 (xi) the Office of the Legislative Fiscal Analyst;
1178 (xii) the Office of Legislative Research and General Counsel;
1179 (xiii) the Legislature;
1180 (xiv) legislative committees, except any political party, group, caucus, or rules or
1181 sifting committee of the Legislature;
1182 (xv) courts, the Judicial Council, the Administrative Office of the Courts, and similar
1183 administrative units in the judicial branch;
1184 (xvi) any state-funded institution of higher education or public education; or
1185 (xvii) any political subdivision of the state.
1186 (b) "Governmental entity" includes:
1187 (i) every office, agency, board, bureau, committee, department, advisory board, or
1188 commission of an entity listed in Subsections (3)(a)(i) through (xvii) that is funded or
1189 established by the government to carry out the public's business; or
1190 (ii) a person acting as an agent of a governmental entity or acting on behalf of a
1191 governmental entity.
1192 (4) "Secured area" means an area, enclosed by clear boundaries, to which access is
1193 limited and not open to the public and entry is only obtainable through specific access-control
1194 points.
1195 Section 23. Section **49-11-102** is amended to read:
1196 **49-11-102. Definitions.**
1197 As used in this title:
1198 (1) (a) "Active member" means a member who:
1199 (i) is employed by a participating employer and accruing service credit; or
1200 (ii) within the previous 120 days:
1201 (A) has been employed by a participating employer; and
1202 (B) accrued service credit.
1203 (b) "Active member" does not include a retiree.
1204 (2) "Actuarial equivalent" means a benefit of equal value when computed upon the
1205 basis of mortality tables as recommended by the actuary and adopted by the executive director,

1206 including regular interest.
1207 (3) "Actuarial interest rate" means the interest rate as recommended by the actuary and
1208 adopted by the board upon which the funding of system costs and benefits are computed.
1209 (4) (a) "Agency" means:
1210 (i) a department, division, agency, office, authority, commission, board, institution, or
1211 hospital of the state;
1212 (ii) a county, municipality, school district, local district, or special service district;
1213 (iii) a state college or university; or
1214 (iv) any other participating employer.
1215 (b) "Agency" does not include an entity listed under Subsection (4)(a)(i) that is a
1216 subdivision of another entity listed under Subsection (4)(a).
1217 (5) "Allowance" or "retirement allowance" means the pension plus the annuity,
1218 including any cost of living or other authorized adjustments to the pension and annuity.
1219 (6) "Alternate payee" means a member's former spouse or family member eligible to
1220 receive payments under a Domestic Relations Order in compliance with Section 49-11-612.
1221 (7) "Amortization rate" means the board certified percent of salary required to amortize
1222 the unfunded actuarial accrued liability in accordance with policies established by the board
1223 upon the advice of the actuary.
1224 (8) "Annuity" means monthly payments derived from member contributions.
1225 (9) "Appointive officer" means an employee appointed to a position for a definite and
1226 fixed term of office by official and duly recorded action of a participating employer whose
1227 appointed position is designated in the participating employer's charter, creation document, or
1228 similar document, and:
1229 (a) who earns $500 or more per month, indexed as of January 1, 1990, as provided in
1230 Section 49-12-407 for a Tier I appointive officer; and
1231 (b) whose appointive position is full-time as certified by the participating employer for
1232 a Tier II appointive officer.
1233 (10) (a) "At-will employee" means a person who is employed by a participating
1234 employer and:
1235 (i) who is not entitled to merit or civil service protection and is generally considered
1236 exempt from a participating employer's merit or career service personnel systems;

1237 (ii) whose on-going employment status is entirely at the discretion of the person's
1238 employer; or
1239 (iii) who may be terminated without cause by a designated supervisor, manager, or
1240 director.
1241 (b) "At-will employee" does not include a career employee who has obtained a
1242 reasonable expectation of continued employment based on inclusion in a participating
1243 employer's merit system, civil service protection system, or career service personnel systems,
1244 policies, or plans.
1245 (11) "Beneficiary" means any person entitled to receive a payment under this title
1246 through a relationship with or designated by a member, participant, covered individual, or
1247 alternate payee of a defined contribution plan.
1248 (12) "Board" means the Utah State Retirement Board established under Section
1249 49-11-202.
1250 (13) "Board member" means a person serving on the Utah State Retirement Board as
1251 established under Section 49-11-202.
1252 [~~(14) "Board of Regents" or "State Board of Regents" means the State Board of~~
1253 ~~Regents established in Section 53B-1-103.~~]
1254 (14) "Board of Higher Education" or "Utah Board of Higher Education" means the
1255 Utah Board of Higher Education described in Section 53B-1-402.
1256 (15) "Certified contribution rate" means the board certified percent of salary paid on
1257 behalf of an active member to the office to maintain the system on a financially and actuarially
1258 sound basis.
1259 (16) "Contributions" means the total amount paid by the participating employer and the
1260 member into a system or to the Utah Governors' and Legislators' Retirement Plan under
1261 Chapter 19, Utah Governors' and Legislators' Retirement Act.
1262 (17) "Council member" means a person serving on the Membership Council
1263 established under Section 49-11-205.
1264 (18) "Covered individual" means any individual covered under Chapter 20, Public
1265 Employees' Benefit and Insurance Program Act.
1266 (19) "Current service" means covered service under:
1267 (a) Chapter 12, Public Employees' Contributory Retirement Act;

1268 (b) Chapter 13, Public Employees' Noncontributory Retirement Act;
1269 (c) Chapter 14, Public Safety Contributory Retirement Act;
1270 (d) Chapter 15, Public Safety Noncontributory Retirement Act;
1271 (e) Chapter 16, Firefighters' Retirement Act;
1272 (f) Chapter 17, Judges' Contributory Retirement Act;
1273 (g) Chapter 18, Judges' Noncontributory Retirement Act;
1274 (h) Chapter 19, Utah Governors' and Legislators' Retirement Act;
1275 (i) Chapter 22, New Public Employees' Tier II Contributory Retirement Act; or
1276 (j) Chapter 23, New Public Safety and Firefighter Tier II Contributory Retirement Act.
1277 (20) "Defined benefit" or "defined benefit plan" or "defined benefit system" means a
1278 system or plan offered under this title to provide a specified allowance to a retiree or a retiree's
1279 spouse after retirement that is based on a set formula involving one or more of the following
1280 factors:
1281 (a) years of service;
1282 (b) final average monthly salary; or
1283 (c) a retirement multiplier.
1284 (21) "Defined contribution" or "defined contribution plan" means any defined
1285 contribution plan or deferred compensation plan authorized under the Internal Revenue Code
1286 and administered by the board.
1287 (22) "Educational institution" means a political subdivision or instrumentality of the
1288 state or a combination thereof primarily engaged in educational activities or the administration
1289 or servicing of educational activities, including:
1290 (a) the State Board of Education and its instrumentalities;
1291 (b) any institution of higher education and its branches;
1292 (c) any school district and its instrumentalities;
1293 (d) any vocational and technical school; and
1294 (e) any entity arising out of a consolidation agreement between entities described under
1295 this Subsection (22).
1296 (23) "Elected official":
1297 (a) means a person elected to a state office, county office, municipal office, school
1298 board or school district office, local district office, or special service district office;

1299 (b) includes a person who is appointed to serve an unexpired term of office described
1300 under Subsection (23)(a); and
1301 (c) does not include a judge or justice who is subject to a retention election under
1302 Section 20A-12-201.
1303 (24) (a) "Employer" means any department, educational institution, or political
1304 subdivision of the state eligible to participate in a government-sponsored retirement system
1305 under federal law.
1306 (b) "Employer" may also include an agency financed in whole or in part by public
1307 funds.
1308 (25) "Exempt employee" means an employee working for a participating employer:
1309 (a) who is not eligible for service credit under Section 49-12-203, 49-13-203,
1310 49-14-203, 49-15-203, or 49-16-203; and
1311 (b) for whom a participating employer is not required to pay contributions or
1312 nonelective contributions.
1313 (26) "Final average monthly salary" means the amount computed by dividing the
1314 compensation received during the final average salary period under each system by the number
1315 of months in the final average salary period.
1316 (27) "Fund" means any fund created under this title for the purpose of paying benefits
1317 or costs of administering a system, plan, or program.
1318 (28) (a) "Inactive member" means a member who has not been employed by a
1319 participating employer for a period of at least 120 days.
1320 (b) "Inactive member" does not include retirees.
1321 (29) (a) "Initially entering" means hired, appointed, or elected for the first time, in
1322 current service as a member with any participating employer.
1323 (b) "Initially entering" does not include a person who has any prior service credit on
1324 file with the office.
1325 (c) "Initially entering" includes an employee of a participating employer, except for an
1326 employee that is not eligible under a system or plan under this title, who:
1327 (i) does not have any prior service credit on file with the office;
1328 (ii) is covered by a retirement plan other than a retirement plan created under this title;
1329 and

1330 (iii) moves to a position with a participating employer that is covered by this title.
1331 (30) "Institution of higher education" means an institution described in Section
1332 53B-1-102.
1333 (31) (a) "Member" means a person, except a retiree, with contributions on deposit with
1334 a system, the Utah Governors' and Legislators' Retirement Plan under Chapter 19, Utah
1335 Governors' and Legislators' Retirement Act, or with a terminated system.
1336 (b) "Member" also includes leased employees within the meaning of Section 414(n)(2)
1337 of the Internal Revenue Code, if the employees have contributions on deposit with the office.
1338 If leased employees constitute less than 20% of the participating employer's work force that is
1339 not highly compensated within the meaning of Section 414(n)(5)(c)(ii), Internal Revenue Code,
1340 "member" does not include leased employees covered by a plan described in Section 414(n)(5)
1341 of the federal Internal Revenue Code.
1342 (32) "Member contributions" means the sum of the contributions paid to a system or
1343 the Utah Governors' and Legislators' Retirement Plan, including refund interest if allowed by a
1344 system, and which are made by:
1345 (a) the member; and
1346 (b) the participating employer on the member's behalf under Section 414(h) of the
1347 Internal Revenue Code.
1348 (33) "Nonelective contribution" means an amount contributed by a participating
1349 employer into a participant's defined contribution account.
1350 (34) "Normal cost rate":
1351 (a) means the percent of salary that is necessary for a retirement system that is fully
1352 funded to maintain its fully funded status; and
1353 (b) is determined by the actuary based on the assumed rate of return established by the
1354 board.
1355 (35) "Office" means the Utah State Retirement Office.
1356 (36) "Participant" means an individual with voluntary deferrals or nonelective
1357 contributions on deposit with the defined contribution plans administered under this title.
1358 (37) "Participating employer" means a participating employer, as defined by Chapter
1359 12, Public Employees' Contributory Retirement Act, Chapter 13, Public Employees'
1360 Noncontributory Retirement Act, Chapter 14, Public Safety Contributory Retirement Act,

1361 Chapter 15, Public Safety Noncontributory Retirement Act, Chapter 16, Firefighters'
1362 Retirement Act, Chapter 17, Judges' Contributory Retirement Act, and Chapter 18, Judges'
1363 Noncontributory Retirement Act, or an agency financed in whole or in part by public funds
1364 which is participating in a system or plan as of January 1, 2002.
1365 (38) "Part-time appointed board member" means a person:
1366 (a) who is appointed to serve as a member of a board, commission, council, committee,
1367 or panel of a participating employer; and
1368 (b) whose service as a part-time appointed board member does not qualify as a regular
1369 full-time employee as defined under Section 49-12-102, 49-13-102, or 49-22-102.
1370 (39) "Pension" means monthly payments derived from participating employer
1371 contributions.
1372 (40) "Plan" means the Utah Governors' and Legislators' Retirement Plan created by
1373 Chapter 19, Utah Governors' and Legislators' Retirement Act, the New Public Employees' Tier
1374 II Defined Contribution Plan created by Chapter 22, Part 4, Tier II Defined Contribution Plan,
1375 the New Public Safety and Firefighter Tier II Defined Contribution Plan created by Chapter 23,
1376 Part 4, Tier II Defined Contribution Plan, or the defined contribution plans created under
1377 Section 49-11-801.
1378 (41) (a) "Political subdivision" means any local government entity, including cities,
1379 towns, counties, and school districts, but only if the subdivision is a juristic entity that is legally
1380 separate and distinct from the state and only if its employees are not by virtue of their
1381 relationship to the entity employees of the state.
1382 (b) "Political subdivision" includes local districts, special service districts, or
1383 authorities created by the Legislature or by local governments, including the office.
1384 (c) "Political subdivision" does not include a project entity created under Title 11,
1385 Chapter 13, Interlocal Cooperation Act, that was formed prior to July 1, 1987.
1386 (42) "Program" means the Public Employees' Insurance Program created under Chapter
1387 20, Public Employees' Benefit and Insurance Program Act, or the Public Employees'
1388 Long-Term Disability program created under Chapter 21, Public Employees' Long-Term
1389 Disability Act.
1390 (43) "Public funds" means those funds derived, either directly or indirectly, from public
1391 taxes or public revenue, dues or contributions paid or donated by the membership of the

1392 organization, used to finance an activity whose objective is to improve, on a nonprofit basis,
1393 the governmental, educational, and social programs and systems of the state or its political
1394 subdivisions.
1395 (44) "Qualified defined contribution plan" means a defined contribution plan that
1396 meets the requirements of Section 401(k) or Section 403(b) of the Internal Revenue Code.
1397 (45) "Refund interest" means the amount accrued on member contributions at a rate
1398 adopted by the board.
1399 (46) "Retiree" means an individual who has qualified for an allowance under this title.
1400 (47) "Retirement" means the status of an individual who has become eligible, applies
1401 for, and is entitled to receive an allowance under this title.
1402 (48) "Retirement date" means the date selected by the member on which the member's
1403 retirement becomes effective with the office.
1404 (49) "Retirement related contribution":
1405 (a) means any employer payment to any type of retirement plan or program made on
1406 behalf of an employee; and
1407 (b) does not include Social Security payments or Social Security substitute payments
1408 made on behalf of an employee.
1409 (50) "Service credit" means:
1410 (a) the period during which an employee is employed and compensated by a
1411 participating employer and meets the eligibility requirements for membership in a system or the
1412 Utah Governors' and Legislators' Retirement Plan, provided that any required contributions are
1413 paid to the office; and
1414 (b) periods of time otherwise purchasable under this title.
1415 (51) "Surviving spouse" means:
1416 (a) the lawful spouse who has been married to a member for at least six months
1417 immediately before the death date of the member; or
1418 (b) a former lawful spouse of a member with a valid domestic relations order benefits
1419 on file with the office before the member's death date in accordance with Section 49-11-612.
1420 (52) "System" means the individual retirement systems created by Chapter 12, Public
1421 Employees' Contributory Retirement Act, Chapter 13, Public Employees' Noncontributory
1422 Retirement Act, Chapter 14, Public Safety Contributory Retirement Act, Chapter 15, Public

1423 Safety Noncontributory Retirement Act, Chapter 16, Firefighters' Retirement Act, Chapter 17,
1424 Judges' Contributory Retirement Act, Chapter 18, Judges' Noncontributory Retirement Act, and
1425 Chapter 19, Utah Governors' and Legislators' Retirement Act, the defined benefit portion of the
1426 Tier II Hybrid Retirement System under Chapter 22, Part 3, Tier II Hybrid Retirement System,
1427 and the defined benefit portion of the Tier II Hybrid Retirement System under Chapter 23, Part
1428 3, Tier II Hybrid Retirement System.
1429 (53) "Technical college" means the same as that term is defined in Section
1430 53B-1-101.5.
1431 (54) "Tier I" means a system or plan under this title for which:
1432 (a) an employee is eligible to participate if the employee initially enters regular
1433 full-time employment before July 1, 2011; or
1434 (b) a governor or legislator who initially enters office before July 1, 2011.
1435 (55) (a) "Tier II" means a system or plan under this title provided in lieu of a Tier I
1436 system or plan for an employee, governor, legislator, or full-time elected official who does not
1437 have Tier I service credit in a system or plan under this title:
1438 (i) if the employee initially enters regular full-time employment on or after July 1,
1439 2011; or
1440 (ii) if the governor, legislator, or full-time elected official initially enters office on or
1441 after July 1, 2011.
1442 (b) "Tier II" includes:
1443 (i) the Tier II hybrid system established under:
1444 (A) Chapter 22, Part 3, Tier II Hybrid Retirement System; or
1445 (B) Chapter 23, Part 3, Tier II Hybrid Retirement System; and
1446 (ii) the Tier II Defined Contribution Plan (Tier II DC Plan) established under:
1447 (A) Chapter 22, Part 4, Tier II Defined Contribution Plan; or
1448 (B) Chapter 23, Part 4, Tier II Defined Contribution Plan.
1449 (56) "Unfunded actuarial accrued liability" or "UAAL":
1450 (a) is determined by the system's actuary; and
1451 (b) means the excess, if any, of the accrued liability of a retirement system over the
1452 actuarial value of its assets.
1453 (57) "Voluntary deferrals" means an amount contributed by a participant into that

1454 participant's defined contribution account.
1455 Section 24. Section **49-11-403** is amended to read:
1456 **49-11-403. Purchase of public service credit not otherwise qualifying for benefit.**
1457 (1) A member, a participating employer, or a member and a participating employer
1458 jointly may purchase service credit equal to the period of the member's employment in the
1459 following:
1460 (a) United States federal employment;
1461 (b) employment in a private school based in the United States, if the member received
1462 an employer paid retirement benefit for the employment;
1463 (c) public employment in another state or territory of the United States which qualifies
1464 the member for membership in the public plan or system covering the employment, but only if
1465 the member does not qualify for any retirement benefits based on the employment;
1466 (d) forfeited service credit in this state if the member does not qualify for an allowance
1467 based on the service credit;
1468 (e) full-time public service while on an approved leave of absence;
1469 (f) the period of time for which disability benefits were paid if:
1470 (i) the member was receiving:
1471 (A) long-term disability benefits;
1472 (B) short-term disability benefits; or
1473 (C) worker's compensation disability benefits; and
1474 (ii) the member's employer had not entered into a benefit protection contract under
1475 Section 49-11-404 during the period the member had a disability due to sickness or accident;
1476 (g) employment covered by a retirement plan offered by a public or private system,
1477 organization, or company designated by the [~~State Board of Regents~~] Utah Board of Higher
1478 Education, if the member forfeits any retirement benefit from that retirement plan for the
1479 period of employment to be purchased under this Subsection (1)(g);
1480 (h) employment in a charter school located within the state if the member forfeits any
1481 retirement benefit under any other retirement system or plan for the period of employment to be
1482 purchased under this Subsection (1)(h); or
1483 (i) employment with a participating employer that is exempt from coverage under this
1484 title under a written request for exemption with the office, if the member forfeits any retirement

1485 benefit under any other retirement system or plan for the period of employment to be purchased
1486 under this Subsection (1)(i).
1487 (2) A member shall:
1488 (a) have at least four years of service credit before a purchase can be made under this
1489 section; and
1490 (b) forfeit service credit and any defined contribution balance based on employer
1491 contributions under any other retirement system or plan based on the period of employment for
1492 which service credit is being purchased.
1493 (3) (a) To purchase credit under this section, the member, a participating employer, or a
1494 member and a participating employer jointly shall make payment to the system under which the
1495 member is currently covered.
1496 (b) The amount of the payment shall be determined by the office based on a formula
1497 that is:
1498 (i) recommended by the actuary; and
1499 (ii) adopted by the board.
1500 (4) The purchase may be made through payroll deductions or through a lump sum
1501 deposit based upon the present value of future payments.
1502 (5) Total payment must be completed prior to the member's effective date of retirement
1503 or service credit will be prorated in accordance with the amount paid.
1504 (6) (a) For a purchase made before July 1, 2010, if any of the factors used to determine
1505 the cost of a service credit purchase change at or before the member's retirement date, the cost
1506 of the purchase shall be recalculated at the time of retirement.
1507 (b) For a purchase made before July 1, 2010, if the recalculated cost exceeds the
1508 amount paid for the purchase, the member, a participating employer, or a member and a
1509 participating employer jointly may:
1510 (i) pay the increased cost, plus interest, to receive the full amount of service credit; or
1511 (ii) not pay the increased cost and have the purchased service credit prorated.
1512 (c) For a purchase made on or after July 1, 2010:
1513 (i) the purchase shall be made in accordance with rules:
1514 (A) adopted by the board based on recommendations by the board's actuary; and
1515 (B) in effect at the time the purchase is completed; and

1516 (ii) the cost of the service credit purchase shall not be recalculated at the time of
1517 retirement.
1518 (7) If the recalculated cost under Subsection (6)(a) is less than the amount paid for the
1519 purchase, the office shall refund the excess payment to the member or participating employer
1520 who paid for the purchase.
1521 (8) (a) The board may adopt rules under which a member may make the necessary
1522 payments to the office for purchases under this title as permitted by federal law.
1523 (b) The office may reject any payments if the office determines the tax status of the
1524 system, plans, or programs would be jeopardized by allowing the payment.
1525 (9) An employee who elects to participate exclusively in the defined contribution plan
1526 under Chapter 22, Part 4, Tier II Defined Contribution Plan, or Chapter 23, Part 4, Tier II
1527 Defined Contribution Plan, may not purchase service credit for that period of employment.
1528 Section 25. Section **49-12-203** is amended to read:
1529 **49-12-203. Exclusions from membership in system.**
1530 (1) The following employees are not eligible for service credit in this system:
1531 (a) subject to the requirements of Subsection (2), an employee whose employment
1532 status is temporary in nature due to the nature or the type of work to be performed;
1533 (b) except as provided under Subsection (3)(a), an employee of an institution of higher
1534 education who participates in a retirement system with a public or private retirement system,
1535 organization, or company designated by the [~~State Board of Regents~~] Utah Board of Higher
1536 Education, or the [~~Board of Directors of each technical college~~] technical college board of
1537 trustees for an employee of each technical college, during any period in which required
1538 contributions based on compensation have been paid on behalf of the employee by the
1539 employer;
1540 (c) an employee serving as an exchange employee from outside the state;
1541 (d) an executive department head of the state, a member of the State Tax Commission,
1542 the Public Service Commission, and a member of a full-time or part-time board or commission
1543 who files a formal request for exemption;
1544 (e) an employee of the Department of Workforce Services who is covered under
1545 another retirement system allowed under Title 35A, Chapter 4, Employment Security Act;
1546 (f) an employee who is employed on or after July 1, 2009, with an employer that has

1547 elected, prior to July 1, 2009, to be excluded from participation in this system under Subsection
1548 49-12-202(2)(c);
1549 (g) an employee who is employed on or after July 1, 2014, with an employer that has
1550 elected, prior to July 1, 2014, to be excluded from participation in this system under Subsection
1551 49-12-202(2)(d);
1552 (h) an employee who is employed with a withdrawing entity that has elected under
1553 Section 49-11-623, prior to January 1, 2017, to exclude:
1554 (i) new employees from participation in this system under Subsection 49-11-623(3)(a);
1555 or
1556 (ii) all employees from participation in this system under Subsection 49-11-623(3)(b);
1557 or
1558 (i) an employee described in Subsection (1)(i)(i) or (ii) who is employed with a
1559 withdrawing entity that has elected under Section 49-11-624, before January 1, 2018, to
1560 exclude:
1561 (i) new employees from participation in this system under Subsection 49-11-624(3)(a);
1562 or
1563 (ii) all employees from participation in this system under Subsection 49-11-624(3)(b).
1564 (2) If an employee whose status is temporary in nature due to the nature of type of
1565 work to be performed:
1566 (a) is employed for a term that exceeds six months and the employee otherwise
1567 qualifies for service credit in this system, the participating employer shall report and certify to
1568 the office that the employee is a regular full-time employee effective the beginning of the
1569 seventh month of employment; or
1570 (b) was previously terminated prior to being eligible for service credit in this system
1571 and is reemployed within three months of termination by the same participating employer, the
1572 participating employer shall report and certify that the member is a regular full-time employee
1573 when the total of the periods of employment equals six months and the employee otherwise
1574 qualifies for service credits in this system.
1575 (3) (a) Upon cessation of the participating employer contributions, an employee under
1576 Subsection (1)(b) is eligible for service credit in this system.
1577 (b) Notwithstanding the provisions of Subsection (1)(f), any eligibility for service

1578 credit earned by an employee under this chapter before July 1, 2009 is not affected under
1579 Subsection (1)(f).
1580 (c) Notwithstanding the provisions of Subsection (1)(g), any eligibility for service
1581 credit earned by an employee under this chapter before July 1, 2014, is not affected under
1582 Subsection (1)(g).
1583 (4) Upon filing a written request for exemption with the office, the following
1584 employees shall be exempt from coverage under this system:
1585 (a) a full-time student or the spouse of a full-time student and individuals employed in
1586 a trainee relationship;
1587 (b) an elected official;
1588 (c) an executive department head of the state, a member of the State Tax Commission,
1589 a member of the Public Service Commission, and a member of a full-time or part-time board or
1590 commission;
1591 (d) an employee of the Governor's Office of Management and Budget;
1592 (e) an employee of the Governor's Office of Economic Development;
1593 (f) an employee of the Commission on Criminal and Juvenile Justice;
1594 (g) an employee of the Governor's Office;
1595 (h) an employee of the State Auditor's Office;
1596 (i) an employee of the State Treasurer's Office;
1597 (j) any other member who is permitted to make an election under Section 49-11-406;
1598 (k) a person appointed as a city manager or chief city administrator or another person
1599 employed by a municipality, county, or other political subdivision, who is an at-will employee;
1600 and
1601 (l) an employee of an interlocal cooperative agency created under Title 11, Chapter 13,
1602 Interlocal Cooperation Act, who is engaged in a specialized trade customarily provided through
1603 membership in a labor organization that provides retirement benefits to its members.
1604 (5) (a) Each participating employer shall prepare and maintain a list designating those
1605 positions eligible for exemption under Subsection (4).
1606 (b) An employee may not be exempted unless the employee is employed in an
1607 exempted position designated by the participating employer.
1608 (6) (a) In accordance with this section, Section 49-13-203, and Section 49-22-205, a

1609 municipality, county, or political subdivision may not exempt a total of more than 50 positions
1610 or a number equal to 10% of the eligible employees of the municipality, county, or political
1611 subdivision, whichever is less.
1612 (b) A municipality, county, or political subdivision may exempt at least one regular
1613 full-time employee.
1614 (7) Each participating employer shall:
1615 (a) maintain a list of employee exemptions; and
1616 (b) update the employee exemptions in the event of any change.
1617 (8) The office may make rules to implement this section.
1618 Section 26. Section **49-12-204** is amended to read:
1619 **49-12-204. Higher education employees' eligibility requirements -- Election**
1620 **between different retirement plans -- Classification requirements -- Transfer between**
1621 **systems -- One-time election window -- Rulemaking.**
1622 (1) (a) A regular full-time employee of an institution of higher education who is
1623 eligible to participate in either this system or a public or private retirement system,
1624 organization, or company, designated as described in Subsection (1)(c) or (d), shall, not later
1625 than January 1, 1979, elect to participate exclusively in this system or in an annuity contract
1626 allowed under this Subsection (1).
1627 (b) The election is final, and no right exists to make any further election.
1628 (c) Except as provided in Subsection (1)(d), [~~the Board of Regents~~] the Utah Board of
1629 Higher Education shall designate the public or private retirement systems, organizations, or
1630 companies that a regular full-time employee of an institution of higher education is eligible to
1631 participate in under Subsection (1)(a).
1632 (d) The [~~Board of Directors~~] technical college board of trustees of each technical
1633 college shall designate the public or private retirement systems, organizations, or companies
1634 that a regular full-time employee of each technical college is eligible to participate in under
1635 Subsection (1)(a).
1636 (2) (a) Except as provided under Subsection (2)(c), a regular full-time employee hired
1637 by an institution of higher education after January 1, 1979, may participate only in the
1638 retirement plan which attaches to the person's employment classification.
1639 (b) Each institution of higher education shall prepare or amend existing employment

1640 classifications, under the direction of the [~~Board of Regents~~] Utah Board of Higher Education,
1641 or the [~~Board of Directors~~] technical college board of trustees of each technical college for each
1642 technical college, so that each classification is assigned with either:
1643 (i) this system; or
1644 (ii) a public or private system, organization, or company designated by:
1645 (A) except as provided in Subsection (2)(b)(ii)(B), the [~~Board of Regents~~] Utah Board
1646 of Higher Education; or
1647 (B) [~~the Board of Directors~~] the technical college board of trustees of each technical
1648 college for regular full-time employees of each technical college.
1649 (c) Notwithstanding a person's employment classification assignment under Subsection
1650 (2)(b), a regular full-time employee who begins employment with an institution of higher
1651 education on or after May 11, 2010, has a one-time irrevocable election to continue
1652 participation in this system, if the employee has service credit in this system before the date of
1653 employment.
1654 (3) Notwithstanding an employment classification assignment change made under
1655 Subsection (2)(b), a regular full-time employee hired by an institution of higher education after
1656 January 1, 1979, whose employment classification requires participation in this system may
1657 elect to continue participation in this system.
1658 (4) A regular full-time employee hired by an institution of higher education after
1659 January 1, 1979, whose employment classification requires participation in this system shall
1660 participate in this system.
1661 (5) (a) Notwithstanding any other provision of this section, a regular full-time
1662 employee of an institution of higher education shall have a one-time irrevocable election to
1663 participate in this system if the employee:
1664 (i) was hired after January 1, 1979;
1665 (ii) whose employment classification assignment under Subsection (2)(b) required
1666 participation in a retirement program other than this system; and
1667 (iii) has service credit in a system under this title.
1668 (b) The election under Subsection (5)(a) shall be made before June 30, 2010.
1669 (c) All forms required by the office must be completed and received by the office no
1670 later than June 30, 2010, for the election to participate in this system to be effective.

1671 (d) Beginning July 1, 2010, a regular full-time employee of an institution of higher
1672 education who elects to be covered by this system under Subsection (5)(a) may begin to accrue
1673 service credit in this system.
1674 (6) A regular full-time employee of an institution of higher education who elects to be
1675 covered by this system under Subsection (2)(c) or (5)(a), may purchase periods of employment
1676 while covered under another retirement program sponsored by the institution of higher
1677 education by complying with the requirements of Section 49-11-403.
1678 (7) The board shall make rules to implement this section.
1679 Section 27. Section **49-12-402** is amended to read:
1680 **49-12-402. Service retirement plans -- Calculation of retirement allowance.**
1681 (1) (a) Except as provided under Section 49-12-701, retirees of this system may choose
1682 from the six retirement options described in this section.
1683 (b) Options Two, Three, Four, Five, and Six are modifications of the Option One
1684 calculation.
1685 (2) The Option One benefit is an annual allowance calculated as follows:
1686 (a) If the retiree is at least 65 years of age or has accrued at least 30 years of service
1687 credit, the allowance is:
1688 (i) an amount equal to 1.25% of the retiree's final average monthly salary multiplied by
1689 the number of years of service credit accrued prior to July 1, 1975; plus
1690 (ii) an amount equal to 2% of the retiree's final average monthly salary multiplied by
1691 the number of years of service credit accrued on and after July 1, 1975.
1692 (b) If the retiree is less than 65 years of age, the allowance shall be reduced 3% for
1693 each year of retirement from age 60 to age 65, unless the member has 30 or more years of
1694 accrued credit in which event no reduction is made to the allowance.
1695 (c) (i) Years of service includes any fractions of years of service to which the retiree
1696 may be entitled.
1697 (ii) At the time of retirement, if a retiree's combined years of actual, not purchased,
1698 service credit is within 1/10 of one year of the total years of service credit required for
1699 retirement, the retiree shall be considered to have the total years of service credit required for
1700 retirement.
1701 (d) An Option One allowance is only payable to the member during the member's

1702 lifetime.
1703 (3) The allowance payable under Options Two, Three, Four, Five, and Six is calculated
1704 by reducing an Option One benefit based on actuarial computations to provide the following:
1705 (a) Option Two is a reduced allowance paid to and throughout the lifetime of the
1706 retiree, and, if the retiree receives less in annuity payments than the amount of the retiree's
1707 member contributions, the remaining balance of the retiree's member contributions shall be
1708 paid in accordance with Sections 49-11-609 and 49-11-610.
1709 (b) Option Three is a reduced allowance paid to and throughout the lifetime of the
1710 retiree, and, upon the death of the retiree, the same reduced allowance paid to and throughout
1711 the lifetime of the retiree's lawful spouse at the time of retirement.
1712 (c) Option Four is a reduced allowance paid to and throughout the lifetime of the
1713 retiree, and upon the death of the retiree, an amount equal to 1/2 of the retiree's allowance paid
1714 to and throughout the lifetime of the retiree's lawful spouse at the time of retirement.
1715 (d) Option Five is a modification of Option Three so that if the lawful spouse at the
1716 time of retirement predeceases the retiree, an allowance equivalent to the amount payable at the
1717 time of initial retirement under Option One shall be paid to the retiree for the remainder of the
1718 retiree's life, beginning on the first day of the month following the month in which the:
1719 (i) spouse died, if notification and supporting documentation for the death are received
1720 by the office within 90 days of the spouse's death; or
1721 (ii) notification and supporting documentation for the death are received by the office,
1722 if the notification and supporting documentation are received by the office more than 90 days
1723 after the spouse's death.
1724 (e) Option Six is a modification of Option Four so that if the lawful spouse at the time
1725 of retirement predeceases the retiree, an allowance equivalent to the amount payable at the time
1726 of initial retirement under Option One shall be paid to the retiree for the remainder of the
1727 retiree's life, beginning on the first day of the month following the month in which the:
1728 (i) spouse died, if notification and supporting documentation for the death are received
1729 by the office within 90 days of the spouse's death; or
1730 (ii) notification and supporting documentation for the death are received by the office,
1731 if the notification and supporting documentation are received by the office more than 90 days
1732 after the spouse's death.

1733 (4) (a) (i) The final average salary is limited in the computation of that part of an
1734 allowance based on service rendered prior to July 1, 1967, during a period when the retiree
1735 received employer contributions on a portion of compensation from an educational institution
1736 toward the payment of the premium required on a retirement annuity contract with a public or
1737 private system, organization, or company designated by the [~~State Board of Regents~~] Utah
1738 Board of Higher Education to $4,800.
1739 (ii) This limitation is not applicable to retirees who elected to continue in this system
1740 by July 1, 1967.
1741 (b) Periods of employment which are exempt from this system under Subsection
1742 49-12-203(1)(b), may be purchased by the member for the purpose of retirement only if all
1743 benefits from a public or private system, organization, or company designated by the [~~State~~
1744 ~~Board of Regents~~] Utah Board of Higher Education based on this period of employment are
1745 forfeited.
1746 (5) (a) If a retiree under Option One dies within 90 days after the retiree's retirement
1747 date, the retirement is canceled and the death shall be considered as that of a member before
1748 retirement.
1749 (b) Any payments made to the retiree shall be deducted from the amounts due to the
1750 beneficiary.
1751 (6) (a) If a retiree retires under either Option Five or Six and subsequently divorces, the
1752 retiree may elect to convert the benefit to a Option One benefit at the time of divorce, if there is
1753 no court order filed in the matter.
1754 (b) A conversion to an Option One benefit under this Subsection (6) begins on the first
1755 day of the month following the month in which the notification and supporting documentation
1756 for the divorce are received by the office.
1757 Section 28. Section **49-13-203** is amended to read:
1758 **49-13-203. Exclusions from membership in system.**
1759 (1) The following employees are not eligible for service credit in this system:
1760 (a) subject to the requirements of Subsection (2), an employee whose employment
1761 status is temporary in nature due to the nature or the type of work to be performed;
1762 (b) except as provided under Subsection (3)(a), an employee of an institution of higher
1763 education who participates in a retirement system with a public or private retirement system,

1764 organization, or company designated by the [~~State Board of Regents~~] Utah Board of Higher
1765 Education, or the [~~Board of Directors~~] technical college board of trustees of each technical
1766 college for an employee of each technical college, during any period in which required
1767 contributions based on compensation have been paid on behalf of the employee by the
1768 employer;
1769 (c) an employee serving as an exchange employee from outside the state;
1770 (d) an executive department head of the state or a legislative director, senior executive
1771 employed by the governor's office, a member of the State Tax Commission, a member of the
1772 Public Service Commission, and a member of a full-time or part-time board or commission
1773 who files a formal request for exemption;
1774 (e) an employee of the Department of Workforce Services who is covered under
1775 another retirement system allowed under Title 35A, Chapter 4, Employment Security Act;
1776 (f) an employee who is employed with an employer that has elected to be excluded
1777 from participation in this system under Subsection 49-13-202(5), effective on or after the date
1778 of the employer's election under Subsection 49-13-202(5);
1779 (g) an employee who is employed with a withdrawing entity that has elected under
1780 Section 49-11-623, prior to January 1, 2017, to exclude:
1781 (i) new employees from participation in this system under Subsection 49-11-623(3)(a);
1782 or
1783 (ii) all employees from participation in this system under Subsection 49-11-623(3)(b);
1784 or
1785 (h) an employee described in Subsection (1)(h)(i) or (ii) who is employed with a
1786 withdrawing entity that has elected under Section 49-11-624, before January 1, 2018, to
1787 exclude:
1788 (i) new employees from participation in this system under Subsection 49-11-624(3)(a);
1789 or
1790 (ii) all employees from participation in this system under Subsection 49-11-624(3)(b).
1791 (2) If an employee whose status is temporary in nature due to the nature of type of
1792 work to be performed:
1793 (a) is employed for a term that exceeds six months and the employee otherwise
1794 qualifies for service credit in this system, the participating employer shall report and certify to

1795 the office that the employee is a regular full-time employee effective the beginning of the
1796 seventh month of employment; or
1797 (b) was previously terminated prior to being eligible for service credit in this system
1798 and is reemployed within three months of termination by the same participating employer, the
1799 participating employer shall report and certify that the member is a regular full-time employee
1800 when the total of the periods of employment equals six months and the employee otherwise
1801 qualifies for service credits in this system.
1802 (3) (a) Upon cessation of the participating employer contributions, an employee under
1803 Subsection (1)(b) is eligible for service credit in this system.
1804 (b) Notwithstanding the provisions of Subsection (1)(f), any eligibility for service
1805 credit earned by an employee under this chapter before the date of the election under
1806 Subsection 49-13-202(5) is not affected under Subsection (1)(f).
1807 (4) Upon filing a written request for exemption with the office, the following
1808 employees shall be exempt from coverage under this system:
1809 (a) a full-time student or the spouse of a full-time student and individuals employed in
1810 a trainee relationship;
1811 (b) an elected official;
1812 (c) an executive department head of the state, a member of the State Tax Commission,
1813 a member of the Public Service Commission, and a member of a full-time or part-time board or
1814 commission;
1815 (d) an employee of the Governor's Office of Management and Budget;
1816 (e) an employee of the Governor's Office of Economic Development;
1817 (f) an employee of the Commission on Criminal and Juvenile Justice;
1818 (g) an employee of the Governor's Office;
1819 (h) an employee of the State Auditor's Office;
1820 (i) an employee of the State Treasurer's Office;
1821 (j) any other member who is permitted to make an election under Section 49-11-406;
1822 (k) a person appointed as a city manager or chief city administrator or another person
1823 employed by a municipality, county, or other political subdivision, who is an at-will employee;
1824 (l) an employee of an interlocal cooperative agency created under Title 11, Chapter 13,
1825 Interlocal Cooperation Act, who is engaged in a specialized trade customarily provided through

1826 membership in a labor organization that provides retirement benefits to its members; and
1827 (m) an employee of the Utah Science Technology and Research Initiative created under
1828 Title 63M, Chapter 2, Utah Science Technology and Research Governing Authority Act.
1829 (5) (a) Each participating employer shall prepare and maintain a list designating those
1830 positions eligible for exemption under Subsection (4).
1831 (b) An employee may not be exempted unless the employee is employed in a position
1832 designated by the participating employer.
1833 (6) (a) In accordance with this section, Section 49-12-203, and Section 49-22-205, a
1834 municipality, county, or political subdivision may not exempt a total of more than 50 positions
1835 or a number equal to 10% of the eligible employees of the municipality, county, or political
1836 subdivision, whichever is less.
1837 (b) A municipality, county, or political subdivision may exempt at least one regular
1838 full-time employee.
1839 (7) Each participating employer shall:
1840 (a) maintain a list of employee exemptions; and
1841 (b) update the employee exemptions in the event of any change.
1842 (8) The office may make rules to implement this section.
1843 Section 29. Section **49-13-204** is amended to read:
1844 **49-13-204. Higher education employees' eligibility requirements -- Election**
1845 **between different retirement plans -- Classification requirements -- Transfer between**
1846 **systems -- One-time election window -- Rulemaking.**
1847 (1) (a) A regular full-time employee of an institution of higher education who is
1848 eligible to participate in either this system or in a retirement system with a public or private
1849 retirement system, organization, or company, designated as described in Subsection (1)(c) or
1850 (d), shall, not later than January 1, 1979, elect to participate exclusively in this system or in an
1851 annuity contract allowed under this Subsection (1)(a).
1852 (b) The election is final, and no right exists to make any further election.
1853 (c) Except as provided in Subsection (1)(d), the [~~Board of Regents~~] Utah Board of
1854 Higher Education shall designate the public or private retirement systems, organizations, or
1855 companies that a regular full-time employee of an institution of higher education is eligible to
1856 participate in under Subsection (1)(a).

1857 (d) The [~~Board of Directors~~] technical college board of trustees of each technical
1858 college shall designate the public or private retirement systems, organizations, or companies
1859 that a regular full-time employee of each technical college is eligible to participate in under
1860 Subsection (1)(a).
1861 (2) (a) Except as provided under Subsection (2)(c), a regular full-time employee hired
1862 by an institution of higher education after January 1, 1979, may participate only in the
1863 retirement plan which attaches to the person's employment classification.
1864 (b) Each institution of higher education shall prepare or amend existing employment
1865 classifications, under the direction of the [~~Board of Regents~~] Utah Board of Higher Education,
1866 or the [~~Board of Directors~~] technical college board of trustees of each technical college for
1867 regular full-time employees of each technical college, so that each classification is assigned
1868 with either:
1869 (i) this system; or
1870 (ii) a public or private system, organization, or company designated by:
1871 (A) except as provided in Subsection (2)(b)(ii)(B), the [~~Board of Regents~~] Utah Board
1872 of Higher Education; or
1873 (B) the [~~Board of Directors~~] technical college board of trustees of each technical
1874 college for regular full-time employees of each technical college.
1875 (c) Notwithstanding a person's employment classification assignment under Subsection
1876 (2)(b), a regular full-time employee who begins employment with an institution of higher
1877 education on or after May 11, 2010, has a one-time irrevocable election to continue
1878 participation in this system, if the employee has service credit in this system before the date of
1879 employment.
1880 (3) Notwithstanding an employment classification assignment change made under
1881 Subsection (2)(b), a regular full-time employee hired by an institution of higher education after
1882 January 1, 1979, whose employment classification requires participation in this system may
1883 elect to continue participation in this system.
1884 (4) A regular full-time employee hired by an institution of higher education after
1885 January 1, 1979, whose employment classification requires participation in this system shall
1886 participate in this system.
1887 (5) (a) Notwithstanding any other provision of this section, a regular full-time

1888 employee of an institution of higher education whose employment classification assignment
1889 under Subsection (2)(b) required participation in a retirement program other than this system
1890 shall have a one-time irrevocable election to participate in this system.
1891 (b) The election under Subsection (5)(a) shall be made before June 30, 2010.
1892 (c) All forms required by the office must be completed and received by the office no
1893 later than June 30, 2010, for the election to participate in this system to be effective.
1894 (d) Beginning July 1, 2010, a regular full-time employee of an institution of higher
1895 education who elects to be covered by this system under Subsection (5)(a) may begin to accrue
1896 service credit in this system.
1897 (6) A regular full-time employee of an institution of higher education who elects to be
1898 covered by this system under Subsection (2)(c) or (5)(a) may purchase periods of employment
1899 while covered under another retirement program by complying with the requirements of
1900 Section 49-11-403.
1901 (7) The board shall make rules to implement this section.
1902 Section 30. Section **49-13-402** is amended to read:
1903 **49-13-402. Service retirement plans -- Calculation of retirement allowance.**
1904 (1) (a) Except as provided under Subsection (7) or Section 49-13-701, retirees of this
1905 system may choose from the six retirement options described in this section.
1906 (b) Options Two, Three, Four, Five, and Six are modifications of the Option One
1907 calculation.
1908 (2) The Option One benefit is an allowance calculated as follows:
1909 (a) If the retiree is at least 65 years of age or has accrued at least 30 years of service
1910 credit, the allowance is an amount equal to 2% of the retiree's final average monthly salary
1911 multiplied by the number of years of service credit accrued.
1912 (b) If the retiree is less than 65 years of age, the allowance shall be reduced 3% for
1913 each year of retirement from age 60 to age 65, plus a full actuarial reduction for each year of
1914 retirement prior to age 60, unless the member has 30 or more years of accrued credit, in which
1915 event no reduction is made to the allowance.
1916 (c) (i) Years of service include any fractions of years of service to which the retiree
1917 may be entitled.
1918 (ii) At the time of retirement, if a retiree's combined years of actual, not purchased,

1919 service credit is within 1/10 of one year of the total years of service credit required for
1920 retirement, the retiree shall be considered to have the total years of service credit required for
1921 retirement.
1922 (d) An Option One allowance is only payable to the member during the member's
1923 lifetime.
1924 (3) The allowance payable under Options Two, Three, Four, Five, and Six is calculated
1925 by reducing an Option One benefit based on actuarial computations to provide the following:
1926 (a) Option Two is a reduced allowance paid to and throughout the lifetime of the
1927 retiree, and, if the retiree receives less in annuity payments than the amount of the retiree's
1928 member contributions, the remaining balance of the retiree's member contributions shall be
1929 paid in accordance with Sections 49-11-609 and 49-11-610.
1930 (b) Option Three is a reduced allowance paid to and throughout the lifetime of the
1931 retiree, and, upon the death of the retiree, the same reduced allowance paid to and throughout
1932 the lifetime of the retiree's lawful spouse at the time of retirement.
1933 (c) Option Four is a reduced allowance paid to and throughout the lifetime of the
1934 retiree, and upon the death of the retiree, an amount equal to one-half of the retiree's allowance
1935 paid to and throughout the lifetime of the retiree's lawful spouse at the time of retirement.
1936 (d) Option Five is a modification of Option Three so that if the lawful spouse at the
1937 time of retirement predeceases the retiree, an allowance equivalent to the amount payable at the
1938 time of initial retirement under Option One shall be paid to the retiree for the remainder of the
1939 retiree's life, beginning on the first day of the month following the month in which the:
1940 (i) spouse died, if notification and supporting documentation for the death are received
1941 by the office within 90 days of the spouse's death; or
1942 (ii) notification and supporting documentation for the death are received by the office,
1943 if the notification and supporting documentation are received by the office more than 90 days
1944 after the spouse's death.
1945 (e) Option Six is a modification of Option Four so that if the lawful spouse at the time
1946 of retirement predeceases the retiree, an allowance equivalent to the amount payable at the time
1947 of initial retirement under Option One shall be paid to the retiree for the remainder of the
1948 retiree's life, beginning on the first day of the month following the month in which the:
1949 (i) spouse died, if notification and supporting documentation for the death are received

1950 by the office within 90 days of the spouse's death; or
1951 (ii) notification and supporting documentation for the death are received by the office,
1952 if the notification and supporting documentation are received by the office more than 90 days
1953 after the spouse's death.
1954 (4) (a) (i) The final average salary is limited in the computation of that part of an
1955 allowance based on service rendered prior to July 1, 1967, during a period when the retiree
1956 received employer contributions on a portion of compensation from an educational institution
1957 toward the payment of the premium required on a retirement annuity contract with a public or
1958 private system, organization, or company designated by the [~~State Board of Regents~~] Utah
1959 Board of Higher Education to $4,800.
1960 (ii) This limitation is not applicable to retirees who elected to continue in the Public
1961 Employees' Contributory Retirement System by July 1, 1967.
1962 (b) Periods of employment which are exempt from this system as permitted under
1963 Subsection 49-13-203(1)(b) may be purchased by the member for the purpose of retirement
1964 only if all benefits from a public or private system, organization, or company designated by the
1965 [~~State Board of Regents~~] Utah Board of Higher Education based on this period of employment
1966 are forfeited.
1967 (5) (a) If a retiree under Option One dies within 90 days after the retiree's retirement
1968 date, the retirement is canceled and the death shall be considered as that of a member before
1969 retirement.
1970 (b) Any payments made to the retiree shall be deducted from the amounts due to the
1971 beneficiary.
1972 (6) (a) If a retiree retires under either Option Five or Six and subsequently divorces, the
1973 retiree may elect to convert the benefit to an Option One benefit at the time of divorce, if there
1974 is no court order filed in the matter.
1975 (b) A conversion to an Option One benefit under this Subsection (6) begins on the first
1976 day of the month following the month in which the notification and supporting documentation
1977 for the divorce are received by the office.
1978 (7) A retiree may not choose payment of an allowance under a retirement option
1979 described in this section that is not applicable to that retiree, including because the retiree did
1980 not make member contributions or does not have a lawful spouse at the time of retirement.

1981 Section 31. Section **49-21-102** is amended to read:
1982 **49-21-102. Definitions.**
1983 As used in this chapter:
1984 (1) "Date of disability" means the date on which a period of total disability begins, and
1985 may not begin on or before the last day of performing full-duty work in the eligible employee's
1986 regular occupation.
1987 (2) (a) "Eligible employee" means the following employee whose employer provides
1988 coverage under this chapter:
1989 (i) (A) any regular full-time employee as defined under Section 49-12-102, 49-13-102,
1990 or 49-22-102;
1991 (B) any public safety service employee as defined under Section 49-14-102, 49-15-102,
1992 or 49-23-102;
1993 (C) any firefighter service employee or volunteer firefighter as defined under Section
1994 49-23-102 who began firefighter service on or after July 1, 2011;
1995 (D) any judge as defined under Section 49-17-102 or 49-18-102; or
1996 (E) the governor of the state;
1997 (ii) an employee who is exempt from participating in a retirement system under
1998 Subsection 49-12-203(4), 49-13-203(4), 49-14-203(1), or 49-15-203(1); and
1999 (iii) an employee who is covered by a retirement program offered by a public or private
2000 system, organization, or company designated by the [~~State Board of Regents~~] Utah Board of
2001 Higher Education.
2002 (b) "Eligible employee" does not include:
2003 (i) any employee that is exempt from coverage under Section 49-21-201; or
2004 (ii) a retiree.
2005 (3) "Elimination period" means the three months at the beginning of each continuous
2006 period of total disability for which no benefit will be paid. The elimination period begins on
2007 the nearest first day of the month from the date of disability. The elimination period may
2008 include a one-time trial return to work period of less than 15 consecutive calendar days.
2009 (4) (a) "Gainful employment" means any occupation or employment position in the
2010 state that:
2011 (i) contemplates continued employment during a fiscal or calendar year; and

2012 (ii) would pay an amount equal to or greater than 40 hours per week at the legally
2013 required minimum wage, regardless of the number of hours worked.
2014 (b) "Gainful employment" does not mean that an occupation or employment position in
2015 the state is:
2016 (i) available within any geographic boundaries of the state;
2017 (ii) offered at a certain level of wages;
2018 (iii) available at a particular number of hours per week; or
2019 (iv) currently available.
2020 (5) "Maximum benefit period" means the maximum period of time the monthly
2021 disability income benefit will be paid under Section 49-21-403 for any continuous period of
2022 total disability.
2023 (6) "Monthly disability benefit" means the monthly payments and accrual of service
2024 credit under Section 49-21-401.
2025 (7) "Objective medical impairment" means an impairment resulting from an injury or
2026 illness which is diagnosed by a physician and which is based on accepted objective medical
2027 tests or findings rather than subjective complaints.
2028 (8) (a) "Ongoing disability" means, after the elimination period and the first 24 months
2029 of disability benefits, the complete inability, as determined under Subsection (8)(b), to engage
2030 in any gainful employment which is reasonable, considering the eligible employee's education,
2031 training, and experience.
2032 (b) For purposes of Subsection (8)(a), inability is determined:
2033 (i) based solely on physical objective medical impairment; and
2034 (ii) regardless of the existence or absence of any mental impairment.
2035 (9) "Own occupation disability" means the complete inability, due to objective medical
2036 impairment, whether physical or mental, to engage in the eligible employee's regular
2037 occupation during the elimination period and the first 24 months of disability benefits.
2038 (10) "Physician" means a licensed physician.
2039 (11) "Regular monthly salary" means the amount certified by the participating
2040 employer as the monthly salary of the eligible employee, unless there is a discrepancy between
2041 the certified amount and the amount actually paid, in which case the office shall determine the
2042 regular monthly salary.

2043 (12) "Regular occupation" means either:
2044 (a) the primary duties performed by the eligible employee for the 12 months preceding
2045 the date of disability; or
2046 (b) a permanent assignment of duty to the eligible employee, as long as the eligible
2047 employee has actually performed all the required duties of the permanent assignment of duty.
2048 (13) "Rehabilitative employment" means any occupation or employment for wage or
2049 profit, for which the eligible employee is reasonably qualified to perform based on education,
2050 training, or experience.
2051 (14) "Total disability" means:
2052 (a) own occupation disability; or
2053 (b) ongoing disability.
2054 (15) (a) "Workers' compensation indemnity benefits" means benefits provided that are
2055 designed to replace wages under Title 34A, Chapter 2, Part 4, Compensation and Benefits,
2056 including wage replacement for a temporary disability, temporary partial disability, permanent
2057 partial disability, or permanent total disability.
2058 (b) "Workers' compensation indemnity benefits" includes a settlement amount
2059 following a claim for indemnity benefits.
2060 Section 32. Section **49-22-203** is amended to read:
2061 **49-22-203. Exclusions from membership in system.**
2062 (1) The following employees are not eligible for service credit in this system:
2063 (a) subject to the requirements of Subsection (2), an employee whose employment
2064 status is temporary in nature due to the nature or the type of work to be performed;
2065 (b) except as provided under Subsection (3), an employee of an institution of higher
2066 education who participates in a retirement system with a public or private retirement system,
2067 organization, or company designated by the [~~State Board of Regents~~] Utah Board of Higher
2068 Education, or the [~~Board of Directors~~] technical college board of trustees of each technical
2069 college for an employee of each technical college, during any period in which required
2070 contributions based on compensation have been paid on behalf of the employee by the
2071 employer;
2072 (c) an employee serving as an exchange employee from outside the state;
2073 (d) an employee of the Department of Workforce Services who is covered under

2074 another retirement system allowed under Title 35A, Chapter 4, Employment Security Act;
2075 (e) an employee who is employed with a withdrawing entity that has elected under
2076 Section 49-11-623, prior to January 1, 2017, to exclude:
2077 (i) new employees from participation in this system under Subsection 49-11-623(3)(a);
2078 or
2079 (ii) all employees from participation in this system under Subsection 49-11-623(3)(b);
2080 (f) a person who files a written request for exemption with the office under Section
2081 49-22-205; or
2082 (g) an employee described in Subsection (1)(g)(i) or (ii) who is employed with a
2083 withdrawing entity that has elected under Section 49-11-624, before January 1, 2018, to
2084 exclude:
2085 (i) new employees from participation in this system under Subsection 49-11-624(3)(a);
2086 or
2087 (ii) all employees from participation in this system under Subsection 49-11-624(3)(b).
2088 (2) If an employee whose status is temporary in nature due to the nature of type of
2089 work to be performed:
2090 (a) is employed for a term that exceeds six months and the employee otherwise
2091 qualifies for service credit in this system, the participating employer shall report and certify to
2092 the office that the employee is a regular full-time employee effective the beginning of the
2093 seventh month of employment; or
2094 (b) was previously terminated prior to being eligible for service credit in this system
2095 and is reemployed within three months of termination by the same participating employer, the
2096 participating employer shall report and certify that the member is a regular full-time employee
2097 when the total of the periods of employment equals six months and the employee otherwise
2098 qualifies for service credits in this system.
2099 (3) Upon cessation of the participating employer contributions, an employee under
2100 Subsection (1)(b) is eligible for service credit in this system.
2101 Section 33. Section **49-22-204** is amended to read:
2102 **49-22-204. Higher education employees' eligibility requirements -- Election**
2103 **between different retirement plans -- Classification requirements -- Transfer between**
2104 **systems.**

2105 (1) (a) A regular full-time employee of an institution of higher education who is
2106 eligible to participate in either this system or in a retirement annuity contract with a public or
2107 private system, organization, or company, designated as described in Subsection (1)(c) or (d),
2108 shall, not later than January 1, 1979, elect to participate exclusively in this system or in an
2109 annuity contract allowed under this Subsection (1).
2110 (b) The election is final, and no right exists to make any further election.
2111 (c) Except as provided in Subsection (1)(d), the [~~Board of Regents~~] Utah Board of
2112 Higher Education shall designate the public or private retirement systems, organizations, or
2113 companies that a regular full-time employee of an institution of higher education is eligible to
2114 participate in under Subsection (1)(a).
2115 (d) The [~~Board of Directors~~] technical college board of trustees of each technical
2116 college shall designate the public or private retirement systems, organizations, or companies
2117 that a regular full-time employee of each technical college is eligible to participate in under
2118 Subsection (1)(a).
2119 (2) (a) A regular full-time employee hired by an institution of higher education after
2120 January 1, 1979, may participate only in the retirement plan which attaches to the person's
2121 employment classification.
2122 (b) Each institution of higher education shall prepare or amend existing employment
2123 classifications, under the direction of the [~~Board of Regents~~] Utah Board of Higher Education,
2124 or the [~~Board of Directors~~] technical college board of trustees of each technical college for each
2125 technical college, so that each classification is assigned with either:
2126 (i) this system; or
2127 (ii) a public or private system, organization, or company designated by:
2128 (A) except as provided under Subsection (2)(b)(ii)(B), the [~~Board of Regents~~] Utah
2129 Board of Higher Education; or
2130 (B) the [~~Board of Directors~~] technical college board of trustees of each technical
2131 college for regular full-time employees of each technical college.
2132 (3) A regular full-time employee hired by an institution of higher education on or after
2133 July 1, 2011, whose employment classification requires participation in this system may elect
2134 to continue participation in this system upon change to an employment classification which
2135 requires participation in a public or private system, organization, or company designated by:

2136 (a) except as provided in Subsection (3)(b), the [~~Board of Regents~~] Utah Board of
2137 Higher Education; or
2138 (b) the [~~Board of Directors~~] technical college board of trustees of each technical
2139 college for regular full-time employees of each technical college.
2140 (4) A regular full-time employee hired by an institution of higher education on or after
2141 July 1, 2011, whose employment classification requires participation in this system shall
2142 participate in this system.
2143 Section 34. Section **51-7-4** is amended to read:
2144 **51-7-4. Transfer of functions, powers, and duties relating to public funds to state**
2145 **treasurer -- Exceptions -- Deposit of income from investment of state money.**
2146 (1) Unless otherwise required by the Utah Constitution or applicable federal law, the
2147 functions, powers, and duties vested by law in each state officer, board, commission,
2148 institution, department, division, agency, or other similar instrumentality relating to the deposit,
2149 investment, or reinvestment of public funds, and the purchase, sale, or exchange of investments
2150 or securities of, or for, funds or accounts under the control and management of each of these
2151 instrumentalities, are transferred to and shall be exercised by the state treasurer, except:
2152 (a) funds assigned to the Utah State Retirement Board for investment under Section
2153 49-11-302;
2154 (b) funds of member institutions of the state system of higher education:
2155 (i) acquired by gift, devise, or bequest, or by federal or private contract or grant;
2156 (ii) derived from student fees or from income from operations of auxiliary enterprises,
2157 which fees and income are pledged or otherwise dedicated to the payment of interest and
2158 principal of bonds issued by an institution of higher education;
2159 (iii) subject to rules made by the council, under Section 51-7-18, deposited in a foreign
2160 depository institution as defined in Section 7-1-103; and
2161 (iv) other funds that are not included in the institution's work program as approved by
2162 the [~~State Board of Regents~~] Utah Board of Higher Education;
2163 (c) inmate funds as provided in Section 64-13-23 or in Title 64, Chapter 9b, Work
2164 Programs for Prisoners;
2165 (d) trust funds established by judicial order;
2166 (e) funds of the Utah Housing Corporation;

2167 (f) endowment funds of higher education institutions; and
2168 (g) the funds of the Utah Educational Savings Plan.
2169 (2) All public funds held or administered by the state or its boards, commissions,
2170 institutions, departments, divisions, agencies, or similar instrumentalities and not transferred to
2171 the state treasurer as provided by this section shall be:
2172 (a) deposited and invested by the custodian in accordance with this chapter, unless
2173 otherwise required by statute or by applicable federal law; and
2174 (b) reported to the state treasurer in a form prescribed by the state treasurer.
2175 (3) Unless otherwise provided by the constitution or laws of this state or by contractual
2176 obligation, the income derived from the investment of state money by the state treasurer shall
2177 be deposited [~~in~~] into and become part of the General Fund.
2178 Section 35. Section **51-7-13** is amended to read:
2179 **51-7-13. Funds of member institutions of state system of higher education and**
2180 **public education foundations -- Authorized deposits or investments.**
2181 (1) The provisions of this section apply to all funds of:
2182 (a) higher education institutions, other than endowment funds, that are not transferred
2183 to the state treasurer under Section 51-7-4; and
2184 (b) public education foundations established under Section 53E-3-403.
2185 (2) (a) Proceeds of general obligation bond issues and all funds pledged or otherwise
2186 dedicated to the payment of interest and principal of general obligation bonds issued by or for
2187 the benefit of the institution shall be invested according to the requirements of:
2188 (i) Section 51-7-11 and the rules of the council; or
2189 (ii) the terms of the borrowing instruments applicable to those bonds and funds if those
2190 terms are more restrictive than Section 51-7-11.
2191 (b) (i) The public treasurer shall invest the proceeds of bonds other than general
2192 obligation bonds issued by or for the benefit of the institution and all funds pledged or
2193 otherwise dedicated to the payment of interest and principal of bonds other than general
2194 obligation bonds according to the terms of the borrowing instruments applicable to those
2195 bonds.
2196 (ii) If no provisions governing investment of bond proceeds or pledged or dedicated
2197 funds are contained in the borrowing instruments applicable to those bonds or funds, the public

2198 treasurer shall comply with the requirements of Section 51-7-11 in investing those proceeds
2199 and funds.
2200 (c) All other funds in the custody or control of any of those institutions or public
2201 education foundations shall be invested as provided in Section 51-7-11 and the rules of the
2202 council.
2203 (3) (a) Each institution shall make monthly reports detailing the deposit and investment
2204 of funds in its custody or control to its institutional council and the [~~State Board of Regents~~]
2205 Utah Board of Higher Education.
2206 (b) The state auditor may conduct or cause to be conducted an annual audit of the
2207 investment program of each institution.
2208 (c) The [~~State Board of Regents~~] Utah Board of Higher Education shall:
2209 (i) require whatever internal controls and supervision are necessary to ensure the
2210 appropriate safekeeping, investment, and accounting for all funds of these institutions; and
2211 (ii) submit annually to the governor and the Legislature a summary report of all
2212 investments by institutions under its jurisdiction.
2213 Section 36. Section **51-8-303** is amended to read:
2214 **51-8-303. Requirements of member institutions of the state system of higher**
2215 **education.**
2216 (1) The [~~State Board of Regents~~] Utah Board of Higher Education shall:
2217 (a) establish asset allocations for the institutional funds;
2218 (b) in consultation with the commissioner of higher education, establish guidelines for
2219 investing the funds; and
2220 (c) establish a written policy governing conflicts of interest.
2221 (2) (a) A higher education institution may not invest its institutional funds in violation
2222 of the [~~State Board of Regents'~~] Utah Board of Higher Education's guidelines unless the [~~State~~
2223 ~~Board of Regents~~] Utah Board of Higher Education approves an investment policy that has
2224 been adopted by the higher education institution's board of trustees.
2225 (b) A higher education institution and its employees shall comply with the [~~State Board~~
2226 ~~of Regents'~~] Utah Board of Higher Education's conflict of interest requirements unless the
2227 [~~State Board of Regents~~] Utah Board of Higher Education approves the conflict of interest
2228 policy that has been adopted by the higher education institution's board of trustees.

2229 (3) (a) The board of trustees of a higher education institution may adopt:
2230 (i) an investment policy to govern the investment of the higher education institution's
2231 institutional funds; and
2232 (ii) a conflict of interest policy.
2233 (b) The investment policy shall:
2234 (i) define the groups, and the responsibilities of those groups, that must be involved
2235 with investing the institutional funds;
2236 (ii) ensure that the groups defined under Subsection (3)(b)(i) at least include the board
2237 of trustees, an investment committee, institutional staff, and a custodian bank;
2238 (iii) create an investment committee that includes not more than two members of the
2239 board of trustees and no less than two independent investment management professionals;
2240 (iv) determine an appropriate risk level for the institutional funds;
2241 (v) establish allocation ranges for asset classes considered suitable for the institutional
2242 funds;
2243 (vi) determine prudent diversification of the institutional funds; and
2244 (vii) establish performance objectives and a regular review process.
2245 (c) Each higher education institution that adopts an investment policy, a conflict of
2246 interest policy, or both, shall submit the policy, and any subsequent amendments, to the [~~State~~
2247 ~~Board of Regents~~] Utah Board of Higher Education for [~~its~~] approval.
2248 (4) Each higher education institution shall make monthly reports detailing the deposit
2249 and investment of funds in [~~its~~] the institution's custody or control to:
2250 (a) [~~its~~] the institution of higher education board of trustees; and
2251 [~~(b) the State Board of Regents.~~]
2252 (b) the Utah Board of Higher Education.
2253 (5) The state auditor may conduct or cause to be conducted an annual audit of the
2254 investment program of each higher education institution.
2255 (6) The [~~State Board of Regents~~] Utah Board of Higher Education shall submit an
2256 annual report to the governor and the Legislature summarizing all investments by higher
2257 education institutions under its jurisdiction.
2258 Section 37. Section **51-9-201** is amended to read:
2259 **51-9-201. Creation of Tobacco Settlement Restricted Account.**

2260 (1) There is created within the General Fund a restricted account known as the
2261 "Tobacco Settlement Restricted Account."
2262 (2) The account shall earn interest.
2263 (3) The account shall consist of:
2264 (a) on and after July 1, 2007, 60% of all funds of every kind that are received by the
2265 state that are related to the settlement agreement that the state entered into with leading tobacco
2266 manufacturers on November 23, 1998; and
2267 (b) interest earned on the account.
2268 (4) To the extent that funds will be available for appropriation in a given fiscal year,
2269 those funds shall be appropriated from the account in the following order:
2270 (a) $66,600 to the Office of the Attorney General for ongoing enforcement and defense
2271 of the Tobacco Settlement Agreement;
2272 (b) $18,500 to the State Tax Commission for ongoing enforcement of business
2273 compliance with the Tobacco Tax Settlement Agreement;
2274 (c) $10,452,900 to the Department of Health for:
2275 (i) children in the Medicaid program created in Title 26, Chapter 18, Medical
2276 Assistance Act, and the Children's Health Insurance Program created in Section 26-40-103; and
2277 (ii) for restoration of dental benefits in the Children's Health Insurance Program;
2278 (d) $3,847,100 to the Department of Health for alcohol, tobacco, and other drug
2279 prevention, reduction, cessation, and control programs that promote unified messages and
2280 make use of media outlets, including radio, newspaper, billboards, and television, and with a
2281 preference in funding given to tobacco-related programs;
2282 (e) $193,700 to the Administrative Office of the Courts and $2,325,400 to the
2283 Department of Human Services for the statewide expansion of the drug court program;
2284 (f) $4,000,000 to the [~~State Board of Regents~~] Utah Board of Higher Education for the
2285 University of Utah Health Sciences Center to benefit the health and well-being of Utah citizens
2286 through in-state research, treatment, and educational activities; and
2287 (g) any remaining funds as directed by the Legislature through appropriation.
2288 Section 38. Section **53-2a-802** is amended to read:
2289 **53-2a-802. Definitions.**
2290 (1) (a) "Absent" means:

2291 (i) not physically present or not able to be communicated with for 48 hours; or
2292 (ii) for local government officers, as defined by local ordinances.
2293 (b) "Absent" does not include a person who can be communicated with via telephone,
2294 radio, or telecommunications.
2295 (2) "Department" means the Department of Administrative Services, the Department of
2296 Agriculture and Food, the Alcoholic Beverage Control Commission, the Department of
2297 Commerce, the Department of Heritage and Arts, the Department of Corrections, the
2298 Department of Environmental Quality, the Department of Financial Institutions, the
2299 Department of Health, the Department of Human Resource Management, the Department of
2300 Workforce Services, the Labor Commission, the National Guard, the Department of Insurance,
2301 the Department of Natural Resources, the Department of Public Safety, the Public Service
2302 Commission, the Department of Human Services, the State Tax Commission, the Department
2303 of Technology Services, the Department of Transportation, any other major administrative
2304 subdivisions of state government, the State Board of Education, the [~~State Board of Regents~~]
2305 Utah Board of Higher Education, the Utah Housing Corporation, the State Retirement Board,
2306 and each institution of higher education within the system of higher education.
2307 (3) "Division" means the Division of Emergency Management established in Title 53,
2308 Chapter 2a, Part 1, Emergency Management Act.
2309 (4) "Emergency interim successor" means a person designated by this part to exercise
2310 the powers and discharge the duties of an office when the person legally exercising the powers
2311 and duties of the office is unavailable.
2312 (5) "Executive director" means the person with ultimate responsibility for managing
2313 and overseeing the operations of each department, however denominated.
2314 (6) (a) "Office" includes all state and local offices, the powers and duties of which are
2315 defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.
2316 (b) "Office" does not include the office of governor or the legislative or judicial offices.
2317 (7) "Place of governance" means the physical location where the powers of an office
2318 are being exercised.
2319 (8) "Political subdivision" includes counties, cities, towns, metro townships, districts,
2320 authorities, and other public corporations and entities whether organized and existing under
2321 charter or general law.

2322 (9) "Political subdivision officer" means a person holding an office in a political
2323 subdivision.
2324 (10) "State officer" means the attorney general, the state treasurer, the state auditor, and
2325 the executive director of each department.
2326 (11) "Unavailable" means:
2327 (a) absent from the place of governance during a disaster that seriously disrupts normal
2328 governmental operations, whether or not that absence or inability would give rise to a vacancy
2329 under existing constitutional or statutory provisions; or
2330 (b) as otherwise defined by local ordinance.
2331 Section 39. Section **53-7-204** is amended to read:
2332 **53-7-204. Duties of Utah Fire Prevention Board -- Unified Code Analysis Council**
2333 **-- Local administrative duties.**
2334 (1) The board shall:
2335 (a) administer the state fire code as the standard in the state;
2336 (b) subject to the state fire code, make rules in accordance with Title 63G, Chapter 3,
2337 Utah Administrative Rulemaking Act:
2338 (i) establishing standards for the prevention of fire and for the protection of life and
2339 property against fire and panic in any:
2340 (A) publicly owned building, including all public and private schools, colleges, and
2341 university buildings;
2342 (B) building or structure used or intended for use as an asylum, a mental hospital, a
2343 hospital, a sanitarium, a home for the elderly, an assisted living facility, a children's home or
2344 day care center, or any building or structure used for a similar purpose; or
2345 (C) place of assemblage where 50 or more persons may gather together in a building,
2346 structure, tent, or room for the purpose of amusement, entertainment, instruction, or education;
2347 (ii) establishing safety and other requirements for placement and discharge of display
2348 fireworks on the basis of:
2349 (A) the state fire code; and
2350 (B) relevant publications of the National Fire Protection Association;
2351 (iii) establishing safety standards for retail storage, handling, and sale of class C
2352 common state approved explosives;

2353 (iv) defining methods to establish proof of competence to place and discharge display
2354 fireworks, special effects fireworks, and flame effects;
2355 (v) subject to Subsection (2), creating a uniform statewide policy regarding a state,
2356 county, special district, and local government entity's safe seizure, storage, and repurposing,
2357 destruction, or disposal of a firework, class A explosive, or class B explosive that:
2358 (A) is illegal; or
2359 (B) a person uses or handles in an illegal manner;
2360 (vi) deputizing qualified persons to act as deputy fire marshals, and to secure special
2361 services in emergencies;
2362 (vii) implementing Section 15A-1-403;
2363 (viii) setting guidelines for use of funding;
2364 (ix) establishing criteria for training and safety equipment grants for fire departments
2365 enrolled in firefighter certification;
2366 (x) establishing ongoing training standards for hazardous materials emergency
2367 response agencies; and
2368 (xi) establishing criteria for the fire safety inspection of a food truck;
2369 (c) recommend to the commissioner a state fire marshal;
2370 (d) develop policies under which the state fire marshal and the state fire marshal's
2371 authorized representatives will perform;
2372 (e) provide for the employment of field assistants and other salaried personnel as
2373 required;
2374 (f) prescribe the duties of the state fire marshal and the state fire marshal's authorized
2375 representatives;
2376 (g) establish a statewide fire prevention, fire education, and fire service training
2377 program in cooperation with the [~~Board of Regents~~] Utah Board of Higher Education;
2378 (h) establish a statewide fire statistics program for the purpose of gathering fire data
2379 from all political subdivisions of the state;
2380 (i) establish a fire academy in accordance with Section 53-7-204.2;
2381 (j) coordinate the efforts of all people engaged in fire suppression in the state;
2382 (k) work aggressively with the local political subdivisions to reduce fire losses;
2383 (l) regulate the sale and servicing of portable fire extinguishers and automatic fire

2384 suppression systems in the interest of safeguarding lives and property;
2385 (m) establish a certification program for persons who inspect and test automatic fire
2386 sprinkler systems;
2387 (n) establish a certification program for persons who inspect and test fire alarm
2388 systems;
2389 (o) establish a certification for persons who provide response services regarding
2390 hazardous materials emergencies;
2391 (p) in accordance with Sections 15A-1-403 and 68-3-14, submit a written report to the
2392 Business and Labor Interim Committee; and
2393 (q) jointly create the Unified Code Analysis Council with the Uniform Building Code
2394 Commission in accordance with Section 15A-1-203.
2395 (2) (a) In the rules that the board makes under Subsection (1)(b)(v), the board shall
2396 include a provision prohibiting a state, county, special district, or local government entity from
2397 disposing of an item described in Subsection (1)(b)(v) by means of open burning, except under
2398 circumstances described in the rule.
2399 (b) When making a rule under Subsection (1)(b)(v), the board shall:
2400 (i) review and include applicable references to:
2401 (A) requirements described in Title 15A, Chapter 5, State Fire Code Act; and
2402 (B) provisions of the International Fire Code; and
2403 (ii) consider the appropriate role of the following in relation to the rule:
2404 (A) the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives; and
2405 (B) a firework wholesaler or distributor.
2406 (3) The board may incorporate in its rules by reference, in whole or in part:
2407 (a) the state fire code; or
2408 (b) subject to the state fire code, a nationally recognized and readily available standard
2409 pertaining to the protection of life and property from fire, explosion, or panic.
2410 (4) The following functions shall be administered locally by a city, county, or fire
2411 protection district:
2412 (a) issuing permits, including open burning permits pursuant to Sections 11-7-1 and
2413 19-2-114;
2414 (b) creating a local board of appeals in accordance with the state fire code; and

2415 (c) subject to the state fire code and the other provisions of this chapter, establishing,
2416 modifying, or deleting fire flow and water supply requirements.
2417 Section 40. Section **53B-1-101.5** is amended to read:
2418 **53B-1-101.5. Definitions.**
2419 As used in this title:
2420 (1) (a) "Academic education" means an educational program that is offered by a
2421 degree-granting institution.
2422 (b) "Academic education" does not include technical education.
2423 [~~(1)~~] (2) "Board" means the [~~State Board of Regents established~~] Utah Board of Higher
2424 Education described in Section [~~53B-1-103~~] 53B-1-402.
2425 [~~(2)~~] (3) "Career and technical education" means [~~organized educational programs~~
2426 ~~offering sequences of courses or skill sets directly related to preparing individuals for paid or~~
2427 ~~unpaid employment in current or emerging occupations that generally do not require a~~
2428 ~~baccalaureate or advanced degree.~~] an educational program that:
2429 (a) is designed to meet industry needs;
2430 (b) leads to:
2431 (i) a certificate; or
2432 (ii) a degree; and
2433 (c) may qualify for funding under the Carl D. Perkins Vocational and Technical
2434 Education Improvement Act of 2006, 20 U.S.C. 2301 et seq.
2435 [~~(3)~~] (4) "Commissioner" means the commissioner of higher education appointed in
2436 accordance with Section [~~53B-1-105~~] 53B-1-408.
2437 [~~(4) "Technical college" means, except as provided in Section 53B-26-102, a member~~
2438 ~~college of the Utah System of Technical Colleges listed in Section 53B-2a-105.~~]
2439 (5) "Degree-granting institution of higher education" or "degree-granting institution"
2440 means an institution of higher education described in Subsection 53B-1-102(1)(a).
2441 (6) "Institution board of trustees" means:
2442 (a) an institution of higher education board of trustees described in Section 53B-2-103;
2443 or
2444 (b) a technical college board of trustees described in Section 53B-2a-108.
2445 (7) "Technical college" means an institution of higher education described in

2446 Subsection 53B-1-102(1)(b).
2447 (8) (a) "Technical education" means career and technical education that:
2448 (i) leads to an institutional certificate; or
2449 (ii) is short-term training.
2450 (b) "Technical education" does not include general education.
2451 Section 41. Section **53B-1-102** is amended to read:
2452 **53B-1-102. Utah system of higher education.**
2453 (1) The [~~state~~] Utah system of higher education consists of the following institutions:
2454 [~~(a) the Utah System of Higher Education, which consists of the following~~
2455 ~~institutions:~~]
2456 [~~(i) the State Board of Regents;~~]
2457 (a) degree-granting institutions, which are:
2458 [~~(ii)~~] (i) the University of Utah;
2459 [~~(iii)~~] (ii) Utah State University;
2460 [~~(iv)~~] (iii) Weber State University;
2461 [~~(v)~~] (iv) Southern Utah University;
2462 [~~(vi)~~] (v) Snow College;
2463 [~~(vii)~~] (vi) Dixie State University;
2464 [~~(viii)~~] (vii) Utah Valley University; and
2465 [~~(ix)~~] (viii) Salt Lake Community College;
2466 [~~(b) the Utah System of Technical Colleges, which consists of the following~~
2467 ~~institutions:~~]
2468 [~~(i) the Utah System of Technical Colleges Board of Trustees;~~]
2469 (b) technical colleges, which are:
2470 [~~(ii)~~] (i) Bridgerland Technical College;
2471 [~~(iii)~~] (ii) Davis Technical College;
2472 [~~(iv)~~] (iii) Dixie Technical College;
2473 [~~(v)~~] (iv) Mountainland Technical College;
2474 [~~(vi)~~] (v) Ogden-Weber Technical College;
2475 [~~(vii)~~] (vi) Southwest Technical College;
2476 [~~(viii)~~] (vii) Tooele Technical College; and

2477 [~~(ix)~~] (viii) Uintah Basin Technical College; [~~and~~]
2478 (c) the Utah Board of Higher Education; and
2479 [~~(c)~~] (d) other public post-high school educational institutions as the Legislature may
2480 designate.
2481 (2) A change in the name of an institution within the [~~Utah System of Higher~~
2482 ~~Education shall not be considered~~] Utah system of higher education is not a change in the role
2483 or mission of the institution, unless otherwise authorized by the [~~State Board of Regents~~]
2484 board.
2485 (3) It is not the intent of the Legislature to increase the number of research universities
2486 in the state beyond the University of Utah and Utah State University.
2487 (4) An institution or board described in Subsection (1) is empowered to sue and be sued
2488 and to contract and be contracted with.
2489 Section 42. Section **53B-1-109** is amended to read:
2490 **53B-1-109. Coordination of higher education and public education information**
2491 **technology systems -- Use of unique student identifier.**
2492 (1) As used in this section, "unique student identifier" means the same as that term is
2493 defined in Section 53E-4-308.
2494 (2) The [~~State Board of Regents~~] board and State Board of Education shall coordinate
2495 public education and higher education information technology systems to allow individual
2496 student academic achievement to be tracked through both education systems in accordance
2497 with this section and Section 53E-4-308.
2498 (3) Information technology systems [~~utilized~~] used at an institution within the state
2499 system of higher education shall [~~utilize~~] use the unique student identifier of all students who
2500 have previously been assigned a unique student identifier.
2501 Section 43. Section **53B-1-114** is amended to read:
2502 **53B-1-114. Coordination for education.**
2503 (1) At least quarterly, in order to coordinate education services, the commissioner and
2504 the state superintendent of public instruction shall convene a meeting of individuals who have
2505 responsibilities related to Utah's education system [~~shall meet~~], including:
2506 (a) the state superintendent of public instruction [~~described in Section 53E-3-301~~];
2507 (b) the commissioner;

2508 [~~(c) the commissioner of technical education described in Section 53B-2a-102;~~]
2509 [~~(d)~~] (c) the executive director of the Department of Workforce Services described in
2510 Section 35A-1-201;
2511 [~~(e)~~] (d) the executive director of the Governor's Office of Economic Development
2512 described in Section 63N-1-202;
2513 [~~(f)~~] (e) the chair of the State Board of Education;
2514 [~~(g)~~] (f) the chair of the [~~State Board of Regents~~] Utah Board of Higher Education;
2515 [~~(h) the chair of the Utah System of Technical Colleges Board of Trustees described in~~
2516 ~~Section 53B-2a-103; and~~]
2517 (g) a member of the governor's staff; and
2518 [~~(i)~~] (h) the chairs of the Education Interim Committee.
2519 (2) The coordinating group described in this section shall, for the State Board of
2520 Education and the Utah Board of Higher Education:
2521 (a) coordinate strategic planning efforts;
2522 (b) encourage alignment of strategic plans; and
2523 (c) report on the State Board of Education's strategic plan to the Utah Board of Higher
2524 Education and the Utah Board of Higher Education's strategic plan to the State Board of
2525 Education.
2526 [~~(2)~~] (3) A meeting described in [~~this section~~] Subsection (1) is not subject to Title 52,
2527 Chapter 4, Open and Public Meetings Act.
2528 Section 44. Section **53B-1-301** is amended to read:
2529 **53B-1-301. Reports to and actions of the Higher Education Appropriations**
2530 **Subcommittee.**
2531 (1) In accordance with applicable provisions and Section 68-3-14, the following
2532 recurring reports are due to the Higher Education Appropriations Subcommittee:
2533 (a) the reports described in Sections 34A-2-202.5, 53B-17-804, and 59-9-102.5 by the
2534 Rocky Mountain Center for Occupational and Environmental Health;
2535 (b) the report described in Section 53B-7-101 by the board on recommended
2536 appropriations for higher education institutions, including the report described in Section
2537 53B-8-104 by the board on the effects of offering nonresident partial tuition scholarships;
2538 (c) the report described in Section 53B-7-704 by the Department of Workforce

2539 Services and the Governor's Office of Economic Development on targeted jobs;
2540 (d) the reports described in Section 53B-7-705 by the board [~~and the Utah System of~~
2541 ~~Technical Colleges Board of Trustees, respectively,~~] on performance;
2542 (e) the report described in Section 53B-8-201 by the board on the Regents' Scholarship
2543 Program;
2544 (f) the report described in Section 53B-8-303 by the [~~State Board of Regents~~] board
2545 regarding Access Utah promise scholarships;
2546 (g) the report described in Section 53B-8d-104 by the Division of Child and Family
2547 Services on tuition waivers for wards of the state;
2548 (h) the report described in Section 53B-12-107 by the Utah Higher Education
2549 Assistance Authority;
2550 (i) the report described in Section 53B-13a-104 by the board on the Success Stipend
2551 Program;
2552 (j) the report described in Section 53B-17-201 by the University of Utah regarding the
2553 Miners' Hospital for Disabled Miners;
2554 (k) the report described in Section 53B-26-103 by the Governor's Office of Economic
2555 Development on high demand technical jobs projected to support economic growth;
2556 (l) the report described in Section 53B-26-202 by the Medical Education Council on
2557 projected demand for nursing professionals; and
2558 (m) the report described in Section 53E-10-308 by the State Board of Education and
2559 [~~State Board of Regents~~] board on student participation in the concurrent enrollment program.
2560 (2) In accordance with applicable provisions and Section 68-3-14, the following
2561 occasional reports are due to the Higher Education Appropriations Subcommittee:
2562 (a) upon request, the information described in Section 53B-8a-111 submitted by the
2563 Utah Educational Savings Plan;
2564 (b) as described in Section 53B-26-103, a proposal by an eligible partnership related to
2565 workforce needs for technical jobs projected to support economic growth;
2566 (c) a proposal described in Section 53B-26-202 by an eligible program to respond to
2567 projected demand for nursing professionals; and
2568 (d) the reports described in Section 63C-19-202 by the Higher Education Strategic
2569 Planning Commission on the commission's progress.

2570 (3) In accordance with applicable provisions, the Higher Education Appropriations
2571 Subcommittee shall complete the following:
2572 (a) as required by Section 53B-7-703, the review of performance funding described in
2573 Section 53B-7-703;
2574 (b) the review described in Section 53B-7-705 of the implementation of performance
2575 funding;
2576 (c) an appropriation recommendation described in Section 53B-26-103 to fund a
2577 proposal responding to workforce needs of a strategic industry cluster;
2578 (d) an appropriation recommendation described in Section 53B-26-202 to fund a
2579 proposal responding to projected demand for nursing professionals; and
2580 (e) review of the report described in Section 63B-10-301 by the University of Utah on
2581 the status of a bond and bond payments specified in Section 63B-10-301.
2582 Section 45. Section **53B-1-401** is enacted to read:
2583 **Part 4. Utah Board of Higher Education**
2584 **53B-1-401. Definitions.**
2585 As used in this part:
2586 (1) "Board" means the Utah Board of Higher Education described in Section
2587 53B-1-402.
2588 (2) "Institution of higher education" or "institution" means an institution of higher
2589 education described in Section 53B-1-102.
2590 (3) "Nominating committee" means the committee described in Section 53B-1-406.
2591 Section 46. Section **53B-1-402**, which is renumbered from Section 53B-1-103 is
2592 renumbered and amended to read:
2593 **[~~53B-1-103~~]. 53B-1-402. Establishment of State Board of Regents, known**
2594 **as Utah Board of Higher Education -- Powers, duties, and authority -- Reports.**
2595 (1) There is established a State Board of Regents[~~.~~], which:
2596 (a) beginning July 1, 2020, is renamed the Utah Board of Higher Education;
2597 (b) is the governing board for the institutions of higher education;
2598 (c) controls, manages, and supervises the Utah system of higher education; and
2599 (d) is a body politic and corporate with perpetual succession and with all rights,
2600 immunities, and franchises necessary to function as a body politic and corporate.

2601 [~~(2) (a) Except as provided in Subsection (2)(b), the board shall control, manage, and~~
2602 ~~supervise the institutions of higher education designated in Section 53B-1-102 in a manner~~
2603 ~~consistent with the policy and purpose of this title and the specific powers and responsibilities~~
2604 ~~granted to the board.~~]
2605 [~~(b) The board may only exercise powers relating to the Utah System of Technical~~
2606 ~~Colleges Board of Trustees, the Utah System of Technical Colleges, or a technical college that~~
2607 ~~are specifically provided in this title.~~]
2608 [~~(3) The board shall, for the Utah System of Higher Education:~~]
2609 [~~(a) provide strategic leadership and link system capacity to the economy and~~
2610 ~~workforce needs;~~]
2611 [~~(b) enhance the impact and efficiency of the system;~~]
2612 [~~(c) establish measurable goals and metrics and delineate the expected contributions of~~
2613 ~~individual institutions of higher education toward these goals;~~]
2614 [~~(d) evaluate presidents based on institutional performance;~~]
2615 [~~(e) delegate to presidents the authority to manage the presidents' institutions of higher~~
2616 ~~education;~~]
2617 [~~(f) administer statewide functions including system data collection and reporting;~~]
2618 [~~(g) establish unified budget, finance, and capital funding priorities and practices; and~~]
2619 [~~(h) provide system leadership on issues that have a system-wide impact, including:~~]
2620 [~~(i) statewide college access and college preparedness initiatives;~~]
2621 [~~(ii) learning opportunities drawn from multiple campuses or online learning options,~~
2622 ~~including new modes of delivery of content at multiple locations;~~]
2623 [~~(iii) degree program requirement guidelines including credit hour limits, articulation~~
2624 ~~agreements, and transfer across institutions;~~]
2625 [~~(iv) alignment of general education requirements across institutions of higher~~
2626 ~~education;~~]
2627 [~~(v) incorporation of evidence-based practices that increase college completion; and~~]
2628 [~~(vi) monitoring of workforce needs, with an emphasis on credentials that build upon~~
2629 ~~one another.~~]
2630 [~~(4) The board shall coordinate and support articulation agreements between the Utah~~
2631 ~~System of Technical Colleges or a technical college and other institutions of higher education.~~]

2632 (2) The board shall:
2633 (a) establish and promote a state-level vision and goals for higher education that
2634 emphasize system priorities, including:
2635 (i) quality;
2636 (ii) affordability;
2637 (iii) educational opportunity, access, equity, and completion;
2638 (iv) workforce alignment and preparation for high-quality jobs; and
2639 (v) economic growth;
2640 (b) establish policies and practices that advance the vision and goals;
2641 (c) establish metrics to demonstrate and monitor:
2642 (i) performance related to the goals; and
2643 (ii) performance on measures of operational efficiency;
2644 (d) collect and analyze data including economic data, demographic data, and data
2645 related to the metrics;
2646 (e) coordinate data collection across institutions;
2647 (f) establish, approve, and oversee each institution's mission and role in accordance
2648 with Section 53B-16-101;
2649 (g) assess an institution's performance in accomplishing the institution's mission and
2650 role;
2651 (h) participate in the establishment and review of programs of instruction in accordance
2652 with Section 53B-16-102;
2653 (i) perform duties related to an institution of higher education president, including:
2654 (i) appointing an institution of higher education president in accordance with Sections
2655 53B-2-102 and 53B-2a-107;
2656 (ii) providing support and guidance to an institution of higher education president; and
2657 (iii) evaluating an institution of higher education president based on institution
2658 performance and progress toward systemwide priorities;
2659 (j) create and implement a strategic finance plan for higher education, including by:
2660 (i) establishing unified budget and finance priorities;
2661 (ii) allocating statewide resources to institutions;
2662 (iii) setting tuition for each institution;

2663 (iv) administering state financial aid programs;
2664 (v) administering performance funding in accordance with Chapter 7, Part 7,
2665 Performance Funding; and
2666 (vi) developing a strategic capital facility plan and prioritization process in accordance
2667 with Chapter 22, Part 2, Capital Developments, and Sections 53B-2a-117 and 53B-2a-118;
2668 (k) create a seamless articulated education system for Utah students that responds to
2669 changing demographics and workforce, including by:
2670 (i) providing for statewide prior learning assessment, in accordance with Section
2671 53B-16-110;
2672 (ii) establishing and maintaining clear pathways for articulation and transfer, in
2673 accordance with Section 53B-16-105;
2674 (iii) establishing degree program requirement guidelines, including credit hour limits;
2675 (iv) aligning general education requirements across degree-granting institutions;
2676 (v) coordinating and incentivizing collaboration and partnerships between institutions
2677 in delivering programs;
2678 (vi) coordinating distance delivery of programs; and
2679 (vii) coordinating work-based learning;
2680 (l) coordinate with the public education system:
2681 (i) regarding public education programs that provide postsecondary credit or
2682 certificates; and
2683 (ii) to ensure that an institution of higher education providing technical education
2684 serves secondary students in the public education system;
2685 (m) delegate to an institution board of trustees duties related to institution governance
2686 including:
2687 (i) guidance and support for the institution president;
2688 (ii) effective administration;
2689 (iii) the institution's responsibility for contributing to progress toward achieving
2690 systemwide goals; and
2691 (iv) other responsibilities determined by the board;
2692 (n) delegate to an institution of higher education president management of the
2693 institution of higher education;

2694 (o) maximize efficiency throughout the Utah system of higher education by identifying
2695 and establishing shared administrative services;
2696 (p) develop strategies for providing higher education, including career and technical
2697 education, in rural areas;
2698 (q) manage and facilitate a process for initiating, prioritizing, and implementing
2699 education reform initiatives; and
2700 (r) provide ongoing quality review of institutions.
2701 (3) The board shall submit an annual report of the board's activities and performance
2702 against the board's goals and metrics to:
2703 (a) the Education Interim Committee;
2704 (b) the Higher Education Appropriations Subcommittee;
2705 (c) the governor; and
2706 (d) each institution of higher education.
2707 [~~(5)~~] (4) The board shall prepare and submit an annual report detailing the board's
2708 progress and recommendations on workforce related issues, including career and technical
2709 education [~~issues and addressing workforce needs~~], to the governor and to the Legislature's
2710 Education Interim Committee by October 31 of each year, [~~which shall include~~] including
2711 information detailing:
2712 (a) how the career and technical education needs of secondary students are being met
2713 by institutions of higher education [~~described in Subsection 53B-1-102(1)(a), including the~~
2714 ~~access secondary students have to programs offered by Salt Lake Community College's School~~
2715 ~~of Applied Technology, Snow College, Utah State University Eastern, and Utah State~~
2716 ~~University Blanding~~];
2717 (b) how the emphasis on high demand, high wage, and high skill jobs in business and
2718 industry is being provided;
2719 (c) performance outcomes, including:
2720 (i) entered employment;
2721 (ii) job retention; and
2722 (iii) earnings;
2723 (d) an analysis of workforce needs and efforts to meet workforce needs; and
2724 (e) student tuition and fees.

2725 [~~(6)~~] (5) The board may modify the name of an institution [~~described in Subsection~~
2726 ~~53B-1-102(1)(a)~~] of higher education to reflect the role and general course of study of the
2727 institution.
2728 [~~(7)~~] (6) The board may not conduct a feasibility study or perform another act relating
2729 to merging a technical college with another institution of higher education.
2730 [~~(8)~~] (7) This section does not affect the power and authority vested in the State Board
2731 of Education to apply for, accept, and manage federal appropriations for the establishment and
2732 maintenance of career and technical education.
2733 [~~(9)~~] (8) The board shall ensure that any training or certification that an employee of
2734 the higher education system is required to complete under this title or by board rule complies
2735 with Title 63G, Chapter 22, State Training and Certification Requirements.
2736 Section 47. Section **53B-1-403** is enacted to read:
2737 **53B-1-403. Committees.**
2738 (1) The board shall form:
2739 (a) a committee to focus on technical education; and
2740 (b) a committee to focus on academic education.
2741 (2) The board may form committees in addition to the committees described in
2742 Subsection (1).
2743 Section 48. Section **53B-1-404**, which is renumbered from Section 53B-1-104 is
2744 renumbered and amended to read:
2745 **[~~53B-1-104~~]. 53B-1-404. Membership of the board -- Student appointees --**
2746 **Terms -- Oath -- Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies --**
2747 **Compensation -- Training.**
2748 (1) [~~Except as provided in Subsection (2), the~~] The board consists of [~~17~~] 18 residents
2749 of the state appointed by the governor with the advice and consent of the Senate, as follows:
2750 [~~(a) eight at-large members;~~]
2751 [~~(b) eight members, each of whom is:~~]
2752 [~~(i) selected from three nominees presented to the governor by a higher education~~
2753 ~~institution board of trustees; and~~]
2754 [~~(ii) a current or former member of the institution of higher education board of trustees~~
2755 ~~that nominates the member; and~~]

2756 [~~(c) one member, selected from three nominees presented to the governor by the~~
2757 ~~student body presidents of the institutions of higher education, who:~~]
2758 [~~(i) is a fully matriculated student enrolled in an institution of higher education; and~~]
2759 [~~(ii) is not serving as a student body president at the time of the nomination.~~]
2760 [~~(2) (a) (i) An individual appointed to the board on or before May 8, 2017, may serve~~
2761 ~~on the board, even if the individual does not fulfill a requirement for the composition of the~~
2762 ~~board described in Subsection (1).~~]
2763 [~~(ii) The governor may reappoint a member described in Subsection (2)(a)(i) when the~~
2764 ~~member's term expires.~~]
2765 [~~(b) An individual appointed to the board on or before May 8, 2017, who is a current or~~
2766 ~~former member of an institution of higher education board of trustees is the board member for~~
2767 ~~the institution of higher education described in Subsection (1)(b).~~]
2768 [~~(c) (i) Subject to Subsection (2)(c)(ii), as positions on the board become vacant, the~~
2769 ~~governor shall ensure that newly appointed members move the board toward the composition~~
2770 ~~described in Subsection (1).~~]
2771 [~~(ii) In appointing a new member to the board, the governor shall first appoint a~~
2772 ~~member described in Subsection (1)(b) until the eight positions described in Subsection (1)(b)~~
2773 ~~are filled.~~]
2774 (a) subject to Subsections (2)(a) and (3), 16 members appointed from among
2775 candidates presented to the governor by a nominating committee; and
2776 (b) two student members appointed as described in Subsection (4).
2777 (2) (a) For an appointment of a member effective July 1, 2020, the governor shall
2778 appoint the member in accordance with Section 53B-1-501.
2779 (b) Unless appointed by the governor as described in Section 53B-1-501, the term of
2780 each individual who is a member of the board on May 12, 2020, expires on June 30, 2020.
2781 (3) If the governor is not satisfied with a sufficient number of the candidates presented
2782 by the nominating committee to make the required number of appointments, the governor may
2783 request that the committee nominate additional candidates.
2784 (4) (a) For the appointments described in Subsection (1)(b), the governor shall appoint:
2785 (i) one individual who is enrolled in a certificate program at a technical college at the
2786 time of the appointment; and

2787 (ii) one individual who:
2788 (A) is a fully matriculated student enrolled in a degree-granting institution; and
2789 (B) is not serving as a student body president at the time of the nomination.
2790 (b) The governor shall select:
2791 (i) an appointee described in Subsection (4)(a)(i) from among eight nominees, one of
2792 whom is presented to the governor by each technical college; and
2793 (ii) an appointee described in Subsection (4)(a)(ii) from three nominees presented to
2794 the governor by the student body presidents of degree-granting institutions.
2795 [~~(3)~~] (5) (a) All appointments to the board shall be made on a nonpartisan basis.
2796 [~~(b) In making appointments to the board, the governor shall consider:~~]
2797 [~~(i) geographic representation of members;~~]
2798 [~~(ii) diversity;~~]
2799 [~~(iii) experience in higher education governance;~~]
2800 [~~(iv) experience in economic development; and~~]
2801 [~~(v) exposure to institutions of higher education.~~]
2802 [~~(c)~~] (b) An individual may not serve simultaneously on the [~~State Board of Regents~~]
2803 board and an institution [~~of higher education~~] board of trustees.
2804 [~~(4)~~] (6) (a) (i) Except as provided in Subsection [~~(4)(b), members of the board~~]
2805 (6)(a)(ii) and Section 53B-1-501, members shall be appointed to six-year staggered terms,
2806 each of which [~~begin~~] begins on July 1 of the year of appointment.
2807 [~~(b) A student member~~] (ii) A member described in Subsection (1)[~~(c)~~](b) shall be
2808 appointed to a one-year term.
2809 (b) (i) A member described in Subsection (1)(a) may serve up to two consecutive full
2810 terms.
2811 (ii) The governor may appoint a member described in Subsection (1)(a) to a second
2812 consecutive full term without a recommendation from the nominating committee.
2813 (iii) A member described in Subsection (1)(b) may not serve more than one full term.
2814 (c) (i) The governor may remove a member [~~of the board~~] for cause.
2815 (ii) The governor shall consult with the president of the Senate before removing a
2816 member [~~of the board~~].
2817 [~~(5)~~] (7) (a) A member [~~of the board~~] shall take the official oath of office before

2818 entering upon the duties of office.
2819 (b) The oath shall be filed with the Division of Archives and Records Services.
2820 [~~(6)~~] (8) The board shall elect a chair and vice chair from among the board's members
2821 who shall serve terms of two years and until their successors are chosen and qualified.
2822 [~~(7)~~] (9) (a) The board shall appoint a secretary from the commissioner's staff [~~of the~~
2823 ~~board's chief executive~~] to serve at the board's discretion.
2824 (b) The secretary is a full-time employee [~~who receives a salary set by the board~~].
2825 (c) The secretary shall record and maintain a record of all board meetings and perform
2826 other duties as the board directs.
2827 [~~(8)~~] (10) (a) The board may establish advisory committees in addition to the advisory
2828 council described in Section 53B-1-407.
2829 [~~(b) The powers and authority of the board are nondelegable, except as specifically~~
2830 ~~provided for in this title.~~]
2831 [~~(c)~~] (b) All matters requiring board determination shall be addressed in a properly
2832 convened meeting of the board or the board's executive committee.
2833 [~~(9)~~] (11) (a) The board shall enact bylaws for the board's own government not
2834 inconsistent with the constitution or the laws of this state.
2835 (b) The board shall provide for an executive committee in the bylaws that:
2836 (i) has the full authority of the board to act upon routine matters during the interim
2837 between board meetings;
2838 (ii) may not act on nonroutine matters except under extraordinary and emergency
2839 circumstances; and
2840 (iii) shall report to the board at the board's next meeting following an action undertaken
2841 by the executive committee.
2842 [~~(10)~~] (12) (a) The board shall meet regularly upon the board's own determination.
2843 (b) The board may also meet, in full or executive session, at the request of the chair,
2844 [~~the executive officer, or~~] the commissioner or at least five members of the board.
2845 [~~(11)~~] (13) A quorum of the [~~voting members of the~~] board is required to conduct the
2846 board's business and consists of [~~nine~~] 10 members.
2847 [~~(12)~~] (14) (a) A vacancy in the board occurring before the expiration of a [~~voting~~]
2848 member's full term shall be immediately filled [~~by appointment by the governor with the~~

2849 ~~consent of the Senate~~] through the nomination process described in Section 53B-1-406 and this
2850 section.
2851 (b) An individual appointed under Subsection [~~(12)~~] (14)(a) serves for the remainder of
2852 the unexpired term.
2853 (15) (a) (i) Subject to Subsection (15)(a)(ii), a member shall receive a daily salary for
2854 each calendar day that the member attends a board meeting that is the same as the daily salary
2855 for a member of the Legislature described in Section 36-2-3.
2856 (ii) A member may receive a salary for up to 10 calendar days per calendar year.
2857 [~~(13) A board member may not receive compensation or benefits for the member's~~
2858 ~~service, but may~~] (b) A member may receive per diem and travel expenses in accordance with:
2859 [~~(a)~~] (i) Section 63A-3-106;
2860 [~~(b)~~] (ii) Section 63A-3-107; and
2861 [~~(c)~~] (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2862 63A-3-107.
2863 (16) The commissioner shall provide to each member:
2864 (a) initial training when the member joins the board; and
2865 (b) ongoing annual training.
2866 Section 49. Section **53B-1-405** is enacted to read:
2867 **53B-1-405. Qualifications for board members.**
2868 (1) The governor shall develop qualifications for the composition of the board to
2869 ensure that combined, the commissioners have:
2870 (a) a range of experience, including experience in industry;
2871 (b) varied areas of expertise; and
2872 (c) varied geographic representation.
2873 (2) In developing the qualifications, the governor shall consider:
2874 (a) expertise in:
2875 (i) business or industry;
2876 (ii) technical education;
2877 (iii) general education; and
2878 (iv) advanced education and research;
2879 (b) geographic representation; and

2880 (c) knowledge or experience in a field including:
2881 (i) finance;
2882 (ii) accounting or auditing;
2883 (iii) law;
2884 (iv) facilities or real estate;
2885 (v) educational delivery models;
2886 (vi) workforce development;
2887 (vii) economic development;
2888 (viii) kindergarten through grade 12 education; and
2889 (ix) educational quality assessment.
2890 (3) The governor shall consult with the board to develop the qualifications described in
2891 this section.
2892 Section 50. Section **53B-1-406** is enacted to read:
2893 **53B-1-406. Nominating committee.**
2894 (1) A nominating committee shall be formed:
2895 (a) by January 1 of a year in which a vacancy will occur on the board; or
2896 (b) when a mid-term vacancy occurs on the board.
2897 (2) (a) A nominating committee shall include:
2898 (i) subject to Subsection (2)(b), two individuals appointed by the president of the
2899 Senate;
2900 (ii) subject to Subsection (2)(b), two individuals appointed by the speaker of the House
2901 of Representatives; and
2902 (iii) three individuals appointed by the governor, including:
2903 (A) one individual who is a member of the board of trustees of a degree-granting
2904 institution;
2905 (B) one individual who is a member of a technical college board of trustees; and
2906 (C) one additional individual.
2907 (b) An individual appointed under Subsection (2)(a)(i) or (ii) may not be serving as a
2908 legislator at the time of appointment.
2909 (3) A nominating committee member is appointed to a two-year term.
2910 (4) (a) The nominating committee shall elect one member to serve as the chair of the

2911 committee.
2912 (b) The chair, or another nominating committee member designated by the chair, shall
2913 schedule and convene all committee meetings.
2914 (c) Any formal action by the nominating committee requires the approval of a majority
2915 of committee members.
2916 (5) The nominating committee shall submit to the governor at least three candidates for
2917 each open position on the board.
2918 (6) The nominating committee shall identify a candidate for the board based on the
2919 qualifications described in Section 53B-1-405.
2920 (7) The nominating committee shall nominate individuals to the governor on a
2921 nonpartisan basis.
2922 (8) A nominating committee member may not receive compensation or benefits for the
2923 member's service, but may receive per diem and travel expenses in accordance with:
2924 (a) Section 63A-3-106;
2925 (b) Section 63A-3-107; and
2926 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2927 63A-3-107.
2928 (9) The commissioner shall provide staff support to the nominating committee.
2929 Section 51. Section **53B-1-407** is enacted to read:
2930 **53B-1-407. Industry advisory council.**
2931 (1) The board shall establish an industry advisory council.
2932 (2) The board shall ensure that the industry advisory council includes representation
2933 from:
2934 (a) employers; and
2935 (b) kindergarten through grade 12 representatives.
2936 (3) The industry advisory council shall inform:
2937 (a) the committee for technical education;
2938 (b) the committee for academic education; and
2939 (c) the State Board of Education.
2940 Section 52. Section **53B-1-408**, which is renumbered from Section 53B-1-105 is
2941 renumbered and amended to read:

2942 **[~~53B-1-105~~]. 53B-1-408. Appointment of commissioner of higher**
2943 **education -- Qualifications -- Associate commissioners -- Duties.**
2944 (1) (a) [~~The~~] Subject to Section 53B-1-503, the board, upon approval from the
2945 governor and with the advice and consent of the Senate [~~for each appointee nominated on or~~
2946 ~~after May 8, 2012~~], shall appoint a commissioner of higher education to serve at [~~its~~] the
2947 board's pleasure as [~~its~~] the board's chief executive officer.
2948 (b) The commissioner may be terminated by:
2949 (i) the board; or
2950 (ii) the governor, after consultation with the board.
2951 (c) The board shall:
2952 (i) set the salary of the commissioner;
2953 (ii) subject to Subsection (3), prescribe the duties and functions of the commissioner;
2954 and
2955 (iii) select a commissioner on the basis of outstanding professional qualifications.
2956 (2) (a) The commissioner shall appoint, subject to approval by the board:
2957 (i) an associate commissioner for academic education; and
2958 (ii) an associate commissioner for technical education.
2959 (b) (i) The commissioner may appoint associate commissioners in addition to the
2960 associate commissioners described in Subsection (2)(a).
2961 (ii) An association commissioner described in Subsection (2)(b)(i) is not subject to the
2962 approval of the board.
2963 [~~(2)~~] (3) The commissioner is responsible to the board to:
2964 (a) ensure that the policies [~~and programs~~], programs, and strategic plan of the board
2965 are properly executed;
2966 (b) furnish information about the [~~state~~] Utah system of higher education and make
2967 recommendations regarding that information to the board;
2968 (c) provide state-level leadership in any activity affecting an institution [~~in the state~~
2969 ~~system~~] of higher education; and
2970 (d) perform other duties assigned by the board in carrying out [~~its~~] the board's duties
2971 and responsibilities.
2972 Section 53. Section **53B-1-409** is enacted to read:

2973 **53B-1-409. Appointment and hiring of staff.**
2974 (1) The commissioner may appoint and hire a staff of professional, legal, and
2975 administrative personnel.
2976 (2) The commissioner shall determine salaries, retirement provisions, and other
2977 benefits for the staff described in this section.
2978 Section 54. Section **53B-1-410** is enacted to read:
2979 **53B-1-410. Utah Board of Higher Education successor to rights and duties.**
2980 (1) The board is the successor to the Utah System of Technical Colleges Board of
2981 Trustees.
2982 (2) For the Utah System of Technical Colleges Board of Trustees, the board:
2983 (a) is vested with all rights, titles, privileges, powers, obligations, liabilities,
2984 immunities, franchises, endowments, assets, property, and claims;
2985 (b) shall fulfill and perform all obligations, including obligations relating to
2986 outstanding bonds and notes; and
2987 (c) may continue an administrative rule.
2988 Section 55. Section **53B-1-501** is enacted to read:
2989 **Part 5. Transition to Utah Board of Higher Education**
2990 **53B-1-501. Establishment of initial board membership.**
2991 (1) (a) The governor shall appoint, with the advice and consent of the Senate,
2992 individuals to the board, to ensure that beginning July 1, 2020, the board consists of 18
2993 members, including:
2994 (i) at least six individuals who were members of the State Board of Regents on May
2995 12, 2020;
2996 (ii) at least six individuals who were members of the Utah System of Technical
2997 Colleges Board of Trustees on May 12, 2020; and
2998 (iii) two student members appointed to the board in accordance with Section
2999 53B-1-404.
3000 (b) Before making an appointment described in Subsection (1)(a), the governor shall
3001 consult:
3002 (i) for an appointment described in Subsection (1)(a)(i), with State Board of Regents
3003 leadership; and

3004 (ii) for an appointment described in Subsection (1)(a)(ii), with Utah System of
3005 Technical Colleges Board of Trustees leadership.
3006 (2) (a) Except for an appointment described in Subsection (1)(a)(iii), the governor shall
3007 appoint an individual to a two-year, four-year, or six-year term to ensure that one-third of the
3008 members complete the members' terms on June 30 of each even number year.
3009 (b) The governor may appoint an individual described in Subsection (1)(a) to a second
3010 term if, at the time of the individual's initial appointment to the board, the individual:
3011 (i) is serving the individual's first full term on the State Board of Regents or the Utah
3012 System of Technical Colleges Board of Trustees; or
3013 (ii) is not a member of the State Board of Regents or the Utah System of Technical
3014 Colleges Board of Trustees.
3015 (c) An appointment described in Subsection (2)(b) is for a six-year term.
3016 (3) Following the appointments described in this section, a vacancy on the board shall
3017 be filled in accordance with Section 53B-1-404.
3018 Section 56. Section **53B-1-502** is enacted to read:
3019 **53B-1-502. Transition of Utah System of Technical Colleges to Utah Board of**
3020 **Higher Education -- Recommendations.**
3021 (1) Beginning July 1, 2020, the board shall assume all statutory and administrative
3022 requirements that were requirements on the Utah System of Technical Colleges Board of
3023 Trustees on June 30, 2020.
3024 (2) (a) Beginning July 1, 2020, an individual who was an employee of the Utah System
3025 of Technical Colleges on June 30, 2020, is an employee of the Utah Board of Higher
3026 Education.
3027 (b) Subsection (2)(a) does not apply to:
3028 (i) a technical college employee; or
3029 (ii) a technical college president.
3030 (3) The board shall review statutory and administrative requirements on the board and
3031 may recommend amendments.
3032 (4) On or before November 1, 2020, the board shall report on any recommendations
3033 described in Subsection (3) to the Higher Education Strategic Planning Commission.
3034 Section 57. Section **53B-1-503** is enacted to read:

3035 **53B-1-503. Commissioner beginning July 1, 2020.**
3036 (1) An individual serving as commissioner before July 1, 2020, may not continue to
3037 serve as commissioner after August 1, 2020, unless the board appoints the individual:
3038 (a) in accordance with Section 53B-1-408; or
3039 (b) as an interim commissioner.
3040 (2) The State Board of Regents and the Utah System of Technical Colleges Board of
3041 Trustees:
3042 (a) shall jointly:
3043 (i) develop and post a job description for the commissioner; and
3044 (ii) recruit candidates for the commissioner; and
3045 (b) may provide one or more candidates identified under Subsection (2)(a) for the
3046 position of commissioner to the Utah Board of Higher Education.
3047 Section 58. Section **53B-2-102** is amended to read:
3048 **53B-2-102. Board to appoint president for each institution.**
3049 (1) As used in this section:
3050 (a) "Institution of higher education" means [~~an institution that is part of the Utah~~
3051 ~~System of Higher Education described in Subsection 53B-1-102(1)(a)~~] a degree-granting
3052 institution.
3053 (b) "President" means the president of an institution of higher education.
3054 [~~(b)~~] (c) "Search committee" means a committee that selects finalists for a position as
3055 an institution of higher education president.
3056 (2) The board shall appoint a president for each institution of higher education.
3057 (3) An institution of higher education president serves at the pleasure of the board.
3058 (4) (a) (i) [~~To~~] Except as provided in Subsection (4)(a)(ii), to appoint an institution of
3059 higher education president, the board shall establish a search committee that includes
3060 representatives of faculty, staff, students, the institution of higher education board of trustees,
3061 alumni, the outgoing institution of higher education president's executive council or cabinet,
3062 and the board.
3063 (ii) The board may delegate the authority to appoint the search committee described in
3064 Subsection (4)(a)(i) to an institution of higher education board of trustees.
3065 (iii) The commissioner shall provide staff support to a search committee.

3066 (b) (i) [~~A~~] Except as provided in Subsection (4)(b)(ii), a search committee shall be
3067 cochaired by a member of the board and a member of the institution of higher education board
3068 of trustees.
3069 (ii) The board may delegate the authority to chair a search committee to the institution
3070 of higher education board trustees.
3071 (c) A search committee described in Subsection (4)(a) shall forward three to five
3072 finalists to the board to consider for a position as an institution of higher education president.
3073 (d) A search committee may not forward an individual to the board as a finalist unless
3074 two-thirds of the search committee members, as verified by the commissioner, find the
3075 individual to be qualified and likely to succeed as an institution of higher education president.
3076 (5) (a) The board shall select an institution of higher education president from among
3077 the finalists presented by a search committee.
3078 (b) If the board is not satisfied with the finalists forwarded by a search committee, the
3079 board may direct the search committee to resume the search process until the search committee
3080 has forwarded three finalists with whom the board is satisfied.
3081 (6) The board, through the commissioner, shall create a comprehensive, active
3082 recruiting plan to ensure a strong, diverse pool of potential candidates for institution of higher
3083 education presidents.
3084 (7) (a) Except as provided in Subsection (7)(b), a record or information gathered or
3085 generated during the search process, including a candidate's application and the search
3086 committee's deliberations, is confidential and is a protected record under Section 63G-2-305.
3087 (b) Application materials for a publicly named finalist described in Subsection (5)(a)
3088 are not protected records under Section 63G-2-305.
3089 Section 59. Section **53B-2-103** is amended to read:
3090 **53B-2-103. Boards of trustees for a degree-granting institution -- Powers and**
3091 **duties.**
3092 (1) [~~Each college or university has a~~] A degree-granting institution has a board of
3093 trustees that may act on behalf of the [~~college or university~~] institution in performing duties,
3094 responsibilities, and functions as may be specifically authorized to the board of trustees by the
3095 [~~State Board of Regents~~] board or by statute.
3096 (2) A board of trustees of a degree-granting institution has the following powers and

3097 duties:
3098 (a) to facilitate communication between the institution and the community;
3099 (b) to assist in planning, implementing, and executing fund raising and development
3100 projects aimed at supplementing institutional appropriations;
3101 (c) to perpetuate and strengthen alumni and community identification with the [~~college~~
3102 ~~or university's~~] degree-granting institution's tradition and goals;
3103 (d) to select recipients of honorary degrees; and
3104 (e) to approve changes to the [~~institution of higher education's~~] degree-granting
3105 institution's programs, in accordance with Section 53B-16-102.
3106 (3) A board of trustees of a degree-granting institution shall:
3107 (a) approve a strategic plan for the institution of higher education that is aligned with:
3108 (i) state attainment goals;
3109 (ii) workforce needs; and
3110 (iii) the institution of higher education's role, mission, and distinctiveness; and
3111 (b) monitor the institution of higher education's progress toward achieving the strategic
3112 plan.
3113 Section 60. Section **53B-2-104** is amended to read:
3114 **53B-2-104. Board of trustees for a degree-granting institution -- Membership --**
3115 **Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees --**
3116 **Compensation.**
3117 (1) (a) Except as provided in Subsection (10), the board of trustees of an institution of
3118 higher education consists of the following:
3119 (i) except as provided in Subsection (1)(c), eight individuals appointed by the governor
3120 with the advice and consent of the Senate; and
3121 (ii) two ex officio members who are the president of the institution's alumni
3122 association, and the president of the associated students of the institution.
3123 (b) The appointed members of the boards of trustees for Utah Valley University and
3124 Salt Lake Community College shall be representative of the interests of business, industry, and
3125 labor.
3126 (c) (i) The board of trustees of Utah State University has nine individuals appointed by
3127 the governor with the advice and consent of the Senate.

3128 (ii) One of the nine individuals described in Subsection (1)(c)(i) shall reside in the
3129 Utah State University Eastern service region or the Utah State University Blanding service
3130 region.
3131 (2) (a) The governor shall appoint four members of each board of trustees during each
3132 odd-numbered year to four-year terms commencing on July 1 of the year of appointment.
3133 (b) Except as provided in Subsection (2)(d), a member appointed under Subsection
3134 (1)(a)(i) or (1)(c)(i) holds office until a successor is appointed and qualified.
3135 (c) The ex officio members serve for the same period as they serve as presidents and
3136 until their successors have qualified.
3137 (d) (i) The governor may remove a member appointed under Subsection (1)(a)(i) or
3138 (1)(c)(i) for cause.
3139 (ii) The governor shall consult with the president of the Senate before removing a
3140 member appointed under Subsection (1)(a)(i) or (1)(c)(i).
3141 (3) When a vacancy occurs in the membership of a board of trustees for any reason, the
3142 replacement shall be appointed for the unexpired term.
3143 (4) (a) Each member of a board of trustees shall take the official oath of office prior to
3144 assuming the office.
3145 (b) The oath shall be filed with the Division of Archives and Records Services.
3146 (5) A board of trustees shall elect a chair and vice chair, who serve for two years and
3147 until their successors are elected and qualified.
3148 (6) (a) A board of trustees may enact bylaws for the board of trustees' own government,
3149 including provisions for regular meetings.
3150 (b) (i) A board of trustees may provide for an executive committee in the board of
3151 trustees' bylaws.
3152 (ii) If established, an executive committee shall have full authority of the board of
3153 trustees to act upon routine matters during the interim between board of trustees meetings.
3154 (iii) An executive committee may act on nonroutine matters only under extraordinary
3155 and emergency circumstances.
3156 (iv) An executive committee shall report the executive committee's activities to the
3157 board of trustees at the board of trustees' next regular meeting following the action.
3158 (c) Copies of a board of trustees' bylaws shall be filed with the board.

3159 (7) A quorum is required to conduct business and consists of six members.
3160 (8) A board of trustees may establish advisory committees.
3161 (9) A member may not receive compensation or benefits for the member's service, but
3162 may receive per diem and travel expenses in accordance with:
3163 (a) Section 63A-3-106;
3164 (b) Section 63A-3-107; and
3165 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3166 63A-3-107.
3167 (10) This section does not apply to a technical college board of [~~directors~~] trustees
3168 described in Section 53B-2a-108.
3169 Section 61. Section **53B-2-106** is amended to read:
3170 **53B-2-106. Duties and responsibilities of the president of an institution of higher**
3171 **education -- Approval by board of trustees -- Applicability to a technical college**
3172 **president.**
3173 (1) (a) Except as provided in Subsection [~~(5)~~] (6), the president of each institution of
3174 higher education described in Section 53B-2-101 may exercise grants of power and authority as
3175 delegated by the board, as well as the necessary and proper exercise of powers and authority
3176 not specifically denied to the institution of higher education or the institution of higher
3177 education's administration, faculty, or students by the board or by law, to ensure the effective
3178 and efficient administration and operation of the institution of higher education consistent with
3179 the statewide master plan for higher education.
3180 (b) The president of each institution of higher education may, after consultation with
3181 the institution of higher education's board of trustees, exercise powers relating to the institution
3182 of higher education's employees, including faculty and persons under contract with the
3183 institution of higher education, by implementing:
3184 (i) furloughs;
3185 (ii) reductions in force;
3186 (iii) benefit adjustments;
3187 (iv) program reductions or discontinuance;
3188 (v) early retirement incentives that provide cost savings to the institution of higher
3189 education; or

3190 (vi) other measures that provide cost savings to the institution of higher education.
3191 (2) Except as provided by the board, the president of each institution of higher
3192 education, with the approval of the institution of higher education's board of trustees, may:
3193 (a) (i) appoint a secretary, a treasurer, administrative officers, deans, faculty members,
3194 and other professional personnel, prescribe their duties, and determine their salaries;
3195 (ii) appoint support personnel, prescribe their duties, and determine their salaries from
3196 the institution of higher education's position classification plan, which may:
3197 (A) be based upon similarity of duties and responsibilities within the institution of
3198 higher education; and
3199 (B) as funds permit, provide salary and benefits comparable with private enterprise;
3200 (iii) adopt policies for:
3201 (A) employee sick leave use and accrual; and
3202 (B) service recognition for employees with more than 15 years of employment with the
3203 institution of higher education; and
3204 (iv) subject to the authority of, the policy established by, and the approval of the board,
3205 and recognizing the status of the institutions within the state system of higher education as
3206 bodies politic and corporate, appoint attorneys to provide legal advice to the institution of
3207 higher education's administration and to coordinate legal affairs within the institution of higher
3208 education. The board shall coordinate activities of attorneys at the institutions of higher
3209 education. The institutions of higher education shall provide an annual report to the board on
3210 the activities of appointed attorneys. These appointed attorneys may not conduct litigation,
3211 settle claims covered by the State Risk Management Fund, or issue formal legal opinions, but
3212 shall, in all respects, cooperate with the Office of the Attorney General in providing legal
3213 representation to the institution of higher education;
3214 (b) provide for the constitution, government, and organization of the faculty and
3215 administration, and enact implementing rules, including the establishment of a prescribed
3216 system of tenure;
3217 (c) authorize the faculty to determine the general initiation and direction of instruction
3218 and of the examination, admission, and classification of students. In recognition of the diverse
3219 nature and traditions of the various institutions governed by the board, the systems of faculty
3220 government need not be identical but should be designed to further faculty identification with

3221 and involvement in the institution's pursuit of achievement and excellence and in fulfillment of
3222 the institution's role as established in the statewide master plan for higher education; and
3223 (d) enact rules for administration and operation of the institution which are consistent
3224 with the prescribed role established by the board, rules enacted by the board, or the laws of the
3225 state. The rules may provide for administrative, faculty, student, and joint committees with
3226 jurisdiction over specified institutional matters, for student government and student affairs
3227 organization, for the establishment of institutional standards in furtherance of the ideals of
3228 higher education fostered and subscribed to by the institution of higher education, the
3229 institution of higher education's administration, faculty, and students, and for the holding of
3230 classes on legal holidays, other than Sunday.
3231 (3) An institution of higher education president shall manage the president's institution
3232 as a part of the Utah system of higher education.
3233 [~~(3)~~] (4) Compensation costs and related office expenses for appointed attorneys shall
3234 be funded within existing budgets.
3235 [~~(4)~~] (5) The [~~State Board of Regents~~] board shall establish guidelines relating to the
3236 roles and relationships between institutional presidents and boards of trustees, including those
3237 matters which must be approved by a board of trustees before implementation by the president.
3238 [~~(5)~~] (6) This section does not apply to a technical college president.
3239 Section 62. Section **53B-2a-100.5** is amended to read:
3240 **CHAPTER 2a. TECHNICAL COLLEGES**
3241 **53B-2a-100.5. Title.**
3242 This chapter is known as "[~~Utah System of~~] Technical Colleges."
3243 Section 63. Section **53B-2a-101** is amended to read:
3244 **53B-2a-101. Definitions.**
3245 As used in this chapter:
3246 [~~(1) "Board of trustees" means the UTech Board of Trustees.~~]
3247 [~~(2)~~] (1) "Capital developments" means the same as that term is defined in Section
3248 63A-5-104.
3249 [~~(3) "Commissioner of technical education" means the UTech commissioner of~~
3250 ~~technical education.~~]
3251 [~~(4)~~] (2) "Competency-based" means mastery of subject matter or skill level, as

3252 demonstrated through business and industry approved standards and assessments, achieved
3253 through participation in a hands-on learning environment, and which is tied to observable,
3254 measurable performance objectives.
3255 [~~(5)~~] (3) "Dedicated project" means a capital development project for which state funds
3256 from the Technical Colleges Capital Projects Fund created in Section 53B-2a-118 are requested
3257 or used.
3258 [~~(6)~~] (4) "Nondedicated project" means a capital development project for which state
3259 funds from a source other than the Technical Colleges Capital Projects Fund created in Section
3260 53B-2a-118 are requested or used.
3261 [~~(7)~~] (5) "Open-entry, open-exit" means:
3262 (a) a method of instructional delivery that allows for flexible scheduling in response to
3263 individual student needs or requirements and demonstrated competency when knowledge and
3264 skills have been mastered;
3265 (b) students have the flexibility to begin or end study at any time, progress through
3266 course material at their own pace, and demonstrate competency when knowledge and skills
3267 have been mastered; and
3268 (c) if competency is demonstrated in a program of study, a credential, certificate, or
3269 diploma may be awarded.
3270 [~~(8)~~] (6) "State funds" means the same as that term is defined in Section 63A-5-104.
3271 [~~(9) "UTech" means the Utah System of Technical Colleges described in Section~~
3272 ~~53B-1-102.~~]
3273 Section 64. Section **53B-2a-104** is amended to read:
3274 **53B-2a-104. Utah System of Technical Colleges Board of Trustees powers and**
3275 **duties.**
3276 (1) [~~The board of trustees~~] Except as provided in Subsection (2), the Utah System of
3277 Technical Colleges Board of Trustees is vested with the control, management, and supervision
3278 of technical colleges in a manner consistent with the policy and purpose of this title and the
3279 specific powers and responsibilities granted to the board of trustees.
3280 (2) Beginning on July 1, 2020:
3281 (a) the Utah System of Technical Colleges Board of Trustees no longer has duties or
3282 authorities; and

3283 (b) in accordance with Title 53B, Chapter 1, Part 5, Transition to Utah Board of Higher
3284 Education, the Utah Board of Higher Education assumes all statutory powers, duties,
3285 authorities, and budgetary authority of the Utah System of Technical Colleges Board of
3286 Trustees.
3287 [~~(2) The board of trustees shall:~~]
3288 [~~(a) ensure that a technical college complies with the requirements in Section~~
3289 ~~53B-2a-106~~;]
3290 [~~(b) appoint the commissioner of technical education in accordance with Section~~
3291 ~~53B-2a-102~~;]
3292 [~~(c) advise the commissioner of technical education and the State Board of Regents on~~
3293 ~~issues related to career and technical education, including articulation with institutions of~~
3294 ~~higher education and public education~~;]
3295 [~~(d) ensure that a secondary student in the public education system has access to career~~
3296 ~~and technical education through a technical college in the secondary student's service region~~;]
3297 [~~(e) in consultation with the State Board of Education, the State Board of Regents, and~~
3298 ~~technical college presidents, develop strategies for providing career and technical education in~~
3299 ~~rural areas, considering distances between rural career and technical education providers~~;]
3300 [~~(f) receive budget requests from each technical college, compile and prioritize the~~
3301 ~~requests, and submit the request to:~~]
3302 [~~(i) the Legislature; and~~]
3303 [~~(ii) the Governor's Office of Management and Budget~~;]
3304 [~~(g) receive funding requests pertaining to capital facilities and land purchases from~~
3305 ~~each technical college, ensure that the requests comply with Section 53B-2a-112, prioritize the~~
3306 ~~requests, and submit the prioritized requests to the State Building Board~~;]
3307 [~~(h) comply with Chapter 7, Part 7, Performance Funding~~;]
3308 [~~(i) in conjunction with the commissioner of technical education, establish~~
3309 ~~benchmarks, provide oversight, evaluate program performance, and obtain independent audits~~
3310 ~~to ensure that a technical college follows the noncredit career and technical education mission~~
3311 ~~described in this part~~;]
3312 [~~(j) approve programs for UTech~~;]
3313 [~~(k) approve the tuition rates for technical colleges~~;]

3314 [~~(l) prepare and submit an annual report detailing the board of trustees' progress and~~
3315 ~~recommendations on career and technical education issues to the governor and to the~~
3316 ~~Legislature's Education Interim Committee by October 31 of each year, which shall include~~
3317 ~~information detailing:~~]
3318 [~~(i) how the career and technical education needs of secondary students are being met,~~
3319 ~~including what access secondary students have to programs offered at technical colleges;~~]
3320 [~~(ii) how the emphasis on high demand, high wage, and high skill jobs in business and~~
3321 ~~industry described in Section 53B-2a-106 is being provided;~~]
3322 [~~(iii) performance outcomes, including:~~]
3323 [~~(A) performance on the metrics described in Section 53B-7-707; and~~]
3324 [~~(B) earnings; and~~]
3325 [~~(iv) student tuition and fees; and~~]
3326 [~~(m) collaborate with the State Board of Regents, the State Board of Education, the~~
3327 ~~Department of Workforce Services, and the Governor's Office of Economic Development on~~
3328 ~~the delivery of career and technical education.~~]
3329 [~~(3) The board of trustees, the commissioner of technical education, or a technical~~
3330 ~~college president or board of directors may not conduct a feasibility study or perform another~~
3331 ~~act relating to offering a degree or awarding credit.~~]
3332 Section 65. Section **53B-2a-105** is amended to read:
3333 **53B-2a-105. Technical colleges.**
3334 [~~UTech is composed of the~~] Utah has the following technical colleges:
3335 (1) Bridgerland Technical College, which serves the geographic area encompassing:
3336 (a) the Box Elder School District;
3337 (b) the Cache School District;
3338 (c) the Logan School District; and
3339 (d) the Rich School District;
3340 (2) Ogden-Weber Technical College, which serves the geographic area encompassing:
3341 (a) the Ogden City School District; and
3342 (b) the Weber School District;
3343 (3) Davis Technical College, which serves the geographic area encompassing:
3344 (a) the Davis School District; and

3345 (b) the Morgan School District;
3346 (4) Tooele Technical College, which serves the geographic area encompassing the
3347 Tooele County School District;
3348 (5) Mountainland Technical College, which serves the geographic area encompassing:
3349 (a) the Alpine School District;
3350 (b) the Nebo School District;
3351 (c) the Provo School District;
3352 (d) the South Summit School District;
3353 (e) the North Summit School District;
3354 (f) the Wasatch School District; and
3355 (g) the Park City School District;
3356 (6) Uintah Basin Technical College, which serves the geographic area encompassing:
3357 (a) the Daggett School District;
3358 (b) the Duchesne School District; and
3359 (c) the Uintah School District;
3360 (7) Southwest Technical College, which serves the geographic area encompassing:
3361 (a) the Beaver School District;
3362 (b) the Garfield School District;
3363 (c) the Iron School District; and
3364 (d) the Kane School District; and
3365 (8) Dixie Technical College, which serves the geographic area encompassing the
3366 Washington School District.
3367 Section 66. Section **53B-2a-106** is amended to read:
3368 **53B-2a-106. Technical colleges -- Duties.**
3369 (1) Each technical college shall, within the geographic area served by the technical
3370 college:
3371 (a) offer [~~a noncredit postsecondary and secondary career and~~] technical education
3372 [~~curriculum~~] programs;
3373 (b) offer [~~that curriculum~~] a program described in Subsection (1)(a) at:
3374 (i) low cost to adult students, as approved by the board [~~of trustees~~]; and
3375 (ii) no tuition to secondary students;

3376 [~~(c) provide career and technical education that will result in:~~]
3377 [~~(i) appropriate licensing, certification, or other evidence of completion of training;~~
3378 ~~and~~]
3379 [~~(ii) qualification for specific employment, with an emphasis on high demand, high~~
3380 ~~wage, and high skill jobs in business and industry;~~]
3381 [~~(d)~~] (c) develop cooperative agreements with school districts, charter schools, other
3382 higher education institutions, businesses, industries, and community and private agencies to
3383 maximize the availability of instructional facilities within the geographic area served by the
3384 technical college; and
3385 [~~(e)~~] (d) after consulting with school districts and charter schools within the geographic
3386 area served by the technical college:
3387 (i) ensure that secondary students in the public education system have access to [~~career~~
3388 ~~and~~] technical education at the technical college; and
3389 (ii) prepare and submit an annual report to the board [~~of trustees~~] detailing:
3390 (A) how the [~~career and~~] technical education needs of secondary students within the
3391 region are being met;
3392 (B) what access secondary students within the region have to programs offered at the
3393 technical college;
3394 (C) how the [~~emphasis on~~] technical college emphasizes high demand, high wage, high
3395 skill jobs in business and industry [~~described in Subsection (1)(c)(ii) is being provided~~]; and
3396 (D) student tuition and fees.
3397 (2) A technical college may offer:
3398 (a) a competency-based high school diploma approved by the State Board of Education
3399 in accordance with Section 53E-3-501;
3400 (b) [~~noncredit,~~] basic instruction in areas such as reading, language arts, and
3401 mathematics that are necessary for student success in a chosen [~~career and~~] technical education
3402 or job-related program;
3403 (c) [~~noncredit~~] courses of interest when similar offerings to the community are limited
3404 and courses are financially self-supporting; and
3405 (d) secondary school level courses through the Statewide Online Education Program in
3406 accordance with Section 53F-4-504.

3407 (3) Except as provided in Subsection (2)(d), a technical college may not:
3408 (a) offer courses other than [~~noncredit career and~~] technical education or the
3409 [~~noncredit,~~] basic instruction described in Subsections (2)(b) and (c);
3410 (b) offer a degree;
3411 (c) offer [~~career and~~] technical education or basic instruction outside the geographic
3412 area served by the technical college without a cooperative agreement between an affected
3413 institution of higher education, except as provided in Subsection [~~(6)~~] (5);
3414 (d) provide tenure or academic rank for its instructors; or
3415 (e) participate in intercollegiate athletics.
3416 (4) The mission of a technical college is limited to [~~noncredit career and~~] technical
3417 education and may not expand to include [~~credit-based~~] academic programs [~~typically offered~~
3418 ~~by community colleges or other institutions of higher education~~] that lead to a degree.
3419 [~~(5) A technical college shall be recognized as a member of UTech, and regional~~
3420 ~~affiliation shall be retained and recognized through local designations such as "Bridgerland~~
3421 ~~Technical College: A member technical college of the Utah System of Technical Colleges."~~]
3422 [~~(6)~~] (5) (a) A technical college may offer [~~career and~~] technical education or basic
3423 instruction outside the geographic area served by the technical college without a cooperative
3424 agreement, as required in Subsection (3)(c), if:
3425 (i) the [~~career and~~] technical education or basic instruction is specifically requested by:
3426 (A) an employer; or
3427 (B) a craft, trade, or apprenticeship program;
3428 (ii) the technical college notifies the affected institution about the request; and
3429 (iii) the affected institution is given an opportunity to make a proposal, prior to any
3430 contract being finalized or training being initiated by the technical college, to the employer,
3431 craft, trade, or apprenticeship program about offering the requested [~~career and~~] technical
3432 education or basic instruction, provided that the proposal shall be presented no later than one
3433 business week from the delivery of the notice described under Subsection [~~(6)~~] (5)(a)(ii).
3434 (b) The requirements under Subsection [~~(6)~~] (5)(a)(iii) do not apply if there is a prior
3435 training relationship.
3436 Section 67. Section **53B-2a-107** is amended to read:
3437 **53B-2a-107. Technical college presidents -- Appointments -- Duties.**

3438 (1) (a) The board [~~of trustees~~] shall appoint a president for each technical college.
3439 (b) The board [~~of trustees~~] shall establish a policy for appointing a technical college
3440 president that:
3441 (i) requires the board [~~of trustees~~] to create, or delegate to the technical college board
3442 of trustees to create, a search committee that:
3443 (A) includes [~~an equal number of board of trustees~~] board members and at least as
3444 many members from the technical college board of [~~directors~~] trustees as members from the
3445 board; and
3446 (B) may include technical college faculty, students, or other individuals;
3447 (ii) requires the search committee to seek nominations, interview candidates, and
3448 forward qualified candidates to the board [~~of trustees~~] for consideration;
3449 (iii) provides for at least two members of the technical college board of [~~directors~~]
3450 trustees to participate in [~~board of trustees'~~] the board's interviews of finalists; [~~and~~]
3451 (iv) provides for the board [~~of trustees~~] to vote to appoint a technical college president
3452 in a meeting that complies with Title 52, Chapter 4, Open and Public Meetings Act[~~.~~]; and
3453 (v) provides for the commissioner to provide staff support for a search committee.
3454 (c) (i) Except as provided in Subsection (1)(c)(ii), a record or information gathered or
3455 generated during the search process for a technical college president, including a candidate's
3456 application and the search committee's deliberations, is confidential and is a protected record
3457 under Section 63G-2-305.
3458 (ii) Application materials for a publicly named finalist are not protected records under
3459 Section 63G-2-305.
3460 (2) (a) A technical college president shall serve as the chief executive officer of the
3461 technical college.
3462 (b) A technical college president does not need to have a doctorate degree, but shall
3463 have extensive experience in career and technical education.
3464 (c) A technical college president is subject to regular review and evaluation
3465 administered by the board [~~of trustees~~], in consultation with the technical college board of
3466 [~~directors~~] trustees, through a process approved by the board [~~of trustees~~].
3467 (d) A technical college president serves at the pleasure of the board [~~of trustees~~].
3468 (e) The board [~~of trustees~~], in consultation with a technical college board of [~~directors~~]

3469 trustees, shall set the compensation for the technical college president using market survey
3470 information.
3471 (3) A technical college president shall:
3472 (a) serve as the executive officer of the technical college board of [~~directors~~] trustees;
3473 (b) administer the day-to-day operations of the technical college;
3474 (c) consult with the technical college board of [~~directors; and~~] trustees;
3475 (d) administer human resource policies and employee compensation plans in
3476 accordance with the requirements of the board [~~of trustees.~~]; and
3477 (e) manage the technical college president's institution as part of the Utah system of
3478 higher education.
3479 Section 68. Section **53B-2a-108** is amended to read:
3480 **53B-2a-108. Technical college boards of trustees -- Membership -- Appointments.**
3481 (1) As used in this section:
3482 (a) "Higher education institution" means the same as that term is defined in Section
3483 53B-2a-112.
3484 (b) "Technical college service area" means the geographic area served by each
3485 technical college as described in Section 53B-2a-105.
3486 (2) A technical college board of [~~directors~~] trustees consists of:
3487 (a) one member of the local school board for each school district in the technical
3488 college service area, appointed by the local school board to which the member belongs;
3489 (b) except as provided in Subsection (3)(b), one individual who is a member of the
3490 higher education institution board of trustees, appointed by the higher education institution
3491 board of trustees; and
3492 (c) a number of individuals, appointed by the governor with the advice and consent of
3493 the Senate, that is:
3494 (i) seven for:
3495 (A) Tooele Technical College;
3496 (B) Uintah Basin Technical College; and
3497 (C) Dixie Technical College;
3498 (ii) eight for:
3499 (A) Bridgerland Technical College;

3500 (B) Ogden-Weber Technical College;
3501 (C) Davis Technical College; and
3502 (D) Southwest Technical College; or
3503 (iii) nine for Mountainland Technical College.
3504 (3) (a) In appointing the members described in Subsection (2)(c), the governor shall
3505 appoint individuals who represent the interests of business, industry, or labor in the technical
3506 college service area.
3507 (b) If no member of the institution of higher education board of trustees lives within
3508 the technical college service area, the institution of higher education board of trustees may
3509 nominate an individual to be appointed by the governor with the advice and consent of the
3510 Senate instead of appointing a member described in Subsection (2)(b).
3511 (4) (a) The governor may remove a member appointed under Subsection (2)(c) or
3512 (3)(b) for cause.
3513 (b) The governor shall consult with the president of the Senate before removing a
3514 member appointed under Subsection (2)(c) or (3)(b).
3515 (5) (a) Notwithstanding Subsection (2) or 53B-2a-109(2), an individual appointed to a
3516 technical college board of [~~directors~~] trustees on or before May 7, 2018, may continue to serve
3517 on the technical college board of [~~directors~~] trustees until the end of the individual's current
3518 term, even if the total number of members on the technical college board of [~~directors~~] trustees
3519 exceeds the number of members for the technical college board of [~~directors~~] trustees described
3520 in Subsection (2).
3521 (b) Notwithstanding Subsection (2), the governor may only make an appointment
3522 described in Subsection (2)(c) if the number of members on the technical college board of
3523 [~~directors~~] trustees following the appointment will be less than or equal to the number of
3524 members for the technical college board of [~~directors~~] trustees described in Subsection (2).
3525 Section 69. Section **53B-2a-109** is amended to read:
3526 **53B-2a-109. Technical college boards of trustees -- Terms -- Quorum -- Chair --**
3527 **Compensation.**
3528 (1) (a) Except as provided in this Subsection (1), a member of a technical college board
3529 of [~~directors~~] trustees is appointed to a four-year term.
3530 (b) The governor may appoint a member described in Subsection 53B-2a-108(2)(c) to a

3531 two-year term to ensure that the terms of approximately half of the members described in
3532 Subsection 53B-2a-108(2)(c) expire every other year.
3533 (c) When a vacancy occurs in the membership of a technical college board of
3534 [~~directors~~] trustees, the appointing authority for the vacant position described in Section
3535 53B-2a-108 shall appoint a replacement for the remainder of the term.
3536 (d) An appointed member holds office until a successor is appointed in accordance
3537 with Section 53B-2a-108.
3538 (2) A member of a technical college board of [~~directors~~] trustees may not hold office
3539 for more than two consecutive full terms.
3540 (3) A majority of a technical college board of [~~directors~~] trustees is a quorum.
3541 (4) A technical college board of [~~directors~~] trustees shall elect a chair from the technical
3542 college board of [~~directors'~~] trustees' membership.
3543 (5) A member of a technical college board of [~~directors~~] trustees may not receive
3544 compensation or benefits for the member of the technical college board of [~~director's~~] trustees'
3545 service, but may receive per diem and travel expenses in accordance with:
3546 (a) Section 63A-3-106;
3547 (b) Section 63A-3-107; and
3548 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3549 63A-3-107.
3550 (6) (a) A technical college board of [~~directors~~] trustees may enact bylaws for the
3551 technical college board of [~~directors'~~] trustees' own government, including provisions for
3552 regular meetings, that are in accordance with the policies of the board [~~of trustees~~].
3553 (b) (i) A technical college board of [~~directors~~] trustees may provide for an executive
3554 committee in the technical college board of [~~directors'~~] trustees' bylaws.
3555 (ii) If established, an executive committee shall have the full authority of the technical
3556 college board of [~~directors~~] trustees to act upon routine matters during the interim between
3557 board of [~~directors'~~] trustees' meetings.
3558 (iii) An executive committee may act on nonroutine matters only under extraordinary
3559 and emergency circumstances.
3560 (iv) An executive committee shall report the executive committee's activities to the
3561 technical college board of [~~directors~~] trustees at the technical college board of [~~directors'~~]

3562 trustees' next regular meeting following the activities.
3563 (7) A technical college board of [~~directors~~] trustees may establish advisory committees.
3564 Section 70. Section **53B-2a-110** is amended to read:
3565 **53B-2a-110. Technical college board of trustees' powers and duties.**
3566 (1) A technical college board of [~~directors~~] trustees shall:
3567 (a) assist the technical college president in preparing a budget request for the technical
3568 college's annual operations to the board [~~of trustees~~];
3569 (b) after consulting with the board [~~of trustees~~], other higher education institutions,
3570 school districts, and charter schools within the technical college's region, prepare a
3571 comprehensive strategic plan for delivering [~~career and~~] technical education within the region;
3572 (c) consult with business, industry, the Department of Workforce Services, the
3573 Governor's Office of Economic Development, and the Governor's Office of Management and
3574 Budget on an ongoing basis to determine what workers and skills are needed for employment
3575 in Utah businesses and industries;
3576 (d) in accordance with Section 53B-16-102, develop programs based upon the
3577 information [~~gathered in accordance with~~] described in Subsection (1)(c), including expedited
3578 program approval and termination procedures to meet market needs;
3579 (e) adopt an annual budget and fund balances;
3580 (f) develop policies for the operation of [~~career and~~] technical education facilities under
3581 the technical college board of [~~directors'~~] trustees' jurisdiction;
3582 (g) establish human resources and compensation policies for all employees in
3583 accordance with policies of the board [~~of trustees~~];
3584 (h) approve credentials for employees and assign employees to duties in accordance
3585 with board [~~of trustees~~] policies and accreditation guidelines;
3586 (i) conduct annual program evaluations;
3587 (j) appoint program advisory committees and other advisory groups to provide counsel,
3588 support, and recommendations for updating and improving the effectiveness of training
3589 programs and services;
3590 (k) approve regulations, both regular and emergency, to be issued and executed by the
3591 technical college president;
3592 (l) coordinate with local school boards, school districts, and charter schools to meet the

3593 [~~career and~~] technical education needs of secondary students; [~~and~~]
3594 (m) develop policies and procedures for the admission, classification, instruction, and
3595 examination of students in accordance with the policies and accreditation guidelines of the
3596 board [~~of trustees~~] and the State Board of Education[~~.~~]; and
3597 (n) (i) approve a strategic plan for the technical college that is aligned with:
3598 (A) state attainment goals;
3599 (B) workforce needs; and
3600 (C) the technical college's role, mission, and distinctiveness; and
3601 (ii) monitor the technical college's progress toward achieving the strategic plan.
3602 (2) A policy described in Subsection (1)(g) does not apply to compensation for a
3603 technical college president.
3604 (3) A technical college board of [~~directors~~] trustees may not exercise jurisdiction over
3605 career and technical education provided by a school district or charter school or provided by a
3606 higher education institution independently of the technical college.
3607 (4) If a program advisory committee or other advisory group submits a printed
3608 recommendation to a technical college board of [~~directors~~] trustees, the technical college board
3609 of [~~directors~~] trustees shall acknowledge the recommendation with a printed response that
3610 explains the technical college board of [~~directors'~~] trustees' action regarding the
3611 recommendation and the reasons for the action.
3612 Section 71. Section **53B-2a-112** is amended to read:
3613 **53B-2a-112. Technical colleges -- Relationships with other public and higher**
3614 **education institutions -- Agreements -- Priorities -- New capital facilities.**
3615 (1) As used in this section, "higher education institution" means:
3616 (a) Utah State University for:
3617 (i) Bridgerland Technical College;
3618 (ii) Tooele Technical College; and
3619 (iii) Uintah Basin Technical College;
3620 (b) Weber State University for:
3621 (i) Ogden-Weber Technical College; and
3622 (ii) Davis Technical College;
3623 (c) Utah Valley University for Mountainland Technical College;

3624 (d) Southern Utah University for Southwest Technical College; and
3625 (e) Dixie State University for Dixie Technical College.
3626 [~~(2) A technical college shall avoid any unnecessary duplication of career and technical~~
3627 ~~education instructional facilities, programs, administration, and staff between the technical~~
3628 ~~college and other public and higher education institutions.~~]
3629 [~~(3)~~] (2) A technical college may enter into agreements:
3630 (a) with other higher education institutions to cultivate cooperative relationships; or
3631 (b) with other public and higher education institutions to enhance career and technical
3632 education within the technical college's region[~~; or~~].
3633 [~~(c) to comply with Subsection (2).~~]
3634 [~~(4)~~] (3) Before a technical college develops new instructional facilities, the technical
3635 college shall give priority to:
3636 (a) maintaining the technical college's existing instructional facilities for both
3637 secondary and adult students;
3638 (b) coordinating with the president of the technical college's higher education
3639 institution and entering into any necessary agreements to provide career and technical
3640 education to secondary and adult students that:
3641 (i) maintain and support existing higher education career and technical education
3642 programs; and
3643 (ii) maximize the use of existing higher education facilities; and
3644 (c) developing cooperative agreements with school districts, charter schools, other
3645 higher education institutions, businesses, industries, and community and private agencies to
3646 maximize the availability of career and technical education instructional facilities for both
3647 secondary and adult students.
3648 [~~(5)~~] (4) (a) Before submitting a funding request pertaining to new capital facilities and
3649 land purchases to the board [~~of trustees~~], a technical college shall:
3650 (i) ensure that all available instructional facilities are maximized in accordance with
3651 Subsections [~~(4)~~] (3)(a) through (c); and
3652 (ii) coordinate the request with the president of the technical college's higher education
3653 institution, if applicable.
3654 (b) The State Building Board shall make a finding that the requirements of this section

3655 are met before the State Building Board may consider a funding request from the board [~~of~~
3656 ~~trustees~~] pertaining to new capital facilities and land purchases for a technical college.
3657 (c) A technical college may not construct, approve the construction of, plan for the
3658 design or construction of, or consent to the construction of a career and technical education
3659 facility without approval of the Legislature.
3660 [~~(6)~~] (5) Before acquiring new fiscal and administrative support structures, a technical
3661 college shall:
3662 (a) review the use of existing public or higher education administrative and accounting
3663 systems, financial record systems, and student and financial aid systems for the delivery of
3664 career and technical education in the region;
3665 (b) determine the feasibility of using existing systems; and
3666 (c) with the approval of the technical college board of [~~directors~~] trustees and the board
3667 [~~of trustees~~], use the existing systems.
3668 Section 72. Section **53B-2a-113** is amended to read:
3669 **53B-2a-113. Technical colleges -- Leasing authority -- Lease-purchase agreements**
3670 **-- Report.**
3671 (1) [~~In accordance with Subsection 53B-2a-112(2), a~~] A technical college may enter
3672 into a lease with other higher education institutions, school districts, charter schools, state
3673 agencies, or business and industry for a term of:
3674 (a) one year or less with the approval of the technical college board of [~~directors~~]
3675 trustees; or
3676 (b) more than one year with the approval of the board [~~of trustees and~~] if:
3677 (i) [~~the approval of~~] the Legislature approves funding for the lease [~~by the Legislature~~]
3678 prior to a technical college entering into the lease; or
3679 (ii) the lease agreement includes language that allows termination of the lease without
3680 penalty.
3681 (2) (a) [~~In accordance with Subsection 53B-2a-112(2), a~~] A technical college may enter
3682 into a lease-purchase agreement if:
3683 (i) there is a long-term benefit to the state;
3684 (ii) the project is included in [~~both~~] the technical college [~~and UTech master plans~~]
3685 master plan;

3686 (iii) the lease-purchase agreement includes language that allows termination of the
3687 lease;
3688 (iv) the lease-purchase agreement is approved by the technical college board of
3689 [~~directors~~] trustees and the board [~~of trustees~~]; and
3690 (v) the lease-purchase agreement is:
3691 (A) reviewed by the Division of Facilities Construction and Management;
3692 (B) reviewed by the State Building Board; and
3693 (C) approved by the Legislature.
3694 (b) An approval under Subsection (2)(a) shall include a recognition of:
3695 (i) all parties, dates, and elements of the agreement;
3696 (ii) the equity or collateral component that creates the benefit; and
3697 (iii) the options dealing with the sale and division of equity.
3698 (3) (a) Each technical college shall provide an annual lease report to the board [~~of~~
3699 ~~trustees~~] that details each of the technical college's leases, annual costs, location, square
3700 footage, and recommendations for lease continuation.
3701 (b) The board [~~of trustees~~] shall compile and distribute an annual combined lease
3702 report for all technical colleges to the Division of Facilities Construction and Management and
3703 to others upon request.
3704 (4) The board [~~of trustees~~] shall use the annual combined lease report in determining
3705 planning, utilization, and budget requests.
3706 Section 73. Section **53B-2a-114** is amended to read:
3707 **53B-2a-114. Educational program on the use of information technology.**
3708 (1) [~~UTech~~] The board, through the technical colleges, shall offer an educational
3709 program on the use of information technology as provided in this section.
3710 (2) An educational program on the use of information technology shall:
3711 (a) provide instruction on skills and competencies essential for the workplace and
3712 requested by employers;
3713 (b) include the following components:
3714 (i) a curriculum;
3715 (ii) online access to the curriculum;
3716 (iii) instructional software for classroom and student use;

3717 (iv) certification of skills and competencies most frequently requested by employers;
3718 (v) professional development for faculty; and
3719 (vi) deployment and program support, including integration with existing curriculum
3720 standards; and
3721 (c) be made available to students, faculty, and staff of technical colleges.
3722 Section 74. Section **53B-2a-115** is amended to read:
3723 **53B-2a-115. Utah System of Technical Colleges -- Institutional name changes.**
3724 (1) Beginning July 1, 2017:
3725 [~~(a) the Utah College of Applied Technology shall be known as the Utah System of~~
3726 ~~Technical Colleges;~~]
3727 [~~(b)~~] (a) Bridgerland Applied Technology College shall be known as Bridgerland
3728 Technical College;
3729 [~~(c)~~] (b) Ogden-Weber Applied Technology College shall be known as Ogden-Weber
3730 Technical College;
3731 [~~(d)~~] (c) Davis Applied Technology College shall be known as Davis Technical
3732 College;
3733 [~~(e)~~] (d) Tooele Applied Technology College shall be known as Tooele Technical
3734 College;
3735 [~~(f)~~] (e) Mountainland Applied Technology College shall be known as Mountainland
3736 Technical College;
3737 [~~(g)~~] (f) Uintah Basin Applied Technology College shall be known as Uintah Basin
3738 Technical College;
3739 [~~(h)~~] (g) Southwest Applied Technology College shall be known as Southwest
3740 Technical College; and
3741 [~~(i)~~] (h) Dixie Applied Technology College shall be known as Dixie Technical College.
3742 (2) (a) As described in Subsection (1), [~~the Utah System of Technical Colleges is a~~
3743 ~~continuation of the Utah College of Applied Technology and~~] each technical college is a
3744 continuation of the applied technology college that preceded the technical college.
3745 (b) An institution described in Subsection (1):
3746 (i) possess all rights, title, privileges, powers, immunities, franchises, endowments,
3747 property, and claims of the institution that preceded the institution; and

3748 (ii) shall fulfill and perform all obligations of the institution that preceded the
3749 institution, including obligations relating to outstanding bonds and notes.
3750 Section 75. Section **53B-2a-116** is amended to read:
3751 **53B-2a-116. Technical college scholarships.**
3752 (1) As used in this section:
3753 (a) "High demand program" means a program designated by the board [~~of trustees~~] in
3754 accordance with Subsection (7).
3755 (b) "Institution of higher education" means an institution [~~within the Utah System of~~
3756 ~~Higher Education~~] described in Subsection 53B-1-102(1)(a).
3757 (c) "Membership hour" means 60 minutes of scheduled instruction provided by a
3758 technical college to a student enrolled in the technical college.
3759 (d) "Scholarship" means a technical college scholarship described in this section.
3760 (e) "Technical college service area" means the same as that term is defined in Section
3761 53B-2a-108.
3762 (2) (a) Subject to future budget constraints, the Legislature shall annually appropriate
3763 money to the board [~~of trustees~~] to be distributed to technical colleges to award scholarships.
3764 (b) The board [~~of trustees~~] shall annually distribute:
3765 (i) 50% of the appropriation described in Subsection (2)(a) to each technical college in
3766 an equal amount; and
3767 (ii) 50% of the appropriation described in Subsection (2)(a) to each technical college
3768 based on the technical college's prior year share of secondary student membership hours
3769 completed at all technical colleges.
3770 (3) In accordance with the rules described in Subsection (6), a technical college may
3771 award a scholarship to an individual who:
3772 (a) graduates or will graduate from high school within the 12 months prior to the
3773 individual receiving a scholarship;
3774 (b) is enrolled in, or intends to enroll in, a high demand program; and
3775 (c) while the individual is enrolled in a secondary school, makes satisfactory progress
3776 in a career and technical education pathway offered by:
3777 (i) a technical college;
3778 (ii) an institution of higher education; or

3779 (iii) a school district or charter school.
3780 (4) Subject to Subsection (5), a technical college may award a scholarship for an
3781 amount of money up to the total cost of tuition, program fees, and required textbooks for the
3782 high demand program in which the scholarship recipient is enrolled or intends to enroll.
3783 (5) (a) Except as provided in Subsection (5)(b), a technical college may only apply a
3784 scholarship toward a scholarship recipient's costs described in Subsection (4) from the day on
3785 which the technical college awards the scholarship until 12 months after the day on which the
3786 scholarship recipient graduates from high school.
3787 (b) (i) A technical college may defer a scholarship for up to three years after the day on
3788 which the scholarship recipient graduates from high school.
3789 (ii) A technical college that defers a scholarship may apply the scholarship toward the
3790 scholarship recipient's costs described in Subsection (4) for up to a total of 12 months.
3791 (c) A technical college may cancel a scholarship if the scholarship recipient does not:
3792 (i) maintain enrollment in the technical college on at least a half time basis, as
3793 determined by the technical college; or
3794 (ii) make satisfactory progress toward the completion of a certificate.
3795 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3796 board [~~of trustees~~] shall make rules that establish:
3797 (a) requirements related to a technical college's administration of a scholarship
3798 described in this section;
3799 (b) requirements related to eligibility for a scholarship, including requiring technical
3800 colleges to prioritize scholarships for underserved populations;
3801 (c) a process for an individual to apply to a technical college to receive a scholarship;
3802 and
3803 (d) how to determine satisfactory progress for purposes described in Subsections (3)(c)
3804 and (5)(c)(ii).
3805 (7) Every other year, after consulting with the Department of Workforce Services, the
3806 board [~~of trustees~~] shall designate, as a high demand program, a technical college program that
3807 prepares an individual to work in a job that has, in Utah or in the technical college service area:
3808 (a) high employer demand and high median hourly wages; or
3809 (b) significant industry importance.

3810 Section 76. Section **53B-2a-117** is amended to read:
3811 **53B-2a-117. Legislative approval -- Capital development projects --**
3812 **Prioritization.**
3813 (1) As used in this section:
3814 (a) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers
3815 as published by the Bureau of Labor Statistics of the United States Department of Labor.
3816 (b) "Fund" means the Technical Colleges Capital Projects Fund created in Section
3817 53B-2a-118.
3818 (2) In accordance with this section, a technical college is required to receive legislative
3819 approval in an appropriations act for a dedicated project or a nondedicated project.
3820 (3) In accordance with Section 53B-2a-112, a technical college shall submit to the
3821 board [~~of trustees~~] a proposal for a funding request for each dedicated project or nondedicated
3822 project for which the technical college seeks legislative approval.
3823 (4) The board [~~of trustees~~] shall:
3824 (a) review each proposal submitted under Subsection (3) to ensure that the proposal
3825 complies with Section 53B-2a-112;
3826 (b) based on the results of the [~~board of trustees'~~] board's review under Subsection
3827 (4)(a), create:
3828 (i) a list of approved dedicated projects, prioritized in accordance with Subsection (6);
3829 and
3830 (ii) a list of approved nondedicated projects, prioritized in accordance with Subsection
3831 (6); and
3832 (c) submit the lists described in Subsection (4)(b) to:
3833 (i) the governor;
3834 (ii) the Infrastructure and General Government Appropriations Subcommittee;
3835 (iii) the Higher Education Appropriations Subcommittee; and
3836 (iv) the State Building Board for the State Building Board's:
3837 (A) recommendation, for the list described in Subsection (4)(b)(i); or
3838 (B) recommendation and prioritization, for the list described in Subsection (4)(b)(ii).
3839 (5) A dedicated project:
3840 (a) is subject to the State Building Board's recommendation as described in Section

3841 63A-5-104; and
3842 (b) is not subject to the State Building Board's prioritization as described in Section
3843 63A-5-104.
3844 (6) (a) Subject to Subsection (7), the board [~~of trustees~~] shall prioritize funding
3845 requests for capital development projects described in this section based on:
3846 (i) growth and capacity;
3847 (ii) effectiveness and support of critical programs;
3848 (iii) cost effectiveness;
3849 (iv) building deficiencies and life safety concerns; and
3850 (v) alternative funding sources.
3851 (b) [~~On or before August 1, 2019, the board of trustees~~] The board shall establish:
3852 (i) how the board [~~of trustees~~] will measure each factor described in Subsection (6)(a);
3853 and
3854 (ii) procedures for prioritizing funding requests for capital development projects
3855 described in this section.
3856 (7) (a) Subject to Subsection (7)(b), and in accordance with Subsection (6), the board
3857 [~~of trustees~~] may annually prioritize:
3858 (i) up to three nondedicated projects if the ongoing appropriation to the fund is less
3859 than $7,000,000;
3860 (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least
3861 $7,000,000 but less than $14,000,000; or
3862 (iii) one nondedicated project if the ongoing appropriation to the fund is at least
3863 $14,000,000.
3864 (b) For each calendar year beginning on or after January 1, 2020, the dollar amounts
3865 described in Subsection (7)(a) shall be adjusted by an amount equal to the percentage
3866 difference between:
3867 (i) the Consumer Price Index for the 2019 calendar year; and
3868 (ii) the Consumer Price Index for the previous calendar year.
3869 (8) (a) A technical college may request operations and maintenance funds for a capital
3870 development project approved under this section.
3871 (b) The Legislature shall consider a technical college's request described in Subsection

3872 (8)(a).
3873 Section 77. Section **53B-6-104** is amended to read:
3874 **53B-6-104. Multi-University Consortium for Teacher Training in Sensory**
3875 **Impairments -- Purposes -- Appropriation.**
3876 (1) (a) In conjunction with the [~~State Board of Regents'~~] board's master plan for higher
3877 education, there is established a Multi-University Consortium for Teacher Training in Sensory
3878 Impairments which is an outgrowth of a consortium established by the federal government.
3879 (b) The consortium shall include within its membership the University of Utah, Utah
3880 State University, Brigham Young University, the Utah Schools for the Deaf and the Blind, the
3881 Services for At-Risk Students section under the State Board of Education, and local school
3882 districts.
3883 (2) The consortium, in collaboration with the [~~State Board of Regents~~] board and the
3884 State Board of Education, shall develop and implement teacher preparation programs that
3885 qualify and certify instructors to work with students who are visually impaired, deaf, or hard of
3886 hearing, or both visually impaired and deaf or hard of hearing.
3887 [~~(3) (a) There is appropriated from the General Fund for fiscal year 1994-95, $200,000~~
3888 ~~to the State Board of Regents to fund the consortium's teacher preparation programs referred to~~
3889 ~~in Subsection (2).~~]
3890 [~~(b) The appropriation is nonlapsing.~~]
3891 [~~(c)~~] (3) [~~The State Board of Regents~~] The board shall consider including within [~~its~~]
3892 the board's annual budget recommendations a line item appropriation to provide ongoing
3893 funding for the programs provided pursuant to this section.
3894 Section 78. Section **53B-6-105.5** is amended to read:
3895 **53B-6-105.5. Technology Initiative Advisory Board -- Composition -- Duties.**
3896 (1) There is created a Technology Initiative Advisory Board to assist and make
3897 recommendations to the [~~State Board of Regents in its~~] board in the board's administration of
3898 the Engineering and Computer Science Initiative established under Section 53B-6-105.
3899 (2) (a) The advisory board shall consist of individuals appointed by the governor from
3900 business and industry who have expertise in the areas of engineering, computer science, and
3901 related technologies.
3902 (b) The advisory board shall select a chair and cochair.

3903 (c) The advisory board shall meet at the call of the chair.
3904 (d) The [~~State Board of Regents~~] board, through the commissioner of higher education,
3905 shall provide staff support for the advisory board.
3906 (3) A member of [~~an~~] the advisory board may not receive compensation or benefits for
3907 the member's service, but may receive per diem and travel expenses in accordance with:
3908 (a) Section 63A-3-106;
3909 (b) Section 63A-3-107; and
3910 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3911 63A-3-107.
3912 (4) The advisory board shall:
3913 (a) make recommendations to the [~~State Board of Regents~~] board on the allocation and
3914 distribution of money appropriated to fund:
3915 (i) the faculty incentive program established in Section 53B-6-105.9; and
3916 (ii) equipment purchases required to improve the quality of instructional programs in
3917 engineering, computer science, and related technology;
3918 (b) prepare a strategic plan that details actions required by the [~~State Board of Regents~~]
3919 board to meet the intent of the Engineering and Technology Science Initiative;
3920 (c) review and assess engineering, computer science, and related technology programs
3921 currently being offered at higher education institutions and their impact on the economic
3922 prosperity of the state;
3923 (d) provide the [~~State Board of Regents~~] board with an assessment and reporting plan
3924 that:
3925 (i) measures results against expectations under the initiative, including verification of
3926 the matching requirements for institutions of higher education to receive money under Section
3927 53B-6-105.9; and
3928 (ii) includes an analysis of market demand for technical employment, program
3929 articulation among higher education institutions in engineering, computer science, and related
3930 technology, tracking of student placement, student admission to the initiative program by
3931 region, transfer rates, and retention in and graduation rates from the initiative program; and
3932 (e) make an annual report of its activities to the [~~State Board of Regents~~] board.
3933 (5) The annual report of the Technology Initiative Advisory Board shall include the

3934 summary report of the institutional matches described in Section 53B-6-105.9.
3935 Section 79. Section **53B-6-105.9** is amended to read:
3936 **53B-6-105.9. Incentive program for engineering, computer science, and related**
3937 **technology faculty.**
3938 (1) The Legislature shall provide an annual appropriation to help fund the faculty
3939 incentive component of the Engineering and Computer Science Initiative established under
3940 Section 53B-6-105.
3941 (2) The appropriation shall be used to hire, recruit, and retain outstanding faculty in
3942 engineering, computer science, and related technology fields under guidelines established by
3943 the [~~State Board of Regents~~] board.
3944 (3) (a) State institutions of higher education shall match the appropriation on a
3945 one-to-one basis in order to qualify for state money appropriated under Subsection (1).
3946 (b) (i) Qualifying institutions shall annually report their matching dollars to the board.
3947 (ii) The board shall make a summary report of the institutional matches.
3948 (iii) The annual report of the Technology Initiative Advisory Board required by Section
3949 53B-6-105.5 shall include the summary report of the institutional matches.
3950 (4) The board shall make [~~a rule~~] rules in accordance with Title 63G, Chapter 3, Utah
3951 Administrative Rulemaking Act, establishing policies and procedures to apply for and
3952 distribute the state appropriation to qualifying institutions.
3953 Section 80. Section **53B-6-106** is amended to read:
3954 **53B-6-106. Jobs Now and economic development initiatives.**
3955 (1) The board shall develop, establish, and maintain:
3956 (a) [~~The Utah System of Technical Colleges Board of Trustees shall develop, establish,~~
3957 ~~and maintain~~] a Jobs Now Initiative, to promote workforce preparation programs that meet
3958 critical needs and shortages throughout the state[~~.~~]; and
3959 (b) [~~The State Board of Regents shall develop, establish, and maintain~~] economic
3960 development initiatives within the Utah system of higher education.
3961 (2) The initiatives specified in Subsection (1) shall provide support for technical
3962 training expansion that trains skilled potential employees within a period not to exceed 12
3963 months for technical jobs in critical needs occupations and other innovative economic
3964 development policy initiatives.

3965 (3) (a) Subject to future budget constraints, the Legislature shall provide an annual
3966 appropriation to the [~~Utah System of Technical Colleges~~] board to fund the Jobs Now Initiative
3967 established in Subsection (1)(a).
3968 (b) (i) The [~~Utah System of Technical Colleges Board of Trustees~~] board shall allocate
3969 the appropriation for the Jobs Now Initiative to technical colleges.
3970 (ii) A technical college shall use money received under Subsection (3)(b)(i) for
3971 technical training expansion referred to in Subsection (2).
3972 (c) Subject to future budget constraints, the Legislature shall provide an annual
3973 appropriation to the [~~State Board of Regents~~] board to fund economic development initiatives
3974 established pursuant Subsection (1)(b).
3975 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act[~~:~~],
3976 the board shall make rules to implement the initiatives described in Subsection (1).
3977 [~~(i) the Utah System of Technical Colleges Board of Trustees shall make rules to~~
3978 ~~implement the Jobs Now Initiative; and~~]
3979 [~~(ii) the board shall make rules to implement economic development initiatives.~~]
3980 Section 81. Section **53B-7-101** is amended to read:
3981 **53B-7-101. Combined requests for appropriations -- Board review of operating**
3982 **budgets -- Submission of budgets -- Recommendations -- Hearing request --**
3983 **Appropriation formulas -- Allocations -- Dedicated credits -- Financial affairs.**
3984 (1) As used in this section:
3985 (a) [~~(i)~~] "Higher education institution" or "institution" means an institution of higher
3986 education listed in Section 53B-1-102.
3987 [~~(ii) "Higher education institution" or "institution" does not include:~~]
3988 [~~(A) the Utah System of Technical Colleges Board of Trustees; or~~]
3989 [~~(B) a technical college.~~]
3990 (b) "Research university" means the University of Utah or Utah State University.
3991 (2) (a) [~~The~~] Subject to Subsection (3), the board shall recommend a combined
3992 appropriation for the operating budgets of higher education institutions for inclusion in a state
3993 appropriations act.
3994 (b) The board's combined budget recommendation shall include:
3995 (i) employee compensation;

3996 (ii) mandatory costs, including building operations and maintenance, fuel, and power;
3997 (iii) performance funding described in Part 7, Performance Funding;
3998 (iv) statewide and institutional priorities, including scholarships, financial aid, and
3999 technology infrastructure; and
4000 (v) enrollment growth.
4001 (c) The board's recommendations shall be available for presentation to the governor
4002 and to the Legislature at least 30 days before the convening of the Legislature, and shall include
4003 schedules showing the recommended amounts for each institution, including separately funded
4004 programs or divisions.
4005 (d) The recommended appropriations shall be determined by the board only after [~~it~~]
4006 the board has reviewed the proposed institutional operating budgets, and has consulted with the
4007 various institutions and board staff in order to make appropriate adjustments.
4008 (3) In the combined request for appropriation, the board shall differentiate between
4009 appropriations requested for academic education and appropriations requested for technical
4010 education.
4011 [~~(3)~~] (4) (a) Institutional operating budgets shall be submitted to the board at least 90
4012 days before the convening of the Legislature in accordance with procedures established by the
4013 board.
4014 (b) Except as provided in [~~Section~~] Sections 53B-2a-117 and 53B-22-204, funding
4015 requests pertaining to capital facilities and land purchases shall be submitted in accordance
4016 with procedures prescribed by the State Building Board.
4017 [~~(4)~~] (5) (a) The budget recommendations of the board shall be accompanied by full
4018 explanations and supporting data.
4019 (b) The appropriations recommended by the board shall be made with the dual
4020 objective of:
4021 (i) justifying for higher education institutions appropriations consistent with their
4022 needs, and consistent with the financial ability of the state; and
4023 (ii) determining an equitable distribution of funds among the respective institutions in
4024 accordance with the aims and objectives of the statewide master plan for higher education.
4025 [~~(5)~~] (6) (a) The board shall request a hearing with the governor on the recommended
4026 appropriations.

4027 (b) After the governor delivers his budget message to the Legislature, the board shall
4028 request hearings on the recommended appropriations with the Higher Education
4029 Appropriations Subcommittee.
4030 (c) If either the total amount of the state appropriations or its allocation among the
4031 institutions as proposed by the Legislature or the Higher Education Appropriations
4032 Subcommittee is substantially different from the recommendations of the board, the board may
4033 request further hearings with the Legislature or the Higher Education Appropriations
4034 Subcommittee to reconsider both the total amount and the allocation.
4035 [~~(6)~~] (7) The board may devise, establish, periodically review, and revise formulas for
4036 the board's use and for the use of the governor and the Higher Education Appropriations
4037 Subcommittee in making appropriation recommendations.
4038 [~~(7)~~] (8) (a) The board shall recommend to each session of the Legislature the
4039 minimum tuitions, resident and nonresident, for each institution which it considers necessary to
4040 implement the budget recommendations.
4041 (b) The board may fix the tuition, fees, and charges for each institution at levels the
4042 board finds necessary to meet budget requirements.
4043 [~~(8)~~] (9) Money allocated to each institution by legislative appropriation may be
4044 budgeted in accordance with institutional work programs approved by the board, provided that
4045 the expenditures funded by appropriations for each institution are kept within the
4046 appropriations for the applicable period.
4047 [~~(9)~~] (10) The dedicated credits, including revenues derived from tuitions, fees, federal
4048 grants, and proceeds from sales received by the institutions are appropriated to the respective
4049 institutions to be used in accordance with institutional work programs.
4050 [~~(10)~~] (11) An institution may do the institution's own purchasing, issue the institution's
4051 own payrolls, and handle the institution's own financial affairs under the general supervision of
4052 the board.
4053 [~~(11)~~] (12) If the Legislature appropriates money in accordance with this section, the
4054 money shall be distributed to the board and higher education institutions to fund the items
4055 described in Subsection (2)(b).
4056 Section 82. Section **53B-7-104** is amended to read:
4057 **53B-7-104. Retention of net reimbursed overhead revenues.**

4058 (1) For fiscal year 1990-91 and for each succeeding year, all budget documents for the
4059 system of higher education shall reflect retention by the institutions within the system of their
4060 net reimbursed overhead revenues for support of research and related programs under policies
4061 established by the [~~State Board of Regents~~] board. These overhead revenues may not be
4062 considered a dedicated credit.
4063 (2) The board, in conjunction with institutions within the system, shall provide the
4064 Legislature, through the Office of Legislative Fiscal Analyst, with a complete accounting of the
4065 net reimbursed overhead revenues on an annual basis. This accounting shall include actual
4066 expenditures for the prior fiscal year, budgeted expenditures for the current fiscal year, and
4067 planned expenditures for the following fiscal year.
4068 Section 83. Section **53B-7-702** is amended to read:
4069 **53B-7-702. Definitions.**
4070 As used in this part:
4071 (1) "Account" means the Performance Funding Restricted Account created in Section
4072 53B-7-703.
4073 (2) "Estimated revenue growth from targeted jobs" means the estimated increase in
4074 individual income tax revenue generated by individuals employed in targeted jobs, determined
4075 by the Department of Workforce Services in accordance with Section 53B-7-704.
4076 (3) "Full new performance funding amount" means the maximum amount of new
4077 performance funding that a [~~higher education~~] degree-granting institution or technical college
4078 may qualify for in a fiscal year, determined by the Legislature in accordance with Section
4079 53B-7-705.
4080 (4) "Full-time" means the number of credit hours the board determines is full-time
4081 enrollment for a student.
4082 (5) "GOED" means the Governor's Office of Economic Development created in
4083 Section 63N-1-201.
4084 [~~(6) "Higher education institution" means the same as that term is defined in Section~~
4085 ~~53B-7-101.~~]
4086 [~~(7)~~] (6) "Job" means an occupation determined by the Department of Workforce
4087 Services.
4088 [~~(8)~~] (7) "Membership hour" means 60 minutes of scheduled instruction provided by a

4089 technical college to a student enrolled in the technical college.
4090 [~~(9)~~] (8) "New performance funding" means the difference between the total amount of
4091 money in the account and the amount of money appropriated from the account for performance
4092 funding in the current fiscal year.
4093 [~~(10)~~] (9) "Performance" means total performance across the metrics described in:
4094 (a) Section 53B-7-706 for a [~~higher education~~] degree-granting institution; or
4095 (b) Section 53B-7-707 for a technical college.
4096 [~~(11)~~] (10) "Research university" means the University of Utah or Utah State
4097 University.
4098 [~~(12)~~] (11) "Targeted job" means a job designated by the Department of Workforce
4099 Services or GOED in accordance with Section 53B-7-704.
4100 [~~(13)~~] (12) "Technical college graduate" means an individual who:
4101 (a) has earned a certificate from an accredited program at a technical college; and
4102 (b) is no longer enrolled in the technical college.
4103 [~~(14) "Utah System of Technical Colleges" means the Utah System of Technical~~
4104 ~~Colleges described in Chapter 2a, Utah System of Technical Colleges.~~]
4105 Section 84. Section **53B-7-703** is amended to read:
4106 **53B-7-703. Performance Funding Restricted Account -- Creation -- Deposits into**
4107 **account -- Legislative review.**
4108 (1) There is created within the Education Fund a restricted account known as the
4109 "Performance Funding Restricted Account."
4110 (2) Money in the account shall be:
4111 (a) used for performance funding for:
4112 (i) [~~higher education~~] degree-granting institutions; and
4113 (ii) technical colleges; and
4114 (b) appropriated by the Legislature in accordance with Section 53B-7-705.
4115 (3) (a) Money in the account shall earn interest.
4116 (b) All interest earned on account money shall be deposited into the account.
4117 (4) (a) Except as provided in Subsection (4)(b)(ii), the Division of Finance shall
4118 deposit into the account an amount equal to:
4119 (i) 14% of the estimated revenue growth from targeted jobs upon appropriation by the

4120 Legislature for the fiscal year beginning on July 1, 2018; and
4121 (ii) 20% of the estimated revenue growth from targeted jobs upon appropriation by the
4122 Legislature for a fiscal year beginning on or after July 1, 2019.
4123 (b) (i) As used in this Subsection (4)(b), "total higher education appropriations" means,
4124 for the current fiscal year, the total state funded appropriations to:
4125 (A) the [~~State Board of Regents~~] board;
4126 (B) [~~higher education~~] degree-granting institutions; and
4127 [~~(C) the Utah System of Technical Colleges; and~~]
4128 [~~(D)~~] (C) technical colleges.
4129 (ii) If a deposit described in Subsection (4)(a) would exceed 10% of total higher
4130 education appropriations, upon appropriation by the Legislature, the Division of Finance shall
4131 deposit into the account an amount equal to 10% of total higher education appropriations.
4132 (c) The Legislature may appropriate money to the account.
4133 (5) During the interim following a legislative general session in which an amount
4134 described in Subsection (4)(b) is deposited into the account, the Higher Education
4135 Appropriations Subcommittee shall review performance funding described in this part and
4136 make recommendations to the Legislature about:
4137 (a) the performance levels required for [~~higher education~~] degree-granting institutions
4138 and technical colleges to receive performance funding as described in Section 53B-7-705;
4139 (b) the performance metrics described in Sections 53B-7-706 and 53B-7-707; and
4140 (c) the amount of individual income tax revenue dedicated to higher education
4141 performance funding.
4142 Section 85. Section **53B-7-705** is amended to read:
4143 **53B-7-705. Determination of full new performance funding amount -- Role of**
4144 **appropriations subcommittee -- Program review.**
4145 (1) In accordance with this section, and based on money deposited into the account, the
4146 Legislature shall, as part of the higher education appropriations budget process, annually
4147 determine the full new performance funding amount for each:
4148 (a) [~~higher education~~] degree-granting institution; and
4149 (b) technical college.
4150 (2) The Legislature shall annually allocate:

4151 (a) 90% of the money in the account to [~~higher education~~] degree-granting institutions;
4152 and
4153 (b) 10% of the money in the account to technical colleges.
4154 (3) (a) The Legislature shall determine a [~~higher education~~] degree-granting
4155 institution's full new performance funding amount based on the [~~higher education~~]
4156 degree-granting institution's prior year share of:
4157 (i) full-time equivalent enrollment in all [~~higher education~~] degree-granting
4158 institutions; and
4159 (ii) the total state-funded appropriated budget for all [~~higher education~~] degree-granting
4160 institutions.
4161 (b) In determining a [~~higher education~~] degree-granting institution's full new
4162 performance funding amount, the Legislature shall give equal weight to the factors described in
4163 Subsections (3)(a)(i) and (ii).
4164 (4) (a) The Legislature shall determine a technical college's full new performance
4165 funding amount based on the technical college's prior year share of:
4166 (i) membership hours for all technical colleges; and
4167 (ii) the total state-funded appropriated budget for all technical colleges.
4168 (b) In determining a technical college's full new performance funding amount, the
4169 Legislature shall give equal weight to the factors described in Subsections (4)(a)(i) and (ii).
4170 (5) Annually, at least 30 days before the first day of the legislative general session[~~:~~
4171 ~~(a)~~] the board shall submit a report to the Higher Education Appropriations Subcommittee on
4172 each [~~higher education~~] degree-granting institution's [~~performance; and~~] and each technical
4173 college's performance.
4174 [~~(b) the Utah System of Technical Colleges Board of Trustees shall submit a report to~~
4175 ~~the Higher Education Appropriations Subcommittee on each technical college's performance.~~]
4176 (6) (a) In accordance with this Subsection (6), and based on the [~~reports~~] report
4177 described in Subsection (5), the Legislature shall determine for each [~~higher education~~]
4178 degree-granting institution and each technical college:
4179 (i) the portion of the full new performance funding amount earned; and
4180 (ii) the amount of new performance funding to recommend that the Legislature
4181 appropriate, from the account, to the [~~higher education~~] degree-granting institution or technical

4182 college.
4183 (b) (i) A [~~higher education~~] degree-granting institution earns the full new performance
4184 funding amount if the [~~higher education~~] degree-granting institution has a positive change in
4185 performance of at least 1% compared to the [~~higher education~~] degree-granting institution's
4186 average performance over the previous five years.
4187 (ii) (A) Except as provided in Subsection (6)(b)(ii)(B), a technical college earns the full
4188 new performance funding amount if the technical college has a positive change in the technical
4189 college's performance of at least 5% compared to the technical college's average performance
4190 over the previous five years.
4191 (B) A technical college's change in performance may be compared to the technical
4192 college's average performance over fewer than five years in accordance with Subsection
4193 53B-7-707(3)(b).
4194 (c) A [~~higher education~~] degree-granting institution or technical college that has a
4195 positive change in performance that is less than a change described in Subsection (6)(b) is
4196 eligible to receive a prorated amount of the full new performance funding amount.
4197 (d) A [~~higher education institution~~] degree-granting or technical college that has a
4198 negative change, or no change, in performance over a time period described in Subsection
4199 (6)(b) is not eligible to receive new performance funding.
4200 (7) An appropriation described in this section is ongoing.
4201 (8) Notwithstanding Section 53B-7-703 and Subsections (6) and (7), the Legislature
4202 may, by majority vote, appropriate or refrain from appropriating money for performance
4203 funding as circumstances require in a particular year.
4204 (9) On or before November 1, 2020, the Education Interim Committee, the Higher
4205 Education Appropriations Subcommittee, and the governor shall review the implementation of
4206 performance funding described in this part.
4207 Section 86. Section **53B-7-706** is amended to read:
4208 **53B-7-706. Performance metrics for degree-granting institutions --**
4209 **Determination of performance.**
4210 (1) (a) The board shall establish a model for determining a [~~higher education~~]
4211 degree-granting institution's performance.
4212 (b) The board shall submit a draft of the model described in this section to the Higher

4213 Education Appropriations Subcommittee and the governor for comments and
4214 recommendations.
4215 (2) (a) The model described in Subsection (1) shall include metrics, including:
4216 (i) completion, measured by degrees and certificates awarded;
4217 (ii) completion by underserved students, measured by degrees and certificates awarded
4218 to underserved students;
4219 (iii) responsiveness to workforce needs, measured by degrees and certificates awarded
4220 in high market demand fields;
4221 (iv) institutional efficiency, measured by degrees and certificates awarded per full-time
4222 equivalent student; and
4223 (v) for a research university, research, measured by total research expenditures.
4224 (b) Subject to Subsection (2)(c), the board shall determine the relative weights of the
4225 metrics described in Subsection (2)(a).
4226 (c) The board shall assign the responsiveness to workforce needs metric described in
4227 Subsection (2)(a)(iii) a weight of at least 25% when determining [~~an institution of higher~~
4228 ~~education's~~] a degree-granting institution's performance.
4229 (3) For each [~~higher education~~] degree-granting institution, the board shall annually
4230 determine the [~~higher education~~] degree-granting institution's:
4231 (a) performance; and
4232 (b) change in performance compared to the [~~higher education~~] degree-granting
4233 institution's average performance over the previous five years.
4234 (4) The board shall use the model described in this section to make the report described
4235 in Section 53B-7-705 for determining a [~~higher education~~] degree-granting institution's
4236 performance funding for a fiscal year beginning on or after July 1, 2018.
4237 Section 87. Section **53B-7-707** is amended to read:
4238 **53B-7-707. Performance metrics for technical colleges -- Determination of**
4239 **performance.**
4240 (1) (a) The [~~Utah System of Technical Colleges Board of Trustees~~] board shall
4241 establish a model for determining a technical college's performance.
4242 (b) The [~~Utah System of Technical Colleges Board of Trustees~~] board shall submit a
4243 draft of the model described in this section to the Higher Education Appropriations

4244 Subcommittee and the governor for comments and recommendations.
4245 (2) (a) The model described in Subsection (1) shall include metrics, including:
4246 (i) completions, measured by certificates awarded;
4247 (ii) short-term occupational training, measured by completions of:
4248 (A) short-term occupational training that takes less than 60 hours to complete; and
4249 (B) short-term occupational training that takes at least 60 hours to complete;
4250 (iii) secondary completions, measured by:
4251 (A) completions of competencies sufficient to be recommended for high school credits;
4252 (B) certificates awarded to secondary students; and
4253 (C) retention of certificate-seeking high school graduates as certificate-seeking
4254 postsecondary students;
4255 (iv) placements, measured by:
4256 (A) total placements in related employment, military service, or continuing education;
4257 (B) placements for underserved students; and
4258 (C) placements from high impact programs; and
4259 (v) institutional efficiency, measured by the number of technical college graduates per
4260 900 membership hours.
4261 (b) The [~~Utah System of Technical Colleges Board of Trustees~~] board shall determine
4262 the relative weights of the metrics described in Subsection (2)(a).
4263 (3) (a) For each technical college, the [~~Utah System of Technical Colleges Board of~~
4264 ~~Trustees~~] board shall annually determine the technical college's:
4265 (i) performance; and
4266 (ii) except as provided in Subsection (3)(b), change in performance compared to the
4267 technical college's average performance over the previous five years.
4268 (b) For performance during a fiscal year before fiscal year 2020, if comparable
4269 performance data is not available for the previous five years, the [~~Utah System of Technical~~
4270 ~~Colleges Board of Trustees~~] board may determine a technical college's change in performance
4271 using the average performance over the previous three or four years.
4272 Section 88. Section **53B-8-101** is amended to read:
4273 **53B-8-101. Waiver of tuition.**
4274 (1) (a) The president of an institution of higher education described in Section

4275 53B-2-101 may waive all or part of the tuition on behalf of meritorious or impecunious resident
4276 students to an amount not exceeding 10% of the total amount of tuition which, in the absence
4277 of the waivers, would have been collected from all Utah resident students at the institution of
4278 higher education.
4279 (b) (i) Two and a half percent of the waivers designated in Subsection (1)(a) shall be
4280 set aside for members of the Utah National Guard.
4281 (ii) A waiver described in Subsection (1)(b)(i) shall be preserved by the student at least
4282 60 days before the beginning of an academic term.
4283 (2) (a) A president of an institution of higher education listed in Subsections
4284 53B-2-101(1)(a) through (h) may waive all or part of the nonresident portion of tuition for a
4285 meritorious nonresident undergraduate student.
4286 (b) In determining which students are meritorious for purposes of granting a tuition
4287 waiver under Subsection (2)(a), a president shall consider students who are performing above
4288 the average at the institution of higher education, including having an admissions index higher
4289 than the average for the institution, if an admissions index is used.
4290 (c) A president of an institution of higher education may continue to waive the
4291 nonresident portion of tuition for a student described in Subsection (2)(a) for as long as the
4292 student is enrolled at the institution of higher education.
4293 (d) In addition to waiving the nonresident portion of tuition for a meritorious
4294 nonresident student under Subsection (2)(a), a president of an institution of higher education
4295 may waive the resident portion of tuition after the meritorious nonresident student completes a
4296 year of full-time study at the institution of higher education.
4297 (3) To encourage students to enroll for instruction in occupations critical to the state for
4298 which trained personnel are in short supply, a president of an institution of higher education
4299 shall grant additional full or partial tuition waivers upon recommendation of[~~:~~] the board.
4300 [~~(a) the board, for an institution of higher education described in Subsections~~
4301 ~~53B-2-101(1)(a) through (h); or~~]
4302 [~~(b) the Utah System of Technical Colleges Board of Trustees, for a technical college.~~]
4303 (4) A president of an institution of higher education may waive all or part of the
4304 difference between resident and nonresident tuition for:
4305 (a) meritorious graduate students; or

4306 (b) nonresident summer school students.
4307 (5) The board may establish policies that:
4308 (a) require an institution of higher education described in Subsections 53B-2-101(1)(a)
4309 through (h) to regularly assess and report whether the institution of higher education's use of
4310 tuition waivers supports the goals established by the board in accordance with Section
4311 [~~53B-1-103~~] 53B-1-402 for the institution of higher education;
4312 (b) subject to the provisions of this section, establish the amount or percentage of
4313 tuition that an institution of higher education may waive;
4314 (c) define the terms "meritorious" and "impecunious," as the terms apply to tuition
4315 waivers for resident students described in Subsection (1)(a); and
4316 (d) establish limitations on an institution of higher education's allocation of waivers
4317 described in Subsection (1)(a) for resident students who are meritorious or resident students
4318 who are impecunious.
4319 (6) (a) The board shall submit an annual budget appropriation request for each
4320 institution of higher education described in [~~Subsections 53B-2-101(1)(a) through (h)~~] Section
4321 53B-2-101.
4322 [~~(b) The Utah System of Technical Colleges Board of Trustees shall submit an annual~~
4323 ~~budget appropriation request for each technical college.~~]
4324 [~~(c)~~] (b) A request described in Subsection (6)(a) [~~or (b)~~] shall include requests for
4325 funds sufficient in amount to equal the estimated loss of dedicated credits that would be
4326 realized if all of the tuition waivers authorized by Subsection (2) were granted.
4327 Section 89. Section **53B-8-103** is amended to read:
4328 **53B-8-103. Waiver of nonresident differential in tuition rates -- Dixie State**
4329 **University good neighbor tuition waivers.**
4330 (1) Notwithstanding any other provision of law:
4331 (a) (i) The board may determine when to grant a full or partial waiver of the
4332 nonresident differential in tuition rates charged to undergraduate students pursuant to reciprocal
4333 agreements with other states.
4334 (ii) In making the determination described under Subsection (1)(a)(i), the board shall
4335 consider the potential of the waiver to:
4336 (A) enhance educational opportunities for Utah residents;

4337 (B) promote mutually beneficial cooperation and development of Utah communities
4338 and nearby communities in neighboring states;
4339 (C) contribute to the quality of educational programs; and
4340 (D) assist in maintaining the cost effectiveness of auxiliary operations in Utah
4341 institutions of higher education.
4342 (b) (i) Consistent with its determinations made pursuant to Subsection (1)(a), the board
4343 may enter into agreements with other states to provide for a full or partial reciprocal waiver of
4344 the nonresident tuition differential charged to undergraduate students.
4345 (ii) An agreement shall provide for the numbers and identifying criteria of
4346 undergraduate students, and shall specify the institutions of higher education that will be
4347 affected by the agreement.
4348 (c) The board shall establish policy guidelines for the administration by the affected
4349 Utah institutions of any tuition waivers authorized under this section, for evaluating applicants
4350 for such waivers, and for reporting the results of the reciprocal waiver programs authorized by
4351 this section.
4352 (d) A report and financial analysis of any waivers of tuition authorized under this
4353 section shall be submitted annually to the general session of the Legislature as part of the
4354 budget recommendations of the board for the system of higher education.
4355 (2) (a) Dixie State University may offer a good neighbor full waiver of the nonresident
4356 differential in tuition rates charged to undergraduate students:
4357 (i) pursuant to reciprocal agreements with other states; or
4358 (ii) to a resident of a county that has a portion of the county located within 70 miles of
4359 the main campus of Dixie State University.
4360 (b) (i) A student who attends Dixie State University under a good neighbor tuition
4361 waiver shall pay a surcharge per credit hour in addition to the regular resident tuition and fees
4362 of Dixie State University.
4363 (ii) The surcharge per credit hour shall be based on a percentage of the approved
4364 resident tuition per credit hour each academic year.
4365 (iii) The percentage assessed as a surcharge per credit hour shall be set by the [~~State~~
4366 ~~Board of Regents~~] board.
4367 (c) Dixie State University may restrict the number of good neighbor tuition waivers

4368 awarded.
4369 (d) A student who attends Dixie State University on a good neighbor tuition waiver
4370 may not count the time during which the waiver is received towards establishing resident
4371 student status in Utah.
4372 Section 90. Section **53B-8-104** is amended to read:
4373 **53B-8-104. Nonresident partial tuition scholarships.**
4374 (1) The board may grant a scholarship for partial waiver of the nonresident portion of
4375 total tuition charged by public institutions of higher education to nonresident undergraduate
4376 students, subject to the limitations provided in this section, if the board determines that the
4377 scholarship will:
4378 (a) promote mutually beneficial cooperation between Utah communities and nearby
4379 communities in states adjacent to Utah;
4380 (b) contribute to the quality and desirable cultural diversity of educational programs in
4381 Utah institutions;
4382 (c) assist in maintaining an adequate level of service and related cost-effectiveness of
4383 auxiliary operations in Utah institutions of higher education; and
4384 (d) promote enrollment of nonresident students with high academic aptitudes.
4385 (2) The board shall establish policy guidelines for the administration by institutions of
4386 higher education of any partial tuition scholarships authorized under this section, for evaluating
4387 applicants for those scholarships, and for reporting the results of the scholarship program
4388 authorized by this section.
4389 (3) The policy guidelines promulgated by the board under Subsection (2) shall include
4390 the following provisions:
4391 (a) the amount of the approved scholarship may not be more than 1/2 of the differential
4392 tuition charged to nonresident students for an equal number of credit hours of instruction;
4393 (b) a nonresident partial tuition scholarship may be awarded initially only to a
4394 nonresident undergraduate student who has not previously been enrolled in a college or
4395 university in Utah and who has enrolled full time for 10 or more credit hours, whose legal
4396 domicile is within approximately 100 highway miles of the Utah system of higher education
4397 institution at which the recipient wishes to enroll or such distance that the [~~regents~~] board may
4398 establish for any institution;

4399 (c) the total number of nonresident partial tuition scholarships granted may not exceed
4400 a total of 600 such scholarships in effect at any one time; and
4401 (d) the board shall determine eligibility for nonresident partial tuition scholarships on
4402 the basis of program availability at an institution and on a competitive basis, using quantifiable
4403 measurements such as grade point averages and results of test scores.
4404 (4) The board shall submit an annual report and financial analysis of the effects of
4405 offering nonresident partial tuition scholarships authorized under this section to the Higher
4406 Education Appropriations Subcommittee as part of the board's budget recommendations for the
4407 system of higher education.
4408 Section 91. Section **53B-8-106** is amended to read:
4409 **53B-8-106. Resident tuition -- Requirements -- Rules.**
4410 (1) If allowed under federal law, a student, other than a nonimmigrant alien within the
4411 meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States
4412 Code, shall be exempt from paying the nonresident portion of total tuition if the student:
4413 (a) attended high school in this state for three or more years;
4414 (b) graduated from a high school in this state or received the equivalent of a high
4415 school diploma in this state; and
4416 (c) registers as an entering student at an institution of higher education not earlier than
4417 the fall of the 2002-03 academic year.
4418 (2) In addition to the requirements under Subsection (1), a student without lawful
4419 immigration status shall file an affidavit with the institution of higher education stating that the
4420 student has filed an application to legalize his immigration status, or will file an application as
4421 soon as he is eligible to do so.
4422 (3) The [~~State Board of Regents~~] board shall make rules for the implementation of this
4423 section.
4424 (4) Nothing in this section limits the ability of institutions of higher education to assess
4425 nonresident tuition on students who do not meet the requirements under this section.
4426 Section 92. Section **53B-8-107** is amended to read:
4427 **53B-8-107. Military member surviving dependents -- Tuition waiver.**
4428 (1) As used in this section:
4429 (a) "Federal active duty" means serving under orders in accordance with United States

4430 Code, Title 10 or Title 32, at any time on or after September 11, 2001.
4431 (b) "Qualifying deceased military member" means a person who:
4432 (i) was killed while serving on state or federal active duty, under orders of competent
4433 authority and not as a result of the member's own misconduct; or
4434 (ii) dies of wounds or injuries received while serving on state or federal active duty,
4435 under orders of competent authority and not as a result of the member's own misconduct; and
4436 (iii) was a member of the armed forces of the United States and a Utah resident;
4437 (iv) was a member of the reserve component of the armed forces on or after September
4438 11, 2001, and a Utah resident; or
4439 (v) was a member of the Utah National Guard on or after September 11, 2001.
4440 (c) "State active duty" means serving in the Utah National Guard in any duty status
4441 authorized by the governor under Title 39, Militia and Armories.
4442 (2) This section shall be known as the Scott B. Lundell Military Survivors' tuition
4443 waiver.
4444 (3) A state institution of higher education shall waive undergraduate tuition for a
4445 dependent of a qualifying deceased military member under the following conditions:
4446 (a) the dependent has been accepted by the institution in accordance with the
4447 institution's admissions guidelines;
4448 (b) except as provided in Subsection (4), the dependent is a resident student as
4449 determined under Section 53B-8-102;
4450 (c) the dependent may not have already completed a course of studies leading to an
4451 undergraduate degree;
4452 (d) the dependent may only utilize the waiver for courses that are applicable toward the
4453 degree or certificate requirements of the program in which the dependent is enrolled; and
4454 (e) the dependent may not be excluded from the waiver if the dependent has previously
4455 taken courses at or has been awarded credit by a state institution of higher education.
4456 (4) Notwithstanding Subsection (3)(b), a dependent of a qualifying deceased military
4457 member that was a member of the Utah National Guard is not required to be a resident student
4458 as determined under Section 53B-8-102.
4459 (5) The tuition waiver in this section is applicable for undergraduate study only.
4460 (6) The Department of Veterans and Military Affairs, after consultation with the

4461 adjutant general if necessary, shall certify to the institution that the dependent is a surviving
4462 dependent eligible for the tuition waiver in accordance with this section.
4463 (7) The waiver in this section does not apply to fees, books, or housing expenses.
4464 (8) The [~~State Board of Regents~~] board may request reimbursement from the
4465 Legislature for costs incurred in providing the tuition waiver under this section.
4466 Section 93. Section **53B-8-201** is amended to read:
4467 **53B-8-201. Regents' Scholarship Program.**
4468 (1) As used in this section:
4469 (a) "Eligible institution" means an institution of higher education within the state
4470 system of higher education described in Section 53B-1-102.
4471 (b) "Eligible student" means a student who:
4472 (i) applies to the board in accordance with the rules described in Subsection (6);
4473 (ii) is enrolled in an eligible institution; and
4474 (iii) meets the criteria established by the board in rules described in Subsection (6).
4475 (c) "Fee" means:
4476 (i) for an eligible institution that is [~~part of the Utah System of Higher Education~~] a
4477 degree-granting institution, a fee approved by the board; or
4478 (ii) for an eligible institution that is a technical college, a fee approved by the eligible
4479 institution.
4480 (d) "Program" means the Regents' Scholarship Program described in this section.
4481 (2) (a) A student who graduates from high school after July 1, 2018:
4482 (i) may receive a Regents' scholarship in accordance with this section; and
4483 (ii) may not receive a scholarship in accordance with Sections 53B-8-202 through
4484 53B-8-205.
4485 (b) A student who graduates from high school on or before July 1, 2018:
4486 (i) may receive a scholarship in accordance with Sections 53B-8-202 through
4487 53B-8-205; and
4488 (ii) may not receive a Regents' scholarship in accordance with this section.
4489 (3) (a) Subject to legislative appropriations, beginning with an appropriation for fiscal
4490 year 2019, the board shall annually distribute money for the Regents' Scholarship Program
4491 described in this section to each eligible institution to award as Regents' scholarships to eligible

4492 students.
4493 (b) The board shall annually determine the amount of a Regents' scholarship based on:
4494 (i) the number of eligible students in the state; and
4495 (ii) money available for the program.
4496 (c) The board shall annually determine the total amount of money to distribute to an
4497 eligible institution based on the eligible institution's share of all eligible students in the state.
4498 (4) (a) Except as provided in Subsection (4)(b) or (c), an eligible institution shall
4499 provide to an eligible student a Regents' scholarship in the amount determined by the board
4500 described in Subsection (3)(b).
4501 (b) For a Regents' scholarship for which an eligible student applies on or before July 1,
4502 2019, an eligible institution may reduce the amount of the Regents' scholarship based on other
4503 state aid awarded to the eligible student for tuition and fees.
4504 (c) For a Regents' scholarship for which an eligible student applies after July 1, 2019:
4505 (i) an eligible institution shall reduce the amount of the Regents' scholarship so that the
4506 total amount of state aid awarded to the eligible student, including tuition or fee waivers and
4507 the Regents' scholarship, does not exceed the cost of the eligible student's tuition and fees; and
4508 (ii) the eligible student may only use the Regents' scholarship for tuition and fees.
4509 (5) The board may:
4510 (a) audit an eligible institution's administration of Regents' scholarships; and
4511 (b) require an eligible institution to repay to the board money distributed to the eligible
4512 institution under this section that is not provided to an eligible student as a Regents'
4513 scholarship.
4514 (6) [~~(a)~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4515 Act, the board shall make rules that establish:
4516 [~~(i)~~] (a) requirements related to an eligible institution's administration of Regents'
4517 scholarships;
4518 [~~(ii)~~] (b) a process for a student to apply to the board to determine the student's
4519 eligibility for a Regents' scholarship;
4520 [~~(iii)~~] (c) criteria to determine a student's eligibility for a Regents' scholarship,
4521 including:
4522 [~~(A)~~] (i) minimum secondary education academic performance standards;

4523 [~~(B)~~] (ii) the completion of secondary core curriculum and graduation requirements;
4524 [~~(C)~~] (iii) the completion of a Free Application for Federal Student Aid;
4525 [~~(D)~~] (iv) need-based measures that address college affordability and access; and
4526 [~~(E)~~] (v) minimum enrollment requirements in an eligible institution; and
4527 [~~(iv)~~] (d) a requirement for each eligible institution to annually report to the board on
4528 all Regents' scholarships awarded by the eligible institution.
4529 [~~(b) In making rules described in Subsection (6)(a) that apply to a technical college, the~~
4530 ~~board shall consult with the Utah System of Technical Colleges Board of Trustees.~~]
4531 (7) The board shall annually report on the program to the Higher Education
4532 Appropriations Subcommittee.
4533 (8) (a) The State Board of Education, a school district, or a public high school shall
4534 cooperate with the board and eligible institutions to facilitate the program, including by
4535 exchanging relevant data where allowed by law.
4536 (b) The State Board of Education shall annually provide to the board a list of directory
4537 information, including name and address, for each grade 8 student in the state.
4538 (9) Notwithstanding the provisions in this section, a private, nonprofit college or
4539 university in the state that is accredited by the Northwest Commission on Colleges and
4540 Universities is an eligible institution for purposes of providing a Regents' scholarship to an
4541 eligible student who applies for a Regents' scholarship on or before July 1, 2019.
4542 (10) If money appropriated under this section is available after Regents' scholarships
4543 are awarded, the board shall use the money for the Access Utah Promise Scholarship Program
4544 created in Section 53B-8-302.
4545 Section 94. Section **53B-8-301** is amended to read:
4546 **53B-8-301. Definitions.**
4547 As used in this part:
4548 (1) "Access Utah promise scholarship" or "promise scholarship" means a scholarship
4549 described in Section 53B-8-303.
4550 (2) "Eligible individual" means an individual who:
4551 (a) applies for a promise scholarship in accordance with Section 53B-8-303; and
4552 (b) meets the eligibility requirements described in Section 53B-8-303.
4553 (3) "Fee" means:

4554 (a) for an institution that is [~~part of the Utah System of Higher Education~~] a
4555 degree-granting institution, a fee approved by the board; or
4556 (b) for an institution that is a technical college, a fee approved by the institution.
4557 (4) "Institution of higher education" or "institution" means an institution described in
4558 Section 53B-1-102.
4559 (5) "Partner award" means a financial award described in Section 53B-8-304.
4560 (6) "Promise partner" means an employer that participates in the program described in
4561 Section 53B-8-304.
4562 Section 95. Section **53B-8-303** is amended to read:
4563 **53B-8-303. Access Utah promise scholarships.**
4564 (1) An individual may apply for a promise scholarship in accordance with the rules
4565 described in Subsection (8).
4566 (2) An individual is eligible to receive a promise scholarship if the individual:
4567 (a) (i) has a high school diploma or the equivalent; and
4568 (ii) does not have an associate or higher postsecondary degree;
4569 (b) demonstrates financial need, in accordance with the rules described in Subsection
4570 (8);
4571 (c) is a Utah resident;
4572 (d) enrolls in an institution; and
4573 (e) accepts all other grants, tuition or fee waivers, and scholarships offered to the
4574 individual to attend the institution in which the individual enrolls.
4575 (3) Subject to legislative appropriations, and in accordance with the rules described in
4576 Subsection (8), the board shall annually distribute money for promise scholarships to each
4577 institution.
4578 (4) (a) Except as provided in Subsection (4)(d), an institution shall award a promise
4579 scholarship to an eligible individual.
4580 (b) For a promise scholarship recipient, an institution shall:
4581 (i) evaluate the recipient's knowledge, skills, and competencies acquired through
4582 formal or informal education outside the traditional postsecondary academic environment; and
4583 (ii) award credit, as applicable, for the recipient's prior learning described in Subsection
4584 (4)(b)(i).

4585 (c) An institution shall award a promise scholarship in an amount that is equal to the
4586 difference between:
4587 (i) the total cost of tuition and fees for the program in which the recipient is enrolled;
4588 and
4589 (ii) the total value of all other grants, tuition waivers, fee waivers, and scholarships
4590 received by the recipient to attend the institution.
4591 (d) If an institution's distribution described in Subsection (3) is insufficient to award a
4592 promise scholarship to each eligible individual in the amount described in Subsection (4)(c),
4593 the institution:
4594 (i) shall, when possible, use other funding sources to fully fund the amount described
4595 in Subsection (4)(c) for each eligible individual; and
4596 (ii) may prioritize promise scholarships based on financial need in accordance with the
4597 rules described in Subsection (8).
4598 (e) An institution may use up to 3% of the institution's distribution described in
4599 Subsection (3) for administration.
4600 (5) An institution shall continue to award a promise scholarship to a recipient who
4601 meets the requirements established by the board in the rules described in Subsection (8) until
4602 the earliest of the following:
4603 (a) two years after the recipient initially receives a promise scholarship;
4604 (b) the recipient uses a promise scholarship to attend an institution for four semesters;
4605 (c) the recipient completes the requirements for an associate degree; or
4606 (d) if the recipient attends an institution that does not offer associate degrees, the
4607 recipient has 60 earned credit hours.
4608 (6) A recipient may only use a promise scholarship for tuition and fees.
4609 (7) A promise scholarship is transferable between institutions.
4610 (8) [~~(a)~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4611 Act, [~~and Subsection (8)(b),~~] the board shall make rules to establish:
4612 [~~(i)~~] (a) requirements related to whether an individual is eligible for a promise
4613 scholarship, including:
4614 [~~(A)~~] (i) a process for an eligible individual to defer a promise scholarship;
4615 [~~(B)~~] (ii) how an individual demonstrates financial need for purposes of receiving a

4616 promise scholarship; and
4617 [~~(C)~~] (iii) how to determine whether an individual is a Utah resident;
4618 [~~(ii)~~] (b) a process and requirements for an individual to apply for a promise
4619 scholarship;
4620 [~~(iii)~~] (c) a formula to determine the distributions to each institution described in
4621 Subsection (3) that takes into account:
4622 [~~(A)~~] (i) the cost of tuition and fees for programs offered by institutions; and
4623 [~~(B)~~] (ii) the number of eligible individuals who attend each institution;
4624 [~~(iv)~~] (d) how an institution may prioritize awarding scholarships based on the
4625 financial needs of eligible individuals;
4626 [~~(v)~~] (e) conditions a recipient is required to meet to continue to receive a promise
4627 scholarship, including requirements related to academic achievement and enrollment status;
4628 and
4629 [~~(vi)~~] (f) a requirement that in communicating about promise scholarships to recipients
4630 and potential recipients, the board and institutions do not portray the Access Utah Promise
4631 Scholarship Program as a program that is guaranteed to be in effect indefinitely.
4632 [~~(b) In making the rules described in Subsection (8)(a), the board shall consult with the~~
4633 ~~Utah System of Technical Colleges Board of Trustees.~~]
4634 (9) On or before November 1 each year, the board shall report to the Higher Education
4635 Appropriations Subcommittee regarding promise scholarships, including:
4636 (a) the number of scholarships awarded; and
4637 (b) whether the promise scholarship program is effective in helping underserved
4638 students access higher education.
4639 Section 96. Section **53B-8a-102.5** is amended to read:
4640 **53B-8a-102.5. Definitions for part.**
4641 As used in this part:
4642 (1) "Administrative fund" means the money used to administer the Utah Educational
4643 Savings Plan.
4644 (2) "Board" means the board of directors of the Utah Educational Savings Plan, which
4645 is the [~~State Board of Regents~~] Utah Board of Higher Education acting in the [~~State Board of~~
4646 ~~Regents'~~] Utah Board of Higher Education's capacity as the Utah Higher Education Assistance

4647 Authority under Title 53B, Chapter 12, Higher Education Assistance Authority.
4648 (3) "Endowment fund" means the endowment fund established under Section
4649 53B-8a-107, which is held as a separate fund within the Utah Educational Savings Plan.
4650 (4) "Executive director" means the administrator appointed to administer and manage
4651 the Utah Educational Savings Plan.
4652 (5) "Federally insured depository institution" means an institution whose deposits and
4653 accounts are to any extent insured by a federal deposit insurance agency, including the Federal
4654 Deposit Insurance Corporation and the National Credit Union Administration.
4655 (6) "Grantor trust" means a trust, the income of which is for the benefit of the grantor
4656 under Section 677, Internal Revenue Code.
4657 (7) "Higher education costs" means qualified higher education expenses as defined in
4658 Section 529(e)(3), Internal Revenue Code.
4659 (8) "Owner of the grantor trust" means one or more individuals who are treated as an
4660 owner of a trust under Section 677, Internal Revenue Code, if that trust is a grantor trust.
4661 (9) "Program fund" means the program fund created under Section 53B-8a-107, which
4662 is held as a separate fund within the Utah Educational Savings Plan.
4663 (10) "Qualified investment" means an amount invested in accordance with an account
4664 agreement established under this part.
4665 (11) "Tuition and fees" means the quarterly or semester charges imposed to attend an
4666 institution of higher education and required as a condition of enrollment.
4667 Section 97. Section **53B-8a-204** is amended to read:
4668 **53B-8a-204. Distribution of program money -- Application process --**
4669 **Prioritization -- Account agreements.**
4670 (1) The plan shall distribute money in the program by creating a 529 savings account
4671 for an eligible individual identified by a community partner.
4672 (2) (a) (i) The plan shall carry out the responsibility described in Subsection (1) by
4673 establishing a process in which a community partner may apply for an allocation of program
4674 money to designate for eligible individuals.
4675 (ii) The [~~State Board of Regents~~] Utah Board of Higher Education shall establish the
4676 application process for a community partner to apply for an allocation of program money.
4677 (iii) The application process described in Subsection (2)(a)(ii) shall include:

4678 (A) the criteria for a community partner to apply for an allocation of program money;
4679 (B) the criteria that the plan will use to prioritize applications if the dollar amounts
4680 requested in the applications exceed the dollar amount available;
4681 (C) the requirements for establishing a 529 savings account in the name of an eligible
4682 individual; and
4683 (D) the roles and responsibilities of a community partner that makes a successful
4684 application for an allocation of program money.
4685 (b) (i) A community partner that receives an allocation of program money shall enter
4686 into a contract with the plan.
4687 (ii) The contract described in Subsection (2)(b)(i) shall:
4688 (A) define the roles and responsibilities of the community partner and the plan with
4689 regard to the community partner's allocation of program money; and
4690 (B) specify that the individual the community partner identifies to receive a portion of
4691 the community partner's allocation is an eligible individual.
4692 (3) If the plan approves a community partner's application for an allocation of program
4693 money, the plan may not promise or otherwise encumber the allocation to any other person
4694 unless the allocation is forfeited under Subsection (5)(b)(ii).
4695 (4) (a) A community partner shall identify each eligible individual who will receive a
4696 portion of the community partner's allocation of program money.
4697 (b) After a community partner identifies an eligible individual to receive a portion of
4698 the community partner's allocation, the community partner shall notify the plan of:
4699 (i) the amount of the community partner's allocation that shall transfer to a 529 savings
4700 account in the name of the identified eligible individual; and
4701 (ii) the amount, if any, that the community partner will be contributing in accordance
4702 with Part 1, Utah Educational Savings Plan, to the 529 savings account on behalf of the
4703 identified eligible individual.
4704 (5) (a) Upon receiving the information described in Subsection (4)(b), the plan shall
4705 establish a 529 savings account for the identified eligible individual, with the community
4706 partner as the account owner.
4707 (b) The community partner shall inform the beneficiary that:
4708 (i) within three years after the day on which the beneficiary graduates from high

4709 school, the beneficiary shall enroll in:
4710 (A) a credit-granting institution of higher education within the state system of higher
4711 education;
4712 (B) a private, nonprofit college or university in the state that is accredited by the
4713 Northwestern Association of Schools and Colleges; or
4714 (C) a technical college; and
4715 (ii) if the beneficiary fails to enroll within three years after the day on which the
4716 beneficiary graduates from high school, any money that remains in the 529 savings account
4717 shall be returned to the program.
4718 (c) After entering into the account agreement described in Subsection (5)(a), the plan
4719 shall deposit into the beneficiary's 529 savings account the amount of the allocation described
4720 in Subsection (4)(b)(i).
4721 Section 98. Section **53B-8e-103** is amended to read:
4722 **53B-8e-103. Tuition waivers for Purple Heart recipients -- Qualifications --**
4723 **Limitations.**
4724 (1) Beginning in the 2004-05 academic year, a state institution of higher education
4725 shall waive undergraduate tuition for each Purple Heart recipient who:
4726 (a) is admitted as a full-time, part-time, or summer school student in an undergraduate
4727 program of study leading to a degree or certificate;
4728 (b) is a resident student of the state as determined under Section 53B-8-102; and
4729 (c) submits verification as provided in Subsection (3) that the student is a Purple Heart
4730 recipient.
4731 (2) (a) Beginning in the 2008-09 academic year, a state institution of higher education
4732 shall waive graduate tuition as provided in this Subsection (2) for each Purple Heart recipient
4733 who:
4734 (i) is admitted as a full-time, part-time, or summer school student in a graduate
4735 program of study leading to a degree;
4736 (ii) is a resident student of the state as determined under Section 53B-8-102; and
4737 (iii) submits verification as provided in Subsection (3) that the student is a Purple Heart
4738 recipient.
4739 (b) To qualify for a graduate tuition waiver, a Purple Heart recipient shall apply for a

4740 graduate program no later than 10 years from the day on which the Purple Heart recipient
4741 completes an undergraduate degree.
4742 (c) The total amount of all graduate tuition waived for a Purple Heart recipient may not
4743 exceed $10,000.
4744 (d) A Purple Heart recipient may receive a graduate tuition waiver for a period of time
4745 that does not exceed the lesser of:
4746 (i) the time it takes for the Purple Heart recipient to complete a graduate degree; or
4747 (ii) five years after the day on which the Purple Heart recipient is accepted to a
4748 graduate program.
4749 (3) A Purple Heart recipient seeking a tuition waiver shall request the Department of
4750 Veterans and Military Affairs to provide the verification required by Subsection (1)(c). The
4751 Department of Veterans and Military Affairs shall provide the verification upon obtaining
4752 evidence satisfactory to the division that the student is a Purple Heart recipient.
4753 (4) The [~~State Board of Regents~~] board may request reimbursement from the
4754 Legislature for costs incurred in providing the tuition waiver under this section.
4755 Section 99. Section **53B-10-201** is amended to read:
4756 **53B-10-201. Definitions.**
4757 As used in this part:
4758 (1) "Full-time" means the number of credit hours the board determines is full-time
4759 enrollment for a student.
4760 (2) "GOED" means the Governor's Office of Economic Development created in
4761 Section 63N-1-201.
4762 (3) "Incentive loan" means a loan described in Section 53B-10-202.
4763 (4) "Institution" means an institution of higher education [~~that is part of the Utah~~
4764 ~~System of Higher Education~~] described in Subsection 53B-1-102(1)(a).
4765 (5) "Program" means the Talent Development Incentive Loan Program created in
4766 Section 53B-10-202.
4767 (6) "Qualifying degree" means an associate's or a bachelor's degree that qualifies an
4768 individual to work in a qualifying job, as determined by GOED under Section 53B-10-203.
4769 (7) "Qualifying job" means a job:
4770 (a) described in Section 53B-10-203 for which an individual may receive an incentive

4771 loan for the current two-year period; or
4772 (b) (i) that was selected in accordance with Section 53B-10-203 at the time a recipient
4773 received an incentive loan; and
4774 (ii) (A) for which the recipient is pursuing a qualifying degree;
4775 (B) for which the recipient completed a qualifying degree; or
4776 (C) in which the recipient is working.
4777 (8) "Recipient" means an individual who receives an incentive loan.
4778 Section 100. Section **53B-11-104** is amended to read:
4779 **53B-11-104. Eligibility for student financial aid -- Filing of selective service**
4780 **status.**
4781 (1) A male born after December 31, 1959, may not receive any state-supported loan,
4782 grant, or scholarship for attendance at a postsecondary institution within the state unless he has
4783 filed a statement of selective service status with the institution.
4784 (2) The statement shall certify one of the following:
4785 (a) that the male has registered with the selective service system in accordance with the
4786 Military Selective Service Act, 50 U.S.C. Sec. 3802, as amended;
4787 (b) that the male is not required to register with the selective service system because he
4788 is:
4789 (i) under 18 or over 26 years of age;
4790 (ii) on active duty with the armed forces of the United States other than for training in a
4791 reserve or national guard unit;
4792 (iii) a nonimmigrant alien lawfully in the United States in accordance with the
4793 Immigration and Nationality Act, 8 U.S.C. Sec. 1101(a)(15); or
4794 (iv) not a citizen of the United States and is a permanent resident of the Trust Territory
4795 of the Pacific Islands or the Northern Mariana Islands.
4796 (3) (a) The board [~~of regents~~], through the commissioner of higher education, shall
4797 specify the form of statement to be filed under Subsection (2).
4798 (b) Each statement shall contain a section:
4799 (i) certifying registration with the selective service system and a space for the student
4800 to record his selective service number; and
4801 (ii) for the certification of nonregistration and for an explanation of the reason for

4802 exemption.
4803 (c) The board may require documentation for the certifications under Subsection (3)(b).
4804 (4) Postsecondary institutions within the state may not make or guarantee any loan,
4805 grant, scholarship, or other state-supported financial assistance to a male student unless the
4806 student has filed the statement required under Subsection (1).
4807 (5) (a) If a postsecondary institution within the state has received a statement certifying
4808 that the individual is registered under Subsection (2)(a) or is exempt from registration for a
4809 reason other than he is under 18 years of age, the individual is not required to file any further
4810 statement with the institution under this section.
4811 (b) If the institution receives a statement of exemption because the individual is under
4812 18 years of age, it shall require the filing of a new statement each time the individual seeks to
4813 apply for financial assistance for educational expenses, until it receives a statement certifying
4814 that the individual has registered with the selective service system or is exempt from
4815 registration for a reason other than being under 18 years of age.
4816 Section 101. Section **53B-12-102** is amended to read:
4817 **53B-12-102. Separation of duties, responsibilities, funds, liabilities, and expenses**
4818 **-- Appointment of board of directors -- No state or local debt -- Minors eligible for loans.**
4819 (1) As used in this section, "fiduciary or commercial information" means information:
4820 (a) related to any subject if the disclosure of the information:
4821 (i) would conflict with fiduciary obligations; or
4822 (ii) is prohibited by insider trading provisions; or
4823 (b) of a commercial nature, including information related to:
4824 (i) account owners or borrowers;
4825 (ii) demographic data;
4826 (iii) contracts and related payments;
4827 (iv) negotiations;
4828 (v) proposals or bids;
4829 (vi) investments;
4830 (vii) the investment and management of funds;
4831 (viii) fees and charges;
4832 (ix) plan and program design;

4833 (x) investment options and underlying investments offered to account owners;
4834 (xi) marketing and outreach efforts;
4835 (xii) lending criteria;
4836 (xiii) the structure and terms of bonding;
4837 (xiv) financial plans; or
4838 (xv) reviews and audits, except the final report of the annual audit of financial
4839 statements required under Section 53B-8a-111.
4840 (2) The duties, responsibilities, funds, liabilities, and expenses of the board as the Utah
4841 Higher Education Assistance Authority shall be maintained separate and apart from its other
4842 duties, responsibilities, funds, liabilities, and expenses.
4843 (3) (a) In order to carry out the obligation of separation of functions required under
4844 Subsection (2), the board may appoint a board of directors of the authority, and designate its
4845 chairman to govern and manage the authority.
4846 (b) The board of directors consists of not less than five persons, not more than
4847 two-thirds of whom may be members of the [~~State Board of Regents~~] board.
4848 (c) The board of directors reports to and serves at the pleasure of the [~~State Board of~~
4849 ~~Regents~~] board, and has all of the powers, duties, and responsibilities of the Utah Higher
4850 Education Assistance Authority except for those expressly retained by the [~~State Board of~~
4851 ~~Regents~~] board.
4852 (4) All meetings of the Utah Higher Education Assistance Authority and its appointed
4853 board of directors shall be open to the public, except those meetings or portions of meetings
4854 that are closed as authorized by Sections 52-4-204 and 52-4-205, including to discuss fiduciary
4855 or commercial information.
4856 (5) An obligation incurred under this chapter does not constitute a debt of the state or
4857 any of its political subdivisions.
4858 (6) (a) A person who would otherwise qualify for a loan guaranteed by the authority is
4859 not disqualified because that person is a minor.
4860 (b) For the purpose of applying for, receiving, and repaying a loan, a minor has full
4861 legal capacity to act and has all the rights, powers, privileges, and obligations of a person of
4862 full age with respect to the loan.
4863 Section 102. Section **53B-16-101** is amended to read:

4864 **53B-16-101. Establishment of institutional roles and general courses of study.**
4865 (1) Except as institutional roles are specifically assigned by the Legislature, the board:
4866 (a) [~~may~~] shall establish and define the roles of the various institutions of higher
4867 education [~~under the board's control and management~~]; and
4868 (b) shall, within each institution of higher education's primary role, prescribe the
4869 general course of study to be offered at the institution of higher education, including for:
4870 (i) research universities, which provide undergraduate, graduate, and research programs
4871 and include:
4872 (A) the University of Utah; and
4873 (B) Utah State University;
4874 (ii) regional universities, which provide career and technical education, undergraduate
4875 associate and baccalaureate programs, and select master's degree programs to fill regional
4876 demands and include:
4877 (A) Weber State University;
4878 (B) Southern Utah University;
4879 (C) Dixie State University; and
4880 (D) Utah Valley University; [~~and~~]
4881 (iii) comprehensive community colleges, which provide associate programs and
4882 include:
4883 (A) Salt Lake Community College; and
4884 (B) Snow College[~~.~~]; and
4885 (iv) technical colleges and degree-granting institutions that provide technical
4886 education, and include:
4887 (A) each technical college;
4888 (B) Salt Lake Community College's School of Applied Technology's technical
4889 education role described in Section 53B-16-209;
4890 (C) each Utah State University regional institution's technical education role described
4891 in Section 53B-16-207; and
4892 (D) Snow College's technical education role described in Section 53B-16-205.
4893 (2) Except for the University of Utah, each institution of higher education described in
4894 [~~Subsection~~] Subsections (1)(b)(i) through (iii) has career and technical education included in

4895 the institution of higher education's primary role.
4896 (3) The board [~~may~~] shall further clarify each institution of higher education's primary
4897 role[~~.~~] by clarifying:
4898 (a) the level of program that the institution of higher education generally offers;
4899 (b) broad fields that are within the institution of higher education's mission; and
4900 (c) any special characteristics of the institution of higher education, such as being a
4901 land grant university.
4902 (4) On or before November 1, 2020, the board shall report to the Higher Education
4903 Strategic Planning Commission on the board's activities related to defining and clarifying each
4904 institution's role.
4905 Section 103. Section **53B-16-102** is amended to read:
4906 **53B-16-102. Changes in curriculum -- Substantial alterations in institutional**
4907 **operations -- Program approval -- Periodic review of programs -- Career and technical**
4908 **education curriculum changes.**
4909 (1) As used in this section:
4910 (a) "Institution of higher education" means an institution described in [~~Subsection~~
4911 ~~53B-1-102(1)(a)~~] Section 53B-1-102.
4912 (b) "Program of instruction" means a program of curriculum that leads to the
4913 completion of a degree, diploma, certificate, or other credential.
4914 (2) Under procedures and policies approved by the board and developed in consultation
4915 with each institution of higher education, each institution of higher education may make such
4916 changes in the institution of higher education's curriculum as necessary to better effectuate the
4917 institution of higher education's primary role.
4918 [~~(3) An institution of higher education shall notify the board of a proposed new~~
4919 ~~program of instruction.~~]
4920 (3) The board shall establish criteria for whether an institution of higher education may
4921 approve a new program of instruction, including criteria related to whether:
4922 (a) the program of instruction meets identified workforce needs;
4923 (b) the institution of higher education is maximizing collaboration with other
4924 institutions of higher education to provide for efficiency in offering the program of instruction;
4925 (c) the new program of instruction is within the institution of higher education's

4926 mission and role; and
4927 (d) the new program of instruction meets other criteria determined by the board.
4928 (4) (a) [~~Without~~] Except as provided in Subsection (4)(b), without the approval of the
4929 board, an institution of higher education may not:
4930 (i) establish a branch, extension center, college, or professional school; or
4931 (ii) establish a new program of instruction [~~that is outside of the institution of higher~~
4932 ~~education's primary role described in Section 53B-16-101~~].
4933 (b) An institution of higher education may, with the approval of the institution of
4934 higher education's board of trustees, establish a new program of instruction that [~~is within the~~
4935 ~~institution of higher education's primary role described in Section 53B-16-101~~] meets the
4936 criteria described in Subsection (3).
4937 (5) (a) An institution of higher education shall notify the board of a proposed new
4938 program of instruction, including how the proposed new program of instruction meets the
4939 criteria described in Subsection (3).
4940 (b) The board shall establish procedures and guidelines for institutional boards of
4941 trustees to consider an institutional proposal for a new program of instruction described in
4942 Subsection (4)(b).
4943 [~~(b) The guidelines described in Subsection (5)(a) shall provide that:~~]
4944 [~~(i) prior to seeking approval from the institution of higher education's board of~~
4945 ~~trustees, an institution of higher education that proposes a new program of instruction submit~~
4946 ~~the proposal to the commissioner to conduct a peer review by other institutions of higher~~
4947 ~~education;~~]
4948 [~~(ii) the commissioner issue a report with the results of a peer review described in~~
4949 ~~Subsection (5)(b)(i) to the board and the board of trustees of the institution of higher education~~
4950 ~~proposing the new program of instruction; and~~]
4951 [~~(iii) an institution of higher education that proposes a new program of instruction~~
4952 ~~include:~~]
4953 [~~(A) a fiscal analysis of the new program of instruction's initial and ongoing costs; and~~]
4954 [~~(B) the institution of higher education's source of funding for the new program of~~
4955 ~~instruction.~~]
4956 (6) (a) The board shall conduct a periodic review of all new programs of instruction,

4957 including those funded by gifts, grants, and contracts, no later than two years after the first
4958 cohort to begin the program of instruction completes the program of instruction.
4959 (b) The board may conduct a periodic review of any program of instruction at an
4960 institution of higher education, including a program of instruction funded by a gift, grant, or
4961 contract.
4962 (c) Following a review described in this Subsection (6), the board may recommend that
4963 the institution of higher education modify or terminate the program of instruction.
4964 (7) Prior to requiring modification or termination of a program, the board shall give the
4965 institution of higher education adequate opportunity for a hearing before the board.
4966 (8) In making decisions related to career and technical education curriculum changes,
4967 the board shall coordinate on behalf of the boards of trustees of higher education institutions a
4968 review of the proposed changes by the State Board of Education [~~and the Utah System of~~
4969 ~~Technical Colleges Board of Trustees~~] to ensure an orderly and systematic career and technical
4970 education curriculum that eliminates overlap and duplication of course work with high schools
4971 and technical colleges.
4972 Section 104. Section **53B-16-105** is amended to read:
4973 **53B-16-105. Common course numbering -- Transferability of credits --**
4974 **Agreement with competency-based general education provider -- Policies.**
4975 (1) As used in this section:
4976 (a) "Articulation agreement" means an agreement between the board and a provider
4977 that allows a student to transfer credit awarded by the provider for a general education course
4978 to any institution of higher education.
4979 (b) "Competency-based" means a system where a student advances to higher levels of
4980 learning when the student demonstrates competency of concepts and skills regardless of time,
4981 place, or pace.
4982 (c) "Competency-based general education provider" or "provider" means a private
4983 institution that:
4984 (i) offers a postsecondary competency-based general education course online or in
4985 person;
4986 (ii) awards academic credit; and
4987 (iii) does not award degrees, including associates degrees or baccalaureate degrees.

4988 (d) "Credit for prior learning" means the same as that term is defined in Section
4989 53B-16-110.
4990 (e) "Institution of higher education" means an institution [~~within the Utah System of~~
4991 ~~Higher Education~~] described in Section 53B-1-102.
4992 (f) "Regionally accredited institution" means an institution that:
4993 (i) offers a competency-based postsecondary general education course online or in
4994 person; and
4995 (ii) is accredited by a regional accrediting body recognized by the United States
4996 Department of Education.
4997 [~~(g) "Utah System of Higher Education" means the institutions described in Subsection~~
4998 ~~53B-1-102(1)(a).~~]
4999 (2) The board shall:
5000 (a) facilitate articulation and the seamless transfer of courses, programs, and credit for
5001 prior learning within the Utah [~~System of Higher Education~~] system of higher education;
5002 (b) provide for the efficient and effective progression and transfer of students within
5003 the Utah [~~System of Higher Education~~] system of higher education;
5004 (c) avoid the unnecessary duplication of courses;
5005 (d) communicate ways in which a student may earn credit for prior learning; and
5006 (e) allow a student to proceed toward the student's educational objectives as rapidly as
5007 the student's circumstances permit.
5008 (3) The board shall develop, coordinate, and maintain a transfer and articulation system
5009 [~~within the Utah System of Higher Education~~] that:
5010 (a) maintains a course numbering system that assigns common numbers to specified
5011 courses of similar level with similar curricular content, rigor, and standards;
5012 (b) allows a student to track courses that transfer among institutions of higher
5013 education to meet requirements for general education and lower division courses that transfer
5014 to baccalaureate majors;
5015 (c) allows a student to transfer courses from a provider with which the board has an
5016 articulation agreement to any institution of higher education;
5017 (d) allows a student to transfer competency-based general education courses from a
5018 regionally accredited institution to an institution of higher education;

5019 (e) improves program planning;
5020 (f) increases communication and coordination between institutions of higher education;
5021 (g) facilitates student acceleration and the transfer of students and credits between
5022 institutions of higher education; and
5023 (h) if the system includes a software or data tool:
5024 (i) provides predictive analysis that models probabilities of student success; and
5025 (ii) develops tailored strategies to best support students.
5026 (4) (a) The board shall identify general education courses in the humanities, social
5027 sciences, arts, physical sciences, and life sciences with uniform prefixes and common course
5028 numbers.
5029 (b) [~~An institution of higher education~~] A degree-granting institution shall annually
5030 identify institution courses that satisfy requirements of courses described in Subsection (4)(a).
5031 (c) [~~An institution of higher education~~] A degree-granting institution shall accept a
5032 course described in Subsection (3)(c), (3)(d), or (4)(a) toward filling specific area requirements
5033 for general education or lower division courses that transfer to baccalaureate majors.
5034 (5) (a) The board shall identify common prerequisite courses and course substitutions
5035 for degree programs across [~~institutions of higher education~~] degree-granting institutions.
5036 (b) The commissioner shall appoint committees of faculty members from the
5037 [~~institutions of higher education~~] degree-granting institutions to recommend appropriate
5038 courses of similar content and numbering that will satisfy requirements for lower division
5039 courses that transfer to baccalaureate majors.
5040 (c) [~~An institution of higher education~~] A degree-granting institution shall annually
5041 identify institution courses that satisfy requirements of courses described in Subsection (5)(a).
5042 (d) [~~An institution of higher education~~] A degree-granting institution shall accept a
5043 course described in Subsection (3)(c), (3)(d), or (5)(a) toward filling graduation requirements.
5044 (6) (a) (i) The board shall seek proposals from providers to enter into articulation
5045 agreements.
5046 (ii) A proposal described in Subsection (6)(a)(i) shall include the general education
5047 courses that the provider intends to include in an articulation agreement.
5048 (b) The board shall:
5049 (i) evaluate each general education course included in a proposal described in

5050 Subsection (6)(a) to determine whether the course is equally rigorous and includes the same
5051 subject matter as the equivalent course offered by any institution of higher education; and
5052 (ii) if the board determines that a course included in a provider's proposal is equally
5053 rigorous and includes the same subject matter as the equivalent course offered by any
5054 institution of higher education, enter into an articulation agreement with the provider.
5055 (7) The board shall establish policies to administer the policies and requirements
5056 described in this section.
5057 (8) The board shall include information demonstrating that institutions of higher
5058 education are complying with the provisions of this section and the policies established in
5059 accordance with Subsection (7) in the annual report described in Section [~~53B-1-107~~]
5060 53B-1-402.
5061 Section 105. Section **53B-16-107** is amended to read:
5062 **53B-16-107. Credit for military service and training -- Notification --**
5063 **Transferability -- Reporting.**
5064 (1) As used in this section, "credit" includes proof of equivalent noncredit course
5065 completion awarded by a technical college.
5066 (2) An institution of higher education listed in Section 53B-2-101 shall provide written
5067 notification to each student applying for admission that the student is required to meet with a
5068 college counselor in order to receive credit for military service and training as recommended by
5069 a postsecondary accreditation agency or association designated by the board [~~or the Utah~~
5070 ~~System of Technical Colleges Board of Trustees~~] if:
5071 (a) credit for military service and training is requested by the student; and
5072 (b) the student has met with an advisor at an institution of higher education listed in
5073 Section 53B-2-101 at which the student intends to enroll to discuss applicability of credit to
5074 program requirements, possible financial aid implications, and other factors that may impact
5075 attainment of the student's educational goals.
5076 (3) Upon transfer within the state system of higher education, a student may present a
5077 transcript to the receiving institution of higher education for evaluation and to determine the
5078 applicability of credit to the student's program of study, and the receiving institution of higher
5079 education shall evaluate the credit to be transferred in accordance with Subsection (2) and the
5080 policies described in Section 53B-16-110.

5081 (4) The board [~~and the Utah System of Technical Colleges Board of Trustees~~] shall
5082 annually report the number of credits awarded under this section by each institution of higher
5083 education to the Department of Veterans and Military Affairs.
5084 Section 106. Section **53B-16-110** is amended to read:
5085 **53B-16-110. Credit for prior learning -- Board plan and policies -- Reporting.**
5086 (1) As used in this section:
5087 (a) "Credit for prior learning" means credit awarded by an institution to a student who
5088 demonstrates, through a prior learning assessment, that the student's prior learning meets
5089 college-level competencies.
5090 (b) "Institution" means an institution of higher education [~~that is within the Utah~~
5091 ~~System of Higher Education~~] described in Section 53B-1-102.
5092 (c) "Prior learning" means knowledge, skills, or competencies acquired through formal
5093 or informal education outside the traditional postsecondary academic environment.
5094 (d) "Prior learning assessment" means a method of evaluating or assessing an
5095 individual's prior learning.
5096 [~~(e) "Utah System of Higher Education" means the institutions described in Subsection~~
5097 ~~53B-1-102(1)(a).~~]
5098 (2) [~~On or before November 1, 2019, the~~] The board shall develop a [~~systemwide~~] plan
5099 for advising and communicating with students and the public about credit for prior learning [~~in~~
5100 ~~the Utah System of Higher Education~~].
5101 (3) (a) [~~On or before November 1, 2019, the~~] The board shall establish policies that
5102 provide minimum standards for all institutions regarding:
5103 (i) accepted forms of prior learning assessments;
5104 (ii) awarding credit for prior learning;
5105 (iii) transferability of credit for prior learning between institutions;
5106 (iv) transcription of credit for prior learning;
5107 (v) institutional procedures for maintaining transparency and consistency in awarding
5108 credit for prior learning;
5109 (vi) communication to faculty, advisors, current students, and prospective students
5110 regarding standards and cost related to credit for prior learning and prior learning assessments;
5111 (vii) required training of faculty and advisors on prior learning assessment standards

5112 and processes; and
5113 (viii) portfolio-specific prior learning assessments.
5114 (b) The board shall ensure that accepted forms of prior learning assessments described
5115 in Subsection (3)(a) include at least the following:
5116 (i) program evaluations, completed by an institution, of noncollegiate programs or
5117 training courses to recognize proficiencies;
5118 (ii) nationally recognized, standardized examinations, including:
5119 (A) Advanced Placement examinations;
5120 (B) College Level Exam Program general examinations;
5121 (C) College Level Exam Program subject examinations; and
5122 (D) DANTES Subject Standardized Tests;
5123 (iii) customized examinations offered by an institution to verify an individual's learning
5124 achievement that may include course final examinations or other examinations that assess
5125 general disciplinary knowledge or skill;
5126 (iv) evaluations of corporate or military training; and
5127 (v) assessments of individuals' portfolios.
5128 (4) (a) The board shall establish minimum scores and maximum credit for each
5129 standardized examination described in Subsection (3)(b)(ii).
5130 (b) An institution shall award credit to a student who demonstrates competency by
5131 passing a standardized examination described in Subsection (3)(b)(ii) unless the award of credit
5132 duplicates credit already awarded.
5133 (5) The board shall:
5134 (a) create and maintain a website that provides [~~systemwide and institutional~~] statewide
5135 information on prior learning assessments and credit for prior learning; and
5136 (b) identify a software or data tool that will support the board in:
5137 (i) implementing the plan described in Subsection (2); and
5138 (ii) fulfilling the board's requirements described in Section 53B-16-105.
5139 (6) On or before the November 2019 interim meeting, the board shall report to the
5140 Education Interim Committee on:
5141 (a) the plan described in Subsection (2);
5142 (b) the policies described in Subsection (3); and

5143 (c) the software or data tool described in Subsection (5).
5144 (7) On or before May 1, 2020, an institution shall report to the board:
5145 (a) steps the institution will take to:
5146 (i) implement the plan described in Subsection (2) and the policies described in
5147 Subsection (3); and
5148 (ii) communicate to students about credit for prior learning, including about the
5149 policies described in Subsection (3);
5150 (b) a timeline for the steps described in Subsection (7)(a); and
5151 (c) each form of prior learning assessment for which the institution provides credit for
5152 prior learning that is not described in Subsection (3)(b).
5153 (8) An institution shall annually report to the board on:
5154 (a) each form of prior learning assessment for which the institution provides credit for
5155 prior learning; and
5156 (b) the total amount of credit for prior learning the institution provides to students.
5157 Section 107. Section **53B-16-202** is amended to read:
5158 **53B-16-202. Curricula at the community colleges.**
5159 The curricula at the colleges shall include [~~vocational~~] career and technical education,
5160 courses of a general nature which can be transferred to other higher education institutions, adult
5161 and continuing education, and developmental education. The colleges also provide needed
5162 community service. [~~Vocational~~] Career and technical education continues as the highest
5163 priority role of the colleges; and to ensure [~~its~~] continued emphasis of career and technical
5164 education, the [~~Board of Regents~~] board shall develop specific funding mechanisms which will
5165 maintain the high priority treatment of these programs and address the fact that many
5166 vocational programs are more costly than general education/transfer programs.
5167 Section 108. Section **53B-16-205** is amended to read:
5168 **53B-16-205. Establishment of Snow College Richfield campus -- Supervision and**
5169 **administration -- Transition -- Institutional mission.**
5170 (1) There is established a branch campus of Snow College in Richfield, Utah, hereafter
5171 referred to as the Snow College Richfield campus.
5172 (2) Snow College shall administer the branch campus under the general control and
5173 supervision of the [~~State Board of Regents~~] board as an integrated part of Snow College's

5174 mission, programs, and curriculum.
5175 (3) Snow College shall:
5176 (a) maintain a strong curriculum in career and technical education courses at the Snow
5177 College Richfield campus and within the region served by Snow College which can be
5178 transferred to other institutions within the higher education system, together with lower
5179 division courses and courses required for associate degrees in science, arts, applied science, and
5180 career and technical education;
5181 (b) work with school districts and charter schools in developing an aggressive
5182 concurrent enrollment program in cooperation with Snow College Richfield campus; and
5183 (c) provide, through the Snow College Richfield Campus, for open-entry, open-exit
5184 competency-based career and technical education programs, at a low cost tuition rate for adults
5185 and at no tuition cost to secondary students, that emphasize short-term job training or retraining
5186 for immediate placement in the job market and serve the geographic area encompassing:
5187 (i) the Juab School District;
5188 (ii) the Millard School District;
5189 (iii) the Tintic School District;
5190 (iv) the North Sanpete School District;
5191 (v) the South Sanpete School District;
5192 (vi) the Wayne School District;
5193 (vii) the Piute School District; and
5194 (viii) the Sevier School District.
5195 (4) Snow College may not exercise any jurisdiction over career and technical education
5196 provided by a school district or charter school independently of Snow College.
5197 (5) Snow College shall report to the [~~State Board of Regents~~] board annually on:
5198 (a) the status of and maintenance of the effort for career and technical education in the
5199 region served by Snow College, including access to open-entry, open-exit competency-based
5200 career and technical education programs; and
5201 (b) student tuition and fees.
5202 (6) Legislative appropriations to Snow College's career and technical education shall
5203 be made as line items that are separate from other appropriations for Snow College.
5204 Section 109. Section **53B-16-205.5** is amended to read:

5205 **53B-16-205.5. Snow College Concurrent Education Program.**
5206 (1) As used in this section:
5207 (a) "Interactive video conferencing" means two-way, real-time transmission of audio
5208 and video signals between devices or computers at two or more locations.
5209 (b) "Program" means the Snow College Concurrent Education Program.
5210 (2) Consistent with policies established by the [~~State Board of Regents~~] board, Snow
5211 College shall establish and administer, subject to legislative appropriations, the Snow College
5212 Concurrent Education Program to provide:
5213 (a) a consistent two-year schedule of concurrent enrollment courses delivered through
5214 interactive video conferencing to secondary school students;
5215 (b) a pathway for a secondary school student to earn college credits that:
5216 (i) apply toward earning an Associate of Science or Associate of Arts degree; or
5217 (ii) satisfy scholarship requirements or other objectives that best meet the needs of an
5218 individual student; and
5219 (c) advisory support to secondary school students who participate in the program and
5220 the secondary school students' school counselors to ensure that students' concurrent enrollment
5221 courses align with the students' academic and career goals.
5222 Section 110. Section **53B-16-209** is amended to read:
5223 **53B-16-209. Salt Lake Community College -- School of Applied Technology --**
5224 **Career and technical education -- Supervision and administration -- Institutional mission.**
5225 (1) (a) There is hereby established a School of Applied Technology at Salt Lake
5226 Community College.
5227 (b) Beginning on July 1, 2009, the Salt Lake Skills Center and the Salt Lake County
5228 portion of the Salt Lake/Tooele Applied Technology College shall be established as Salt Lake
5229 Community College's School of Applied Technology.
5230 (2) Salt Lake Community College's School of Applied Technology is a continuation of
5231 the Salt Lake Skills Center and the Salt Lake County portion of the Salt Lake/Tooele Applied
5232 Technology College and shall:
5233 (a) possess all rights, title, privileges, powers, immunities, franchises, endowments,
5234 property, and claims of the Salt Lake Skills Center and the Salt Lake County portion of the Salt
5235 Lake/Tooele Applied Technology College; and

5236 (b) fulfill and perform all obligations of the Salt Lake Skills Center and the Salt Lake
5237 County portion of the Salt Lake/Tooele Applied Technology College.
5238 (3) Salt Lake Community College shall administer the School of Applied Technology.
5239 (4) Salt Lake Community College's School of Applied Technology shall:
5240 (a) provide non-credit career and technical education for both secondary and adult
5241 students, with an emphasis primarily on open-entry, open-exit programs;
5242 (b) ensure that economically disadvantaged, educationally disadvantaged, or other
5243 at-risk students have access to non-credit career and technical education;
5244 (c) maintain a strong curriculum in non-credit career and technical education courses
5245 which can be articulated with credit career and technical education courses within the
5246 institution and within the state system of higher education;
5247 (d) offer noncredit, basic instruction in areas such as reading, language arts, and
5248 mathematics that are necessary for student success in a chosen career and technical education
5249 or job-related program;
5250 (e) offer the curriculum at:
5251 (i) low cost to adult students, consistent with legislative appropriations to the School of
5252 Applied Technology; and
5253 (ii) no tuition cost to secondary students;
5254 (f) provide noncredit career and technical education that will result in:
5255 (i) appropriate licensing, certification, or other evidence of completion of training; and
5256 (ii) qualification for specific employment, with an emphasis on high demand, high
5257 wage, and high skill jobs in business and industry;
5258 (g) develop cooperative agreements within the geographic area served by the School of
5259 Applied Technology with school districts, charter schools, and other higher education
5260 institutions, businesses, industries, and community and private agencies to maximize the
5261 availability of instructional facilities; and
5262 (h) after consulting with school districts and charter schools within the geographic area
5263 served:
5264 (i) ensure that secondary students in the public education system have access to
5265 non-credit career and technical education at each School of Applied Technology location; and
5266 (ii) prepare and submit an annual report to the [~~State Board of Regents~~] board

5267 detailing:
5268 (A) how the non-credit career and technical education needs of secondary students
5269 within the region are being met;
5270 (B) what access secondary students within the region have to programs offered at
5271 School of Applied Technology locations;
5272 (C) how the emphasis on high demand, high wage, and high skill jobs in business and
5273 industry is being provided; and
5274 (D) student tuition and fees.
5275 (5) Salt Lake Community College or Salt Lake Community College's School of
5276 Applied Technology may not exercise any jurisdiction over career and technical education
5277 provided by a school district or charter school independently of Salt Lake Community College
5278 or Salt Lake Community College's School of Applied Technology.
5279 (6) Legislative appropriations to Salt Lake Community College's School of Applied
5280 Technology shall be made as a line item that separates it from other appropriations for Salt
5281 Lake Community College.
5282 Section 111. Section **53B-16-303** is amended to read:
5283 **53B-16-303. Access to restricted records.**
5284 Notwithstanding any other provision of Title 63G, Chapter 2, Government Records
5285 Access and Management Act, access to records restricted by this part shall only be permitted
5286 upon:
5287 (1) written consent of the public institution of higher education originating, receiving,
5288 or maintaining such records; or
5289 (2) a finding by the State Records Committee or a court that the record has not been
5290 properly classified as restricted under Section 63G-2-302, provided that the review of a
5291 restricted classification of a record shall not include considerations of weighing public and
5292 private interests regarding access to a properly classified record as contained in Subsection
5293 63G-2-403(11)(b) or 63G-2-404(7) or Section 63G-2-309. Nothing in this Subsection (2) shall
5294 be construed to limit the authority of the [~~State Board of Regents~~] board to reclassify and
5295 disclose a record of a public institution of higher education.
5296 Section 112. Section **53B-16-401** is amended to read:
5297 **53B-16-401. Definitions.**

5298 As used in this part:
5299 (1) "Cooperating employer" means a public or private entity which, as part of a work
5300 experience and career exploration program offered through an institution of higher education,
5301 provides interns with training and work experience in activities related to the entity's ongoing
5302 business activities.
5303 (2) "Institution of higher education" means any component of the state system of higher
5304 education as defined under Section 53B-1-102 that is authorized by the board [~~or the Utah~~
5305 ~~System of Technical Colleges Board of Trustees~~] to offer internship programs, and any private
5306 institution of higher education which offers internship programs under this part.
5307 (3) "Intern" means a student enrolled in a work experience and career exploration
5308 program under Section 53B-16-402 that is sponsored by an institution of higher education,
5309 involving both classroom instruction and work experience with a cooperating employer, for
5310 which the student receives no compensation.
5311 (4) "Internship" means the work experience segment of an intern's work experience and
5312 career exploration program sponsored by an institution of higher education, performed under
5313 the direct supervision of a cooperating employer.
5314 Section 113. Section **53B-16-402** is amended to read:
5315 **53B-16-402. Higher education internships.**
5316 An institution of higher education may offer internships in connection with work
5317 experience and career exploration programs operated in accordance with rules of the [~~State~~
5318 ~~Board of Regents~~] board.
5319 Section 114. Section **53B-16-501** is amended to read:
5320 **53B-16-501. Nonprofit corporations or foundations -- Purpose.**
5321 (1) Dixie State University may form a nonprofit corporation or foundation controlled
5322 by the president of the university and the [~~Board of Regents~~] board to aid and assist the
5323 university in attaining its charitable, communications, and other related educational objectives,
5324 including support for media innovation, film festivals, film production, print media,
5325 broadcasting, television, and digital media.
5326 (2) The nonprofit corporation or foundation may receive and administer legislative
5327 appropriations, government grants, contracts, and private gifts to carry out its public purposes.
5328 Section 115. Section **53B-17-101** is amended to read:

5329 **53B-17-101. Legislative findings on public broadcasting and telecommunications**
5330 **for education.**
5331 The Legislature finds and determines the following:
5332 (1) The University of Utah's Dolores Dore' Eccles Broadcast Center is the statewide
5333 public broadcasting and telecommunications facility for education in Utah.
5334 (2) The center shall provide services to citizens of the state in cooperation with higher
5335 and public education, state and local government, and private industry.
5336 (3) Distribution services provided through the center shall include KUED - TV, KUER
5337 - FM, and KUEN - TV.
5338 (4) KUED - TV and KUER - FM are licensed to the University of Utah.
5339 (5) The Utah Education and Telehealth Network's broadcast entity, KUEN - TV, is
5340 licensed to the [~~Utah State Board of Regents~~] Utah Board of Higher Education and, together
5341 with UETN, is operated on behalf of the state's systems of public and higher education.
5342 (6) All the entities referred to in Subsection (3) are under the administrative
5343 supervision of the University of Utah, subject to the authority and governance of the [~~State~~
5344 ~~Board of Regents~~] Utah Board of Higher Education.
5345 (7) This section neither regulates nor restricts a privately owned company in the
5346 distribution or dissemination of educational programs.
5347 Section 116. Section **53B-17-103** is amended to read:
5348 **53B-17-103. General powers of University of Utah related to public broadcasting**
5349 **and telecommunication for education.**
5350 (1) Subject to applicable rules of the Federal Communications Commission and the
5351 [~~State Board of Regents~~] Utah Board of Higher Education, the University of Utah shall:
5352 (a) serve as the state's provider of public television services, with programming from
5353 the Public Broadcasting Service and other syndicated and locally produced programs;
5354 (b) serve as the state's primary provider of public radio services, with programming
5355 from National Public Radio and other syndicated and locally produced programs; and
5356 (c) subject to Section 53B-7-103, accept and use gifts and apply for and receive funds
5357 from federal and other sources to carry out the purposes of this part.
5358 (2) Subject to future budget constraints, the Legislature shall provide an annual
5359 appropriation to operate KUED - TV.

5360 (3) This section neither regulates nor restricts a privately owned company in the
5361 distribution or dissemination of educational programs.
5362 Section 117. Section **53B-17-104** is amended to read:
5363 **53B-17-104. Responsibilities of the Utah Board of Higher Education, the State**
5364 **Board of Education, the University of Utah, KUED - TV, KUER - FM, and UETN related**
5365 **to public broadcasting and telecommunication for education and government.**
5366 (1) Subject to applicable rules of the Federal Communications Commission and
5367 Section 53B-17-105, the [~~State Board of Regents~~] Utah Board of Higher Education, the State
5368 Board of Education, the University of Utah, KUED - TV, KUER - FM, and UETN shall:
5369 (a) coordinate statewide services of public radio and television;
5370 (b) develop, maintain, and operate statewide distribution systems for KUED - TV,
5371 KUER - FM, and KUEN, the statewide distance learning service, the educational data network,
5372 connections to the Internet, and other telecommunications services appropriate for providing
5373 video, audio, and data telecommunication services in support of public and higher education,
5374 state government, and public libraries;
5375 (c) support the delivery of these services to as many communities as may be
5376 economically and technically feasible and lawfully permissible under the various operating
5377 licenses;
5378 (d) cooperate with state and local governmental and educational agencies and provide
5379 leadership and consulting service for telecommunication for education;
5380 (e) represent the state with privately owned telecommunications systems to gain access
5381 to their networks for the delivery of programs and services sponsored or produced by public
5382 and higher education;
5383 (f) acquire, produce, coordinate, and distribute a variety of programs and services of an
5384 educational, cultural, informative, and entertaining nature designed to promote the public
5385 interest and welfare of the state;
5386 (g) coordinate with the state system of higher education to acquire, produce, and
5387 distribute broadcast and nonbroadcast college credit telecourses, teleconferences, and other
5388 instructional and training services;
5389 (h) coordinate with school districts and public schools to acquire, produce, and
5390 distribute broadcast and nonbroadcast telecourses, teleconferences, and other instructional and

5391 training services to the public schools;
5392 (i) coordinate the development of a clearing house for the materials, courses,
5393 publications, media, software, and other applicable information related to the items addressed
5394 in Subsections (1)(g) and (h);
5395 (j) coordinate the provision of the following services to public schools:
5396 (i) broadcast, during school hours, of educational and administrative programs
5397 recommended by the State Board of Education;
5398 (ii) digitization of programs for broadcast purposes; and
5399 (iii) program previewing;
5400 (k) share responsibility for Instructional Television (ITV) awareness and utilization;
5401 and
5402 (l) provide teleconference and training services for state and local governmental
5403 agencies.
5404 (2) This section neither regulates nor restricts a privately owned company in the
5405 distribution or dissemination of education programs.
5406 Section 118. Section **53B-17-105** is amended to read:
5407 **53B-17-105. Utah Education and Telehealth Network.**
5408 (1) There is created the Utah Education and Telehealth Network, or UETN.
5409 (2) UETN shall:
5410 (a) coordinate and support the telecommunications needs of public and higher
5411 education, public libraries, and entities affiliated with the state systems of public and higher
5412 education as approved by the Utah Education and Telehealth Network Board, including the
5413 statewide development and implementation of a network for education, which utilizes satellite,
5414 microwave, fiber-optic, broadcast, and other transmission media;
5415 (b) coordinate the various telecommunications technology initiatives of public and
5416 higher education;
5417 (c) provide high-quality, cost-effective Internet access and appropriate interface
5418 equipment for schools and school systems;
5419 (d) procure, install, and maintain telecommunication services and equipment on behalf
5420 of public and higher education;
5421 (e) develop or implement other programs or services for the delivery of distance

5422 learning and telehealth services as directed by law;
5423 (f) apply for state and federal funding on behalf of:
5424 (i) public and higher education; and
5425 (ii) telehealth services;
5426 (g) in consultation with health care providers from a variety of health care systems,
5427 explore and encourage the development of telehealth services as a means of reducing health
5428 care costs and increasing health care quality and access, with emphasis on assisting rural health
5429 care providers and special populations; and
5430 (h) in consultation with the Utah Department of Health, advise the governor and the
5431 Legislature on:
5432 (i) the role of telehealth in the state;
5433 (ii) the policy issues related to telehealth;
5434 (iii) the changing telehealth needs and resources in the state; and
5435 (iv) state budgetary matters related to telehealth.
5436 (3) In performing the duties under Subsection (2), UETN shall:
5437 (a) provide services to schools, school districts, and the public and higher education
5438 systems through an open and competitive bidding process;
5439 (b) work with the private sector to deliver high-quality, cost-effective services;
5440 (c) avoid duplicating facilities, equipment, or services of private providers or public
5441 telecommunications service, as defined under Section 54-8b-2;
5442 (d) utilize statewide economic development criteria in the design and implementation
5443 of the educational telecommunications infrastructure; and
5444 (e) assure that public service entities, such as educators, public service providers, and
5445 public broadcasters, are provided access to the telecommunications infrastructure developed in
5446 the state.
5447 (4) The University of Utah shall provide administrative support for UETN.
5448 (5) (a) The Utah Education and Telehealth Network Board, which is the governing
5449 board for UETN, is created.
5450 (b) The Utah Education and Telehealth Network Board shall have 13 members as
5451 follows:
5452 (i) [~~four~~] five members representing the state system of higher education, of which at

5453 least one member represents technical colleges, appointed by the commissioner of higher
5454 education;
5455 (ii) four members representing the state system of public education appointed by the
5456 State Board of Education;
5457 [~~(iii) one member representing technical colleges appointed by the Utah System of~~
5458 ~~Technical Colleges commissioner of technical education;~~]
5459 [~~(iv)~~] (iii) one member representing the state library appointed by the state librarian;
5460 [~~(v)~~] (iv) two members representing hospitals as follows:
5461 (A) the members may not be employed by the same hospital system;
5462 (B) one member shall represent a rural hospital;
5463 (C) one member shall represent an urban hospital; and
5464 (D) the chief administrator or the administrator's designee for each hospital licensed in
5465 this state shall select the two hospital representatives; and
5466 [~~(vi)~~] (v) one member representing the office of the governor, appointed by the
5467 governor.
5468 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
5469 appointed for the unexpired term.
5470 (d) (i) The board shall elect a chair.
5471 (ii) The chair shall set the agenda for the board meetings.
5472 (6) A member of the board may not receive compensation or benefits for the member's
5473 service, but may receive per diem and travel expenses in accordance with:
5474 (a) Section 63A-3-106;
5475 (b) Section 63A-3-107; and
5476 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5477 63A-3-107.
5478 (7) The board:
5479 (a) shall hire an executive director for UETN who may hire staff for UETN as
5480 permitted by the budget;
5481 (b) may terminate the executive director's employment or assignment;
5482 (c) shall determine the executive director's salary;
5483 (d) shall annually conduct a performance evaluation of the executive director;

5484 (e) shall establish policies the board determines are necessary for the operation of
5485 UETN and the administration of UETN's duties; and
5486 (f) shall advise UETN in:
5487 (i) the development and operation of a coordinated, statewide, multi-option
5488 telecommunications system to assist in the delivery of educational services and telehealth
5489 services throughout the state; and
5490 (ii) acquiring, producing, and distributing instructional content.
5491 (8) The executive director of UETN shall be an at-will employee.
5492 (9) UETN shall locate and maintain educational and telehealth telecommunication
5493 infrastructure throughout the state.
5494 (10) Educational institutions shall manage site operations under policy established by
5495 UETN.
5496 (11) Subject to future budget constraints, the Legislature shall provide an annual
5497 appropriation to operate UETN.
5498 (12) If the network operated by the Department of Technology Services is not
5499 available, UETN may provide network connections to the central administration of counties
5500 and municipalities for the sole purpose of transferring data to a secure facility for backup and
5501 disaster recovery.
5502 Section 119. Section **53B-17-503** is amended to read:
5503 **53B-17-503. Administration through nonprofit corporations or foundations --**
5504 **Control -- Authority of corporations or foundations -- Personnel considered employees of**
5505 **university.**
5506 (1) The University of Utah may establish, develop, and administer through nonprofit
5507 corporations or foundations controlled by the president and the [~~State Board of Regents~~] board
5508 a research park upon the land acquired by the university under the patent.
5509 (2) The nonprofit corporations or foundations may receive and administer legislative
5510 appropriations, government grants, contracts, and private gifts to carry out their public
5511 purposes.
5512 (3) All salaried employees, agents, officers, faculty, and staff of the nonprofit
5513 corporation or foundation are for the purpose of employee benefits, employees, agents, officers,
5514 faculty, and staff of the University of Utah.

5515 Section 120. Section **53B-17-505** is amended to read:

5516 **53B-17-505. City to provide services and facilities to research park -- Fees and**
5517 **charges -- Disallowance of special improvement district or special taxes.**

5518 (1) The Salt Lake City Council shall provide police and fire protection and furnish,
5519 install, and maintain customary municipal services and facilities for street lighting, traffic
5520 control, sidewalks, curb, gutter, drainage, sewage disposal, and water supply to all areas of the
5521 research park established upon lands conveyed to the University of Utah under the patent.

5522 (2) The services and facilities are to be furnished and provided as needed and
5523 determined by the [~~State Board of Regents~~] board subject to connection fees, use charges, and
5524 other service fees customarily assessed against similar persons, companies, or properties within
5525 the territorial limits of Salt Lake City.

5526 (3) No special improvement district may be created or special taxes imposed with
5527 respect to the services and facilities provided under this section.

5528 Section 121. Section **53B-17-901** is amended to read:

5529 **53B-17-901. Admissions -- Increase authorized.**

5530 (1) Beginning with the 2013-14 school year and subject to Subsection (2), the
5531 University of Utah School of Medicine may increase the number of students admitted by 40
5532 students for a total of 122 students admitted annually.

5533 (2) Beginning with the 2013-14 school year, no fewer than 82% of the students
5534 admitted annually shall:

5535 (a) meet the qualifications of a resident student for the purpose of tuition in accordance
5536 with:

5537 (i) Section 53B-8-102;

5538 (ii) [~~State Board of Regents~~] board policy on determining resident status; and

5539 (iii) University of Utah policy on determining resident status;

5540 (b) have graduated from a public or private college or university located in Utah; or

5541 (c) have graduated from a public or private high school located in Utah.

5542 Section 122. Section **53B-17-1203** is amended to read:

5543 **53B-17-1203. SafeUT and School Safety Commission established -- Members.**

5544 (1) There is created the SafeUT and School Safety Commission composed of the
5545 following members:

5546 (a) one member who represents the Office of the Attorney General, appointed by the
5547 attorney general;
5548 (b) one member who represents the Utah public education system, appointed by the
5549 State Board of Education;
5550 (c) one member who represents the [~~Utah System of Higher Education~~] Utah system of
5551 higher education, appointed by the [~~State Board of Regents~~] board;
5552 (d) one member who represents the Utah Department of Health, appointed by the
5553 executive director of the Department of Health;
5554 (e) one member of the House of Representatives, appointed by the speaker of the
5555 House of Representatives;
5556 (f) one member of the Senate, appointed by the president of the Senate;
5557 (g) one member who represents the University Neuropsychiatric Institute, appointed by
5558 the chair of the commission;
5559 (h) one member who represents law enforcement who has extensive experience in
5560 emergency response, appointed by the chair of the commission;
5561 (i) one member who represents the Utah Department of Human Services who has
5562 experience in youth services or treatment services, appointed by the executive director of the
5563 Department of Human Services; and
5564 (j) two members of the public, appointed by the chair of the commission.
5565 (2) (a) Except as provided in Subsection (2)(b), members of the commission shall be
5566 appointed to four-year terms.
5567 (b) The length of the terms of the members shall be staggered so that approximately
5568 half of the committee is appointed every two years.
5569 (c) When a vacancy occurs in the membership of the commission, the replacement
5570 shall be appointed for the unexpired term.
5571 (3) (a) The attorney general's designee shall serve as chair of the commission.
5572 (b) The chair shall set the agenda for commission meetings.
5573 (4) Attendance of a simple majority of the members constitutes a quorum for the
5574 transaction of official commission business.
5575 (5) Formal action by the commission requires a majority vote of a quorum.
5576 (6) (a) Except as provided in Subsection (6)(b), a member may not receive

5577 compensation, benefits, per diem, or travel expenses for the member's service.
5578 (b) Compensation and expenses of a member who is a legislator are governed by
5579 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
5580 (7) The Office of the Attorney General shall provide staff support to the commission.
5581 Section 123. Section **53B-17-1204** is amended to read:
5582 **53B-17-1204. SafeUT and School Safety Commission duties -- LEA governing**
5583 **board duties -- Fees.**
5584 (1) As used in this section:
5585 (a) "LEA governing board" means:
5586 (i) for a school district, the local school board;
5587 (ii) for a charter school, the charter school governing board; or
5588 (iii) for the Utah Schools for the Deaf and the Blind, the State Board of Education.
5589 (b) "Local education agency" or "LEA" means:
5590 (i) a school district;
5591 (ii) a charter school; or
5592 (iii) the Utah Schools for the Deaf and the Blind.
5593 (2) The commission shall coordinate:
5594 (a) statewide efforts related to the SafeUT Crisis Line; and
5595 (b) with the State Board of Education and the [~~State Board of Regents~~] board to
5596 promote awareness of the services available through the SafeUT Crisis Line.
5597 (3) An LEA governing board shall inform students, parents, and school personnel
5598 about the SafeUT Crisis Line.
5599 (4) (a) Except as provided in Subsection (4)(b), the University Neuropsychiatric
5600 Institute may charge a fee to an institution of higher education or other entity for the use of the
5601 SafeUT Crisis Line in accordance with the method described in Subsection (4)(c).
5602 (b) The University Neuropsychiatric Institute may not charge a fee to the State Board
5603 of Education or a local education agency for the use of the SafeUT Crisis Line.
5604 (c) The commission shall establish a standard method for charging a fee described in
5605 Subsection (4)(a).
5606 Section 124. Section **53B-18-501** is amended to read:
5607 **53B-18-501. Nonprofit corporations or foundations -- Purpose.**

5608 (1) In addition to any other powers which it now has, Utah State University may form
5609 nonprofit corporations or foundations controlled by the president of the university and the
5610 [~~State Board of Regents~~] board to aid and assist the university in attaining its charitable,
5611 scientific, literary, research, and educational objectives.
5612 (2) The nonprofit corporations or foundations may receive and administer legislative
5613 appropriations, government grants, contracts, and private gifts to carry out their public
5614 purposes.
5615 Section 125. Section **53B-18-1301** is amended to read:
5616 **53B-18-1301. Veterinary education program -- Partnership agreement.**
5617 (1) With the approval of the [~~State Board of Regents~~] board, Utah State University may
5618 enter into a partnership agreement with Washington State University to establish a veterinary
5619 education program.
5620 (2) The partnership agreement may provide that:
5621 (a) (i) initially, up to 20 Utah resident students and 10 nonresident students may be
5622 accepted each year into a four-year program leading to a doctorate in veterinary medicine; and
5623 (ii) if resources become available to expand the doctoral program in veterinary
5624 medicine, additional Utah resident students and nonresident students may be accepted into the
5625 program; and
5626 (b) students accepted into the doctoral program in veterinary medicine pursuant to
5627 Subsection (2)(a) complete the first and second years of study at Utah State University and the
5628 third and fourth years of study at Washington State University.
5629 (3) Subject to future budget constraints, the Legislature shall annually provide an
5630 appropriation to pay for the nonresident portion of tuition for Utah students enrolled at
5631 Washington State University under a partnership agreement authorized by this section for the
5632 third and fourth years of a doctoral program in veterinary medicine.
5633 Section 126. Section **53B-21-104** is amended to read:
5634 **53B-21-104. Deposit of bond proceeds -- State Building Board responsibilities --**
5635 **Approval of Division of Facilities Construction and Management.**
5636 (1) The [~~State Board of Regents'~~] board treasurer or other fiscal officer, with the
5637 approval of the state treasurer, deposits the proceeds from the sale of bonds under this chapter
5638 into a special Construction Trust Fund Account established in compliance with the State

5639 Money Management Act of 1974.
5640 (2) The proceeds are credited to the board on behalf of the institution of higher
5641 education for which the bonds were issued.
5642 (3) The proceeds are kept in a separate fund and used solely for the purpose for which
5643 they were authorized by the board.
5644 (4) The State Building Board makes all contracts and executes all instruments which it
5645 considers necessary to provide for the projects referred to in Section 53B-21-101.
5646 (5) The proceeds in the special Construction Trust Fund Account shall be disbursed
5647 only upon receipt of written statements supported by itemized estimates and claims presented
5648 to the Division of Facilities Construction and Management as provided in the resolution
5649 authorizing the issuance of the bonds.
5650 Section 127. Section **53B-21-105** is amended to read:
5651 **53B-21-105. Disposition and use of income from operation of buildings --**
5652 **Payment of principal and interest on bonds.**
5653 (1) Except for the revenues paid directly to a trustee under Subsection
5654 53B-21-102(3)(f), all income and revenues from the operation of the buildings under this
5655 chapter are deposited as collected in a fund established in compliance with the State Money
5656 Management Act.
5657 (2) (a) This money is for the payment of the principal and interest on the bonds
5658 authorized under this chapter.
5659 (b) The money shall also be used, to the extent provided in the resolution authorizing
5660 the bonds, to pay for the cost of maintaining and operating the building and to establish
5661 reserves for that purpose.
5662 (3) The [~~State Board of Regents~~] board treasurer or other designated fiscal officer shall,
5663 not less than 15 days prior to the date interest and principal payments are due, transmit to the
5664 paying agent sufficient money from the fund to pay the obligation.
5665 Section 128. Section **53B-21-113** is amended to read:
5666 **53B-21-113. Limitation on issuance of bonds.**
5667 No bonds may be authorized or issued by the [~~State Board of Regents~~] board or the
5668 board of any institution under this chapter without the prior approval of the Legislature.
5669 Section 129. Section **53B-22-201** is amended to read:

5670 **53B-22-201. Definitions.**
5671 As used in this part:
5672 (1) "Capital developments" means the same as that term is defined in Section
5673 63A-5-104.
5674 (2) "Consumer Price Index" means the Consumer Price Index for All Urban
5675 Consumers as published by the Bureau of Labor Statistics of the United States Department of
5676 Labor.
5677 (3) "Dedicated project" means a capital development project for which state funds from
5678 an institution's allocation are requested or used.
5679 (4) "Fund" means the Higher Education Capital Projects Fund created in Section
5680 53B-22-202.
5681 (5) "Institution" means [~~a college or university that is part of the Utah System of~~
5682 ~~Higher Education described in Section 53B-1-102~~] a degree-granting institution.
5683 (6) "Institution's allocation" means the total amount of money in the fund that an
5684 institution has been allocated in accordance with Section 53B-22-203.
5685 (7) "Nondedicated project" means a capital development project for which state funds
5686 from a source other than an institution's allocation are requested or used.
5687 (8) "State funds" means the same as that term is defined in Section 63A-5-104.
5688 Section 130. Section **53B-23-104** is amended to read:
5689 **53B-23-104. Centers for processing requests for electronic versions of**
5690 **instructional materials.**
5691 (1) The [~~State Board of Regents~~] board may establish one or more centers to process
5692 requests for electronic versions of instructional materials pursuant to this chapter.
5693 (2) The institutions designated as within the jurisdiction of a center shall submit
5694 requests for instructional material to the center, which shall transmit the request to the
5695 publisher or manufacturer.
5696 (3) If there is more than one center, each center shall make every effort to coordinate
5697 requests.
5698 (4) The publisher or manufacturer of instructional material shall be required to honor
5699 and respond to only those requests submitted through a designated center.
5700 (5) If a publisher or manufacturer has responded to a request for instructional materials

5701 by a center, all subsequent requests for those instructional materials shall be satisfied by the
5702 center to which the request is made.
5703 Section 131. Section **53B-23-106** is amended to read:
5704 **53B-23-106. Board to make rules.**
5705 [~~The State Board of Regents shall adopt~~] In accordance with Title 63G, Chapter 3, Utah
5706 Administrative Rulemaking Act, the board shall make rules consistent with this section for its
5707 implementation and administration, including rules addressing:
5708 (1) the designation of materials considered "required or essential to student success";
5709 (2) the determination of the availability of technology for the conversion of nonprinted
5710 materials pursuant to Section 53B-23-103 and the conversion of mathematics and science
5711 materials pursuant to Section 53B-23-102; and
5712 (3) the procedures and standards relating to distribution of files and materials pursuant
5713 to Section 53B-23-103.
5714 Section 132. Section **53B-26-103** is amended to read:
5715 **53B-26-103. GOED reporting requirement -- Proposals -- Funding.**
5716 (1) Every other year, the Governor's Office of Economic Development shall report to
5717 the Higher Education Appropriations Subcommittee[~~, the board, and the Utah System of~~
5718 ~~Technical Colleges Board of Trustees~~] and the board on the high demand technical jobs
5719 projected to support economic growth in the following high need strategic industry clusters:
5720 (a) aerospace and defense;
5721 (b) energy and natural resources;
5722 (c) financial services;
5723 (d) life sciences;
5724 (e) outdoor products;
5725 (f) software development and information technology; and
5726 (g) any other strategic industry cluster designated by the Governor's Office of
5727 Economic Development.
5728 (2) To receive funding under this section, an eligible partnership shall submit a
5729 proposal containing the elements described in Subsection (3) to the Higher Education
5730 Appropriations Subcommittee on or before January 5 for fiscal year 2018 and any succeeding
5731 fiscal year.

5732 (3) A proposal described in Subsection (2) shall include:
5733 (a) a program of instruction that:
5734 (i) is responsive to the workforce needs of a strategic industry cluster described in
5735 Subsection (1):
5736 (A) in one CTE region, for a proposal submitted by a regional partnership; or
5737 (B) in at least two CTE regions, for a proposal submitted by a statewide partnership;
5738 (ii) leads to the attainment of a stackable sequence of credentials; and
5739 (iii) includes a non-duplicative progression of courses that include both academic and
5740 CTE content;
5741 (b) expected student enrollment, attainment rates, and job placement rates;
5742 (c) evidence of input and support for the proposal from an industry advisory group;
5743 (d) a description of any financial or in-kind contributions for the program from an
5744 industry advisory group;
5745 (e) a description of the job opportunities available at each exit point in the stackable
5746 sequence of credentials;
5747 (f) evidence of an official action in support of the proposal from[~~:~~] the board;
5748 [~~(i) the Utah System of Technical Colleges Board of Trustees, if the eligible~~
5749 ~~partnership includes a technical college described in Subsection 53B-26-102(10)(a); or~~]
5750 [~~(ii) the board, if the eligible partnership includes:~~]
5751 [~~(A) an institution of higher education; or~~]
5752 [~~(B) a college described in Subsections 53B-26-102(10)(b) through (e);~~]
5753 (g) if the program of instruction described in Subsection (3)(a) requires board approval
5754 under Section 53B-16-102, evidence of board approval of the program of instruction; and
5755 (h) a funding request, including justification for the request.
5756 (4) The Higher Education Appropriations Subcommittee shall:
5757 (a) review a proposal submitted under this section using the following criteria:
5758 (i) the proposal contains the elements described in Subsection (3);
5759 (ii) for a proposal from a regional partnership, support for the proposal is widespread
5760 within the CTE region; and
5761 (iii) the proposal expands the capacity to meet state or regional workforce needs;
5762 (b) determine the extent to which to fund the proposal; and

5763 (c) make a recommendation to the Legislature for funding the proposal through the
5764 appropriations process.
5765 (5) An eligible partnership that receives funding under this section:
5766 (a) shall use the money to deliver the program of instruction described in the eligible
5767 partnership's proposal; and
5768 (b) may not use the money for administration.
5769 Section 133. Section **53B-26-202** is amended to read:
5770 **53B-26-202. Nursing initiative -- Medical Education Council reporting**
5771 **requirement -- Proposals -- Funding.**
5772 (1) Every even-numbered year, the Medical Education Council created in Section
5773 53B-24-302 shall:
5774 (a) project the demand, by license classification, for individuals to enter a nursing
5775 profession in each region;
5776 (b) receive input from at least one medical association in developing the projections
5777 described in Subsection (1)(a); and
5778 (c) report the projections described in Subsection (1)(a) to:
5779 [~~(i) the State Board of Regents;~~]
5780 [~~(ii) the Utah System of Technical Colleges Board of Trustees; and~~]
5781 (i) the board; and
5782 [~~(iii)~~] (ii) the Higher Education Appropriations Subcommittee.
5783 (2) To receive funding under this section, on or before January 5, an eligible program
5784 shall submit to the Higher Education Appropriations Subcommittee, through the budget
5785 process for the [~~State Board of Regents or the Utah System of Technical Colleges~~] board, as
5786 applicable, a proposal that describes:
5787 (a) a program of instruction offered by the eligible program that is responsive to a
5788 projection described in Subsection (1)(a);
5789 (b) the following information about the eligible program:
5790 (i) expected student enrollment;
5791 (ii) attainment rates;
5792 (iii) job placement rates; and
5793 (iv) passage rates for exams required for licensure for a nursing profession;

5794 (c) the instructional cost per full-time equivalent student enrolled in the eligible
5795 program;
5796 (d) financial or in-kind contributions to the eligible program from:
5797 (i) the health care industry; or
5798 (ii) an institution; and
5799 (e) a funding request, including justification for the request.
5800 (3) The Higher Education Appropriations Subcommittee shall:
5801 (a) review a proposal submitted under this section using the following criteria:
5802 (i) the proposal:
5803 (A) contains the elements described in Subsection (2);
5804 (B) expands the capacity to meet the projected demand described in Subsection (1)(a);
5805 and
5806 (C) has health care industry or institution support; and
5807 (ii) the program of instruction described in the proposal:
5808 (A) is cost effective;
5809 (B) has support from the health care industry or an institution; and
5810 (C) has high passage rates on exams required for licensure for a nursing profession;
5811 (b) determine the extent to which to fund the proposal; and
5812 (c) make an appropriation recommendation to the Legislature on the amount of money
5813 determined under Subsection (3)(b) to the eligible program's institution.
5814 (4) An institution that receives funding under this section shall use the funding to
5815 increase the number of students enrolled in the eligible program for which the institution
5816 receives funding.
5817 (5) On or before November 1, 2020, and annually thereafter, the board shall report to
5818 the Higher Education Appropriations Subcommittee on the elements described in Subsection
5819 (2) for each eligible program funded under this section.
5820 Section 134. Section **53B-27-301** is amended to read:
5821 **53B-27-301. Definitions.**
5822 As used in this part:
5823 (1) "Civil liberty" means a civil liberty enumerated in the United States Constitution or
5824 the Utah Constitution.

5825 [~~(2) "Governing board" means:~~]
5826 [~~(a) for an institution described in Subsections 53B-2-101(1)(a) through (h), the board;~~
5827 ~~or~~]
5828 [~~(b) for a technical college, the Utah System of Technical Colleges Board of Trustees.~~]
5829 [~~(3)~~] (2) "Initiate rulemaking proceedings" means the same as that term is defined in
5830 Section 63G-3-601.
5831 Section 135. Section **53B-27-303** is amended to read:
5832 **53B-27-303. Complaint process -- Reporting.**
5833 (1) Before August 1, 2019, [~~each governing~~] the board shall make rules in accordance
5834 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing a procedure
5835 whereby a student enrolled in an institution may submit a complaint to the [~~institution's~~
5836 ~~governing~~] board alleging a policy of the institution directly affects one or more of the student's
5837 civil liberties.
5838 (2) (a) When a student submits a complaint in accordance with the rules adopted under
5839 Subsection (1), the [~~governing~~] board shall:
5840 (i) examine the complaint and, within 30 days after the day on which the [~~governing~~]
5841 board receives the complaint, determine whether the complaint is made in good faith; and
5842 (ii) (A) if the [~~governing~~] board determines that the complaint is made in good faith,
5843 direct the institution against which the complaint is made to initiate rulemaking proceedings for
5844 the challenged policy; or
5845 (B) if the [~~governing~~] board determines that the complaint is made in bad faith, dismiss
5846 the complaint.
5847 (b) Before November 30 of each year, [~~each governing~~] the board shall submit a report
5848 to the Administrative Rules Review Committee detailing:
5849 (i) the number of complaints the [~~governing~~] board received during the preceding year;
5850 (ii) the number of complaints the [~~governing~~] board found to be made in good faith
5851 during the preceding year; and
5852 (iii) each policy that is the subject of a good-faith complaint that the [~~governing~~] board
5853 received during the preceding year.
5854 (3) If [~~a governing~~] the board directs an institution to initiate rulemaking proceedings
5855 for a challenged policy in accordance with this section, the institution shall initiate rulemaking

5856 proceedings for the policy within 60 days after the day on which the [~~governing~~] board directs
5857 the institution.
5858 Section 136. Section **53B-28-401** is amended to read:
5859 **53B-28-401. Campus safety plans and training -- Institution duties -- Governing**
5860 **board duties.**
5861 (1) As used in this section:
5862 (a) "Covered offense" means:
5863 (i) sexual assault;
5864 (ii) domestic violence;
5865 (iii) dating violence; or
5866 (iv) stalking.
5867 [~~(b) "Governing board" means:~~]
5868 [~~(i) for a college or university that is part of the Utah System of Higher Education~~
5869 ~~described in Section 53B-1-102, the board; or~~]
5870 [~~(ii) for a technical college, the Utah System of Technical Colleges Board of Trustees.~~]
5871 [~~(c)~~] (b) "Institution" means an institution of higher education described in Section
5872 53B-1-102.
5873 [~~(d)~~] (c) "Student organization" means a club, group, sports team, fraternity or sorority,
5874 or other organization:
5875 (i) of which the majority of members is composed of students enrolled in an institution;
5876 and
5877 (ii) (A) that is officially recognized by the institution; or
5878 (B) seeks to be officially recognized by the institution.
5879 (2) An institution shall develop a campus safety plan that addresses:
5880 (a) where an individual can locate the institution's policies and publications related to a
5881 covered offense;
5882 (b) institution and community resources for a victim of a covered offense;
5883 (c) the rights of a victim of a covered offense, including the measures the institution
5884 takes to ensure, unless otherwise provided by law, victim confidentiality throughout all steps in
5885 the reporting and response to a covered offense;
5886 (d) how the institution informs the campus community of a crime that presents a threat

5887 to the campus community;
5888 (e) availability, locations, and methods for requesting assistance of security personnel
5889 on the institution's campus;
5890 (f) guidance on how a student may contact law enforcement for incidents that occur off
5891 campus;
5892 (g) institution efforts related to increasing campus safety, including efforts related to
5893 the institution's increased response in providing services to victims of a covered offense, that:
5894 (i) the institution made in the preceding 18 months; and
5895 (ii) the institution expects to make in the upcoming 24 months;
5896 (h) coordination and communication between institution resources and organizations,
5897 including campus law enforcement;
5898 (i) institution coordination with local law enforcement or community resources,
5899 including coordination related to a student's safety at an off-campus location; and
5900 (j) how the institution requires a student organization to provide the campus safety
5901 training as described in Subsection (5).
5902 (3) An institution shall:
5903 (a) prominently post the institution's campus safety plan on the institution's website and
5904 each of the institution's campuses; and
5905 (b) annually update the institution's campus safety plan.
5906 (4) An institution shall develop a campus safety training curriculum that addresses:
5907 (a) awareness and prevention of covered offenses, including information on institution
5908 and community resources for a victim of a covered offense;
5909 (b) bystander intervention; and
5910 (c) sexual consent.
5911 (5) An institution shall require a student organization, in order for the student
5912 organization to receive or maintain official recognition by the institution, to annually provide
5913 campus safety training, using the curriculum described in Subsection (4), to the student
5914 organization's members.
5915 (6) [~~Each governing~~] The board shall:
5916 (a) on or before July 1, 2019, establish minimum requirements for an institution's
5917 campus safety plan described in Subsection (2);

5918 (b) identify resources an institution may use to develop a campus safety training
5919 curriculum as described in Subsection (4); and
5920 (c) report annually to the Education Interim Committee and the Law Enforcement and
5921 Criminal Justice Interim Committee, at or before the committees' November meetings, on the
5922 implementation of the requirements described in this section.
5923 Section 137. Section **53E-1-201** is amended to read:
5924 **53E-1-201. Reports to and action required of the Education Interim Committee.**
5925 (1) In accordance with applicable provisions and Section 68-3-14, the following
5926 recurring reports are due to the Education Interim Committee:
5927 (a) the prioritized list of data research described in Section 35A-14-302 and the report
5928 on research described in Section 35A-14-304 by the Utah Data Research Center;
5929 (b) the report described in Section 35A-15-303 by the State Board of Education on
5930 preschool programs;
5931 (c) the report described in Section [~~53B-1-103~~] 53B-1-402 by the [~~State Board of~~
5932 ~~Regents~~] Utah Board of Higher Education on career and technical education issues and
5933 addressing workforce needs;
5934 [~~(d) the report described in Section 53B-1-107 by the State Board of Regents on the~~
5935 ~~activities of the State Board of Regents;~~]
5936 [~~(e) the report described in Section 53B-2a-104 by the Utah System of Technical~~
5937 ~~Colleges Board of Trustees on career and technical education issues;~~]
5938 (d) the annual report of the Utah Board of Higher Education described in Section
5939 53B-1-402;
5940 [~~(f)~~] (e) the reports described in Section 53B-28-401 by the [~~State Board of Regents~~
5941 ~~and the Utah System of Technical Colleges Board of Trustees~~] Utah Board of Higher
5942 Education regarding activities related to campus safety;
5943 [~~(g)~~] (f) the State Superintendent's Annual Report by the state board described in
5944 Section 53E-1-203;
5945 [~~(h)~~] (g) the annual report described in Section 53E-2-202 by the state board on the
5946 strategic plan to improve student outcomes;
5947 [~~(i)~~] (h) the report described in Section 53E-8-204 by the state board on the Utah
5948 Schools for the Deaf and the Blind;

5949 [~~(j)~~] (i) the report described in Section 53E-10-703 by the Utah Leading through
5950 Effective, Actionable, and Dynamic Education director on research and other activities;
5951 [~~(k)~~] (j) the report described in Section 53F-4-203 by the state board and the
5952 independent evaluator on an evaluation of early interactive reading software;
5953 [~~(l)~~] (k) the report described in Section 53F-4-407 by the state board on UPSTART;
5954 [~~(m)~~] (l) the report described in Section 53F-5-405 by an independent evaluator of a
5955 partnership that receives a grant to improve educational outcomes for students who are low
5956 income; and
5957 [~~(n)~~] (m) the report described in Section [~~63N-12-208~~] 9-22-109 by the STEM Action
5958 Center Board, including the information described in Section [~~63N-12-213~~] 9-22-113 on the
5959 status of the computer science initiative and Section [~~63N-12-214~~] 9-22-114 on the Computing
5960 Partnerships Grants Program.
5961 (2) In accordance with applicable provisions and Section 68-3-14, the following
5962 occasional reports are due to the Education Interim Committee:
5963 (a) the report described in Section 35A-15-303 by the School Readiness Board by
5964 November 30, 2020, on benchmarks for certain preschool programs;
5965 (b) the report described in Section 53E-3-519 by the state board regarding counseling
5966 services in schools;
5967 (c) the reports described in Section 53E-3-520 by the state board regarding cost centers
5968 and implementing activity based costing;
5969 (d) if required, the report described in Section 53E-4-309 by the state board explaining
5970 the reasons for changing the grade level specification for the administration of specific
5971 assessments;
5972 (e) if required, the report described in Section 53E-5-210 by the state board of an
5973 adjustment to the minimum level that demonstrates proficiency for each statewide assessment;
5974 (f) the report described in Section 53E-10-702 by Utah Leading through Effective,
5975 Actionable, and Dynamic Education;
5976 (g) the report described in Section 53F-2-502 by the state board on the program
5977 evaluation of the dual language immersion program;
5978 (h) if required, the report described in Section 53F-2-513 by the state board evaluating
5979 the effects of salary bonuses on the recruitment and retention of effective teachers in high

5980 poverty schools;
5981 (i) upon request, the report described in Section 53F-5-207 by the state board on the
5982 Intergenerational Poverty Intervention Grants Program;
5983 (j) the report described in Section 53F-5-210 by the state board on the Educational
5984 Improvement Opportunities Outside of the Regular School Day Grant Program;
5985 (k) the reports described in Section 53G-11-304 by the state board regarding proposed
5986 rules and results related to educator exit surveys;
5987 (l) upon request, the report described in Section 53G-11-505 by the state board on
5988 progress in implementing employee evaluations;
5989 (m) the report described in Section 62A-15-117 by the Division of Substance Abuse
5990 and Mental Health, the State Board of Education, and the Department of Health regarding
5991 recommendations related to Medicaid reimbursement for school-based health services; and
5992 (n) the reports described in Section 63C-19-202 by the Higher Education Strategic
5993 Planning Commission.
5994 (3) In accordance with Section 53B-7-705, the Education Interim Committee shall
5995 complete the review of the implementation of performance funding.
5996 Section 138. Section **53E-1-203** is amended to read:
5997 **53E-1-203. State Superintendent's Annual Report.**
5998 (1) The state board shall prepare and submit to the governor, the Education Interim
5999 Committee, and the Public Education Appropriations Subcommittee, by January 15 of each
6000 year, an annual written report known as the State Superintendent's Annual Report that includes:
6001 (a) the operations, activities, programs, and services of the state board;
6002 (b) subject to Subsection (4)(b), all reports listed in Subsection (4)(a); and
6003 (c) data on the general condition of the schools with recommendations considered
6004 desirable for specific programs, including:
6005 (i) a complete statement of fund balances;
6006 (ii) a complete statement of revenues by fund and source;
6007 (iii) a complete statement of adjusted expenditures by fund, the status of bonded
6008 indebtedness, the cost of new school plants, and school levies;
6009 (iv) a complete statement of state funds allocated to each school district and charter
6010 school by source, including supplemental appropriations, and a complete statement of

6011 expenditures by each school district and charter school, including supplemental appropriations,
6012 by function and object as outlined in the United States Department of Education publication
6013 "Financial Accounting for Local and State School Systems";
6014 (v) a statement that includes data on:
6015 (A) fall enrollments;
6016 (B) average membership;
6017 (C) high school graduates;
6018 (D) licensed and classified employees, including data reported by school districts on
6019 educator ratings described in Section 53G-11-511;
6020 (E) pupil-teacher ratios;
6021 (F) average class sizes;
6022 (G) average salaries;
6023 (H) applicable private school data; and
6024 (I) data from statewide assessments described in Section 53E-4-301 for each school
6025 and school district;
6026 (vi) statistical information regarding incidents of delinquent activity in the schools or at
6027 school-related activities; and
6028 (vii) other statistical and financial information about the school system that the state
6029 superintendent considers pertinent.
6030 (2) (a) For the purposes of Subsection (1)(c)(v):
6031 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of
6032 students enrolled in a school by the number of full-time equivalent teachers assigned to the
6033 school, including regular classroom teachers, school-based specialists, and special education
6034 teachers;
6035 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of
6036 the schools within a school district;
6037 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median
6038 pupil-teacher ratio of charter schools in the state; and
6039 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median
6040 pupil-teacher ratio of public schools in the state.
6041 (b) The report shall:

6042 (i) include the pupil-teacher ratio for:
6043 (A) each school district;
6044 (B) the charter schools aggregated; and
6045 (C) the state's public schools aggregated; and
6046 (ii) identify a website where pupil-teacher ratios for each school in the state may be
6047 accessed.
6048 (3) For each operation, activity, program, or service provided by the state board, the
6049 annual report shall include:
6050 (a) a description of the operation, activity, program, or service;
6051 (b) data and metrics:
6052 (i) selected and used by the state board to measure progress, performance,
6053 effectiveness, and scope of the operation, activity, program, or service, including summary
6054 data; and
6055 (ii) that are consistent and comparable for each state operation, activity, program, or
6056 service;
6057 (c) budget data, including the amount and source of funding, expenses, and allocation
6058 of full-time employees for the operation, activity, program, or service;
6059 (d) historical data from previous years for comparison with data reported under
6060 Subsections (3)(b) and (c);
6061 (e) goals, challenges, and achievements related to the operation, activity, program, or
6062 service;
6063 (f) relevant federal and state statutory references and requirements;
6064 (g) contact information of officials knowledgeable and responsible for each operation,
6065 activity, program, or service; and
6066 (h) other information determined by the state board that:
6067 (i) may be needed, useful, or of historical significance; or
6068 (ii) promotes accountability and transparency for each operation, activity, program, or
6069 service with the public and elected officials.
6070 (4) (a) Except as provided in Subsection (4)(b), the annual report shall also include:
6071 (i) the report described in Section 53E-3-507 by the state board on career and technical
6072 education needs and program access;

6073 (ii) through October 1, 2022, the report described in Section 53E-3-515 by the state
6074 board on the Hospitality and Tourism Management Career and Technical Education Pilot
6075 Program;
6076 (iii) beginning on July 1, 2020, the report described in Section 53E-3-516 by the state
6077 board on certain incidents that occur on school grounds;
6078 (iv) the report described in Section 53E-4-202 by the state board on the development
6079 and implementation of the core standards for Utah public schools;
6080 (v) the report described in Section 53E-5-310 by the state board on school turnaround
6081 and leadership development;
6082 (vi) the report described in Section 53E-10-308 by the state board and [~~State Board of~~
6083 ~~Regents~~] Utah Board of Higher Education on student participation in the concurrent enrollment
6084 program;
6085 (vii) the report described in Section 53F-2-503 by the state board on early literacy;
6086 (viii) the report described in Section 53F-5-506 by the state board on information
6087 related to competency-based education;
6088 (ix) the report described in Section 53G-9-802 by the state board on dropout prevention
6089 and recovery services; and
6090 (x) the report described in Section 53G-10-204 by the state board on methods used, and
6091 the results being achieved, to instruct and prepare students to become informed and responsible
6092 citizens.
6093 (b) The Education Interim Committee or the Public Education Appropriations
6094 Subcommittee may request a report described in Subsection (4)(a) to be reported separately
6095 from the State Superintendent's Annual Report.
6096 (5) The annual report shall be designed to provide clear, accurate, and accessible
6097 information to the public, the governor, and the Legislature.
6098 (6) The state board shall:
6099 (a) submit the annual report in accordance with Section 68-3-14; and
6100 (b) make the annual report, and previous annual reports, accessible to the public by
6101 placing a link to the reports on the state board's website.
6102 (7) (a) Upon request of the Education Interim Committee or Public Education
6103 Appropriations Subcommittee, the state board shall present the State Superintendent's Annual

6104 Report to either committee.
6105 (b) After submitting the State Superintendent's Annual Report in accordance with this
6106 section, the state board may supplement the report at a later time with updated data,
6107 information, or other materials as necessary or upon request by the governor, the Education
6108 Interim Committee, or the Public Education Appropriations Subcommittee.
6109 Section 139. Section **53E-2-302** is amended to read:
6110 **53E-2-302. Characteristics of public education system.**
6111 The Legislature shall assist in maintaining a public education system that has the
6112 following characteristics:
6113 (1) assumes that all students have the ability to learn and that each student departing
6114 the system will be prepared to achieve success in productive employment, further education, or
6115 both;
6116 (2) provides a personalized education plan or personalized education occupation plan
6117 for each student, which involves the student, the student's parent, and school personnel in
6118 establishing the plan;
6119 (3) provides students with the knowledge and skills to take responsibility for their
6120 decisions and to make appropriate choices;
6121 (4) provides opportunities for students to exhibit the capacity to learn, think, reason,
6122 and work effectively, individually and in groups;
6123 (5) offers world-class core standards that enable students to successfully compete in a
6124 global society, and to succeed as citizens of a constitutional republic;
6125 (6) incorporates an information retrieval system that provides students, parents, and
6126 educators with reliable, useful, and timely data on the progress of each student;
6127 (7) attracts, prepares, inducts, and retains excellent teachers for every classroom in
6128 large part through collaborative efforts among the state board, the [~~State Board of Regents~~]
6129 Utah Board of Higher Education, and school districts, provides effective ongoing professional
6130 development opportunities for teachers to improve their teaching skills, and provides
6131 recognition, rewards, and compensation for their excellence;
6132 (8) empowers each school district and public school to create its own vision and plan
6133 to achieve results consistent with the objectives outlined in this part;
6134 (9) uses technology to improve teaching and learning processes and for the delivery of

6135 educational services;
6136 (10) promotes ongoing research and development projects at the district and the school
6137 level that are directed at improving or enhancing public education;
6138 (11) offers a public school choice program, which gives students and their parents
6139 options to best meet the student's personalized education needs;
6140 (12) emphasizes the involvement of educators, parents, business partnerships, and the
6141 community at large in the educational process by allowing them to be involved in establishing
6142 and implementing educational goals and participating in decision-making at the school site;
6143 and
6144 (13) emphasizes competency-based standards and progress-based assessments,
6145 including tracking and measurement systems.
6146 Section 140. Section **53E-3-502** is amended to read:
6147 **53E-3-502. State Board of Education assistance to districts and schools.**
6148 In order to assist school districts and individual schools in acquiring and maintaining
6149 the characteristics set forth in Section 53E-2-302, the State Board of Education shall:
6150 (1) provide the framework for an education system, including core competency
6151 standards and their assessment, in which school districts and public schools permit students to
6152 advance by demonstrating competency in subject matter and mastery of skills;
6153 (2) conduct a statewide public awareness program on competency-based educational
6154 systems;
6155 (3) compile and publish, for the state as a whole, a set of educational performance
6156 indicators describing trends in student performance;
6157 (4) promote a public education climate of high expectations and academic excellence;
6158 (5) disseminate successful site-based decision-making models to districts and schools
6159 and provide teacher professional development opportunities and evaluation programs for
6160 site-based plans consistent with Subsections 53E-2-302(7) and 53E-6-103(2)(a) and (b);
6161 (6) provide a mechanism for widespread dissemination of information about strategic
6162 planning for public education, including involvement of business and industry in the education
6163 process, in order to ensure the understanding and support of all the individuals and groups
6164 concerned with the mission of public education as outlined in Section 53E-2-301;
6165 (7) provide for a research and development clearing house at the state level to receive

6166 and share with school districts and public schools information on effective and innovative
6167 practices and programs in education;
6168 (8) help school districts develop and implement guidelines, strategies, and professional
6169 development programs for administrators and teachers consistent with Subsections
6170 53E-2-302(7) and 53E-6-103(2)(a) and (b) focused on improving interaction with parents and
6171 promoting greater parental involvement in the public schools; and
6172 (9) in concert with the [~~State Board of Regents~~] Utah Board of Higher Education and
6173 the state's colleges of education review and revise teacher licensing requirements to be
6174 consistent with teacher preparation for participation in personalized education programs within
6175 the public schools.
6176 Section 141. Section **53E-3-505** is amended to read:
6177 **53E-3-505. Financial and economic literacy education.**
6178 (1) As used in this section:
6179 (a) "Financial and economic activities" include activities related to the topics listed in
6180 Subsection (1)(b).
6181 (b) "Financial and economic literacy concepts" include concepts related to the
6182 following topics:
6183 (i) basic budgeting;
6184 (ii) saving and financial investments;
6185 (iii) banking and financial services, including balancing a checkbook or a bank account
6186 and online banking services;
6187 (iv) career management, including earning an income;
6188 (v) rights and responsibilities of renting or buying a home;
6189 (vi) retirement planning;
6190 (vii) loans and borrowing money, including interest, credit card debt, predatory
6191 lending, and payday loans;
6192 (viii) insurance;
6193 (ix) federal, state, and local taxes;
6194 (x) charitable giving;
6195 (xi) identity fraud and theft;
6196 (xii) negative financial consequences of gambling;

6197 (xiii) bankruptcy;
6198 (xiv) economic systems, including a description of:
6199 (A) a command system such as socialism or communism, a market system such as
6200 capitalism, and a mixed system; and
6201 (B) historic and current examples of the effects of each economic system on economic
6202 growth;
6203 (xv) supply and demand;
6204 (xvi) monetary and fiscal policy;
6205 (xvii) effective business plan creation, including using economic analysis in creating a
6206 plan;
6207 (xviii) scarcity and choices;
6208 (xix) opportunity cost and tradeoffs;
6209 (xx) productivity;
6210 (xxi) entrepreneurism; and
6211 (xxii) economic reasoning.
6212 (c) "General financial literacy course" means the course of instruction administered by
6213 the state board under Subsection (3).
6214 (2) The state board shall:
6215 (a) more fully integrate existing and new financial and economic literacy education into
6216 instruction in kindergarten through grade 12 by:
6217 (i) coordinating financial and economic literacy instruction with existing instruction in
6218 other areas of the core standards for Utah public schools, such as mathematics and social
6219 studies;
6220 (ii) using curriculum mapping;
6221 (iii) creating training materials and staff development programs that:
6222 (A) highlight areas of potential coordination between financial and economic literacy
6223 education and other core standards for Utah public schools concepts; and
6224 (B) demonstrate specific examples of financial and economic literacy concepts as a
6225 way of teaching other core standards for Utah public schools concepts; and
6226 (iv) using appropriate financial and economic literacy assessments to improve financial
6227 and economic literacy education and, if necessary, developing assessments;

6228 (b) work with interested public, private, and nonprofit entities to:
6229 (i) identify, and make available to teachers, online resources for financial and
6230 economic literacy education, including modules with interactive activities and turnkey
6231 instructor resources;
6232 (ii) coordinate school use of existing financial and economic literacy education
6233 resources;
6234 (iii) develop simple, clear, and consistent messaging to reinforce and link existing
6235 financial literacy resources;
6236 (iv) coordinate the efforts of school, work, private, nonprofit, and other financial
6237 education providers in implementing methods of appropriately communicating to teachers,
6238 students, and parents key financial and economic literacy messages; and
6239 (v) encourage parents and students to establish higher education savings, including a
6240 Utah Educational Savings Plan account;
6241 (c) make rules to develop guidelines and methods for school districts and charter
6242 schools to more fully integrate financial and economic literacy education into other core
6243 standards for Utah public schools courses; and
6244 (d) in cooperation with school districts, charter schools, and interested private and
6245 nonprofit entities, provide opportunities for professional development in financial and
6246 economic literacy concepts to teachers, including:
6247 (i) a statewide learning community for financial and economic literacy;
6248 (ii) summer workshops; and
6249 (iii) online videos of experts in the field of financial and economic literacy education.
6250 (3) The state board shall:
6251 (a) administer a general financial literacy course in the same manner that the state
6252 board administers other core standards for Utah public school courses for grades 9 through 12;
6253 (b) adopt standards and objectives for the general financial literacy course that address:
6254 (i) financial and economic literacy concepts;
6255 (ii) the costs of going to college, student loans, scholarships, and the Free Application
6256 for Federal Student Aid;
6257 (iii) financial benefits of pursuing concurrent enrollment as defined in Section
6258 53E-10-301; and

6259 (iv) technology that relates to banking, savings, and financial products; and
6260 (c) (i) contract with a provider, through a request for proposals process, to develop an
6261 online, end-of-course assessment for the general financial literacy course;
6262 (ii) require a school district or charter school to administer an online, end-of-course
6263 assessment to a student who takes the general financial literacy course; and
6264 (iii) develop a plan, through the state superintendent, to analyze the results of an
6265 online, end-of-course assessment in general financial literacy that includes:
6266 (A) an analysis of assessment results by standard; and
6267 (B) average scores statewide and by school district and school.
6268 (4) (a) The state board shall establish a task force to study and make recommendations
6269 to the state board on how to improve financial and economic literacy education in the public
6270 school system.
6271 (b) The task force membership shall include representatives of:
6272 (i) the state board;
6273 (ii) school districts and charter schools;
6274 (iii) the [~~State Board of Regents~~] Utah Board of Higher Education; and
6275 (iv) private or public entities that teach financial education and share a commitment to
6276 empower individuals and families to achieve economic stability, opportunity, and upward
6277 mobility.
6278 (c) The state board shall convene the task force at least once every three years to
6279 review and recommend adjustments to the standards and objectives of the general financial
6280 literacy course.
6281 Section 142. Section **53E-3-507** is amended to read:
6282 **53E-3-507. Powers of the state board.**
6283 The state board:
6284 (1) shall establish minimum standards for career and technical education programs in
6285 the public education system;
6286 (2) may apply for, receive, administer, and distribute funds made available through
6287 programs of federal and state governments to promote and aid career and technical education;
6288 (3) shall cooperate with federal and state governments to administer programs that
6289 promote and maintain career and technical education;

6290 (4) shall cooperate with the Utah [~~System of Technical Colleges Board of Trustees~~]
6291 Board of Higher Education, technical colleges, Salt Lake Community College's School of
6292 Applied Technology, Snow College, Utah State University Eastern, and Utah State University
6293 Blanding to ensure that students in the public education system have access to career and
6294 technical education at [~~Utah System of Technical Colleges~~] technical colleges, Salt Lake
6295 Community College's School of Applied Technology, Snow College, Utah State University
6296 Eastern, and Utah State University Blanding;
6297 (5) shall require that before a minor student may participate in clinical experiences as
6298 part of a health care occupation program at a high school or other institution to which the
6299 student has been referred, the student's parent has:
6300 (a) been first given written notice through appropriate disclosure when registering and
6301 prior to participation that the program contains a clinical experience segment in which the
6302 student will observe and perform specific health care procedures that may include personal
6303 care, patient bathing, and bathroom assistance; and
6304 (b) provided specific written consent for the student's participation in the program and
6305 clinical experience; and
6306 (6) shall, after consulting with school districts, charter schools, the Utah [~~System of~~
6307 ~~Technical Colleges Board of Trustees~~] Board of Higher Education, technical colleges, Salt
6308 Lake Community College's School of Applied Technology, Snow College, Utah State
6309 University Eastern, and Utah State University Blanding, prepare and submit an annual report in
6310 accordance with Section 53E-1-203 detailing:
6311 (a) how the career and technical education needs of secondary students are being met;
6312 and
6313 (b) the access secondary students have to programs offered:
6314 (i) at technical colleges; and
6315 (ii) within the regions served by Salt Lake Community College's School of Applied
6316 Technology, Snow College, Utah State University Eastern, and Utah State University Blanding.
6317 Section 143. Section **53E-4-206** is amended to read:
6318 **53E-4-206. Career and college readiness mathematics competency standards.**
6319 (1) As used in this section, "qualifying score" means a score established as described in
6320 Subsection (4), that, if met by a student, qualifies the student to receive college credit for a

6321 mathematics course that satisfies the state system of higher education quantitative literacy
6322 requirement.
6323 (2) The state board shall make rules that:
6324 (a) (i) establish the mathematics competency standards described in Subsection (3) as a
6325 graduation requirement beginning with the 2016-17 school year; and
6326 (ii) include the qualifying scores described in Subsection (4); and
6327 (b) establish systematic reporting of college and career ready mathematics
6328 achievement.
6329 (3) In addition to other graduation requirements established by the state board, a
6330 student shall fulfill one of the following requirements to demonstrate mathematics competency
6331 that supports the student's future college and career goals as outlined in the student's college
6332 and career plan:
6333 (a) for a student pursuing a college degree after graduation:
6334 (i) receive a score that at least meets the qualifying score for:
6335 (A) an Advanced Placement calculus or statistics exam;
6336 (B) an International Baccalaureate higher level mathematics exam;
6337 (C) a college-level math placement test described in Subsection (5);
6338 (D) a College Level Examination Program precalculus or calculus exam; or
6339 (E) the ACT Mathematics Test; or
6340 (ii) receive at least a "C" grade in a concurrent enrollment mathematics course that
6341 satisfies the state system of higher education quantitative literacy requirement;
6342 (b) for a non college degree-seeking student, the student shall complete appropriate
6343 math competencies for the student's career goals as described in the student's college and career
6344 plan;
6345 (c) for a student with an individualized education program prepared in accordance with
6346 the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., the student shall
6347 meet the mathematics standards described in the student's individualized education program; or
6348 (d) for a senior student with special circumstances as described in state board rule, the
6349 student shall fulfill a requirement associated with the student's special circumstances, as
6350 established in state board rule.
6351 (4) The [~~State Board of Regents~~] Utah Board of Higher Education shall, in consultation

6352 with the state board, determine qualifying scores for the tests and exams described in
6353 Subsection (3)(a)(i).
6354 (5) The [~~State Board of Regents, established in Section 53B-1-103,~~] Utah Board of
6355 Higher Education shall make a policy to select at least two tests for college-level math
6356 placement.
6357 (6) The [~~State Board of Regents~~] Utah Board of Higher Education shall, in consultation
6358 with the state board, make policies to:
6359 (a) develop mechanisms for a student who completes a math competency requirement
6360 described in Subsection (3)(a) to:
6361 (i) receive college credit; and
6362 (ii) satisfy the state system of higher education quantitative literacy requirement;
6363 (b) allow a student, upon completion of required high school mathematics courses with
6364 at least a "C" grade, entry into a mathematics concurrent enrollment course;
6365 (c) increase access to a range of mathematics concurrent enrollment courses;
6366 (d) establish a consistent concurrent enrollment course approval process; and
6367 (e) establish a consistent process to qualify high school teachers with an upper level
6368 mathematics endorsement to teach entry level mathematics concurrent enrollment courses.
6369 Section 144. Section **53E-4-308** is amended to read:
6370 **53E-4-308. Unique student identifier -- Coordination of higher education and**
6371 **public education information technology systems -- Coordination of preschool and public**
6372 **education information technology systems.**
6373 (1) As used in this section, "unique student identifier" means an alphanumeric code
6374 assigned to each public education student for identification purposes, which:
6375 (a) is not assigned to any former or current student; and
6376 (b) does not incorporate personal information, including a birth date or Social Security
6377 number.
6378 (2) The state board, through the state superintendent, shall assign each public education
6379 student a unique student identifier, which shall be used to track individual student performance
6380 on achievement tests administered under this part.
6381 (3) The state board and the [~~State Board of Regents~~] Utah Board of Higher Education
6382 shall coordinate public education and higher education information technology systems to

6383 allow individual student academic achievement to be tracked through both education systems
6384 in accordance with this section and Section 53B-1-109.
6385 (4) The state board and the [~~State Board of Regents~~] Utah Board of Higher Education
6386 shall coordinate access to the unique student identifier of a public education student who later
6387 attends an institution within the state system of higher education.
6388 (5) (a) The state board and the Department of Workforce Services shall coordinate
6389 assignment of a unique student identifier to each student enrolled in a program described in
6390 Title 35A, Chapter 15, Preschool Programs.
6391 (b) A unique student identifier assigned to a student under Subsection (5)(a) shall
6392 remain the student's unique student identifier used by the state board when the student enrolls
6393 in a public school in kindergarten or a later grade.
6394 (c) The state board, the Department of Workforce Services, and a contractor as defined
6395 in Section 53F-4-401, shall coordinate access to the unique student identifier of a preschool
6396 student who later attends an LEA.
6397 Section 145. Section **53E-6-201** is amended to read:
6398 **53E-6-201. State board licensure.**
6399 (1) To be fully implemented by July 1, 2020, and, if technology and funds are
6400 available, the state board shall establish in rule a system for educator licensing that includes:
6401 (a) an associate educator license that permits an individual to provide educational
6402 services in a public school while working to meet the requirements of a professional educator
6403 license;
6404 (b) a professional educator license that permits an individual to provide educational
6405 services in a public school after demonstrating that the individual meets licensure requirements
6406 established in state board rule; and
6407 (c) an LEA-specific educator license issued by the state board at the request of an
6408 LEA's governing body that is valid for an individual to provide educational services in the
6409 requesting LEA's schools.
6410 (2) An individual employed in a position that requires licensure by the state board shall
6411 hold the license that is appropriate to the position.
6412 (3) (a) The state board may by rule rank, endorse, or otherwise classify licenses and
6413 establish the criteria for obtaining, retaining, and reinstating licenses.

6414 (b) An educator who is enrolling in a course of study at an institution within the state
6415 system of higher education to satisfy the state board requirements for retaining a license is
6416 exempt from tuition, except for a semester registration fee established by the [~~State Board of~~
6417 ~~Regents~~] Utah Board of Higher Education, if:
6418 (i) the educator is enrolled on the basis of surplus space in the class after regularly
6419 enrolled students have been assigned and admitted to the class in accordance with regular
6420 procedures, normal teaching loads, and the institution's approved budget; and
6421 (ii) enrollments are determined by each institution under rules and guidelines
6422 established by the [~~State Board of Regents~~] Utah Board of Higher Education in accordance
6423 with findings of fact that space is available for the educator's enrollment.
6424 Section 146. Section **53E-10-301** is amended to read:
6425 **53E-10-301. Definitions.**
6426 As used in this part:
6427 (1) "Career and technical education course" means a concurrent enrollment course in
6428 career and technical education, as determined by the policy established by the [~~State Board of~~
6429 ~~Regents~~] Utah Board of Higher Education under Section 53E-10-302.
6430 (2) "Concurrent enrollment" means enrollment in a course offered through the
6431 concurrent enrollment program described in Section 53E-10-302.
6432 (3) "Educator" means the same as that term is defined in Section 53E-6-102.
6433 (4) "Eligible instructor" means an instructor who meets the requirements described in
6434 Subsection 53E-10-302(5).
6435 (5) "Eligible student" means a student who:
6436 (a) is enrolled in, and counted in average daily membership in, a public school within
6437 the state;
6438 (b) has on file a plan for college and career readiness as described in Section
6439 53E-2-304; and
6440 (c) is in grade 9, 10, 11, or 12.
6441 (6) "Institution of higher education" means an institution [~~that is part of the Utah~~
6442 ~~System of Higher Education~~] described in Subsection 53B-1-102(1)(a).
6443 (7) "License" means the same as that term is defined in Section 53E-6-102.
6444 (8) "Local education agency" or "LEA" means a school district or charter school.

6445 (9) "Qualifying experience" means an LEA employee's experience in an academic field
6446 that:
6447 (a) qualifies the LEA employee to teach a concurrent enrollment course in the
6448 academic field; and
6449 (b) may include the LEA employee's:
6450 (i) number of years teaching in the academic field;
6451 (ii) holding a higher level secondary teaching credential issued by the state board;
6452 (iii) research, publications, or other scholarly work in the academic field;
6453 (iv) continuing professional education in the academic field;
6454 (v) portfolio of work related to the academic field; or
6455 (vi) professional work experience or certifications in the academic field.
6456 (10) "Value of the weighted pupil unit" means the amount established each year in the
6457 enacted public education budget that is multiplied by the number of weighted pupil units to
6458 yield the funding level for the basic state-supported school program.
6459 Section 147. Section **53E-10-302** is amended to read:
6460 **53E-10-302. Concurrent enrollment program.**
6461 (1) The state board and the [~~State Board of Regents~~] Utah Board of Higher Education
6462 shall establish and maintain a concurrent enrollment program that:
6463 (a) provides an eligible student the opportunity to enroll in a course that allows the
6464 eligible student to earn credit concurrently:
6465 (i) toward high school graduation; and
6466 (ii) at an institution of higher education;
6467 (b) includes only a course that:
6468 (i) leads to a degree or certificate offered by an institution of higher education; and
6469 (ii) is one of the following:
6470 (A) a general education course;
6471 (B) a career and technical education course;
6472 (C) a pre-major college level course; or
6473 (D) a foreign language concurrent enrollment course described in Section 53E-10-307;
6474 (c) requires that the instructor of a concurrent enrollment course is an eligible
6475 instructor; and

6476 (d) is designed and implemented to take full advantage of the most current available
6477 education technology.
6478 (2) The state board and the [~~State Board of Regents~~] Utah Board of Higher Education
6479 shall coordinate to:
6480 (a) establish a concurrent enrollment course approval process that ensures:
6481 (i) credit awarded for concurrent enrollment is consistent and transferable to all
6482 institutions of higher education; and
6483 (ii) learning outcomes for a concurrent enrollment course align with:
6484 (A) core standards for Utah public schools adopted by the state board; and
6485 (B) except for a foreign language concurrent enrollment course described in Section
6486 53E-10-307, an institution of higher education lower division course numbered at or above the
6487 1000 level; and
6488 (b) provide advising to an eligible student, including information on:
6489 (i) general education requirements at institutions of higher education; and
6490 (ii) how to choose concurrent enrollment courses to avoid duplication or excess credit
6491 hours.
6492 (3) After consultation with institution of higher education concurrent enrollment
6493 directors, the [~~State Board of Regents~~] Utah Board of Higher Education shall:
6494 (a) provide guidelines to an institution of higher education for establishing qualifying
6495 academic criteria for an eligible student to enroll in a concurrent enrollment course; and
6496 (b) on or before July 1, 2019, establish a policy that:
6497 (i) determines which concurrent enrollment courses are career and technical education
6498 courses; and
6499 (ii) creates a process for:
6500 (A) an LEA to appeal an institution of higher education's decision under Subsection (6)
6501 if the institution of higher education does not approve an LEA employee as an eligible
6502 instructor; and
6503 (B) an LEA or institution of higher education to determine whether an eligible
6504 instructor who previously taught a concurrent enrollment course is no longer qualified to teach
6505 the concurrent enrollment course.
6506 (4) To qualify for funds under Section 53F-2-409, an LEA and an institution of higher

6507 education shall:
6508 (a) enter into a contract, in accordance with Section 53E-10-303, to provide one or
6509 more concurrent enrollment courses that are approved under the course approval process
6510 described in Subsection (2);
6511 (b) ensure that an instructor who teaches a concurrent enrollment course is an eligible
6512 instructor;
6513 (c) establish qualifying academic criteria for an eligible student to enroll in a
6514 concurrent enrollment course, in accordance with the guidelines described in Subsection (3)(a);
6515 (d) ensure that a student who enrolls in a concurrent enrollment course is an eligible
6516 student; and
6517 (e) coordinate advising to eligible students.
6518 (5) (a) An institution of higher education faculty member is an eligible instructor.
6519 (b) An LEA employee is an eligible instructor if the LEA employee:
6520 (i) is licensed under Chapter 6, Education Professional Licensure;
6521 (ii) is supervised by an institution of higher education; and
6522 (iii) (A) as described in Subsection (6), is approved as an eligible instructor by the
6523 institution of higher education that provides the concurrent enrollment course taught by the
6524 LEA employee;
6525 (B) has an upper level mathematics credential issued by the state board;
6526 (C) is approved as adjunct faculty by the institution of higher education that provides
6527 the concurrent enrollment course taught by the LEA employee; or
6528 (D) teaches a concurrent enrollment course that the LEA employee taught during the
6529 2018-19 or 2019-20 school year.
6530 (6) An institution of higher education shall approve an LEA employee as an eligible
6531 instructor:
6532 (a) for a career and technical education concurrent enrollment course, if the LEA
6533 employee has:
6534 (i) a degree, certificate, or industry certification in the concurrent enrollment course's
6535 academic field; or
6536 (ii) qualifying experience, as determined by the institution of higher education; or
6537 (b) for a concurrent enrollment course other than a career and technical education

6538 course, if the LEA employee has:
6539 (i) a master's degree or higher in the concurrent enrollment course's academic field;
6540 (ii) (A) a master's degree or higher in any academic field; and
6541 (B) at least 18 completed credit hours of graduate course work in an academic field
6542 that is relevant to the concurrent enrollment course; or
6543 (iii) qualifying experience, as determined by the institution of higher education.
6544 (7) An institution of higher education shall accept credits earned by a student who
6545 completes a concurrent enrollment course on the same basis as credits earned by a full-time or
6546 part-time student enrolled at the institution of higher education.
6547 Section 148. Section **53E-10-303** is amended to read:
6548 **53E-10-303. Designated institution of higher education -- Concurrent enrollment**
6549 **course right of first refusal.**
6550 (1) As used in this section, "designated institution of higher education" means an
6551 institution of higher education that is designated by the [~~State Board of Regents~~] Utah Board of
6552 Higher Education to provide a course or program of study within a specific geographic region.
6553 (2) To offer a concurrent enrollment course, an LEA shall contact the LEA's designated
6554 institution of higher education to request that the designated institution of higher education
6555 contract with the LEA to provide the concurrent enrollment course.
6556 (3) If the LEA's designated institution of higher education chooses to offer the
6557 concurrent enrollment course, the LEA shall contract with the LEA's designated institution of
6558 higher education to provide the concurrent enrollment course.
6559 (4) An LEA may contract with an institution of higher education that is not the LEA's
6560 designated institution of higher education to provide a concurrent enrollment course if the
6561 LEA's designated institution of higher education:
6562 (a) chooses not to offer the concurrent enrollment course proposed by the LEA; or
6563 (b) fails to respond to the LEA's request under Subsection (2) within 30 days after the
6564 day on which the LEA contacts the designated institution of higher education.
6565 Section 149. Section **53E-10-304** is amended to read:
6566 **53E-10-304. Concurrent enrollment participation form -- Parental permission.**
6567 (1) The [~~State Board of Regents~~] Utah Board of Higher Education shall create a higher
6568 education concurrent enrollment participation form that includes a parental permission form.

6569 (2) Before allowing an eligible student to participate in concurrent enrollment, an LEA
6570 and an institution of higher education shall ensure that the eligible student has, for the current
6571 school year:
6572 (a) submitted the participation form described in Subsection (1);
6573 (b) signed an acknowledgment of program participation requirements; and
6574 (c) obtained parental permission as indicated by the signature of a student's parent on
6575 the parental permission form.
6576 Section 150. Section **53E-10-305** is amended to read:
6577 **53E-10-305. Tuition and fees.**
6578 (1) Except as provided in this section, the [~~State Board of Regents~~] Utah Board of
6579 Higher Education or an institution of higher education may not charge tuition or fees for a
6580 concurrent enrollment course.
6581 (2) (a) The [~~State Board of Regents~~] Utah Board of Higher Education may charge a
6582 one-time fee for a student to participate in the concurrent enrollment program.
6583 (b) A student who pays a fee described in Subsection (2)(a) does not satisfy a general
6584 admission application fee requirement for a full-time or part-time student at an institution of
6585 higher education.
6586 (3) (a) An institution of higher education may charge a one-time admission application
6587 fee for concurrent enrollment course credit offered by the institution of higher education.
6588 (b) Payment of the fee described in Subsection (3)(a) satisfies the general admission
6589 application fee requirement for a full-time or part-time student at an institution of higher
6590 education.
6591 (4) (a) Except as provided in Subsection (4)(b), an institution of higher education may
6592 charge partial tuition of no more than $30 per credit hour for a concurrent enrollment course
6593 for which a student earns college credit.
6594 (b) An institution of higher education may not charge more than:
6595 (i) $5 per credit hour for an eligible student who qualifies for free or reduced price
6596 school lunch;
6597 (ii) $10 per credit hour for a concurrent enrollment course that is taught at an LEA by
6598 an eligible instructor described in Subsection 53E-10-302(5)(b); or
6599 (iii) $15 per credit hour for a concurrent enrollment course that is taught through video

6600 conferencing.
6601 (5) In accordance with Section 53G-7-603, an LEA may charge a fee for a textbook, as
6602 defined in Section 53G-7-601, that is required for a concurrent enrollment course.
6603 Section 151. Section **53E-10-308** is amended to read:
6604 **53E-10-308. Reporting.**
6605 The state board and the [~~State Board of Regents~~] Utah Board of Higher Education shall
6606 submit an annual written report to the Higher Education Appropriations Subcommittee and in
6607 accordance with Section 53E-1-203 on student participation in the concurrent enrollment
6608 program, including:
6609 (1) data on the higher education tuition not charged due to the hours of higher
6610 education credit granted through concurrent enrollment;
6611 (2) tuition or fees charged under Section 53E-10-305;
6612 (3) an accounting of the money appropriated for concurrent enrollment; and
6613 (4) a justification of the distribution method described in Subsections 53F-2-409(3)(d)
6614 and (e).
6615 Section 152. Section **53E-10-704** is amended to read:
6616 **53E-10-704. Director Selection Committee -- Membership -- Powers and duties --**
6617 **Compensation.**
6618 (1) There is created the Director Selection Committee to appoint the director.
6619 (2) The selection committee shall consist of the following nine members each
6620 appointed for two-year staggered terms, with the initial terms of the members described in
6621 Subsections (2)(a), (b), and (c) to be three years:
6622 (a) one member of the office of the governor, who is the chair of the selection
6623 committee and appointed by the governor;
6624 (b) one member of the House of Representatives, appointed by the speaker of the
6625 House of Representatives;
6626 (c) one member of the Senate, appointed by the president of the Senate;
6627 (d) one member of the state board, appointed by the chair of the state board;
6628 (e) one member of the [~~Board of Regents~~] Utah Board of Higher Education, appointed
6629 by the chair of the [~~Board of Regents~~] Utah Board of Higher Education;
6630 (f) one member appointed by the state superintendent;

6631 (g) one member of the State Charter School Board, appointed by the chair of the State
6632 Charter School Board;
6633 (h) one member of the Utah School Boards Association recognized in Section
6634 53G-4-502, appointed by the association executive director; and
6635 (i) one member of a state association that represents school superintendents, appointed
6636 by the association executive director.
6637 (3) (a) A member of the selection committee may be appointed for more than one term.
6638 (b) If a midterm vacancy occurs on the selection committee, the appointing individual,
6639 as described in Subsection (2), for the vacant position shall appoint an individual for the
6640 remainder of the term.
6641 (4) A majority of the members shall constitute a quorum for the transaction of selection
6642 committee business.
6643 (5) (a) The selection committee shall select and appoint a director for a four-year term.
6644 (b) The director may be appointed for more than one term.
6645 (6) (a) In a year in which the director is appointed, the selection committee shall:
6646 (i) solicit applications for the director position to be submitted no later than June 1;
6647 (ii) hold at least two meetings to discuss candidates for the open director position; and
6648 (iii) select and appoint by majority vote a candidate to fill the director position to begin
6649 employment no later than August 1.
6650 (b) Notwithstanding Subsection (6)(a), if a midterm vacancy in the director position
6651 occurs, the selection committee shall:
6652 (i) no later than 25 business days after the day on which the position is vacated, solicit
6653 applications for the director position;
6654 (ii) hold at least two meetings to discuss candidates for the vacant position; and
6655 (iii) no later than 60 business days after the day on which the position is vacated, select
6656 a candidate to fill the director position for the remainder of the term.
6657 (7) (a) The selection committee:
6658 (i) may remove a director before the completion of the director's term only by a
6659 majority vote of the selection committee; and
6660 (ii) is the only person empowered to remove the director.
6661 (b) The chair shall hold a meeting to consider removing the director upon request of

6662 two or more selection committee members.
6663 (8) A member of the selection committee may not receive compensation except a
6664 member who is a legislator shall receive compensation for travel and other expense
6665 reimbursements in accordance with Section 36-2-2.
6666 (9) The selection committee shall:
6667 (a) establish criteria for evaluation of the ULEAD program, including the degree of
6668 participation by participating institutions and practitioners; and
6669 (b) evaluate the effectiveness of ULEAD every four years for purposes of continuing
6670 the program.
6671 (10) The selection committee shall hold a meeting described in this section in
6672 accordance with Title 52, Chapter 4, Open and Public Meetings Act.
6673 Section 153. Section **53F-2-409** is amended to read:
6674 **53F-2-409. Concurrent enrollment funding.**
6675 (1) The terms defined in Section 53E-10-301 apply to this section.
6676 (2) The state board shall allocate money appropriated for concurrent enrollment in
6677 accordance with this section.
6678 (3) (a) The state board shall allocate money appropriated for concurrent enrollment in
6679 proportion to the number of credit hours earned for courses taken where:
6680 (i) an LEA primarily bears the cost of instruction; and
6681 (ii) an institution of higher education primarily bears the cost of instruction.
6682 (b) From the money allocated under Subsection (3)(a)(i), the state board shall
6683 distribute:
6684 (i) 60% of the money to LEAs; and
6685 (ii) 40% of the money to the State Board of Regents.
6686 (c) From the money allocated under Subsection (3)(a)(ii), the state board shall
6687 distribute:
6688 (i) 40% of the money to LEAs; and
6689 (ii) 60% of the money to the [~~State Board of Regents~~] Utah Board of Higher Education.
6690 (d) The state board shall make rules providing for the distribution of the money to
6691 LEAs under Subsections (3)(b)(i) and (3)(c)(i).
6692 (e) The [~~State Board of Regents~~] Utah Board of Higher Education shall make rules

6693 providing for the distribution of the money allocated to institutions of higher education under
6694 Subsections (3)(b)(ii) and (3)(c)(ii).
6695 (4) Subject to budget constraints, the Legislature shall annually increase the money
6696 appropriated for concurrent enrollment in proportion to the percentage increase over the
6697 previous school year in:
6698 (a) kindergarten through grade 12 student enrollment; and
6699 (b) the value of the weighted pupil unit.
6700 (5) If an LEA receives an allocation of less than $10,000 under this section, the LEA
6701 may use the allocation as described in Section 53F-2-206.
6702 Section 154. Section **53F-2-501** is amended to read:
6703 **53F-2-501. Early graduation incentives -- Incentive to school district -- Partial**
6704 **tuition scholarship for student -- Payments.**
6705 (1) A secondary public school student who has completed all required courses or
6706 demonstrated mastery of required skills and competencies may graduate at any time with the
6707 approval of:
6708 (a) the student;
6709 (b) the student's parent; and
6710 (c) a local school official who is authorized by the school's principal or director to
6711 approve early graduation.
6712 (2) The state board shall make a payment to a public high school in an amount equal to
6713 1/2 of the scholarship awarded to each student under this section who graduates from the
6714 school at or before the conclusion of grade 11, or a proportionately lesser amount for a student
6715 who graduates after the conclusion of grade 11 but before the conclusion of grade 12.
6716 (3) (a) The state board shall award to each student who graduates from high school at
6717 or before the conclusion of grade 11 a centennial scholarship in the amount of the greater of
6718 30% of the previous year's value of the weighted pupil unit or $1,000, subject to this
6719 Subsection (3) through Subsection (6).
6720 (b) A student who is awarded a centennial scholarship may use the scholarship for full
6721 time enrollment at:
6722 (i) a Utah public college, university, or community college;
6723 (ii) a technical college described in Section 53B-2a-105; or

6724 (iii) any other institution in the state of Utah that:
6725 (A) is accredited by an accrediting organization recognized by the [~~State Board of~~
6726 ~~Regents~~] Utah Board of Higher Education; and
6727 (B) offers postsecondary courses of the student's choice.
6728 (c) Before making a payment of a centennial scholarship, the state board shall verify
6729 that the student has registered at an institution described in Subsection (3)(b):
6730 (i) during the fiscal year following the student's graduation from high school; or
6731 (ii) at the end of the student's deferral period, in accordance with Subsection (4).
6732 (d) If a student graduates after the conclusion of grade 11 but before the conclusion of
6733 grade 12, the state board shall award the student a centennial scholarship of a proportionately
6734 lesser amount than the scholarship amount described in Subsection (3)(a).
6735 (4) (a) A student who is eligible for a centennial scholarship under Subsection (3) may
6736 make a request to the state board that the state board defer consideration of the student for the
6737 scholarship for a set period of time.
6738 (b) A student who makes a request under Subsection (4)(a) shall state in the request the
6739 reason for which the student wishes not to be considered for the scholarship until the end of the
6740 deferral period, which may include:
6741 (i) health reasons;
6742 (ii) religious reasons;
6743 (iii) military service; or
6744 (iv) humanitarian service.
6745 (c) If a student makes a request under Subsection (4)(a), the state board shall:
6746 (i) (A) review the student's request; and
6747 (B) approve or reject the student's request; and
6748 (ii) if the state board approves the student's request, in consultation with the student, set
6749 the length of the deferral period, ensuring that the deferral period is sufficient to meet the
6750 student's needs under Subsection (4)(b).
6751 (d) At the end of the deferral period, and upon request of the student, the state board
6752 shall:
6753 (i) determine a student to be eligible for the scholarship if the student was eligible at
6754 the time of the student's request for deferral; and

6755 (ii) if found eligible, make a payment to the student in an amount equal to the amount
6756 described in Subsection (4)(e).
6757 (e) The amount of a student's deferred scholarship payment shall be determined by the
6758 state board based on the amount of the scholarship the student would have been entitled to as
6759 described in Subsection (3) and based on the fiscal year prior to the student's request for
6760 deferral.
6761 (5) Except as provided in Subsection (4)(b), the state board:
6762 (a) shall make the payments authorized in Subsections (2) and (3)(a) during the fiscal
6763 year that follows the student's graduation; and
6764 (b) may make the payments authorized in Subsection (3)(b) during the fiscal year:
6765 (i) in which the student graduates; or
6766 (ii) following the student's graduation.
6767 (6) Subject to future budget constraints, the Legislature shall adjust the appropriation
6768 for the Centennial Scholarship Program based on:
6769 (a) the anticipated increase of students awarded a centennial scholarship; and
6770 (b) the percent increase of the prior year's weighted pupil unit value, as provided in
6771 Subsection (3).
6772 Section 155. Section **53F-5-204** is amended to read:
6773 **53F-5-204. Initiative to strengthen college and career readiness.**
6774 (1) As used in this section:
6775 (a) "College and career counseling" means:
6776 (i) nurturing college and career aspirations;
6777 (ii) assisting students in planning an academic program that connects to college and
6778 career goals;
6779 (iii) providing early and ongoing exposure to information necessary to make informed
6780 decisions when selecting a college and career;
6781 (iv) promoting participation in college and career assessments;
6782 (v) providing financial aid information; and
6783 (vi) increasing understanding about college admission processes.
6784 (b) "LEA" or "local education agency" means a school district or charter school.
6785 (2) There is created the Strengthening College and Career Readiness Program, a grant

6786 program for LEAs, to improve students' college and career readiness through enhancing the
6787 skill level of school counselors to provide college and career counseling.
6788 (3) The state board shall:
6789 (a) on or before August 1, 2015, collaborate with the [~~State Board of Regents~~] Utah
6790 Board of Higher Education, and business, community, and education stakeholders to develop a
6791 certificate for school counselors that:
6792 (i) certifies that a school counselor is highly skilled at providing college and career
6793 counseling; and
6794 (ii) is aligned with the Utah Comprehensive Counseling and Guidance Program as
6795 defined in rules established by the state board;
6796 (b) subject to legislative appropriations, award grants to LEAs, on a competitive basis,
6797 for payment of course fees for courses required to earn the certificate developed by the state
6798 board under Subsection (3)(a); and
6799 (c) make rules specifying:
6800 (i) procedures for applying for and awarding grants under this section;
6801 (ii) criteria for awarding grants; and
6802 (iii) reporting requirements for grantees.
6803 (4) An LEA that receives a grant under this section shall use the grant for payment of
6804 course fees for courses required to attain the certificate as determined by the state board under
6805 Subsection (3)(a).
6806 Section 156. Section **53F-5-205** is amended to read:
6807 **53F-5-205. Paraeducator to Teacher Scholarship Program -- Grants for math**
6808 **teacher training programs.**
6809 (1) (a) The terms defined in Section 53E-6-102 apply to this section.
6810 (b) As used in this section, "paraeducator" means a school employee who:
6811 (i) delivers instruction under the direct supervision of a teacher; and
6812 (ii) works in an area where there is a shortage of qualified teachers, such as special
6813 education, Title I, ESL, reading remediation, math, or science.
6814 (2) The Paraeducator to Teacher Scholarship Program is created to award scholarships
6815 to paraeducators for education and training to become licensed teachers.
6816 (3) The state board shall use money appropriated for the Paraeducator to Teacher

6817 Scholarship Program to award scholarships of up to $5,000 to paraeducators employed by
6818 school districts and charter schools who are pursuing an associate's degree or bachelor's degree
6819 program to become a licensed teacher.
6820 (4) A paraeducator is eligible to receive a scholarship if:
6821 (a) the paraeducator is employed by a school district or charter school;
6822 (b) is admitted to, or has made an application to, an associate's degree program or
6823 bachelor's degree program that will prepare the paraeducator for teacher licensure; and
6824 (c) the principal at the school where the paraeducator is employed has nominated the
6825 paraeducator for a scholarship.
6826 (5) (a) The state board shall establish a committee to select scholarship recipients from
6827 nominations submitted by school principals.
6828 (b) The committee shall include representatives of the state board, [~~State Board of~~
6829 ~~Regents~~] the Utah Board of Higher Education, and the general public, excluding school district
6830 and charter school employees.
6831 (c) A member may not receive compensation or benefits for the member's service, but
6832 may receive per diem and travel expenses in accordance with:
6833 (i) Section 63A-3-106;
6834 (ii) Section 63A-3-107; and
6835 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6836 63A-3-107.
6837 (d) The committee shall select scholarship recipients based on the following criteria:
6838 (i) test scores, grades, or other evidence demonstrating the applicant's ability to
6839 successfully complete a teacher education program; and
6840 (ii) the applicant's record of success as a paraeducator.
6841 (6) The maximum scholarship amount is $5,000.
6842 (7) Scholarship money may only be used to pay for tuition costs:
6843 (a) of:
6844 (i) an associate's degree program that fulfills credit requirements for the first two years
6845 of a bachelor's degree program leading to teacher licensure; or
6846 (ii) the first two years of a bachelor's degree program leading to teacher licensure; and
6847 (b) at a higher education institution:

6848 (i) located in Utah; and
6849 (ii) accredited by the Northwest Commission on Colleges and Universities.
6850 (8) A scholarship recipient must be continuously employed as a paraeducator by a
6851 school district or charter school while pursuing a degree using scholarship money.
6852 (9) The state board shall make rules in accordance with this section to administer the
6853 Paraeducator to Teacher Scholarship Program, including rules establishing:
6854 (a) scholarship application procedures;
6855 (b) the number of, and qualifications for, committee members who select scholarship
6856 recipients; and
6857 (c) procedures for distributing scholarship money.
6858 (10) If the state obtains matching funds of equal sums from private contributors, the
6859 state board may award grants to institutions of higher education or nonprofit educational
6860 organizations for programs that provide:
6861 (a) mentoring and training leading to a secondary education license with a certificate in
6862 mathematics for an individual who:
6863 (i) is not a teacher in a public or private school;
6864 (ii) does not have a teaching license;
6865 (iii) has a bachelor's degree or higher; and
6866 (iv) demonstrates a high level of mathematics competency by:
6867 (A) successfully completing substantial course work in mathematics; and
6868 (B) passing a mathematics content exam; or
6869 (b) a stipend, professional development, and leadership opportunities to an experienced
6870 mathematics teacher who demonstrates high content knowledge and exemplary teaching and
6871 leadership skills to assist the teacher in becoming a teacher leader.
6872 (11) (a) The state board shall make rules that establish criteria for awarding grants
6873 under this section.
6874 (b) In awarding grants, the state board shall consider the amount or percent of matching
6875 funds provided by the grant recipient.
6876 Section 157. Section **53G-5-102** is amended to read:
6877 **53G-5-102. Definitions.**
6878 As used in this chapter:

6879 (1) "Asset" means property of all kinds, real and personal, tangible and intangible, and
6880 includes:
6881 (a) cash;
6882 (b) stock or other investments;
6883 (c) real property;
6884 (d) equipment and supplies;
6885 (e) an ownership interest;
6886 (f) a license;
6887 (g) a cause of action; and
6888 (h) any similar property.
6889 (2) "Board of trustees of a higher education institution" or "board of trustees" means:
6890 (a) the board of trustees of:
6891 (i) the University of Utah;
6892 (ii) Utah State University;
6893 (iii) Weber State University;
6894 (iv) Southern Utah University;
6895 (v) Snow College;
6896 (vi) Dixie State University;
6897 (vii) Utah Valley University; or
6898 (viii) Salt Lake Community College; or
6899 (b) [~~the board of directors of~~] a technical college board of trustees described in Section
6900 53B-2a-108.
6901 (3) "Charter school authorizer" or "authorizer" means an entity listed in Section
6902 53G-5-205 that authorizes a charter school.
6903 Section 158. Section **53G-5-306** is amended to read:
6904 **53G-5-306. Charter schools authorized by a board of trustees of a higher**
6905 **education institution -- Application process -- Board of trustees responsibilities.**
6906 (1) Except as provided in Subsection (6), an applicant identified in Section 53G-5-302
6907 may enter into an agreement with a board of trustees of a higher education institution
6908 authorizing the applicant to establish and operate a charter school.
6909 (2) (a) An applicant applying for authorization from a board of trustees to establish and

6910 operate a charter school shall provide a copy of the application to the State Charter School
6911 Board and the local school board of the school district in which the proposed charter school
6912 will be located either before or at the same time the applicant files the application with the
6913 board of trustees.
6914 (b) The State Charter School Board and the local school board may review the
6915 application and offer suggestions or recommendations to the applicant or the board of trustees
6916 before acting on the application.
6917 (c) The board of trustees shall give due consideration to suggestions or
6918 recommendations made by the State Charter School Board or the local school board under
6919 Subsection (2)(b).
6920 (3) The state board shall make a rule providing a timeline for the opening of a charter
6921 school following the approval of a charter school application by a board of trustees.
6922 (4) After approval of a charter school application, the applicant and the board of
6923 trustees shall set forth the terms and conditions for the operation of the charter school in a
6924 written charter agreement.
6925 (5) (a) The school's charter agreement may include a provision that the charter school
6926 pay an annual fee for the board of trustees' costs in providing oversight of, and technical
6927 support to, the charter school in accordance with Section 53G-5-205.
6928 (b) In the first two years that a charter school is in operation, an annual fee described in
6929 Subsection (5)(a) may not exceed the product of 3% of the revenue the charter school receives
6930 from the state in the current fiscal year.
6931 (c) Beginning with the third year that a charter school is in operation, an annual fee
6932 described in Subsection (5)(a) may not exceed the product of 1% of the revenue a charter
6933 school receives from the state in the current fiscal year.
6934 (d) An annual fee described in Subsection (5)(a) shall be:
6935 (i) paid to the board of trustees' higher education institution; and
6936 (ii) expended as directed by the board of trustees.
6937 (6) (a) In addition to complying with the requirements of this section, a technical
6938 college board of [~~directors~~] trustees described in Section 53B-2a-108 shall obtain the approval
6939 of the [~~Utah System of Technical Colleges Board of Trustees~~] Utah Board of Higher Education
6940 before entering into an agreement to establish and operate a charter school.

6941 (b) If a technical college board of [~~directors~~] trustees approves an application to
6942 establish and operate a charter school, the technical college board of [~~directors~~] trustees shall
6943 submit the application to the [~~Utah System of Technical Colleges Board of Trustees~~] Utah
6944 Board of Higher Education.
6945 (c) The [~~Utah System of Technical Colleges Board of Trustees~~] Utah Board of Higher
6946 Education shall, by majority vote, within 60 days of receipt of an application described in
6947 Subsection (6)(b), approve or deny the application.
6948 (d) The [~~Utah System of Technical Colleges Board of Trustees~~] Utah Board of Higher
6949 Education may deny an application approved by a technical college board of [~~directors~~] trustees
6950 if the proposed charter school does not accomplish a purpose of charter schools as provided in
6951 Section 53G-5-104.
6952 (e) A charter school application may not be denied on the basis that the establishment
6953 of the charter school will have any or all of the following impacts on a public school, including
6954 another charter school:
6955 (i) an enrollment decline;
6956 (ii) a decrease in funding; or
6957 (iii) a modification of programs or services.
6958 (7) (a) Subject to the requirements of this chapter and other related provisions, a
6959 technical college board of [~~directors~~] trustees may establish:
6960 (i) procedures for submitting applications to establish and operate a charter school; or
6961 (ii) criteria for approval of an application to establish and operate a charter school.
6962 (b) The [~~Utah System of Technical Colleges Board of Trustees~~] Utah Board of Higher
6963 Education may not establish policy governing the procedures or criteria described in
6964 Subsection (7)(a).
6965 (8) Before a technical college board of [~~directors~~] trustees accepts a charter school
6966 application, the technical college board of [~~directors~~] trustees shall, in accordance with state
6967 board rules, establish and make public:
6968 (a) application requirements, in accordance with Section 53G-5-302;
6969 (b) the application process, including timelines, in accordance with this section; and
6970 (c) minimum academic, financial, and enrollment standards.
6971 Section 159. Section **53G-10-303** is amended to read:

6972 **53G-10-303. Teaching of American sign language.**
6973 (1) The Legislature recognizes that American sign language is a fully developed,
6974 autonomous, natural language with distinct grammar, syntax, and art forms.
6975 (2) American sign language shall be accorded equal status with other linguistic systems
6976 in the state's public and higher education systems.
6977 (3) The state board, in consultation with the state's school districts and members of the
6978 deaf and hard of hearing community, shall develop and implement policies and procedures for
6979 the teaching of American sign language in the state's public education system at least at the
6980 middle school or high school level.
6981 (4) A student may count credit received for completion of a course in American sign
6982 language at the middle school or high school level toward the satisfaction of a foreign language
6983 requirement in the public education system under rules made by the state board.
6984 (5) The [~~State Board of Regents~~] Utah Board of Higher Education, in consultation with
6985 the state's public institutions of higher education and members of the state's deaf and hard of
6986 hearing community, shall develop and implement policies and procedures for offering
6987 instruction in American sign language in the state's system of higher education.
6988 (6) The Joint Liaison Committee, in consultation with members of the state's deaf and
6989 hard of hearing community, shall review any policies and procedures developed under this
6990 section and make recommendations to either or both boards regarding the policies.
6991 Section 160. Section **54-8b-10** is amended to read:
6992 **54-8b-10. Imposing a surcharge to provide deaf, hard of hearing, and speech**
6993 **impaired individuals with telecommunication devices -- Definitions -- Procedures for**
6994 **establishing program -- Surcharge -- Administration and disposition of surcharge money.**
6995 (1) As used in this section:
6996 (a) "Certified deaf, hard of hearing, or severely speech impaired individual" means any
6997 state resident who:
6998 (i) is so certified by:
6999 (A) a licensed physician;
7000 (B) a licensed physician assistant;
7001 (C) an otolaryngologist;
7002 (D) a speech language pathologist;

7003 (E) an audiologist; or
7004 (F) a qualified state agency; and
7005 (ii) qualifies for assistance under any low income public assistance program
7006 administered by a state agency.
7007 (b) "Certified interpreter" means a person who is a certified interpreter under Title
7008 35A, Chapter 13, Part 6, Interpreter Services for the Deaf and Hard of Hearing Act.
7009 (c) (i) "Telecommunication device" means any mechanical adaptation device that
7010 enables a deaf, hard of hearing, or severely speech impaired individual to use the telephone.
7011 (ii) "Telecommunication device" includes:
7012 (A) telecommunication devices for the deaf (TDD);
7013 (B) telephone amplifiers;
7014 (C) telephone signal devices;
7015 (D) artificial larynxes; and
7016 (E) adaptive equipment for TDD keyboard access.
7017 (2) The commission shall establish a program whereby a certified deaf, hard of hearing,
7018 or severely speech impaired customer of a telecommunications corporation that provides
7019 service through a local exchange or of a wireless telecommunications provider may obtain a
7020 telecommunication device capable of serving the customer at no charge to the customer beyond
7021 the rate for basic service.
7022 (3) (a) The program described in Subsection (2) shall provide a dual party relay system
7023 using third party intervention to connect a certified deaf, hard of hearing, or severely speech
7024 impaired individual with a normal hearing individual by way of telecommunication devices
7025 designed for that purpose.
7026 (b) The commission may, by rule, establish the type of telecommunications device to
7027 be provided to ensure functional equivalence.
7028 (4) The commission shall cover the costs of the program described in this section from
7029 the Universal Public Telecommunications Service Support Fund created in Section 54-8b-15.
7030 (5) In administering the program described in this section, the commission may use
7031 funds from the Universal Public Telecommunications Service Support Fund:
7032 (a) for the purchase, maintenance, repair, and distribution of telecommunication
7033 devices;

7034 (b) for the acquisition, operation, maintenance, and repair of a dual party relay system;
7035 (c) for the general administration of the program;
7036 (d) to train individuals in the use of telecommunications devices; and
7037 (e) to contract, in compliance with Title 63G, Chapter 6a, Utah Procurement Code,
7038 with:
7039 (i) an institution within the state system of higher education listed in Section
7040 53B-1-102 for a program approved by the [~~Board of Regents~~] Utah Board of Higher Education
7041 that trains persons to qualify as certified interpreters; or
7042 (ii) the Utah State Office of Rehabilitation created in Section 35A-1-202 for a program
7043 that trains persons to qualify as certified interpreters.
7044 (6) The commission may create disbursement criteria and procedures by rule made
7045 under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for administering funds
7046 under Subsection (5).
7047 (7) The commission shall solicit advice, counsel, and physical assistance from deaf,
7048 hard of hearing, or severely speech impaired individuals and the organizations serving deaf,
7049 hard of hearing, or severely speech impaired individuals in the design and implementation of
7050 the program.
7051 Section 161. Section **58-22-302** is amended to read:
7052 **58-22-302. Qualifications for licensure.**
7053 (1) Each applicant for licensure as a professional engineer shall:
7054 (a) submit an application in a form prescribed by the division;
7055 (b) pay a fee determined by the department under Section 63J-1-504;
7056 (c) provide satisfactory evidence of good moral character;
7057 (d) (i) have graduated and received a bachelors or masters degree from an engineering
7058 program meeting criteria established by rule by the division in collaboration with the board; or
7059 (ii) have completed the Transportation Engineering Technology and Fundamental
7060 Engineering College Program before July 1, 1998, under the direction of the Utah Department
7061 of Transportation and as certified by the Utah Department of Transportation;
7062 (e) have successfully completed a program of qualifying experience established by rule
7063 by the division in collaboration with the board;
7064 (f) have successfully passed examinations established by rule by the division in

7065 collaboration with the board; and
7066 (g) meet with the board or representative of the division upon request for the purpose
7067 of evaluating the applicant's qualification for licensure.
7068 (2) Each applicant for licensure as a professional structural engineer shall:
7069 (a) submit an application in a form prescribed by the division;
7070 (b) pay a fee determined by the department under Section 63J-1-504;
7071 (c) provide satisfactory evidence of good moral character;
7072 (d) have graduated and received an earned bachelors or masters degree from an
7073 engineering program meeting criteria established by rule by the division in collaboration with
7074 the board;
7075 (e) have successfully completed three years of licensed professional engineering
7076 experience established by rule by the division in collaboration with the board, except that prior
7077 to January 1, 2009, an applicant for licensure may submit a signed affidavit in a form
7078 prescribed by the division stating that the applicant is currently engaged in the practice of
7079 structural engineering;
7080 (f) have successfully passed examinations established by rule by the division in
7081 collaboration with the board, except that prior to January 1, 2009, an applicant for licensure
7082 may submit a signed affidavit in a form prescribed by the division stating that the applicant is
7083 currently engaged in the practice of structural engineering; and
7084 (g) meet with the board or representative of the division upon request for the purpose
7085 of evaluating the applicant's qualification for licensure.
7086 (3) Each applicant for licensure as a professional land surveyor shall:
7087 (a) submit an application in a form prescribed by the division;
7088 (b) pay a fee determined by the department under Section 63J-1-504;
7089 (c) provide satisfactory evidence of good moral character;
7090 (d) (i) have graduated and received an associates, bachelors, or masters degree from a
7091 land surveying program, or an equivalent land surveying program, such as a program offered by
7092 a technical college described in Section 53B-2a-105, as approved by the [~~State Board of~~
7093 ~~Regents~~] Utah Board of Higher Education, established by rule by the division in collaboration
7094 with the board, and have successfully completed a program of qualifying experience in land
7095 surveying established by rule by the division in collaboration with the board; or

7096 (ii) have successfully completed a program of qualifying experience in land surveying
7097 prior to January 1, 2007, in accordance with rules established by the division in collaboration
7098 with the board;
7099 (e) have successfully passed examinations established by rule by the division in
7100 collaboration with the board; and
7101 (f) meet with the board or representative of the division upon request for the purpose of
7102 evaluating the applicant's qualification for licensure.
7103 (4) Each applicant for licensure by endorsement shall:
7104 (a) submit an application in a form prescribed by the division;
7105 (b) pay a fee determined by the department under Section 63J-1-504;
7106 (c) provide satisfactory evidence of good moral character;
7107 (d) submit satisfactory evidence of:
7108 (i) current licensure in good standing in a jurisdiction recognized by rule by the
7109 division in collaboration with the board;
7110 (ii) having successfully passed an examination established by rule by the division in
7111 collaboration with the board; and
7112 (iii) full-time employment as a principal for at least five of the last seven years
7113 immediately preceding the date of the application as a:
7114 (A) licensed professional engineer for licensure as a professional engineer;
7115 (B) licensed professional structural engineer for licensure as a structural engineer; or
7116 (C) licensed professional land surveyor for licensure as a professional land surveyor;
7117 and
7118 (e) meet with the board or representative of the division upon request for the purpose
7119 of evaluating the applicant's qualifications for license.
7120 (5) The rules made to implement this section shall be in accordance with Title 63G,
7121 Chapter 3, Utah Administrative Rulemaking Act.
7122 Section 162. Section **59-12-102** is amended to read:
7123 **59-12-102. Definitions.**
7124 As used in this chapter:
7125 (1) "800 service" means a telecommunications service that:
7126 (a) allows a caller to dial a toll-free number without incurring a charge for the call; and

7127 (b) is typically marketed:
7128 (i) under the name 800 toll-free calling;
7129 (ii) under the name 855 toll-free calling;
7130 (iii) under the name 866 toll-free calling;
7131 (iv) under the name 877 toll-free calling;
7132 (v) under the name 888 toll-free calling; or
7133 (vi) under a name similar to Subsections (1)(b)(i) through (v) as designated by the
7134 Federal Communications Commission.
7135 (2) (a) "900 service" means an inbound toll telecommunications service that:
7136 (i) a subscriber purchases;
7137 (ii) allows a customer of the subscriber described in Subsection (2)(a)(i) to call in to
7138 the subscriber's:
7139 (A) prerecorded announcement; or
7140 (B) live service; and
7141 (iii) is typically marketed:
7142 (A) under the name 900 service; or
7143 (B) under a name similar to Subsection (2)(a)(iii)(A) as designated by the Federal
7144 Communications Commission.
7145 (b) "900 service" does not include a charge for:
7146 (i) a collection service a seller of a telecommunications service provides to a
7147 subscriber; or
7148 (ii) the following a subscriber sells to the subscriber's customer:
7149 (A) a product; or
7150 (B) a service.
7151 (3) (a) "Admission or user fees" includes season passes.
7152 (b) "Admission or user fees" does not include annual membership dues to private
7153 organizations.
7154 (4) "Affiliate" or "affiliated person" means a person that, with respect to another
7155 person:
7156 (a) has an ownership interest of more than 5%, whether direct or indirect, in that other
7157 person; or

7158 (b) is related to the other person because a third person, or a group of third persons who
7159 are affiliated persons with respect to each other, holds an ownership interest of more than 5%,
7160 whether direct or indirect, in the related persons.
7161 (5) "Agreement" means the Streamlined Sales and Use Tax Agreement adopted on
7162 November 12, 2002, including amendments made to the Streamlined Sales and Use Tax
7163 Agreement after November 12, 2002.
7164 (6) "Agreement combined tax rate" means the sum of the tax rates:
7165 (a) listed under Subsection (7); and
7166 (b) that are imposed within a local taxing jurisdiction.
7167 (7) "Agreement sales and use tax" means a tax imposed under:
7168 (a) Subsection 59-12-103(2)(a)(i)(A);
7169 (b) Subsection 59-12-103(2)(b)(i);
7170 (c) Subsection 59-12-103(2)(c)(i);
7171 (d) Subsection 59-12-103(2)(d)(i)(A)(I);
7172 (e) Section 59-12-204;
7173 (f) Section 59-12-401;
7174 (g) Section 59-12-402;
7175 (h) Section 59-12-402.1;
7176 (i) Section 59-12-703;
7177 (j) Section 59-12-802;
7178 (k) Section 59-12-804;
7179 (l) Section 59-12-1102;
7180 (m) Section 59-12-1302;
7181 (n) Section 59-12-1402;
7182 (o) Section 59-12-1802;
7183 (p) Section 59-12-2003;
7184 (q) Section 59-12-2103;
7185 (r) Section 59-12-2213;
7186 (s) Section 59-12-2214;
7187 (t) Section 59-12-2215;
7188 (u) Section 59-12-2216;

7189 (v) Section 59-12-2217;
7190 (w) Section 59-12-2218;
7191 (x) Section 59-12-2219; or
7192 (y) Section 59-12-2220.
7193 (8) "Aircraft" means the same as that term is defined in Section 72-10-102.
7194 (9) "Aircraft maintenance, repair, and overhaul provider" means a business entity:
7195 (a) except for:
7196 (i) an airline as defined in Section 59-2-102; or
7197 (ii) an affiliated group, as defined in Section 59-7-101, except that "affiliated group"
7198 includes a corporation that is qualified to do business but is not otherwise doing business in the
7199 state, of an airline; and
7200 (b) that has the workers, expertise, and facilities to perform the following, regardless of
7201 whether the business entity performs the following in this state:
7202 (i) check, diagnose, overhaul, and repair:
7203 (A) an onboard system of a fixed wing turbine powered aircraft; and
7204 (B) the parts that comprise an onboard system of a fixed wing turbine powered aircraft;
7205 (ii) assemble, change, dismantle, inspect, and test a fixed wing turbine powered aircraft
7206 engine;
7207 (iii) perform at least the following maintenance on a fixed wing turbine powered
7208 aircraft:
7209 (A) an inspection;
7210 (B) a repair, including a structural repair or modification;
7211 (C) changing landing gear; and
7212 (D) addressing issues related to an aging fixed wing turbine powered aircraft;
7213 (iv) completely remove the existing paint of a fixed wing turbine powered aircraft and
7214 completely apply new paint to the fixed wing turbine powered aircraft; and
7215 (v) refurbish the interior of a fixed wing turbine powered aircraft in a manner that
7216 results in a change in the fixed wing turbine powered aircraft's certification requirements by the
7217 authority that certifies the fixed wing turbine powered aircraft.
7218 (10) "Alcoholic beverage" means a beverage that:
7219 (a) is suitable for human consumption; and

7220 (b) contains .5% or more alcohol by volume.
7221 (11) "Alternative energy" means:
7222 (a) biomass energy;
7223 (b) geothermal energy;
7224 (c) hydroelectric energy;
7225 (d) solar energy;
7226 (e) wind energy; or
7227 (f) energy that is derived from:
7228 (i) coal-to-liquids;
7229 (ii) nuclear fuel;
7230 (iii) oil-impregnated diatomaceous earth;
7231 (iv) oil sands;
7232 (v) oil shale;
7233 (vi) petroleum coke; or
7234 (vii) waste heat from:
7235 (A) an industrial facility; or
7236 (B) a power station in which an electric generator is driven through a process in which
7237 water is heated, turns into steam, and spins a steam turbine.
7238 (12) (a) Subject to Subsection (12)(b), "alternative energy electricity production
7239 facility" means a facility that:
7240 (i) uses alternative energy to produce electricity; and
7241 (ii) has a production capacity of two megawatts or greater.
7242 (b) A facility is an alternative energy electricity production facility regardless of
7243 whether the facility is:
7244 (i) connected to an electric grid; or
7245 (ii) located on the premises of an electricity consumer.
7246 (13) (a) "Ancillary service" means a service associated with, or incidental to, the
7247 provision of telecommunications service.
7248 (b) "Ancillary service" includes:
7249 (i) a conference bridging service;
7250 (ii) a detailed communications billing service;

7251 (iii) directory assistance;
7252 (iv) a vertical service; or
7253 (v) a voice mail service.
7254 (14) "Area agency on aging" means the same as that term is defined in Section
7255 62A-3-101.
7256 (15) "Assisted amusement device" means an amusement device, skill device, or ride
7257 device that is started and stopped by an individual:
7258 (a) who is not the purchaser or renter of the right to use or operate the amusement
7259 device, skill device, or ride device; and
7260 (b) at the direction of the seller of the right to use the amusement device, skill device,
7261 or ride device.
7262 (16) "Assisted cleaning or washing of tangible personal property" means cleaning or
7263 washing of tangible personal property if the cleaning or washing labor is primarily performed
7264 by an individual:
7265 (a) who is not the purchaser of the cleaning or washing of the tangible personal
7266 property; and
7267 (b) at the direction of the seller of the cleaning or washing of the tangible personal
7268 property.
7269 (17) "Authorized carrier" means:
7270 (a) in the case of vehicles operated over public highways, the holder of credentials
7271 indicating that the vehicle is or will be operated pursuant to both the International Registration
7272 Plan and the International Fuel Tax Agreement;
7273 (b) in the case of aircraft, the holder of a Federal Aviation Administration operating
7274 certificate or air carrier's operating certificate; or
7275 (c) in the case of locomotives, freight cars, railroad work equipment, or other rolling
7276 stock, a person who uses locomotives, freight cars, railroad work equipment, or other rolling
7277 stock in more than one state.
7278 (18) (a) Except as provided in Subsection (18)(b), "biomass energy" means any of the
7279 following that is used as the primary source of energy to produce fuel or electricity:
7280 (i) material from a plant or tree; or
7281 (ii) other organic matter that is available on a renewable basis, including:

7282 (A) slash and brush from forests and woodlands;
7283 (B) animal waste;
7284 (C) waste vegetable oil;
7285 (D) methane or synthetic gas produced at a landfill, as a byproduct of the treatment of
7286 wastewater residuals, or through the conversion of a waste material through a nonincineration,
7287 thermal conversion process;
7288 (E) aquatic plants; and
7289 (F) agricultural products.
7290 (b) "Biomass energy" does not include:
7291 (i) black liquor; or
7292 (ii) treated woods.
7293 (19) (a) "Bundled transaction" means the sale of two or more items of tangible personal
7294 property, products, or services if the tangible personal property, products, or services are:
7295 (i) distinct and identifiable; and
7296 (ii) sold for one nonitemized price.
7297 (b) "Bundled transaction" does not include:
7298 (i) the sale of tangible personal property if the sales price varies, or is negotiable, on
7299 the basis of the selection by the purchaser of the items of tangible personal property included in
7300 the transaction;
7301 (ii) the sale of real property;
7302 (iii) the sale of services to real property;
7303 (iv) the retail sale of tangible personal property and a service if:
7304 (A) the tangible personal property:
7305 (I) is essential to the use of the service; and
7306 (II) is provided exclusively in connection with the service; and
7307 (B) the service is the true object of the transaction;
7308 (v) the retail sale of two services if:
7309 (A) one service is provided that is essential to the use or receipt of a second service;
7310 (B) the first service is provided exclusively in connection with the second service; and
7311 (C) the second service is the true object of the transaction;
7312 (vi) a transaction that includes tangible personal property or a product subject to

7313 taxation under this chapter and tangible personal property or a product that is not subject to
7314 taxation under this chapter if the:
7315 (A) seller's purchase price of the tangible personal property or product subject to
7316 taxation under this chapter is de minimis; or
7317 (B) seller's sales price of the tangible personal property or product subject to taxation
7318 under this chapter is de minimis; and
7319 (vii) the retail sale of tangible personal property that is not subject to taxation under
7320 this chapter and tangible personal property that is subject to taxation under this chapter if:
7321 (A) that retail sale includes:
7322 (I) food and food ingredients;
7323 (II) a drug;
7324 (III) durable medical equipment;
7325 (IV) mobility enhancing equipment;
7326 (V) an over-the-counter drug;
7327 (VI) a prosthetic device; or
7328 (VII) a medical supply; and
7329 (B) subject to Subsection (19)(f):
7330 (I) the seller's purchase price of the tangible personal property subject to taxation under
7331 this chapter is 50% or less of the seller's total purchase price of that retail sale; or
7332 (II) the seller's sales price of the tangible personal property subject to taxation under
7333 this chapter is 50% or less of the seller's total sales price of that retail sale.
7334 (c) (i) For purposes of Subsection (19)(a)(i), tangible personal property, a product, or a
7335 service that is distinct and identifiable does not include:
7336 (A) packaging that:
7337 (I) accompanies the sale of the tangible personal property, product, or service; and
7338 (II) is incidental or immaterial to the sale of the tangible personal property, product, or
7339 service;
7340 (B) tangible personal property, a product, or a service provided free of charge with the
7341 purchase of another item of tangible personal property, a product, or a service; or
7342 (C) an item of tangible personal property, a product, or a service included in the
7343 definition of "purchase price."

7344 (ii) For purposes of Subsection (19)(c)(i)(B), an item of tangible personal property, a
7345 product, or a service is provided free of charge with the purchase of another item of tangible
7346 personal property, a product, or a service if the sales price of the purchased item of tangible
7347 personal property, product, or service does not vary depending on the inclusion of the tangible
7348 personal property, product, or service provided free of charge.
7349 (d) (i) For purposes of Subsection (19)(a)(ii), property sold for one nonitemized price
7350 does not include a price that is separately identified by tangible personal property, product, or
7351 service on the following, regardless of whether the following is in paper format or electronic
7352 format:
7353 (A) a binding sales document; or
7354 (B) another supporting sales-related document that is available to a purchaser.
7355 (ii) For purposes of Subsection (19)(d)(i), a binding sales document or another
7356 supporting sales-related document that is available to a purchaser includes:
7357 (A) a bill of sale;
7358 (B) a contract;
7359 (C) an invoice;
7360 (D) a lease agreement;
7361 (E) a periodic notice of rates and services;
7362 (F) a price list;
7363 (G) a rate card;
7364 (H) a receipt; or
7365 (I) a service agreement.
7366 (e) (i) For purposes of Subsection (19)(b)(vi), the sales price of tangible personal
7367 property or a product subject to taxation under this chapter is de minimis if:
7368 (A) the seller's purchase price of the tangible personal property or product is 10% or
7369 less of the seller's total purchase price of the bundled transaction; or
7370 (B) the seller's sales price of the tangible personal property or product is 10% or less of
7371 the seller's total sales price of the bundled transaction.
7372 (ii) For purposes of Subsection (19)(b)(vi), a seller:
7373 (A) shall use the seller's purchase price or the seller's sales price to determine if the
7374 purchase price or sales price of the tangible personal property or product subject to taxation

7375 under this chapter is de minimis; and
7376 (B) may not use a combination of the seller's purchase price and the seller's sales price
7377 to determine if the purchase price or sales price of the tangible personal property or product
7378 subject to taxation under this chapter is de minimis.
7379 (iii) For purposes of Subsection (19)(b)(vi), a seller shall use the full term of a service
7380 contract to determine if the sales price of tangible personal property or a product is de minimis.
7381 (f) For purposes of Subsection (19)(b)(vii)(B), a seller may not use a combination of
7382 the seller's purchase price and the seller's sales price to determine if tangible personal property
7383 subject to taxation under this chapter is 50% or less of the seller's total purchase price or sales
7384 price of that retail sale.
7385 (20) "Certified automated system" means software certified by the governing board of
7386 the agreement that:
7387 (a) calculates the agreement sales and use tax imposed within a local taxing
7388 jurisdiction:
7389 (i) on a transaction; and
7390 (ii) in the states that are members of the agreement;
7391 (b) determines the amount of agreement sales and use tax to remit to a state that is a
7392 member of the agreement; and
7393 (c) maintains a record of the transaction described in Subsection (20)(a)(i).
7394 (21) "Certified service provider" means an agent certified:
7395 (a) by the governing board of the agreement; and
7396 (b) to perform a seller's sales and use tax functions for an agreement sales and use tax,
7397 as outlined in the contract between the governing board of the agreement and the certified
7398 service provider, other than the seller's obligation under Section 59-12-124 to remit a tax on the
7399 seller's own purchases.
7400 (22) (a) Subject to Subsection (22)(b), "clothing" means all human wearing apparel
7401 suitable for general use.
7402 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
7403 commission shall make rules:
7404 (i) listing the items that constitute "clothing"; and
7405 (ii) that are consistent with the list of items that constitute "clothing" under the

7406 agreement.
7407 (23) "Coal-to-liquid" means the process of converting coal into a liquid synthetic fuel.
7408 (24) "Commercial use" means the use of gas, electricity, heat, coal, fuel oil, or other
7409 fuels that does not constitute industrial use under Subsection (57) or residential use under
7410 Subsection (111).
7411 (25) (a) "Common carrier" means a person engaged in or transacting the business of
7412 transporting passengers, freight, merchandise, or other property for hire within this state.
7413 (b) (i) "Common carrier" does not include a person that, at the time the person is
7414 traveling to or from that person's place of employment, transports a passenger to or from the
7415 passenger's place of employment.
7416 (ii) For purposes of Subsection (25)(b)(i), in accordance with Title 63G, Chapter 3,
7417 Utah Administrative Rulemaking Act, the commission may make rules defining what
7418 constitutes a person's place of employment.
7419 (c) "Common carrier" does not include a person that provides transportation network
7420 services, as defined in Section 13-51-102.
7421 (26) "Component part" includes:
7422 (a) poultry, dairy, and other livestock feed, and their components;
7423 (b) baling ties and twine used in the baling of hay and straw;
7424 (c) fuel used for providing temperature control of orchards and commercial
7425 greenhouses doing a majority of their business in wholesale sales, and for providing power for
7426 off-highway type farm machinery; and
7427 (d) feed, seeds, and seedlings.
7428 (27) "Computer" means an electronic device that accepts information:
7429 (a) (i) in digital form; or
7430 (ii) in a form similar to digital form; and
7431 (b) manipulates that information for a result based on a sequence of instructions.
7432 (28) "Computer software" means a set of coded instructions designed to cause:
7433 (a) a computer to perform a task; or
7434 (b) automatic data processing equipment to perform a task.
7435 (29) "Computer software maintenance contract" means a contract that obligates a seller
7436 of computer software to provide a customer with:

7437 (a) future updates or upgrades to computer software;
7438 (b) support services with respect to computer software; or
7439 (c) a combination of Subsections (29)(a) and (b).
7440 (30) (a) "Conference bridging service" means an ancillary service that links two or
7441 more participants of an audio conference call or video conference call.
7442 (b) "Conference bridging service" may include providing a telephone number as part of
7443 the ancillary service described in Subsection (30)(a).
7444 (c) "Conference bridging service" does not include a telecommunications service used
7445 to reach the ancillary service described in Subsection (30)(a).
7446 (31) "Construction materials" means any tangible personal property that will be
7447 converted into real property.
7448 (32) "Delivered electronically" means delivered to a purchaser by means other than
7449 tangible storage media.
7450 (33) (a) "Delivery charge" means a charge:
7451 (i) by a seller of:
7452 (A) tangible personal property;
7453 (B) a product transferred electronically; or
7454 (C) a service; and
7455 (ii) for preparation and delivery of the tangible personal property, product transferred
7456 electronically, or services described in Subsection (33)(a)(i) to a location designated by the
7457 purchaser.
7458 (b) "Delivery charge" includes a charge for the following:
7459 (i) transportation;
7460 (ii) shipping;
7461 (iii) postage;
7462 (iv) handling;
7463 (v) crating; or
7464 (vi) packing.
7465 (34) "Detailed telecommunications billing service" means an ancillary service of
7466 separately stating information pertaining to individual calls on a customer's billing statement.
7467 (35) "Dietary supplement" means a product, other than tobacco, that:

7468 (a) is intended to supplement the diet;
7469 (b) contains one or more of the following dietary ingredients:
7470 (i) a vitamin;
7471 (ii) a mineral;
7472 (iii) an herb or other botanical;
7473 (iv) an amino acid;
7474 (v) a dietary substance for use by humans to supplement the diet by increasing the total
7475 dietary intake; or
7476 (vi) a concentrate, metabolite, constituent, extract, or combination of any ingredient
7477 described in Subsections (35)(b)(i) through (v);
7478 (c) (i) except as provided in Subsection (35)(c)(ii), is intended for ingestion in:
7479 (A) tablet form;
7480 (B) capsule form;
7481 (C) powder form;
7482 (D) softgel form;
7483 (E) gelcap form; or
7484 (F) liquid form; or
7485 (ii) if the product is not intended for ingestion in a form described in Subsections
7486 (35)(c)(i)(A) through (F), is not represented:
7487 (A) as conventional food; and
7488 (B) for use as a sole item of:
7489 (I) a meal; or
7490 (II) the diet; and
7491 (d) is required to be labeled as a dietary supplement:
7492 (i) identifiable by the "Supplemental Facts" box found on the label; and
7493 (ii) as required by 21 C.F.R. Sec. 101.36.
7494 (36) (a) "Digital audio work" means a work that results from the fixation of a series of
7495 musical, spoken, or other sounds.
7496 (b) "Digital audio work" includes a ringtone.
7497 (37) "Digital audio-visual work" means a series of related images which, when shown
7498 in succession, imparts an impression of motion, together with accompanying sounds, if any.

7499 (38) "Digital book" means a work that is generally recognized in the ordinary and usual
7500 sense as a book.
7501 (39) (a) "Direct mail" means printed material delivered or distributed by United States
7502 mail or other delivery service:
7503 (i) to:
7504 (A) a mass audience; or
7505 (B) addressees on a mailing list provided:
7506 (I) by a purchaser of the mailing list; or
7507 (II) at the discretion of the purchaser of the mailing list; and
7508 (ii) if the cost of the printed material is not billed directly to the recipients.
7509 (b) "Direct mail" includes tangible personal property supplied directly or indirectly by a
7510 purchaser to a seller of direct mail for inclusion in a package containing the printed material.
7511 (c) "Direct mail" does not include multiple items of printed material delivered to a
7512 single address.
7513 (40) "Directory assistance" means an ancillary service of providing:
7514 (a) address information; or
7515 (b) telephone number information.
7516 (41) (a) "Disposable home medical equipment or supplies" means medical equipment
7517 or supplies that:
7518 (i) cannot withstand repeated use; and
7519 (ii) are purchased by, for, or on behalf of a person other than:
7520 (A) a health care facility as defined in Section 26-21-2;
7521 (B) a health care provider as defined in Section 78B-3-403;
7522 (C) an office of a health care provider described in Subsection (41)(a)(ii)(B); or
7523 (D) a person similar to a person described in Subsections (41)(a)(ii)(A) through (C).
7524 (b) "Disposable home medical equipment or supplies" does not include:
7525 (i) a drug;
7526 (ii) durable medical equipment;
7527 (iii) a hearing aid;
7528 (iv) a hearing aid accessory;
7529 (v) mobility enhancing equipment; or

7530 (vi) tangible personal property used to correct impaired vision, including:
7531 (A) eyeglasses; or
7532 (B) contact lenses.
7533 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
7534 commission may by rule define what constitutes medical equipment or supplies.
7535 (42) "Drilling equipment manufacturer" means a facility:
7536 (a) located in the state;
7537 (b) with respect to which 51% or more of the manufacturing activities of the facility
7538 consist of manufacturing component parts of drilling equipment;
7539 (c) that uses pressure of 800,000 or more pounds per square inch as part of the
7540 manufacturing process; and
7541 (d) that uses a temperature of 2,000 or more degrees Fahrenheit as part of the
7542 manufacturing process.
7543 (43) (a) "Drug" means a compound, substance, or preparation, or a component of a
7544 compound, substance, or preparation that is:
7545 (i) recognized in:
7546 (A) the official United States Pharmacopoeia;
7547 (B) the official Homeopathic Pharmacopoeia of the United States;
7548 (C) the official National Formulary; or
7549 (D) a supplement to a publication listed in Subsections (43)(a)(i)(A) through (C);
7550 (ii) intended for use in the:
7551 (A) diagnosis of disease;
7552 (B) cure of disease;
7553 (C) mitigation of disease;
7554 (D) treatment of disease; or
7555 (E) prevention of disease; or
7556 (iii) intended to affect:
7557 (A) the structure of the body; or
7558 (B) any function of the body.
7559 (b) "Drug" does not include:
7560 (i) food and food ingredients;

7561 (ii) a dietary supplement;
7562 (iii) an alcoholic beverage; or
7563 (iv) a prosthetic device.
7564 (44) (a) Except as provided in Subsection (44)(c), "durable medical equipment" means
7565 equipment that:
7566 (i) can withstand repeated use;
7567 (ii) is primarily and customarily used to serve a medical purpose;
7568 (iii) generally is not useful to a person in the absence of illness or injury; and
7569 (iv) is not worn in or on the body.
7570 (b) "Durable medical equipment" includes parts used in the repair or replacement of the
7571 equipment described in Subsection (44)(a).
7572 (c) "Durable medical equipment" does not include mobility enhancing equipment.
7573 (45) "Electronic" means:
7574 (a) relating to technology; and
7575 (b) having:
7576 (i) electrical capabilities;
7577 (ii) digital capabilities;
7578 (iii) magnetic capabilities;
7579 (iv) wireless capabilities;
7580 (v) optical capabilities;
7581 (vi) electromagnetic capabilities; or
7582 (vii) capabilities similar to Subsections (45)(b)(i) through (vi).
7583 (46) "Electronic financial payment service" means an establishment:
7584 (a) within NAICS Code 522320, Financial Transactions Processing, Reserve, and
7585 Clearinghouse Activities, of the 2012 North American Industry Classification System of the
7586 federal Executive Office of the President, Office of Management and Budget; and
7587 (b) that performs electronic financial payment services.
7588 (47) "Employee" means the same as that term is defined in Section 59-10-401.
7589 (48) "Fixed guideway" means a public transit facility that uses and occupies:
7590 (a) rail for the use of public transit; or
7591 (b) a separate right-of-way for the use of public transit.

7592 (49) "Fixed wing turbine powered aircraft" means an aircraft that:
7593 (a) is powered by turbine engines;
7594 (b) operates on jet fuel; and
7595 (c) has wings that are permanently attached to the fuselage of the aircraft.
7596 (50) "Fixed wireless service" means a telecommunications service that provides radio
7597 communication between fixed points.
7598 (51) (a) "Food and food ingredients" means substances:
7599 (i) regardless of whether the substances are in:
7600 (A) liquid form;
7601 (B) concentrated form;
7602 (C) solid form;
7603 (D) frozen form;
7604 (E) dried form; or
7605 (F) dehydrated form; and
7606 (ii) that are:
7607 (A) sold for:
7608 (I) ingestion by humans; or
7609 (II) chewing by humans; and
7610 (B) consumed for the substance's:
7611 (I) taste; or
7612 (II) nutritional value.
7613 (b) "Food and food ingredients" includes an item described in Subsection (95)(b)(iii).
7614 (c) "Food and food ingredients" does not include:
7615 (i) an alcoholic beverage;
7616 (ii) tobacco; or
7617 (iii) prepared food.
7618 (52) (a) "Fundraising sales" means sales:
7619 (i) (A) made by a school; or
7620 (B) made by a school student;
7621 (ii) that are for the purpose of raising funds for the school to purchase equipment,
7622 materials, or provide transportation; and

7623 (iii) that are part of an officially sanctioned school activity.
7624 (b) For purposes of Subsection (52)(a)(iii), "officially sanctioned school activity"
7625 means a school activity:
7626 (i) that is conducted in accordance with a formal policy adopted by the school or school
7627 district governing the authorization and supervision of fundraising activities;
7628 (ii) that does not directly or indirectly compensate an individual teacher or other
7629 educational personnel by direct payment, commissions, or payment in kind; and
7630 (iii) the net or gross revenues from which are deposited in a dedicated account
7631 controlled by the school or school district.
7632 (53) "Geothermal energy" means energy contained in heat that continuously flows
7633 outward from the earth that is used as the sole source of energy to produce electricity.
7634 (54) "Governing board of the agreement" means the governing board of the agreement
7635 that is:
7636 (a) authorized to administer the agreement; and
7637 (b) established in accordance with the agreement.
7638 (55) (a) For purposes of Subsection 59-12-104(41), "governmental entity" means:
7639 (i) the executive branch of the state, including all departments, institutions, boards,
7640 divisions, bureaus, offices, commissions, and committees;
7641 (ii) the judicial branch of the state, including the courts, the Judicial Council, the
7642 Administrative Office of the Courts, and similar administrative units in the judicial branch;
7643 (iii) the legislative branch of the state, including the House of Representatives, the
7644 Senate, the Legislative Printing Office, the Office of Legislative Research and General
7645 Counsel, the Office of the Legislative Auditor General, and the Office of the Legislative Fiscal
7646 Analyst;
7647 (iv) the National Guard;
7648 (v) an independent entity as defined in Section 63E-1-102; or
7649 (vi) a political subdivision as defined in Section 17B-1-102.
7650 (b) "Governmental entity" does not include the state systems of public and higher
7651 education, including:
7652 (i) a school;
7653 (ii) the State Board of Education;

7654 (iii) the [~~State Board of Regents~~] Utah Board of Higher Education; or
7655 (iv) an institution of higher education described in Section 53B-1-102.
7656 (56) "Hydroelectric energy" means water used as the sole source of energy to produce
7657 electricity.
7658 (57) "Industrial use" means the use of natural gas, electricity, heat, coal, fuel oil, or
7659 other fuels:
7660 (a) in mining or extraction of minerals;
7661 (b) in agricultural operations to produce an agricultural product up to the time of
7662 harvest or placing the agricultural product into a storage facility, including:
7663 (i) commercial greenhouses;
7664 (ii) irrigation pumps;
7665 (iii) farm machinery;
7666 (iv) implements of husbandry as defined in Section 41-1a-102 that are not registered
7667 under Title 41, Chapter 1a, Part 2, Registration; and
7668 (v) other farming activities;
7669 (c) in manufacturing tangible personal property at an establishment described in:
7670 (i) SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of
7671 the federal Executive Office of the President, Office of Management and Budget; or
7672 (ii) a NAICS code within NAICS Sector 31-33, Manufacturing, of the 2017 North
7673 American Industry Classification System of the federal Executive Office of the President,
7674 Office of Management and Budget;
7675 (d) by a scrap recycler if:
7676 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to process
7677 one or more of the following items into prepared grades of processed materials for use in new
7678 products:
7679 (A) iron;
7680 (B) steel;
7681 (C) nonferrous metal;
7682 (D) paper;
7683 (E) glass;
7684 (F) plastic;

7685 (G) textile; or
7686 (H) rubber; and
7687 (ii) the new products under Subsection (57)(d)(i) would otherwise be made with
7688 nonrecycled materials; or
7689 (e) in producing a form of energy or steam described in Subsection 54-2-1(3)(a) by a
7690 cogeneration facility as defined in Section 54-2-1.
7691 (58) (a) Except as provided in Subsection (58)(b), "installation charge" means a charge
7692 for installing:
7693 (i) tangible personal property; or
7694 (ii) a product transferred electronically.
7695 (b) "Installation charge" does not include a charge for:
7696 (i) repairs or renovations of:
7697 (A) tangible personal property; or
7698 (B) a product transferred electronically; or
7699 (ii) attaching tangible personal property or a product transferred electronically:
7700 (A) to other tangible personal property; and
7701 (B) as part of a manufacturing or fabrication process.
7702 (59) "Institution of higher education" means an institution of higher education listed in
7703 Section 53B-2-101.
7704 (60) (a) "Lease" or "rental" means a transfer of possession or control of tangible
7705 personal property or a product transferred electronically for:
7706 (i) (A) a fixed term; or
7707 (B) an indeterminate term; and
7708 (ii) consideration.
7709 (b) "Lease" or "rental" includes an agreement covering a motor vehicle and trailer if the
7710 amount of consideration may be increased or decreased by reference to the amount realized
7711 upon sale or disposition of the property as defined in Section 7701(h)(1), Internal Revenue
7712 Code.
7713 (c) "Lease" or "rental" does not include:
7714 (i) a transfer of possession or control of property under a security agreement or
7715 deferred payment plan that requires the transfer of title upon completion of the required

7716 payments;
7717 (ii) a transfer of possession or control of property under an agreement that requires the
7718 transfer of title:
7719 (A) upon completion of required payments; and
7720 (B) if the payment of an option price does not exceed the greater of:
7721 (I) $100; or
7722 (II) 1% of the total required payments; or
7723 (iii) providing tangible personal property along with an operator for a fixed period of
7724 time or an indeterminate period of time if the operator is necessary for equipment to perform as
7725 designed.
7726 (d) For purposes of Subsection (60)(c)(iii), an operator is necessary for equipment to
7727 perform as designed if the operator's duties exceed the:
7728 (i) set-up of tangible personal property;
7729 (ii) maintenance of tangible personal property; or
7730 (iii) inspection of tangible personal property.
7731 (61) "Life science establishment" means an establishment in this state that is classified
7732 under the following NAICS codes of the 2007 North American Industry Classification System
7733 of the federal Executive Office of the President, Office of Management and Budget:
7734 (a) NAICS Code 33911, Medical Equipment and Supplies Manufacturing;
7735 (b) NAICS Code 334510, Electromedical and Electrotherapeutic Apparatus
7736 Manufacturing; or
7737 (c) NAICS Code 334517, Irradiation Apparatus Manufacturing.
7738 (62) "Life science research and development facility" means a facility owned, leased,
7739 or rented by a life science establishment if research and development is performed in 51% or
7740 more of the total area of the facility.
7741 (63) "Load and leave" means delivery to a purchaser by use of a tangible storage media
7742 if the tangible storage media is not physically transferred to the purchaser.
7743 (64) "Local taxing jurisdiction" means a:
7744 (a) county that is authorized to impose an agreement sales and use tax;
7745 (b) city that is authorized to impose an agreement sales and use tax; or
7746 (c) town that is authorized to impose an agreement sales and use tax.

7747 (65) "Manufactured home" means the same as that term is defined in Section
7748 15A-1-302.
7749 (66) "Manufacturing facility" means:
7750 (a) an establishment described in:
7751 (i) SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of
7752 the federal Executive Office of the President, Office of Management and Budget; or
7753 (ii) a NAICS code within NAICS Sector 31-33, Manufacturing, of the 2017 North
7754 American Industry Classification System of the federal Executive Office of the President,
7755 Office of Management and Budget;
7756 (b) a scrap recycler if:
7757 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to process
7758 one or more of the following items into prepared grades of processed materials for use in new
7759 products:
7760 (A) iron;
7761 (B) steel;
7762 (C) nonferrous metal;
7763 (D) paper;
7764 (E) glass;
7765 (F) plastic;
7766 (G) textile; or
7767 (H) rubber; and
7768 (ii) the new products under Subsection (66)(b)(i) would otherwise be made with
7769 nonrecycled materials; or
7770 (c) a cogeneration facility as defined in Section 54-2-1 if the cogeneration facility is
7771 placed in service on or after May 1, 2006.
7772 (67) (a) "Marketplace" means a physical or electronic place, platform, or forum where
7773 tangible personal property, a product transferred electronically, or a service is offered for sale.
7774 (b) "Marketplace" includes a store, a booth, an Internet website, a catalog, or a
7775 dedicated sales software application.
7776 (68) (a) "Marketplace facilitator" means a person, including an affiliate of the person,
7777 that enters into a contract, an agreement, or otherwise with sellers, for consideration, to

7778 facilitate the sale of a seller's product through a marketplace that the person owns, operates, or
7779 controls and that directly or indirectly:
7780 (i) does any of the following:
7781 (A) lists, makes available, or advertises tangible personal property, a product
7782 transferred electronically, or a service for sale by a marketplace seller on a marketplace that the
7783 person owns, operates, or controls;
7784 (B) facilitates the sale of a marketplace seller's tangible personal property, product
7785 transferred electronically, or service by transmitting or otherwise communicating an offer or
7786 acceptance of a retail sale between the marketplace seller and a purchaser using the
7787 marketplace;
7788 (C) owns, rents, licenses, makes available, or operates any electronic or physical
7789 infrastructure or any property, process, method, copyright, trademark, or patent that connects a
7790 marketplace seller to a purchaser for the purpose of making a retail sale of tangible personal
7791 property, a product transferred electronically, or a service;
7792 (D) provides a marketplace for making, or otherwise facilitates, a retail sale of tangible
7793 personal property, a product transferred electronically, or a service, regardless of ownership or
7794 control of the tangible personal property, the product transferred electronically, or the service
7795 that is the subject of the retail sale;
7796 (E) provides software development or research and development activities related to
7797 any activity described in this Subsection (68)(a)(i), if the software development or research and
7798 development activity is directly related to the person's marketplace;
7799 (F) provides or offers fulfillment or storage services for a marketplace seller;
7800 (G) sets prices for the sale of tangible personal property, a product transferred
7801 electronically, or a service by a marketplace seller;
7802 (H) provides or offers customer service to a marketplace seller or a marketplace seller's
7803 purchaser or accepts or assists with taking orders, returns, or exchanges of tangible personal
7804 property, a product transferred electronically, or a service sold by a marketplace seller on the
7805 person's marketplace; or
7806 (I) brands or otherwise identifies sales as those of the person; and
7807 (ii) does any of the following:
7808 (A) collects the sales price or purchase price of a retail sale of tangible personal

7809 property, a product transferred electronically, or a service;
7810 (B) provides payment processing services for a retail sale of tangible personal property,
7811 a product transferred electronically, or a service;
7812 (C) charges, collects, or otherwise receives a selling fee, listing fee, referral fee, closing
7813 fee, a fee for inserting or making available tangible personal property, a product transferred
7814 electronically, or a service on the person's marketplace, or other consideration for the
7815 facilitation of a retail sale of tangible personal property, a product transferred electronically, or
7816 a service, regardless of ownership or control of the tangible personal property, the product
7817 transferred electronically, or the service that is the subject of the retail sale;
7818 (D) through terms and conditions, an agreement, or another arrangement with a third
7819 person, collects payment from a purchase for a retail sale of tangible personal property, a
7820 product transferred electronically, or a service and transmits that payment to the marketplace
7821 seller, regardless of whether the third person receives compensation or other consideration in
7822 exchange for the service; or
7823 (E) provides a virtual currency for a purchaser to use to purchase tangible personal
7824 property, a product transferred electronically, or service offered for sale.
7825 (b) "Marketplace facilitator" does not include a person that only provides payment
7826 processing services.
7827 (69) "Marketplace seller" means a seller that makes one or more retail sales through a
7828 marketplace that a marketplace facilitator owns, operates, or controls, regardless of whether the
7829 seller is required to be registered to collect and remit the tax under this part.
7830 (70) "Member of the immediate family of the producer" means a person who is related
7831 to a producer described in Subsection 59-12-104(20)(a) as a:
7832 (a) child or stepchild, regardless of whether the child or stepchild is:
7833 (i) an adopted child or adopted stepchild; or
7834 (ii) a foster child or foster stepchild;
7835 (b) grandchild or stepgrandchild;
7836 (c) grandparent or stepgrandparent;
7837 (d) nephew or stepnephew;
7838 (e) niece or stepniece;
7839 (f) parent or stepparent;

7840 (g) sibling or stepsibling;
7841 (h) spouse;
7842 (i) person who is the spouse of a person described in Subsections (70)(a) through (g);
7843 or
7844 (j) person similar to a person described in Subsections (70)(a) through (i) as
7845 determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah
7846 Administrative Rulemaking Act.
7847 (71) "Mobile home" means the same as that term is defined in Section 15A-1-302.
7848 (72) "Mobile telecommunications service" means the same as that term is defined in
7849 the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.
7850 (73) (a) "Mobile wireless service" means a telecommunications service, regardless of
7851 the technology used, if:
7852 (i) the origination point of the conveyance, routing, or transmission is not fixed;
7853 (ii) the termination point of the conveyance, routing, or transmission is not fixed; or
7854 (iii) the origination point described in Subsection (73)(a)(i) and the termination point
7855 described in Subsection (73)(a)(ii) are not fixed.
7856 (b) "Mobile wireless service" includes a telecommunications service that is provided
7857 by a commercial mobile radio service provider.
7858 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
7859 commission may by rule define "commercial mobile radio service provider."
7860 (74) (a) Except as provided in Subsection (74)(c), "mobility enhancing equipment"
7861 means equipment that is:
7862 (i) primarily and customarily used to provide or increase the ability to move from one
7863 place to another;
7864 (ii) appropriate for use in a:
7865 (A) home; or
7866 (B) motor vehicle; and
7867 (iii) not generally used by persons with normal mobility.
7868 (b) "Mobility enhancing equipment" includes parts used in the repair or replacement of
7869 the equipment described in Subsection (74)(a).
7870 (c) "Mobility enhancing equipment" does not include:

7871 (i) a motor vehicle;
7872 (ii) equipment on a motor vehicle if that equipment is normally provided by the motor
7873 vehicle manufacturer;
7874 (iii) durable medical equipment; or
7875 (iv) a prosthetic device.
7876 (75) "Model 1 seller" means a seller registered under the agreement that has selected a
7877 certified service provider as the seller's agent to perform the seller's sales and use tax functions
7878 for agreement sales and use taxes, as outlined in the contract between the governing board of
7879 the agreement and the certified service provider, other than the seller's obligation under Section
7880 59-12-124 to remit a tax on the seller's own purchases.
7881 (76) "Model 2 seller" means a seller registered under the agreement that:
7882 (a) except as provided in Subsection (76)(b), has selected a certified automated system
7883 to perform the seller's sales tax functions for agreement sales and use taxes; and
7884 (b) retains responsibility for remitting all of the sales tax:
7885 (i) collected by the seller; and
7886 (ii) to the appropriate local taxing jurisdiction.
7887 (77) (a) Subject to Subsection (77)(b), "model 3 seller" means a seller registered under
7888 the agreement that has:
7889 (i) sales in at least five states that are members of the agreement;
7890 (ii) total annual sales revenues of at least $500,000,000;
7891 (iii) a proprietary system that calculates the amount of tax:
7892 (A) for an agreement sales and use tax; and
7893 (B) due to each local taxing jurisdiction; and
7894 (iv) entered into a performance agreement with the governing board of the agreement.
7895 (b) For purposes of Subsection (77)(a), "model 3 seller" includes an affiliated group of
7896 sellers using the same proprietary system.
7897 (78) "Model 4 seller" means a seller that is registered under the agreement and is not a
7898 model 1 seller, model 2 seller, or model 3 seller.
7899 (79) "Modular home" means a modular unit as defined in Section 15A-1-302.
7900 (80) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.
7901 (81) "Oil sands" means impregnated bituminous sands that:

7902 (a) contain a heavy, thick form of petroleum that is released when heated, mixed with
7903 other hydrocarbons, or otherwise treated;
7904 (b) yield mixtures of liquid hydrocarbon; and
7905 (c) require further processing other than mechanical blending before becoming finished
7906 petroleum products.
7907 (82) "Oil shale" means a group of fine black to dark brown shales containing kerogen
7908 material that yields petroleum upon heating and distillation.
7909 (83) "Optional computer software maintenance contract" means a computer software
7910 maintenance contract that a customer is not obligated to purchase as a condition to the retail
7911 sale of computer software.
7912 (84) (a) "Other fuels" means products that burn independently to produce heat or
7913 energy.
7914 (b) "Other fuels" includes oxygen when it is used in the manufacturing of tangible
7915 personal property.
7916 (85) (a) "Paging service" means a telecommunications service that provides
7917 transmission of a coded radio signal for the purpose of activating a specific pager.
7918 (b) For purposes of Subsection (85)(a), the transmission of a coded radio signal
7919 includes a transmission by message or sound.
7920 (86) "Pawnbroker" means the same as that term is defined in Section 13-32a-102.
7921 (87) "Pawn transaction" means the same as that term is defined in Section 13-32a-102.
7922 (88) (a) "Permanently attached to real property" means that for tangible personal
7923 property attached to real property:
7924 (i) the attachment of the tangible personal property to the real property:
7925 (A) is essential to the use of the tangible personal property; and
7926 (B) suggests that the tangible personal property will remain attached to the real
7927 property in the same place over the useful life of the tangible personal property; or
7928 (ii) if the tangible personal property is detached from the real property, the detachment
7929 would:
7930 (A) cause substantial damage to the tangible personal property; or
7931 (B) require substantial alteration or repair of the real property to which the tangible
7932 personal property is attached.

7933 (b) "Permanently attached to real property" includes:
7934 (i) the attachment of an accessory to the tangible personal property if the accessory is:
7935 (A) essential to the operation of the tangible personal property; and
7936 (B) attached only to facilitate the operation of the tangible personal property;
7937 (ii) a temporary detachment of tangible personal property from real property for a
7938 repair or renovation if the repair or renovation is performed where the tangible personal
7939 property and real property are located; or
7940 (iii) property attached to oil, gas, or water pipelines, except for the property listed in
7941 Subsection (88)(c)(iii) or (iv).
7942 (c) "Permanently attached to real property" does not include:
7943 (i) the attachment of portable or movable tangible personal property to real property if
7944 that portable or movable tangible personal property is attached to real property only for:
7945 (A) convenience;
7946 (B) stability; or
7947 (C) for an obvious temporary purpose;
7948 (ii) the detachment of tangible personal property from real property except for the
7949 detachment described in Subsection (88)(b)(ii);
7950 (iii) an attachment of the following tangible personal property to real property if the
7951 attachment to real property is only through a line that supplies water, electricity, gas,
7952 telecommunications, cable, or supplies a similar item as determined by the commission by rule
7953 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
7954 (A) a computer;
7955 (B) a telephone;
7956 (C) a television; or
7957 (D) tangible personal property similar to Subsections (88)(c)(iii)(A) through (C) as
7958 determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah
7959 Administrative Rulemaking Act; or
7960 (iv) an item listed in Subsection (129)(c).
7961 (89) "Person" includes any individual, firm, partnership, joint venture, association,
7962 corporation, estate, trust, business trust, receiver, syndicate, this state, any county, city,
7963 municipality, district, or other local governmental entity of the state, or any group or

7964 combination acting as a unit.
7965 (90) "Place of primary use":
7966 (a) for telecommunications service other than mobile telecommunications service,
7967 means the street address representative of where the customer's use of the telecommunications
7968 service primarily occurs, which shall be:
7969 (i) the residential street address of the customer; or
7970 (ii) the primary business street address of the customer; or
7971 (b) for mobile telecommunications service, means the same as that term is defined in
7972 the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.
7973 (91) (a) "Postpaid calling service" means a telecommunications service a person
7974 obtains by making a payment on a call-by-call basis:
7975 (i) through the use of a:
7976 (A) bank card;
7977 (B) credit card;
7978 (C) debit card; or
7979 (D) travel card; or
7980 (ii) by a charge made to a telephone number that is not associated with the origination
7981 or termination of the telecommunications service.
7982 (b) "Postpaid calling service" includes a service, except for a prepaid wireless calling
7983 service, that would be a prepaid wireless calling service if the service were exclusively a
7984 telecommunications service.
7985 (92) "Postproduction" means an activity related to the finishing or duplication of a
7986 medium described in Subsection 59-12-104(54)(a).
7987 (93) "Prepaid calling service" means a telecommunications service:
7988 (a) that allows a purchaser access to telecommunications service that is exclusively
7989 telecommunications service;
7990 (b) that:
7991 (i) is paid for in advance; and
7992 (ii) enables the origination of a call using an:
7993 (A) access number; or
7994 (B) authorization code;

7995 (c) that is dialed:
7996 (i) manually; or
7997 (ii) electronically; and
7998 (d) sold in predetermined units or dollars that decline:
7999 (i) by a known amount; and
8000 (ii) with use.
8001 (94) "Prepaid wireless calling service" means a telecommunications service:
8002 (a) that provides the right to utilize:
8003 (i) mobile wireless service; and
8004 (ii) other service that is not a telecommunications service, including:
8005 (A) the download of a product transferred electronically;
8006 (B) a content service; or
8007 (C) an ancillary service;
8008 (b) that:
8009 (i) is paid for in advance; and
8010 (ii) enables the origination of a call using an:
8011 (A) access number; or
8012 (B) authorization code;
8013 (c) that is dialed:
8014 (i) manually; or
8015 (ii) electronically; and
8016 (d) sold in predetermined units or dollars that decline:
8017 (i) by a known amount; and
8018 (ii) with use.
8019 (95) (a) "Prepared food" means:
8020 (i) food:
8021 (A) sold in a heated state; or
8022 (B) heated by a seller;
8023 (ii) two or more food ingredients mixed or combined by the seller for sale as a single
8024 item; or
8025 (iii) except as provided in Subsection (95)(c), food sold with an eating utensil provided

8026 by the seller, including a:
8027 (A) plate;
8028 (B) knife;
8029 (C) fork;
8030 (D) spoon;
8031 (E) glass;
8032 (F) cup;
8033 (G) napkin; or
8034 (H) straw.
8035 (b) "Prepared food" does not include:
8036 (i) food that a seller only:
8037 (A) cuts;
8038 (B) repackages; or
8039 (C) pasteurizes; or
8040 (ii) (A) the following:
8041 (I) raw egg;
8042 (II) raw fish;
8043 (III) raw meat;
8044 (IV) raw poultry; or
8045 (V) a food containing an item described in Subsections (95)(b)(ii)(A)(I) through (IV);
8046 and
8047 (B) if the Food and Drug Administration recommends in Chapter 3, Part 401.11 of the
8048 Food and Drug Administration's Food Code that a consumer cook the items described in
8049 Subsection (95)(b)(ii)(A) to prevent food borne illness; or
8050 (iii) the following if sold without eating utensils provided by the seller:
8051 (A) food and food ingredients sold by a seller if the seller's proper primary
8052 classification under the 2002 North American Industry Classification System of the federal
8053 Executive Office of the President, Office of Management and Budget, is manufacturing in
8054 Sector 311, Food Manufacturing, except for Subsector 3118, Bakeries and Tortilla
8055 Manufacturing;
8056 (B) food and food ingredients sold in an unheated state:

8057 (I) by weight or volume; and
8058 (II) as a single item; or
8059 (C) a bakery item, including:
8060 (I) a bagel;
8061 (II) a bar;
8062 (III) a biscuit;
8063 (IV) bread;
8064 (V) a bun;
8065 (VI) a cake;
8066 (VII) a cookie;
8067 (VIII) a croissant;
8068 (IX) a danish;
8069 (X) a donut;
8070 (XI) a muffin;
8071 (XII) a pastry;
8072 (XIII) a pie;
8073 (XIV) a roll;
8074 (XV) a tart;
8075 (XVI) a torte; or
8076 (XVII) a tortilla.
8077 (c) An eating utensil provided by the seller does not include the following used to
8078 transport the food:
8079 (i) a container; or
8080 (ii) packaging.
8081 (96) "Prescription" means an order, formula, or recipe that is issued:
8082 (a) (i) orally;
8083 (ii) in writing;
8084 (iii) electronically; or
8085 (iv) by any other manner of transmission; and
8086 (b) by a licensed practitioner authorized by the laws of a state.
8087 (97) (a) Except as provided in Subsection (97)(b)(ii) or (iii), "prewritten computer

8088 software" means computer software that is not designed and developed:
8089 (i) by the author or other creator of the computer software; and
8090 (ii) to the specifications of a specific purchaser.
8091 (b) "Prewritten computer software" includes:
8092 (i) a prewritten upgrade to computer software if the prewritten upgrade to the computer
8093 software is not designed and developed:
8094 (A) by the author or other creator of the computer software; and
8095 (B) to the specifications of a specific purchaser;
8096 (ii) computer software designed and developed by the author or other creator of the
8097 computer software to the specifications of a specific purchaser if the computer software is sold
8098 to a person other than the purchaser; or
8099 (iii) except as provided in Subsection (97)(c), prewritten computer software or a
8100 prewritten portion of prewritten computer software:
8101 (A) that is modified or enhanced to any degree; and
8102 (B) if the modification or enhancement described in Subsection (97)(b)(iii)(A) is
8103 designed and developed to the specifications of a specific purchaser.
8104 (c) "Prewritten computer software" does not include a modification or enhancement
8105 described in Subsection (97)(b)(iii) if the charges for the modification or enhancement are:
8106 (i) reasonable; and
8107 (ii) subject to Subsections 59-12-103(2)(e)(ii) and (2)(f)(i), separately stated on the
8108 invoice or other statement of price provided to the purchaser at the time of sale or later, as
8109 demonstrated by:
8110 (A) the books and records the seller keeps at the time of the transaction in the regular
8111 course of business, including books and records the seller keeps at the time of the transaction in
8112 the regular course of business for nontax purposes;
8113 (B) a preponderance of the facts and circumstances at the time of the transaction; and
8114 (C) the understanding of all of the parties to the transaction.
8115 (98) (a) "Private communications service" means a telecommunications service:
8116 (i) that entitles a customer to exclusive or priority use of one or more communications
8117 channels between or among termination points; and
8118 (ii) regardless of the manner in which the one or more communications channels are

8119 connected.
8120 (b) "Private communications service" includes the following provided in connection
8121 with the use of one or more communications channels:
8122 (i) an extension line;
8123 (ii) a station;
8124 (iii) switching capacity; or
8125 (iv) another associated service that is provided in connection with the use of one or
8126 more communications channels as defined in Section 59-12-215.
8127 (99) (a) Except as provided in Subsection (99)(b), "product transferred electronically"
8128 means a product transferred electronically that would be subject to a tax under this chapter if
8129 that product was transferred in a manner other than electronically.
8130 (b) "Product transferred electronically" does not include:
8131 (i) an ancillary service;
8132 (ii) computer software; or
8133 (iii) a telecommunications service.
8134 (100) (a) "Prosthetic device" means a device that is worn on or in the body to:
8135 (i) artificially replace a missing portion of the body;
8136 (ii) prevent or correct a physical deformity or physical malfunction; or
8137 (iii) support a weak or deformed portion of the body.
8138 (b) "Prosthetic device" includes:
8139 (i) parts used in the repairs or renovation of a prosthetic device;
8140 (ii) replacement parts for a prosthetic device;
8141 (iii) a dental prosthesis; or
8142 (iv) a hearing aid.
8143 (c) "Prosthetic device" does not include:
8144 (i) corrective eyeglasses; or
8145 (ii) contact lenses.
8146 (101) (a) "Protective equipment" means an item:
8147 (i) for human wear; and
8148 (ii) that is:
8149 (A) designed as protection:

8150 (I) to the wearer against injury or disease; or
8151 (II) against damage or injury of other persons or property; and
8152 (B) not suitable for general use.
8153 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8154 commission shall make rules:
8155 (i) listing the items that constitute "protective equipment"; and
8156 (ii) that are consistent with the list of items that constitute "protective equipment"
8157 under the agreement.
8158 (102) (a) For purposes of Subsection 59-12-104(41), "publication" means any written
8159 or printed matter, other than a photocopy:
8160 (i) regardless of:
8161 (A) characteristics;
8162 (B) copyright;
8163 (C) form;
8164 (D) format;
8165 (E) method of reproduction; or
8166 (F) source; and
8167 (ii) made available in printed or electronic format.
8168 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8169 commission may by rule define the term "photocopy."
8170 (103) (a) "Purchase price" and "sales price" mean the total amount of consideration:
8171 (i) valued in money; and
8172 (ii) for which tangible personal property, a product transferred electronically, or
8173 services are:
8174 (A) sold;
8175 (B) leased; or
8176 (C) rented.
8177 (b) "Purchase price" and "sales price" include:
8178 (i) the seller's cost of the tangible personal property, a product transferred
8179 electronically, or services sold;
8180 (ii) expenses of the seller, including:

8181 (A) the cost of materials used;
8182 (B) a labor cost;
8183 (C) a service cost;
8184 (D) interest;
8185 (E) a loss;
8186 (F) the cost of transportation to the seller; or
8187 (G) a tax imposed on the seller;
8188 (iii) a charge by the seller for any service necessary to complete the sale; or
8189 (iv) consideration a seller receives from a person other than the purchaser if:
8190 (A) (I) the seller actually receives consideration from a person other than the purchaser;
8191 and
8192 (II) the consideration described in Subsection (103)(b)(iv)(A)(I) is directly related to a
8193 price reduction or discount on the sale;
8194 (B) the seller has an obligation to pass the price reduction or discount through to the
8195 purchaser;
8196 (C) the amount of the consideration attributable to the sale is fixed and determinable by
8197 the seller at the time of the sale to the purchaser; and
8198 (D) (I) (Aa) the purchaser presents a certificate, coupon, or other documentation to the
8199 seller to claim a price reduction or discount; and
8200 (Bb) a person other than the seller authorizes, distributes, or grants the certificate,
8201 coupon, or other documentation with the understanding that the person other than the seller
8202 will reimburse any seller to whom the certificate, coupon, or other documentation is presented;
8203 (II) the purchaser identifies that purchaser to the seller as a member of a group or
8204 organization allowed a price reduction or discount, except that a preferred customer card that is
8205 available to any patron of a seller does not constitute membership in a group or organization
8206 allowed a price reduction or discount; or
8207 (III) the price reduction or discount is identified as a third party price reduction or
8208 discount on the:
8209 (Aa) invoice the purchaser receives; or
8210 (Bb) certificate, coupon, or other documentation the purchaser presents.
8211 (c) "Purchase price" and "sales price" do not include:

8212 (i) a discount:
8213 (A) in a form including:
8214 (I) cash;
8215 (II) term; or
8216 (III) coupon;
8217 (B) that is allowed by a seller;
8218 (C) taken by a purchaser on a sale; and
8219 (D) that is not reimbursed by a third party; or
8220 (ii) subject to Subsections 59-12-103(2)(e)(ii) and (2)(f)(i), the following if separately
8221 stated on an invoice, bill of sale, or similar document provided to the purchaser at the time of
8222 sale or later, as demonstrated by the books and records the seller keeps at the time of the
8223 transaction in the regular course of business, including books and records the seller keeps at the
8224 time of the transaction in the regular course of business for nontax purposes, by a
8225 preponderance of the facts and circumstances at the time of the transaction, and by the
8226 understanding of all of the parties to the transaction:
8227 (A) the following from credit extended on the sale of tangible personal property or
8228 services:
8229 (I) a carrying charge;
8230 (II) a financing charge; or
8231 (III) an interest charge;
8232 (B) a delivery charge;
8233 (C) an installation charge;
8234 (D) a manufacturer rebate on a motor vehicle; or
8235 (E) a tax or fee legally imposed directly on the consumer.
8236 (104) "Purchaser" means a person to whom:
8237 (a) a sale of tangible personal property is made;
8238 (b) a product is transferred electronically; or
8239 (c) a service is furnished.
8240 (105) "Qualifying enterprise data center" means an establishment that will:
8241 (a) own and operate a data center facility that will house a group of networked server
8242 computers in one physical location in order to centralize the dissemination, management, and

8243 storage of data and information;
8244 (b) be located in the state;
8245 (c) be a new operation constructed on or after July 1, 2016;
8246 (d) consist of one or more buildings that total 150,000 or more square feet;
8247 (e) be owned or leased by:
8248 (i) the establishment; or
8249 (ii) a person under common ownership, as defined in Section 59-7-101, of the
8250 establishment; and
8251 (f) be located on one or more parcels of land that are owned or leased by:
8252 (i) the establishment; or
8253 (ii) a person under common ownership, as defined in Section 59-7-101, of the
8254 establishment.
8255 (106) "Regularly rented" means:
8256 (a) rented to a guest for value three or more times during a calendar year; or
8257 (b) advertised or held out to the public as a place that is regularly rented to guests for
8258 value.
8259 (107) "Rental" means the same as that term is defined in Subsection (60).
8260 (108) (a) Except as provided in Subsection (108)(b), "repairs or renovations of tangible
8261 personal property" means:
8262 (i) a repair or renovation of tangible personal property that is not permanently attached
8263 to real property; or
8264 (ii) attaching tangible personal property or a product transferred electronically to other
8265 tangible personal property or detaching tangible personal property or a product transferred
8266 electronically from other tangible personal property if:
8267 (A) the other tangible personal property to which the tangible personal property or
8268 product transferred electronically is attached or from which the tangible personal property or
8269 product transferred electronically is detached is not permanently attached to real property; and
8270 (B) the attachment of tangible personal property or a product transferred electronically
8271 to other tangible personal property or detachment of tangible personal property or a product
8272 transferred electronically from other tangible personal property is made in conjunction with a
8273 repair or replacement of tangible personal property or a product transferred electronically.

8274 (b) "Repairs or renovations of tangible personal property" does not include:
8275 (i) attaching prewritten computer software to other tangible personal property if the
8276 other tangible personal property to which the prewritten computer software is attached is not
8277 permanently attached to real property; or
8278 (ii) detaching prewritten computer software from other tangible personal property if the
8279 other tangible personal property from which the prewritten computer software is detached is
8280 not permanently attached to real property.
8281 (109) "Research and development" means the process of inquiry or experimentation
8282 aimed at the discovery of facts, devices, technologies, or applications and the process of
8283 preparing those devices, technologies, or applications for marketing.
8284 (110) (a) "Residential telecommunications services" means a telecommunications
8285 service or an ancillary service that is provided to an individual for personal use:
8286 (i) at a residential address; or
8287 (ii) at an institution, including a nursing home or a school, if the telecommunications
8288 service or ancillary service is provided to and paid for by the individual residing at the
8289 institution rather than the institution.
8290 (b) For purposes of Subsection (110)(a)(i), a residential address includes an:
8291 (i) apartment; or
8292 (ii) other individual dwelling unit.
8293 (111) "Residential use" means the use in or around a home, apartment building,
8294 sleeping quarters, and similar facilities or accommodations.
8295 (112) "Retail sale" or "sale at retail" means a sale, lease, or rental for a purpose other
8296 than:
8297 (a) resale;
8298 (b) sublease; or
8299 (c) subrent.
8300 (113) (a) "Retailer" means any person, unless prohibited by the Constitution of the
8301 United States or federal law, that is engaged in a regularly organized business in tangible
8302 personal property or any other taxable transaction under Subsection 59-12-103(1), and who is
8303 selling to the user or consumer and not for resale.
8304 (b) "Retailer" includes commission merchants, auctioneers, and any person regularly

8305 engaged in the business of selling to users or consumers within the state.
8306 (114) (a) "Sale" means any transfer of title, exchange, or barter, conditional or
8307 otherwise, in any manner, of tangible personal property or any other taxable transaction under
8308 Subsection 59-12-103(1), for consideration.
8309 (b) "Sale" includes:
8310 (i) installment and credit sales;
8311 (ii) any closed transaction constituting a sale;
8312 (iii) any sale of electrical energy, gas, services, or entertainment taxable under this
8313 chapter;
8314 (iv) any transaction if the possession of property is transferred but the seller retains the
8315 title as security for the payment of the price; and
8316 (v) any transaction under which right to possession, operation, or use of any article of
8317 tangible personal property is granted under a lease or contract and the transfer of possession
8318 would be taxable if an outright sale were made.
8319 (115) "Sale at retail" means the same as that term is defined in Subsection (112).
8320 (116) "Sale-leaseback transaction" means a transaction by which title to tangible
8321 personal property or a product transferred electronically that is subject to a tax under this
8322 chapter is transferred:
8323 (a) by a purchaser-lessee;
8324 (b) to a lessor;
8325 (c) for consideration; and
8326 (d) if:
8327 (i) the purchaser-lessee paid sales and use tax on the purchaser-lessee's initial purchase
8328 of the tangible personal property or product transferred electronically;
8329 (ii) the sale of the tangible personal property or product transferred electronically to the
8330 lessor is intended as a form of financing:
8331 (A) for the tangible personal property or product transferred electronically; and
8332 (B) to the purchaser-lessee; and
8333 (iii) in accordance with generally accepted accounting principles, the purchaser-lessee
8334 is required to:
8335 (A) capitalize the tangible personal property or product transferred electronically for

8336 financial reporting purposes; and
8337 (B) account for the lease payments as payments made under a financing arrangement.
8338 (117) "Sales price" means the same as that term is defined in Subsection (103).
8339 (118) (a) "Sales relating to schools" means the following sales by, amounts paid to, or
8340 amounts charged by a school:
8341 (i) sales that are directly related to the school's educational functions or activities
8342 including:
8343 (A) the sale of:
8344 (I) textbooks;
8345 (II) textbook fees;
8346 (III) laboratory fees;
8347 (IV) laboratory supplies; or
8348 (V) safety equipment;
8349 (B) the sale of a uniform, protective equipment, or sports or recreational equipment
8350 that:
8351 (I) a student is specifically required to wear as a condition of participation in a
8352 school-related event or school-related activity; and
8353 (II) is not readily adaptable to general or continued usage to the extent that it takes the
8354 place of ordinary clothing;
8355 (C) sales of the following if the net or gross revenues generated by the sales are
8356 deposited into a school district fund or school fund dedicated to school meals:
8357 (I) food and food ingredients; or
8358 (II) prepared food; or
8359 (D) transportation charges for official school activities; or
8360 (ii) amounts paid to or amounts charged by a school for admission to a school-related
8361 event or school-related activity.
8362 (b) "Sales relating to schools" does not include:
8363 (i) bookstore sales of items that are not educational materials or supplies;
8364 (ii) except as provided in Subsection (118)(a)(i)(B):
8365 (A) clothing;
8366 (B) clothing accessories or equipment;

8367 (C) protective equipment; or
8368 (D) sports or recreational equipment; or
8369 (iii) amounts paid to or amounts charged by a school for admission to a school-related
8370 event or school-related activity if the amounts paid or charged are passed through to a person:
8371 (A) other than a:
8372 (I) school;
8373 (II) nonprofit organization authorized by a school board or a governing body of a
8374 private school to organize and direct a competitive secondary school activity; or
8375 (III) nonprofit association authorized by a school board or a governing body of a
8376 private school to organize and direct a competitive secondary school activity; and
8377 (B) that is required to collect sales and use taxes under this chapter.
8378 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8379 commission may make rules defining the term "passed through."
8380 (119) For purposes of this section and Section 59-12-104, "school" means:
8381 (a) an elementary school or a secondary school that:
8382 (i) is a:
8383 (A) public school; or
8384 (B) private school; and
8385 (ii) provides instruction for one or more grades kindergarten through 12; or
8386 (b) a public school district.
8387 (120) (a) "Seller" means a person that makes a sale, lease, or rental of:
8388 (i) tangible personal property;
8389 (ii) a product transferred electronically; or
8390 (iii) a service.
8391 (b) "Seller" includes a marketplace facilitator.
8392 (121) (a) "Semiconductor fabricating, processing, research, or development materials"
8393 means tangible personal property or a product transferred electronically if the tangible personal
8394 property or product transferred electronically is:
8395 (i) used primarily in the process of:
8396 (A) (I) manufacturing a semiconductor;
8397 (II) fabricating a semiconductor; or

8398 (III) research or development of a:
8399 (Aa) semiconductor; or
8400 (Bb) semiconductor manufacturing process; or
8401 (B) maintaining an environment suitable for a semiconductor; or
8402 (ii) consumed primarily in the process of:
8403 (A) (I) manufacturing a semiconductor;
8404 (II) fabricating a semiconductor; or
8405 (III) research or development of a:
8406 (Aa) semiconductor; or
8407 (Bb) semiconductor manufacturing process; or
8408 (B) maintaining an environment suitable for a semiconductor.
8409 (b) "Semiconductor fabricating, processing, research, or development materials"
8410 includes:
8411 (i) parts used in the repairs or renovations of tangible personal property or a product
8412 transferred electronically described in Subsection (121)(a); or
8413 (ii) a chemical, catalyst, or other material used to:
8414 (A) produce or induce in a semiconductor a:
8415 (I) chemical change; or
8416 (II) physical change;
8417 (B) remove impurities from a semiconductor; or
8418 (C) improve the marketable condition of a semiconductor.
8419 (122) "Senior citizen center" means a facility having the primary purpose of providing
8420 services to the aged as defined in Section 62A-3-101.
8421 (123) (a) Subject to Subsections (123)(b) and (c), "short-term lodging consumable"
8422 means tangible personal property that:
8423 (i) a business that provides accommodations and services described in Subsection
8424 59-12-103(1)(i) purchases as part of a transaction to provide the accommodations and services
8425 to a purchaser;
8426 (ii) is intended to be consumed by the purchaser; and
8427 (iii) is:
8428 (A) included in the purchase price of the accommodations and services; and

8429 (B) not separately stated on an invoice, bill of sale, or other similar document provided
8430 to the purchaser.
8431 (b) "Short-term lodging consumable" includes:
8432 (i) a beverage;
8433 (ii) a brush or comb;
8434 (iii) a cosmetic;
8435 (iv) a hair care product;
8436 (v) lotion;
8437 (vi) a magazine;
8438 (vii) makeup;
8439 (viii) a meal;
8440 (ix) mouthwash;
8441 (x) nail polish remover;
8442 (xi) a newspaper;
8443 (xii) a notepad;
8444 (xiii) a pen;
8445 (xiv) a pencil;
8446 (xv) a razor;
8447 (xvi) saline solution;
8448 (xvii) a sewing kit;
8449 (xviii) shaving cream;
8450 (xix) a shoe shine kit;
8451 (xx) a shower cap;
8452 (xxi) a snack item;
8453 (xxii) soap;
8454 (xxiii) toilet paper;
8455 (xxiv) a toothbrush;
8456 (xxv) toothpaste; or
8457 (xxvi) an item similar to Subsections (123)(b)(i) through (xxv) as the commission may
8458 provide by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
8459 Rulemaking Act.

8460 (c) "Short-term lodging consumable" does not include:
8461 (i) tangible personal property that is cleaned or washed to allow the tangible personal
8462 property to be reused; or
8463 (ii) a product transferred electronically.
8464 (124) "Simplified electronic return" means the electronic return:
8465 (a) described in Section 318(C) of the agreement; and
8466 (b) approved by the governing board of the agreement.
8467 (125) "Solar energy" means the sun used as the sole source of energy for producing
8468 electricity.
8469 (126) (a) "Sports or recreational equipment" means an item:
8470 (i) designed for human use; and
8471 (ii) that is:
8472 (A) worn in conjunction with:
8473 (I) an athletic activity; or
8474 (II) a recreational activity; and
8475 (B) not suitable for general use.
8476 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8477 commission shall make rules:
8478 (i) listing the items that constitute "sports or recreational equipment"; and
8479 (ii) that are consistent with the list of items that constitute "sports or recreational
8480 equipment" under the agreement.
8481 (127) "State" means the state of Utah, its departments, and agencies.
8482 (128) "Storage" means any keeping or retention of tangible personal property or any
8483 other taxable transaction under Subsection 59-12-103(1), in this state for any purpose except
8484 sale in the regular course of business.
8485 (129) (a) Except as provided in Subsection (129)(d) or (e), "tangible personal property"
8486 means personal property that:
8487 (i) may be:
8488 (A) seen;
8489 (B) weighed;
8490 (C) measured;

8491 (D) felt; or
8492 (E) touched; or
8493 (ii) is in any manner perceptible to the senses.
8494 (b) "Tangible personal property" includes:
8495 (i) electricity;
8496 (ii) water;
8497 (iii) gas;
8498 (iv) steam; or
8499 (v) prewritten computer software, regardless of the manner in which the prewritten
8500 computer software is transferred.
8501 (c) "Tangible personal property" includes the following regardless of whether the item
8502 is attached to real property:
8503 (i) a dishwasher;
8504 (ii) a dryer;
8505 (iii) a freezer;
8506 (iv) a microwave;
8507 (v) a refrigerator;
8508 (vi) a stove;
8509 (vii) a washer; or
8510 (viii) an item similar to Subsections (129)(c)(i) through (vii) as determined by the
8511 commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
8512 Rulemaking Act.
8513 (d) "Tangible personal property" does not include a product that is transferred
8514 electronically.
8515 (e) "Tangible personal property" does not include the following if attached to real
8516 property, regardless of whether the attachment to real property is only through a line that
8517 supplies water, electricity, gas, telephone, cable, or supplies a similar item as determined by the
8518 commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
8519 Rulemaking Act:
8520 (i) a hot water heater;
8521 (ii) a water filtration system; or

8522 (iii) a water softener system.
8523 (130) (a) "Telecommunications enabling or facilitating equipment, machinery, or
8524 software" means an item listed in Subsection (130)(b) if that item is purchased or leased
8525 primarily to enable or facilitate one or more of the following to function:
8526 (i) telecommunications switching or routing equipment, machinery, or software; or
8527 (ii) telecommunications transmission equipment, machinery, or software.
8528 (b) The following apply to Subsection (130)(a):
8529 (i) a pole;
8530 (ii) software;
8531 (iii) a supplementary power supply;
8532 (iv) temperature or environmental equipment or machinery;
8533 (v) test equipment;
8534 (vi) a tower; or
8535 (vii) equipment, machinery, or software that functions similarly to an item listed in
8536 Subsections (130)(b)(i) through (vi) as determined by the commission by rule made in
8537 accordance with Subsection (130)(c).
8538 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8539 commission may by rule define what constitutes equipment, machinery, or software that
8540 functions similarly to an item listed in Subsections (130)(b)(i) through (vi).
8541 (131) "Telecommunications equipment, machinery, or software required for 911
8542 service" means equipment, machinery, or software that is required to comply with 47 C.F.R.
8543 Sec. 20.18.
8544 (132) "Telecommunications maintenance or repair equipment, machinery, or software"
8545 means equipment, machinery, or software purchased or leased primarily to maintain or repair
8546 one or more of the following, regardless of whether the equipment, machinery, or software is
8547 purchased or leased as a spare part or as an upgrade or modification to one or more of the
8548 following:
8549 (a) telecommunications enabling or facilitating equipment, machinery, or software;
8550 (b) telecommunications switching or routing equipment, machinery, or software; or
8551 (c) telecommunications transmission equipment, machinery, or software.
8552 (133) (a) "Telecommunications service" means the electronic conveyance, routing, or

8553 transmission of audio, data, video, voice, or any other information or signal to a point, or
8554 among or between points.
8555 (b) "Telecommunications service" includes:
8556 (i) an electronic conveyance, routing, or transmission with respect to which a computer
8557 processing application is used to act:
8558 (A) on the code, form, or protocol of the content;
8559 (B) for the purpose of electronic conveyance, routing, or transmission; and
8560 (C) regardless of whether the service:
8561 (I) is referred to as voice over Internet protocol service; or
8562 (II) is classified by the Federal Communications Commission as enhanced or value
8563 added;
8564 (ii) an 800 service;
8565 (iii) a 900 service;
8566 (iv) a fixed wireless service;
8567 (v) a mobile wireless service;
8568 (vi) a postpaid calling service;
8569 (vii) a prepaid calling service;
8570 (viii) a prepaid wireless calling service; or
8571 (ix) a private communications service.
8572 (c) "Telecommunications service" does not include:
8573 (i) advertising, including directory advertising;
8574 (ii) an ancillary service;
8575 (iii) a billing and collection service provided to a third party;
8576 (iv) a data processing and information service if:
8577 (A) the data processing and information service allows data to be:
8578 (I) (Aa) acquired;
8579 (Bb) generated;
8580 (Cc) processed;
8581 (Dd) retrieved; or
8582 (Ee) stored; and
8583 (II) delivered by an electronic transmission to a purchaser; and

8584 (B) the purchaser's primary purpose for the underlying transaction is the processed data
8585 or information;
8586 (v) installation or maintenance of the following on a customer's premises:
8587 (A) equipment; or
8588 (B) wiring;
8589 (vi) Internet access service;
8590 (vii) a paging service;
8591 (viii) a product transferred electronically, including:
8592 (A) music;
8593 (B) reading material;
8594 (C) a ring tone;
8595 (D) software; or
8596 (E) video;
8597 (ix) a radio and television audio and video programming service:
8598 (A) regardless of the medium; and
8599 (B) including:
8600 (I) furnishing conveyance, routing, or transmission of a television audio and video
8601 programming service by a programming service provider;
8602 (II) cable service as defined in 47 U.S.C. Sec. 522(6); or
8603 (III) audio and video programming services delivered by a commercial mobile radio
8604 service provider as defined in 47 C.F.R. Sec. 20.3;
8605 (x) a value-added nonvoice data service; or
8606 (xi) tangible personal property.
8607 (134) (a) "Telecommunications service provider" means a person that:
8608 (i) owns, controls, operates, or manages a telecommunications service; and
8609 (ii) engages in an activity described in Subsection (134)(a)(i) for the shared use with or
8610 resale to any person of the telecommunications service.
8611 (b) A person described in Subsection (134)(a) is a telecommunications service provider
8612 whether or not the Public Service Commission of Utah regulates:
8613 (i) that person; or
8614 (ii) the telecommunications service that the person owns, controls, operates, or

8615 manages.
8616 (135) (a) "Telecommunications switching or routing equipment, machinery, or
8617 software" means an item listed in Subsection (135)(b) if that item is purchased or leased
8618 primarily for switching or routing:
8619 (i) an ancillary service;
8620 (ii) data communications;
8621 (iii) voice communications; or
8622 (iv) telecommunications service.
8623 (b) The following apply to Subsection (135)(a):
8624 (i) a bridge;
8625 (ii) a computer;
8626 (iii) a cross connect;
8627 (iv) a modem;
8628 (v) a multiplexer;
8629 (vi) plug in circuitry;
8630 (vii) a router;
8631 (viii) software;
8632 (ix) a switch; or
8633 (x) equipment, machinery, or software that functions similarly to an item listed in
8634 Subsections (135)(b)(i) through (ix) as determined by the commission by rule made in
8635 accordance with Subsection (135)(c).
8636 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8637 commission may by rule define what constitutes equipment, machinery, or software that
8638 functions similarly to an item listed in Subsections (135)(b)(i) through (ix).
8639 (136) (a) "Telecommunications transmission equipment, machinery, or software"
8640 means an item listed in Subsection (136)(b) if that item is purchased or leased primarily for
8641 sending, receiving, or transporting:
8642 (i) an ancillary service;
8643 (ii) data communications;
8644 (iii) voice communications; or
8645 (iv) telecommunications service.

8646 (b) The following apply to Subsection (136)(a):
8647 (i) an amplifier;
8648 (ii) a cable;
8649 (iii) a closure;
8650 (iv) a conduit;
8651 (v) a controller;
8652 (vi) a duplexer;
8653 (vii) a filter;
8654 (viii) an input device;
8655 (ix) an input/output device;
8656 (x) an insulator;
8657 (xi) microwave machinery or equipment;
8658 (xii) an oscillator;
8659 (xiii) an output device;
8660 (xiv) a pedestal;
8661 (xv) a power converter;
8662 (xvi) a power supply;
8663 (xvii) a radio channel;
8664 (xviii) a radio receiver;
8665 (xix) a radio transmitter;
8666 (xx) a repeater;
8667 (xxi) software;
8668 (xxii) a terminal;
8669 (xxiii) a timing unit;
8670 (xxiv) a transformer;
8671 (xxv) a wire; or
8672 (xxvi) equipment, machinery, or software that functions similarly to an item listed in
8673 Subsections (136)(b)(i) through (xxv) as determined by the commission by rule made in
8674 accordance with Subsection (136)(c).
8675 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8676 commission may by rule define what constitutes equipment, machinery, or software that

8677 functions similarly to an item listed in Subsections (136)(b)(i) through (xxv).
8678 (137) (a) "Textbook for a higher education course" means a textbook or other printed
8679 material that is required for a course:
8680 (i) offered by an institution of higher education; and
8681 (ii) that the purchaser of the textbook or other printed material attends or will attend.
8682 (b) "Textbook for a higher education course" includes a textbook in electronic format.
8683 (138) "Tobacco" means:
8684 (a) a cigarette;
8685 (b) a cigar;
8686 (c) chewing tobacco;
8687 (d) pipe tobacco; or
8688 (e) any other item that contains tobacco.
8689 (139) "Unassisted amusement device" means an amusement device, skill device, or
8690 ride device that is started and stopped by the purchaser or renter of the right to use or operate
8691 the amusement device, skill device, or ride device.
8692 (140) (a) "Use" means the exercise of any right or power over tangible personal
8693 property, a product transferred electronically, or a service under Subsection 59-12-103(1),
8694 incident to the ownership or the leasing of that tangible personal property, product transferred
8695 electronically, or service.
8696 (b) "Use" does not include the sale, display, demonstration, or trial of tangible personal
8697 property, a product transferred electronically, or a service in the regular course of business and
8698 held for resale.
8699 (141) "Value-added nonvoice data service" means a service:
8700 (a) that otherwise meets the definition of a telecommunications service except that a
8701 computer processing application is used to act primarily for a purpose other than conveyance,
8702 routing, or transmission; and
8703 (b) with respect to which a computer processing application is used to act on data or
8704 information:
8705 (i) code;
8706 (ii) content;
8707 (iii) form; or

8708 (iv) protocol.
8709 (142) (a) Subject to Subsection (142)(b), "vehicle" means the following that are
8710 required to be titled, registered, or titled and registered:
8711 (i) an aircraft as defined in Section 72-10-102;
8712 (ii) a vehicle as defined in Section 41-1a-102;
8713 (iii) an off-highway vehicle as defined in Section 41-22-2; or
8714 (iv) a vessel as defined in Section 41-1a-102.
8715 (b) For purposes of Subsection 59-12-104(33) only, "vehicle" includes:
8716 (i) a vehicle described in Subsection (142)(a); or
8717 (ii) (A) a locomotive;
8718 (B) a freight car;
8719 (C) railroad work equipment; or
8720 (D) other railroad rolling stock.
8721 (143) "Vehicle dealer" means a person engaged in the business of buying, selling, or
8722 exchanging a vehicle as defined in Subsection (142).
8723 (144) (a) "Vertical service" means an ancillary service that:
8724 (i) is offered in connection with one or more telecommunications services; and
8725 (ii) offers an advanced calling feature that allows a customer to:
8726 (A) identify a caller; and
8727 (B) manage multiple calls and call connections.
8728 (b) "Vertical service" includes an ancillary service that allows a customer to manage a
8729 conference bridging service.
8730 (145) (a) "Voice mail service" means an ancillary service that enables a customer to
8731 receive, send, or store a recorded message.
8732 (b) "Voice mail service" does not include a vertical service that a customer is required
8733 to have in order to utilize a voice mail service.
8734 (146) (a) Except as provided in Subsection (146)(b), "waste energy facility" means a
8735 facility that generates electricity:
8736 (i) using as the primary source of energy waste materials that would be placed in a
8737 landfill or refuse pit if it were not used to generate electricity, including:
8738 (A) tires;

8739 (B) waste coal;
8740 (C) oil shale; or
8741 (D) municipal solid waste; and
8742 (ii) in amounts greater than actually required for the operation of the facility.
8743 (b) "Waste energy facility" does not include a facility that incinerates:
8744 (i) hospital waste as defined in 40 C.F.R. 60.51c; or
8745 (ii) medical/infectious waste as defined in 40 C.F.R. 60.51c.
8746 (147) "Watercraft" means a vessel as defined in Section 73-18-2.
8747 (148) "Wind energy" means wind used as the sole source of energy to produce
8748 electricity.
8749 (149) "ZIP Code" means a Zoning Improvement Plan Code assigned to a geographic
8750 location by the United States Postal Service.
8751 Section 163. Section **63A-3-103** is amended to read:
8752 **63A-3-103. Duties of director of division -- Application to institutions of higher**
8753 **education.**
8754 (1) The director of the Division of Finance shall:
8755 (a) define fiscal procedures relating to approval and allocation of funds;
8756 (b) provide for the accounting control of funds;
8757 (c) promulgate rules that:
8758 (i) establish procedures for maintaining detailed records of all types of leases;
8759 (ii) account for all types of leases in accordance with generally accepted accounting
8760 principles;
8761 (iii) require the performance of a lease with an option to purchase study by state
8762 agencies prior to any lease with an option to purchase acquisition of capital equipment; and
8763 (iv) require that the completed lease with an option to purchase study be approved by
8764 the director of the Division of Finance;
8765 (d) if the department operates the Division of Finance as an internal service fund
8766 agency in accordance with Section 63A-1-109.5, submit to the Rate Committee established in
8767 Section 63A-1-114:
8768 (i) the proposed rate and fee schedule as required by Section 63A-1-114; and
8769 (ii) other information or analysis requested by the Rate Committee;

8770 (e) oversee the Office of State Debt Collection;
8771 (f) publish the state's current constitutional debt limit on the Utah Public Finance
8772 Website, created in Section 63A-1-202; and
8773 (g) prescribe other fiscal functions required by law or under the constitutional authority
8774 of the governor to transact all executive business for the state.
8775 (2) (a) Institutions of higher education are subject to the provisions of Title 63A,
8776 Chapter 3, Part 1, General Provisions, and Title 63A, Chapter 3, Part 2, Accounting System,
8777 only to the extent expressly authorized or required by the [~~State Board of Regents~~] Utah Board
8778 of Higher Education under Title 53B, State System of Higher Education.
8779 (b) Institutions of higher education shall submit financial data for the past fiscal year
8780 conforming to generally accepted accounting principles to the director of the Division of
8781 Finance.
8782 (3) The Division of Finance shall prepare financial statements and other reports in
8783 accordance with legal requirements and generally accepted accounting principles for the state
8784 auditor's examination and certification:
8785 (a) not later than 60 days after a request from the state auditor; and
8786 (b) at the end of each fiscal year.
8787 Section 164. Section **63A-3-110** is amended to read:
8788 **63A-3-110. Personal use expenditures for state officers and employees.**
8789 (1) As used in this section:
8790 (a) "Employee" means a person who is not an elected or appointed officer and who is
8791 employed on a full- or part-time basis by a governmental entity.
8792 (b) "Governmental entity" means:
8793 (i) an executive branch agency of the state, the offices of the governor, lieutenant
8794 governor, state auditor, attorney general, and state treasurer, the State Board of Education, and
8795 the [~~State Board of Regents~~] Utah Board of Higher Education;
8796 (ii) the Office of the Legislative Auditor General, the Office of the Legislative Fiscal
8797 Analyst, the Office of Legislative Research and General Counsel, the Legislature, and
8798 legislative committees;
8799 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar
8800 administrative units in the judicial branch;

8801 (iv) independent state entities created under Title 63H, Independent State Entities; or
8802 (v) the Utah Science Technology and Research Governing Authority created under
8803 Section 63M-2-301.
8804 (c) "Officer" means a person who is elected or appointed to an office or position within
8805 a governmental entity.
8806 (d) (i) "Personal use expenditure" means an expenditure made without the authority of
8807 law that:
8808 (A) is not directly related to the performance of an activity as a state officer or
8809 employee;
8810 (B) primarily furthers a personal interest of a state officer or employee or a state
8811 officer's or employee's family, friend, or associate; and
8812 (C) would constitute taxable income under federal law.
8813 (ii) "Personal use expenditure" does not include:
8814 (A) a de minimis or incidental expenditure; or
8815 (B) a state vehicle or a monthly stipend for a vehicle that an officer or employee uses to
8816 travel to and from the officer or employee's official duties, including a minimal allowance for a
8817 detour as provided by the state.
8818 (e) "Public funds" means the same as that term is defined in Section 51-7-3.
8819 (2) A state officer or employee may not:
8820 (a) use public funds for a personal use expenditure; or
8821 (b) incur indebtedness or liability on behalf of, or payable by, a governmental entity for
8822 a personal use expenditure.
8823 (3) If the Division of Finance or the responsible governmental entity determines that a
8824 state officer or employee has intentionally made a personal use expenditure in violation of
8825 Subsection (2), the governmental entity shall:
8826 (a) require the state officer or employee to deposit the amount of the personal use
8827 expenditure into the fund or account from which:
8828 (i) the personal use expenditure was disbursed; or
8829 (ii) payment for the indebtedness or liability for a personal use expenditure was
8830 disbursed;
8831 (b) require the state officer or employee to remit an administrative penalty in an

8832 amount equal to 50% of the personal use expenditure to the Division of Finance; and
8833 (c) deposit the money received under Subsection (3)(b) into the General Fund.
8834 (4) (a) Any state officer or employee who has been found by a governmental entity to
8835 have made a personal use expenditure in violation of Subsection (2) may appeal the finding of
8836 the governmental entity.
8837 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8838 Division of Finance shall make rules regarding an appeal process for an appeal made under
8839 Subsection (4)(a), including the designation of an appeal authority.
8840 (5) (a) Subject to Subsection (5)(b), the Division of Finance may withhold all or a
8841 portion of the wages of a state officer or employee who has violated Subsection (2) until the
8842 requirements of Subsection (3) have been met.
8843 (b) If the state officer or employee has requested an appeal under Subsection (4), the
8844 Division of Finance may only withhold the wages of the officer or employee after the appeal
8845 authority described in Subsection (4)(b) has confirmed that the officer or employee violated
8846 Subsection (2).
8847 (6) Nothing in this chapter immunizes a state officer or employee from or precludes
8848 any criminal prosecution or civil or employment action for an unlawful personal use
8849 expenditure.
8850 (7) A state officer or employee who is convicted of misusing public money or public
8851 property under Section 76-8-402 may not disburse public funds or access public accounts.
8852 Section 165. Section **63A-4-103** is amended to read:
8853 **63A-4-103. Risk management -- Duties of state agencies.**
8854 (1) (a) Unless specifically authorized by statute to do so, a state agency may not:
8855 (i) purchase insurance or self-fund any risk unless authorized by the risk manager; or
8856 (ii) procure or provide liability insurance for the state.
8857 (b) (i) Notwithstanding the provisions of Subsection (1)(a), the [~~State Board of~~
8858 ~~Regents~~] Utah Board of Higher Education may authorize higher education institutions to
8859 purchase insurance for, or self-fund, risks associated with their programs and activities that are
8860 not covered through the risk manager.
8861 (ii) The [~~State Board of Regents~~] Utah Board of Higher Education shall provide copies
8862 of those purchased policies to the risk manager.

8863 (iii) The [~~State Board of Regents~~] Utah Board of Higher Education shall ensure that the
8864 state is named as additional insured on any of those policies.
8865 (2) Each state agency shall:
8866 (a) comply with reasonable risk related recommendations made by the risk manager;
8867 (b) participate in risk management training activities conducted or sponsored by the
8868 risk manager;
8869 (c) include the insurance and liability provisions prescribed by the risk manager in all
8870 state contracts, together with a statement certifying to the other party to the contract that the
8871 insurance and liability provisions in the contract are those prescribed by the risk manager;
8872 (d) at each principal design stage, provide written notice to the risk manager that
8873 construction and major remodeling plans relating to agency buildings and facilities to be
8874 covered by the fund are available for review, for risk control purposes, and make them
8875 available to the risk manager for his review and recommendations; and
8876 (e) cooperate fully with requests from the risk manager for agency planning, program,
8877 or risk related information, and allow the risk manager to attend agency planning and
8878 management meetings.
8879 (3) Failure to include in the contract the provisions required by Subsection (2)(c) does
8880 not make the contract unenforceable by the state.
8881 Section 166. Section **63A-5-104** is amended to read:
8882 **63A-5-104. Definitions -- Capital development and capital improvement process**
8883 **-- Approval requirements -- Limitations on new projects -- Emergencies.**
8884 (1) As used in this section:
8885 (a) (i) "Capital developments" means a:
8886 (A) remodeling, site, or utility project with a total cost of $3,500,000 or more;
8887 (B) new facility with a construction cost of $500,000 or more; or
8888 (C) purchase of real property where an appropriation is requested to fund the purchase.
8889 (ii) "Capital developments" does not include a project described in Subsection
8890 (1)(b)(iii).
8891 (b) "Capital improvements" means:
8892 (i) a remodeling, alteration, replacement, or repair project with a total cost of less than
8893 $3,500,000;

8894 (ii) a site or utility improvement with a total cost of less than $3,500,000;
8895 (iii) a utility infrastructure improvement project that:
8896 (A) has a total cost of less than $7,000,000;
8897 (B) consists of two or more projects that, if done separately, would each cost less than
8898 $3,500,000; and
8899 (C) the State Building Board determines is more cost effective or feasible to be
8900 completed as a single project; or
8901 (iv) a new facility with a total construction cost of less than $500,000.
8902 (c) (i) "New facility" means the construction of a new building on state property
8903 regardless of funding source.
8904 (ii) "New facility" includes:
8905 (A) an addition to an existing building; and
8906 (B) the enclosure of space that was not previously fully enclosed.
8907 (iii) "New facility" does not include:
8908 (A) the replacement of state-owned space that is demolished or that is otherwise
8909 removed from state use, if the total construction cost of the replacement space is less than
8910 $3,500,000; or
8911 (B) the construction of facilities that do not fully enclose a space.
8912 (d) "Replacement cost of existing state facilities and infrastructure" means the
8913 replacement cost, as determined by the Division of Risk Management, of state facilities,
8914 excluding auxiliary facilities as defined by the State Building Board and the replacement cost
8915 of infrastructure as defined by the State Building Board.
8916 (e) "State funds" means public money appropriated by the Legislature.
8917 (2) (a) Except as provided in Subsection (2)(f), the board shall, on behalf of all state
8918 agencies, submit capital development recommendations and priorities to the Legislature for
8919 approval and prioritization.
8920 (b) In developing the board's capital development recommendations and priorities, the
8921 board shall require each state agency that requests an appropriation for a capital development
8922 project to:
8923 (i) submit to the board a capital development project request; and
8924 (ii) complete and submit to the board a study that demonstrates the feasibility of the

8925 capital development project, including:
8926 (A) the need for the capital development project;
8927 (B) the appropriateness of the scope of the capital development project;
8928 (C) any private funding for the capital development project; and
8929 (D) the economic and community impacts of the capital development project.
8930 (c) The board shall verify the completion and accuracy of a feasibility study that a state
8931 agency submits to the board under Subsection (2)(b).
8932 (d) The board shall require that an institution of higher education described in Section
8933 53B-1-102 that submits a request for a capital development project address whether and how,
8934 as a result of the project, the institution will:
8935 (i) offer courses or other resources that will help meet demand for jobs, training, and
8936 employment in the current market and the projected market for the next five years;
8937 (ii) respond to individual skilled and technical job demand over the next 3, 5, and 10
8938 years;
8939 (iii) respond to industry demands for trained workers;
8940 (iv) help meet commitments made by the Governor's Office of Economic
8941 Development, including relating to training and incentives;
8942 (v) respond to changing needs in the economy; and
8943 (vi) based on demographics, respond to demands for on-line or in-class instruction.
8944 (e) The board shall give more weight in the board's scoring process to a request that is
8945 designated as a higher priority by the [~~State Board of Regents~~] Utah Board of Higher Education
8946 than a request that is designated as a lower priority by the [~~State Board of Regents~~] Utah Board
8947 of Higher Education only when determining the order of prioritization among requests
8948 submitted by the [~~State Board of Regents~~] Utah Board of Higher Education.
8949 (f) (i) For a dedicated project as defined in Section 53B-2a-101 or 53B-22-201, the
8950 board shall submit recommendations to the Legislature in accordance with this section.
8951 (ii) A dedicated project as defined in Section 53B-2a-101 or 53B-22-201 is not subject
8952 to prioritization by the board.
8953 (3) (a) Except as provided in Subsections (3)(b), (d), and (e), a capital development
8954 project may not be constructed on state property without legislative approval.
8955 (b) Legislative approval is not required for a capital development project that consists

8956 of the design or construction of a new facility if:
8957 (i) the board determines that the requesting state agency has provided adequate
8958 assurance that state funds will not be used for the design or construction of the facility;
8959 (ii) the state agency provides to the board a written document, signed by the head of the
8960 state agency:
8961 (A) stating that funding or a revenue stream is in place, or will be in place before the
8962 project is completed, to ensure that increased state funding will not be required to cover the
8963 cost of operations and maintenance to the resulting facility for immediate or future capital
8964 improvements; and
8965 (B) detailing the source of the funding that will be used for the cost of operations and
8966 maintenance for immediate and future capital improvements to the resulting facility; and
8967 (iii) the board determines that the use of the state property is:
8968 (A) appropriate and consistent with the master plan for the property; and
8969 (B) will not create an adverse impact on the state.
8970 (c) (i) The Division of Facilities Construction and Management shall maintain a record
8971 of facilities constructed under the exemption provided in Subsection (3)(b).
8972 (ii) For facilities constructed under the exemption provided in Subsection (3)(b), a state
8973 agency may not request:
8974 (A) increased state funds for operations and maintenance; or
8975 (B) state capital improvement funding.
8976 (d) Legislative approval is not required for:
8977 (i) the renovation, remodeling, or retrofitting of an existing facility with nonstate funds
8978 that has been approved by the board;
8979 (ii) a facility to be built with nonstate funds and owned by nonstate entities within
8980 research park areas at the University of Utah and Utah State University;
8981 (iii) a facility to be built at This is the Place State Park by This is the Place Foundation
8982 with funds of the foundation, including grant money from the state, or with donated services or
8983 materials;
8984 (iv) a capital project that:
8985 (A) is funded by the Uintah Basin Revitalization Fund or the Navajo Revitalization
8986 Fund; and

8987 (B) does not provide a new facility for a state agency or higher education institution; or
8988 (v) a capital project on school and institutional trust lands that is funded by the School
8989 and Institutional Trust Lands Administration from the Land Grant Management Fund and that
8990 does not fund construction of a new facility for a state agency or higher education institution.
8991 (e) (i) Legislative approval is not required for capital development projects to be built
8992 for the Department of Transportation:
8993 (A) as a result of an exchange of real property under Section 72-5-111; or
8994 (B) as a result of a sale or exchange of real property from a maintenance facility if the
8995 real property is exchanged for, or the proceeds from the sale of the real property are used for,
8996 another maintenance facility, including improvements for a maintenance facility and real
8997 property.
8998 (ii) When the Department of Transportation approves a sale or exchange under
8999 Subsection (3)(e), it shall notify the president of the Senate, the speaker of the House, and the
9000 cochairs of the Infrastructure and General Government Appropriations Subcommittee of the
9001 Legislature's Joint Appropriation Committee about any new facilities to be built or improved
9002 under this exemption.
9003 (4) The Legislature may authorize:
9004 (a) the total square feet to be occupied by each state agency; and
9005 (b) the total square feet and total cost of lease space for each agency.
9006 (5) If construction of a new building or facility will require an immediate or future
9007 increase in state funding for operations and maintenance or for capital improvements, the
9008 Legislature may not authorize the new building or facility until the Legislature appropriates
9009 funds for:
9010 (a) the portion of operations and maintenance, if any, that will require an immediate or
9011 future increase in state funding; and
9012 (b) the portion of capital improvements, if any, that will require an immediate or future
9013 increase in state funding.
9014 (6) (a) Except as provided in Subsections (6)(b) and (c), the Legislature may not fund
9015 the design or construction of any new capital development projects, except to complete the
9016 funding of projects for which partial funding has been previously provided, until the
9017 Legislature has appropriated 1.1% of the replacement cost of existing state facilities and

9018 infrastructure to capital improvements.
9019 (b) If the Legislature determines that there exists an Education Fund budget deficit or a
9020 General Fund budget deficit as those terms are defined in Section 63J-1-312, the Legislature
9021 may, in eliminating the deficit, reduce the amount appropriated to capital improvements to
9022 0.9% of the replacement cost of state buildings and infrastructure.
9023 (c) Subsection (6)(a) does not apply to a dedicated project as defined in Section
9024 53B-2a-101 or 53B-22-201.
9025 (7) (a) (i) Except as provided in Subsection (7)(a)(ii), the Legislature may not fund the
9026 design and construction of a new facility in phases over more than one year unless the
9027 Legislature approves the funding for both the design and construction by a vote of two-thirds of
9028 all the members elected to each house.
9029 (ii) Subsection (7)(a)(i) does not apply to a dedicated project as defined in Section
9030 53B-2a-101 or 53B-22-201.
9031 (b) An agency is required to receive approval from the board before the agency begins
9032 programming for a new facility that requires legislative approval under Subsection (3).
9033 (c) The board or an agency may fund the programming of a new facility before the
9034 Legislature makes an appropriation for the new facility under Subsection (7)(a).
9035 (8) (a) Notwithstanding the requirements of Title 63J, Chapter 1, Budgetary Procedures
9036 Act, after the Legislature approves capital development and capital improvement priorities
9037 under this section and Section 63A-5-228, if an emergency arises that creates an unforeseen
9038 and critical need for a capital improvement project, the board may reallocate capital
9039 improvement funds to address the project.
9040 (b) The board shall report any changes the board makes in capital improvement
9041 allocations approved by the Legislature to:
9042 (i) the Office of Legislative Fiscal Analyst within 30 days of the reallocation; and
9043 (ii) the Legislature at its next annual general session.
9044 Section 167. Section **63A-5-303** is amended to read:
9045 **63A-5-303. Lease reporting and coordination.**
9046 (1) The director shall:
9047 (a) prepare a standard form upon which agencies and other state institutions and
9048 entities can report their current and proposed lease activity, including any lease renewals; and

9049 (b) develop procedures and mechanisms within the division to:
9050 (i) obtain and share information about each agency's real property needs; and
9051 (ii) provide oversight and review of lessors and lessees during the term of each lease.
9052 (2) Each agency, the Judicial Council, and the [~~Board of Regents~~] board of trustees for
9053 each institution of higher education shall report all current and proposed lease activity on the
9054 standard form prepared by the division to:
9055 (a) the State Building Board; and
9056 (b) the Office of Legislative Fiscal Analyst.
9057 Section 168. Section **63A-5-305** is amended to read:
9058 **63A-5-305. Leasing by higher education institutions.**
9059 (1) The [~~Board of Regents~~] Utah Board of Higher Education shall establish written
9060 policies and procedures governing leasing by higher education institutions.
9061 (2) Except as provided in Sections 53B-2a-113 and 63M-2-602, a higher education
9062 institution shall comply with the procedures and requirements of the [~~Board of Regents'~~] Utah
9063 Board of Higher Education policies before signing or renewing a lease.
9064 Section 169. Section **63A-5-501** is amended to read:
9065 **63A-5-501. Making keys to buildings of the state, political subdivisions, or**
9066 **colleges and universities without permission prohibited.**
9067 No person shall knowingly make or cause to be made any key or duplicate key for any
9068 building, laboratory, facility, room, dormitory, hall or any other structure or part thereof owned
9069 by the state, by any political subdivision thereof or by the [~~board of regents~~] Utah Board of
9070 Higher Education or other governing body of any college or university [~~which~~] that is
9071 supported wholly or in part by the state without the prior written consent of the state, political
9072 subdivision, [~~board of regents~~] Utah Board of Higher Education, or other governing body.
9073 Section 170. Section **63C-19-102** is amended to read:
9074 **63C-19-102. Definitions.**
9075 As used in this chapter:
9076 (1) "Commission" means the Higher Education Strategic Planning Commission created
9077 in Section 63C-19-201.
9078 (2) "Institution of higher education" means an institution described in [~~Subsections~~
9079 ~~53B-1-102(1)(a)(ii) through (ix)~~] Subsection 53B-1-102(1)(a).

9080 (3) "Institutional role" means an institution of higher education's role described in
9081 Section 53B-16-101.
9082 (4) "State system of higher education" means the state system of higher education
9083 described in Section 53B-1-102.
9084 (5) "Strategic plan" means the strategic plan described in Section 63C-19-202.
9085 (6) "Technical college" means the same as that term is defined in Section 53B-1-101.5.
9086 Section 171. Section **63C-19-201** is amended to read:
9087 **63C-19-201. Higher Education Strategic Planning Commission -- Membership --**
9088 **Quorum and voting requirements -- Compensation -- Staff support.**
9089 (1) There is created the Higher Education Strategic Planning Commission consisting of
9090 the following [~~22~~] members:
9091 (a) two members of the Senate, appointed by the president of the Senate;
9092 (b) two members of the House of Representatives, appointed by the speaker of the
9093 House of Representatives;
9094 [~~(c) two members of the State Board of Regents, appointed by the chair of the State~~
9095 ~~Board of Regents;~~]
9096 [~~(d) two members of the Utah System of Technical Colleges Board of Trustees,~~
9097 ~~appointed by the chair of the Utah System of Technical Colleges Board of Trustees;~~]
9098 (c) four members of the Utah Board of Higher Education, appointed by the chair of the
9099 Utah Board of Higher Education;
9100 [~~(e)~~] (d) four individuals, appointed by the chair of the [~~State Board of Regents~~] Utah
9101 Board of Higher Education, who represent degree-granting institutions of higher education
9102 from a range of geographic areas and with varied institutional roles;
9103 [~~(f)~~] (e) two individuals, appointed by the chair of the [~~Utah System of Technical~~
9104 ~~Colleges Board of Trustees~~] Utah Board of Higher Education, who represent technical colleges
9105 from a range of geographic areas;
9106 [~~(g)~~] (f) the commissioner of higher education or the commissioner's designee;
9107 [~~(h) the commissioner of technical education or the commissioner's designee;~~]
9108 [~~(i)~~] (g) (i) a member of the governor's staff who is responsible for advising the
9109 governor on education issues, appointed by the governor; or
9110 (ii) a member of the governor's staff designated by the individual described in

9111 Subsection (1)(g)(i);
9112 [~~(j)~~] (h) the executive director of the Governor's Office of Economic Development or
9113 the executive director's designee;
9114 [~~(k)~~] (i) the executive director of the Department of Workforce Services or the
9115 executive director's designee;
9116 [~~(l)~~] (j) the state superintendent of public instruction or the superintendent's designee;
9117 and
9118 [~~(m)~~] (k) two Utah business leaders, one appointed by the president of the Senate and
9119 one appointed by the speaker of the House of Representatives.
9120 (2) (a) The president of the Senate shall appoint one of the members described in
9121 Subsection (1)(a) as a cochair of the commission.
9122 (b) The speaker of the House of Representatives shall appoint one of the members
9123 described in Subsection (1)(b) as a cochair of the commission.
9124 (c) The chair of the [~~State Board of Regents~~] Utah Board of Higher Education shall
9125 appoint [~~one~~] two of the members described in Subsection (1)(c) as [~~a vice chair~~] vice chairs of
9126 the commission.
9127 [~~(d) The chair of the Utah System of Technical Colleges Board of Trustees shall~~
9128 ~~appoint one of the members described in Subsection (1)(d) as a vice chair of the commission.~~]
9129 (3) (a) The salary and expenses of a commission member who is a legislator shall be
9130 paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3,
9131 Legislator Compensation.
9132 (b) A commission member who is not a legislator may not receive compensation or
9133 benefits for the member's service on the commission, but may receive per diem and
9134 reimbursement for travel expenses incurred as a commission member at the rates established by
9135 the Division of Finance under:
9136 (i) Sections 63A-3-106 and 63A-3-107; and
9137 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9138 63A-3-107.
9139 (4) (a) A majority of the commission members constitutes a quorum.
9140 (b) The action of a majority of a quorum constitutes an action of the commission.
9141 (5) The Office of Legislative Research and General Counsel and the Office of the

9142 Legislative Fiscal Analyst shall provide staff support to the commission.
9143 Section 172. Section **63C-19-202** is amended to read:
9144 **63C-19-202. Commission powers and duties -- Strategic plan -- Reports.**
9145 (1) (a) [~~The~~] During calendar year 2019, the commission shall develop a strategic plan
9146 aimed at meeting the future challenges of the state system of higher education.
9147 (b) The strategic plan shall address:
9148 (i) providing quality, accessible, and innovative postsecondary education that prepares
9149 Utahns for the twenty-first century;
9150 (ii) cost-effective and affordable modes of higher education delivery;
9151 (iii) the integration of prior learning and competency-based experiences to meet degree
9152 or certificate requirements;
9153 (iv) maximizing the role of the state system of higher education in workforce and
9154 economic development;
9155 (v) a statewide campus and technology master plan that reflects regional differences in
9156 projected student enrollment growth in the state system of higher education;
9157 (vi) governance of the state system of higher education, including studying best
9158 practices and recommending modifications; and
9159 (vii) other issues related to the state system of higher education as determined by the
9160 commission.
9161 [~~(2) (a) The commission shall:~~]
9162 [~~(i) select a consultant to manage the strategic planning process in accordance with~~
9163 ~~Subsection (3);~~]
9164 [~~(ii) guide the analytical work of a consultant described in Subsection (2)(a)(i) and~~
9165 ~~review the results of the work;~~]
9166 [~~(iii) coordinate with a consultant described in Subsection (2)(a)(i) to engage in a~~
9167 ~~strategic planning process and create a strategic plan;~~]
9168 [~~(iv) conduct regional meetings to gather stakeholder input during the strategic~~
9169 ~~planning process; and~~]
9170 [~~(v) report to the Legislature and the governor in accordance with Subsection (5).~~]
9171 [~~(b) The commission may designate and assign working groups within the commission~~
9172 ~~to address, study, evaluate, or discuss issues related to the commission's work.~~]

9173 [~~(3) Subject to direction from the commission, a consultant selected under Subsection~~
9174 ~~(2)(a) shall:~~]
9175 [~~(a) collect and analyze data related to the current and future projected conditions of~~
9176 ~~the state system of higher education, including:~~]
9177 [~~(i) relevant demographics and educational attainment;~~]
9178 [~~(ii) the state's economy, including workforce supply and demand;~~]
9179 [~~(iii) affordability and financing of higher education through tuition, state funding, and~~
9180 ~~other sources;~~]
9181 [~~(iv) innovation by institutions of higher education, including research and research~~
9182 ~~commercialization;~~]
9183 [~~(v) operational and capital facility efficiencies;~~]
9184 [~~(vi) accountability measures to assess the performance of the state system of higher~~
9185 ~~education; and~~]
9186 [~~(vii) any other data collection or analysis requested by the commission;~~]
9187 [~~(b) based on the data described in Subsection (3)(a), make comparisons between~~
9188 ~~higher education in Utah and higher education in other states or countries;~~]
9189 [~~(c) project the condition of the state system of higher education in the future under the~~
9190 ~~state's current system based on the projected:~~]
9191 [~~(i) population;~~]
9192 [~~(ii) workforce needs; and~~]
9193 [~~(iii) funding requirements through tuition and state funding;~~]
9194 [~~(d) develop alternatives to the projection described in Subsection (3)(c) by modeling~~
9195 ~~potential changes to:~~]
9196 [~~(i) industry and economic growth;~~]
9197 [~~(ii) student enrollment patterns;~~]
9198 [~~(iii) the portion of funding for the state system of higher education that comes from~~
9199 ~~tuition and the portion of funding that comes from state funding; and~~]
9200 [~~(iv) investments in capital facilities or technology infrastructure;~~]
9201 [~~(e) recommend accountability or performance measures to assess the effectiveness of~~
9202 ~~the state system of higher education;~~]
9203 [~~(f) in coordination with the commission, conduct the regional meetings described in~~

9204 ~~Subsection (2)(a)(iv) to share information and seek input from a range of stakeholders;~~]
9205 [~~(g) recommend changes to the governance system for the state system of higher~~
9206 ~~education that would facilitate implementation of the strategic plan; and~~]
9207 [~~(h) produce for the commission:~~]
9208 [~~(i) a draft report, including findings, observations, and strategic priorities; and~~]
9209 [~~(ii) a final report, incorporating feedback from the commission on the draft report~~
9210 ~~described in Subsection (3)(h)(i), regarding the future of the state system of higher education.~~]
9211 [~~(4) The State Board of Regents and the Utah System of Technical Colleges Board of~~
9212 ~~Trustees shall provide the commission and a consultant selected under Subsection (2)(a) with~~
9213 ~~data and data analysis as requested by the commission.~~]
9214 (2) During calendar year 2020, the commission shall:
9215 (a) develop a statewide attainment goal and subgoals for higher education;
9216 (b) define affordability for higher education in the state; and
9217 (c) assist in facilitating the transition to the Utah Board of Higher Education.
9218 [~~(5)~~] (3) (a) On or before November 30, 2018, the commission shall report on the
9219 commission's progress to:
9220 (i) the Education Interim Committee;
9221 (ii) the Higher Education Appropriations Subcommittee;
9222 (iii) the Legislative Management Committee; and
9223 (iv) the governor.
9224 (b) On or before November 30, 2019, the commission shall provide a [~~final~~] report,
9225 including a strategic plan and any recommendations, to:
9226 (i) the Education Interim Committee;
9227 (ii) the Higher Education Appropriations Subcommittee;
9228 (iii) the Legislative Management Committee; and
9229 (iv) the governor.
9230 (c) On or before November 30, 2020, the commission shall report on the duties
9231 described in Subsection (2) to:
9232 (i) the Education Interim Committee;
9233 (ii) the Higher Education Appropriations Subcommittee;
9234 (iii) the Legislative Management Committee; and

9235 (iv) the governor.
9236 Section 173. Section **63D-2-102** is amended to read:
9237 **63D-2-102. Definitions.**
9238 As used in this chapter:
9239 (1) (a) "Collect" means the gathering of personally identifiable information:
9240 (i) from a user of a governmental website; or
9241 (ii) about a user of the governmental website.
9242 (b) "Collect" includes use of any identifying code linked to a user of a governmental
9243 website.
9244 (2) "Court website" means a website on the Internet that is operated by or on behalf of
9245 any court created in Title 78A, Chapter 1, Judiciary.
9246 (3) "Governmental entity" means:
9247 (a) an executive branch agency as defined in Section 63F-1-102;
9248 (b) the legislative branch;
9249 (c) the judicial branch;
9250 (d) the State Board of Education;
9251 (e) the [~~Board of Regents~~] Utah Board of Higher Education;
9252 (f) an institution of higher education; and
9253 (g) a political subdivision of the state:
9254 (i) as defined in Section 17B-1-102; and
9255 (ii) including a school district.
9256 (4) (a) "Governmental website" means a website on the Internet that is operated by or
9257 on behalf of a governmental entity.
9258 (b) "Governmental website" includes a court website.
9259 (5) "Governmental website operator" means a governmental entity or person acting on
9260 behalf of the governmental entity that:
9261 (a) operates a governmental website; and
9262 (b) collects or maintains personally identifiable information from or about a user of
9263 that website.
9264 (6) "Personally identifiable information" means information that identifies:
9265 (a) a user by:

9266 (i) name;
9267 (ii) account number;
9268 (iii) physical address;
9269 (iv) email address;
9270 (v) telephone number;
9271 (vi) Social Security number;
9272 (vii) credit card information; or
9273 (viii) bank account information;
9274 (b) a user as having requested or obtained specific materials or services from a
9275 governmental website;
9276 (c) Internet sites visited by a user; or
9277 (d) any of the contents of a user's data-storage device.
9278 (7) "User" means a person who accesses a governmental website.
9279 Section 174. Section **63F-1-102** is amended to read:
9280 **63F-1-102. Definitions.**
9281 As used in this title:
9282 (1) "Chief information officer" means the chief information officer appointed under
9283 Section 63F-1-201.
9284 (2) "Data center" means a centralized repository for the storage, management, and
9285 dissemination of data.
9286 (3) "Department" means the Department of Technology Services.
9287 (4) "Enterprise architecture" means:
9288 (a) information technology that can be applied across state government; and
9289 (b) support for information technology that can be applied across state government,
9290 including:
9291 (i) technical support;
9292 (ii) master software licenses; and
9293 (iii) hardware and software standards.
9294 (5) (a) "Executive branch agency" means an agency or administrative subunit of state
9295 government.
9296 (b) "Executive branch agency" does not include:

9297 (i) the legislative branch;
9298 (ii) the judicial branch;
9299 (iii) the State Board of Education;
9300 (iv) the [~~Board of Regents~~] Utah Board of Higher Education;
9301 (v) institutions of higher education;
9302 (vi) independent entities as defined in Section 63E-1-102; and
9303 (vii) elective constitutional offices of the executive department which includes:
9304 (A) the state auditor;
9305 (B) the state treasurer; and
9306 (C) the attorney general.
9307 (6) "Executive branch strategic plan" means the executive branch strategic plan created
9308 under Section 63F-1-203.
9309 (7) "Individual with a disability" means an individual with a condition that meets the
9310 definition of "disability" in 42 U.S.C. Sec. 12102.
9311 (8) "Information technology" means all computerized and auxiliary automated
9312 information handling, including:
9313 (a) systems design and analysis;
9314 (b) acquisition, storage, and conversion of data;
9315 (c) computer programming;
9316 (d) information storage and retrieval;
9317 (e) voice, video, and data communications;
9318 (f) requisite systems controls;
9319 (g) simulation; and
9320 (h) all related interactions between people and machines.
9321 (9) "State information architecture" means a logically consistent set of principles,
9322 policies, and standards that guide the engineering of state government's information technology
9323 and infrastructure in a way that ensures alignment with state government's business and service
9324 needs.
9325 Section 175. Section **63F-1-206** is amended to read:
9326 **63F-1-206. Rulemaking -- Policies.**
9327 (1) (a) Except as provided in Subsection (2), the chief information officer shall, by rule

9328 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
9329 (i) provide standards that impose requirements on executive branch agencies that:
9330 (A) are related to the security of the statewide area network; and
9331 (B) establish standards for when an agency must obtain approval before obtaining
9332 items listed in Subsection 63F-1-205(1);
9333 (ii) specify the detail and format required in an agency information technology plan
9334 submitted in accordance with Section 63F-1-204;
9335 (iii) provide for standards related to the privacy policies of websites operated by or on
9336 behalf of an executive branch agency;
9337 (iv) provide for the acquisition, licensing, and sale of computer software;
9338 (v) specify the requirements for the project plan and business case analysis required by
9339 Section 63F-1-205;
9340 (vi) provide for project oversight of agency technology projects when required by
9341 Section 63F-1-205;
9342 (vii) establish, in accordance with Subsection 63F-1-205(2), the implementation of the
9343 needs assessment for information technology purchases;
9344 (viii) establish telecommunications standards and specifications in accordance with
9345 Section 63F-1-404; and
9346 (ix) establish standards for accessibility of information technology by individuals with
9347 disabilities in accordance with Section 63F-1-210.
9348 (b) The rulemaking authority granted by this Subsection (1) is in addition to any other
9349 rulemaking authority granted by this title.
9350 (2) (a) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
9351 and subject to Subsection (2)(b), the chief information officer may adopt a policy that outlines
9352 procedures to be followed by the chief information officer in facilitating the implementation of
9353 this title by executive branch agencies if the policy:
9354 (i) is consistent with the executive branch strategic plan; and
9355 (ii) is not required to be made by rule under Subsection (1) or Section 63G-3-201.
9356 (b) (i) A policy adopted by the chief information officer under Subsection (2)(a) may
9357 not take effect until 30 days after the day on which the chief information officer submits the
9358 policy to:

9359 (A) the governor; and
9360 (B) all cabinet level officials.
9361 (ii) During the 30-day period described in Subsection (2)(b)(i), cabinet level officials
9362 may review and comment on a policy submitted under Subsection (2)(b)(i).
9363 (3) (a) Notwithstanding Subsection (1) or (2) or Title 63G, Chapter 3, Utah
9364 Administrative Rulemaking Act, without following the procedures of Subsection (1) or (2), the
9365 chief information officer may adopt a security procedure to be followed by executive branch
9366 agencies to protect the statewide area network if:
9367 (i) broad communication of the security procedure would create a significant potential
9368 for increasing the vulnerability of the statewide area network to breach or attack; and
9369 (ii) after consultation with the chief information officer, the governor agrees that broad
9370 communication of the security procedure would create a significant potential increase in the
9371 vulnerability of the statewide area network to breach or attack.
9372 (b) A security procedure described in Subsection (3)(a) is classified as a protected
9373 record under Title 63G, Chapter 2, Government Records Access and Management Act.
9374 (c) The chief information officer shall provide a copy of the security procedure as a
9375 protected record to:
9376 (i) the chief justice of the Utah Supreme Court for the judicial branch;
9377 (ii) the speaker of the House of Representatives and the president of the Senate for the
9378 legislative branch;
9379 (iii) the chair of the [~~Board of Regents~~] Utah Board of Higher Education; and
9380 (iv) the chair of the State Board of Education.
9381 Section 176. Section **63F-1-303** is amended to read:
9382 **63F-1-303. Executive branch agencies -- Subscription by institutions.**
9383 (1) An executive branch agency in accordance with its agency information technology
9384 plan approved by the chief information officer shall:
9385 (a) subscribe to the information technology services provided by the department; or
9386 (b) contract with one or more alternate private providers of information technology
9387 services if the chief information officer determines that the purchase of the services from a
9388 private provider will:
9389 (i) result in:

9390 (A) cost savings;
9391 (B) increased efficiency; or
9392 (C) improved quality of services; and
9393 (ii) not impair the interoperability of the state's information technology services.
9394 (2) An institution of higher education may subscribe to the services provided by the
9395 department if:
9396 (a) the president of the institution recommends that the institution subscribe to the
9397 services of the department; and
9398 (b) the [~~Board of Regents~~] Utah Board of Higher Education determines that
9399 subscription to the services of the department will result in cost savings or increased efficiency
9400 to the institution.
9401 (3) The following may subscribe to information technology services by requesting that
9402 the services be provided from the department:
9403 (a) the legislative branch;
9404 (b) the judicial branch;
9405 (c) the State Board of Education;
9406 (d) a political subdivision of the state;
9407 (e) an agency of the federal government;
9408 (f) an independent entity as defined in Section 63E-1-102; and
9409 (g) an elective constitutional officer of the executive department as defined in
9410 Subsection 63F-1-102(5)(b)(vii).
9411 Section 177. Section **63F-2-102** is amended to read:
9412 **63F-2-102. Data Security Management Council -- Membership -- Duties.**
9413 (1) There is created the Data Security Management Council composed of [~~nine~~] eight
9414 members as follows:
9415 (a) the chief information officer appointed under Section 63F-1-201, or the chief
9416 information officer's designee;
9417 (b) one individual appointed by the governor;
9418 (c) one individual appointed by the speaker of the House of Representatives and the
9419 president of the Senate from the Legislative Information Technology Steering Committee; and
9420 (d) the highest ranking information technology official, or the highest ranking

9421 information technology official's designee, from each of:
9422 (i) the Judicial Council;
9423 (ii) the [~~State Board of Regents~~] Utah Board of Higher Education;
9424 (iii) the State Board of Education;
9425 [~~(iv) the Utah System of Technical Colleges Board of Trustees;~~]
9426 [~~(v)~~] (iv) the State Tax Commission; and
9427 [~~(vi)~~] (v) the Office of the Attorney General.
9428 (2) The council shall elect a chair of the council by majority vote.
9429 (3) (a) A majority of the members of the council constitutes a quorum.
9430 (b) Action by a majority of a quorum of the council constitutes an action of the council.
9431 (4) The Department of Technology Services shall provide staff to the council.
9432 (5) The council shall meet quarterly, or as often as necessary, to:
9433 (a) review existing state government data security policies;
9434 (b) assess ongoing risks to state government information technology;
9435 (c) create a method to notify state and local government entities of new risks;
9436 (d) coordinate data breach simulation exercises with state and local government
9437 entities; and
9438 (e) develop data security best practice recommendations for state government that
9439 include recommendations regarding:
9440 (i) hiring and training a chief information security officer for each government entity;
9441 (ii) continuous risk monitoring;
9442 (iii) password management;
9443 (iv) using the latest technology to identify and respond to vulnerabilities;
9444 (v) protecting data in new and old systems; and
9445 (vi) best procurement practices.
9446 (6) A member who is not a member of the Legislature may not receive compensation
9447 or benefits for the member's service but may receive per diem and travel expenses as provided
9448 in:
9449 (a) Section 63A-3-106;
9450 (b) Section 63A-3-107; and
9451 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

9452 Section 178. Section **63G-2-103** is amended to read:
9453 **63G-2-103. Definitions.**
9454 As used in this chapter:
9455 (1) "Audit" means:
9456 (a) a systematic examination of financial, management, program, and related records
9457 for the purpose of determining the fair presentation of financial statements, adequacy of
9458 internal controls, or compliance with laws and regulations; or
9459 (b) a systematic examination of program procedures and operations for the purpose of
9460 determining their effectiveness, economy, efficiency, and compliance with statutes and
9461 regulations.
9462 (2) "Chronological logs" mean the regular and customary summary records of law
9463 enforcement agencies and other public safety agencies that show:
9464 (a) the time and general nature of police, fire, and paramedic calls made to the agency;
9465 and
9466 (b) any arrests or jail bookings made by the agency.
9467 (3) "Classification," "classify," and their derivative forms mean determining whether a
9468 record series, record, or information within a record is public, private, controlled, protected, or
9469 exempt from disclosure under Subsection 63G-2-201(3)(b).
9470 (4) (a) "Computer program" means:
9471 (i) a series of instructions or statements that permit the functioning of a computer
9472 system in a manner designed to provide storage, retrieval, and manipulation of data from the
9473 computer system; and
9474 (ii) any associated documentation and source material that explain how to operate the
9475 computer program.
9476 (b) "Computer program" does not mean:
9477 (i) the original data, including numbers, text, voice, graphics, and images;
9478 (ii) analysis, compilation, and other manipulated forms of the original data produced by
9479 use of the program; or
9480 (iii) the mathematical or statistical formulas, excluding the underlying mathematical
9481 algorithms contained in the program, that would be used if the manipulated forms of the
9482 original data were to be produced manually.

9483 (5) (a) "Contractor" means:
9484 (i) any person who contracts with a governmental entity to provide goods or services
9485 directly to a governmental entity; or
9486 (ii) any private, nonprofit organization that receives funds from a governmental entity.
9487 (b) "Contractor" does not mean a private provider.
9488 (6) "Controlled record" means a record containing data on individuals that is controlled
9489 as provided by Section 63G-2-304.
9490 (7) "Designation," "designate," and their derivative forms mean indicating, based on a
9491 governmental entity's familiarity with a record series or based on a governmental entity's
9492 review of a reasonable sample of a record series, the primary classification that a majority of
9493 records in a record series would be given if classified and the classification that other records
9494 typically present in the record series would be given if classified.
9495 (8) "Elected official" means each person elected to a state office, county office,
9496 municipal office, school board or school district office, local district office, or special service
9497 district office, but does not include judges.
9498 (9) "Explosive" means a chemical compound, device, or mixture:
9499 (a) commonly used or intended for the purpose of producing an explosion; and
9500 (b) that contains oxidizing or combustive units or other ingredients in proportions,
9501 quantities, or packing so that:
9502 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
9503 compound or mixture may cause a sudden generation of highly heated gases; and
9504 (ii) the resultant gaseous pressures are capable of:
9505 (A) producing destructive effects on contiguous objects; or
9506 (B) causing death or serious bodily injury.
9507 (10) "Government audit agency" means any governmental entity that conducts an audit.
9508 (11) (a) "Governmental entity" means:
9509 (i) executive department agencies of the state, the offices of the governor, lieutenant
9510 governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole,
9511 the Board of Examiners, the National Guard, the Career Service Review Office, the State
9512 Board of Education, the [~~State Board of Regents~~] Utah Board of Higher Education, and the
9513 State Archives;

9514 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
9515 Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative
9516 committees, except any political party, group, caucus, or rules or sifting committee of the
9517 Legislature;
9518 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar
9519 administrative units in the judicial branch;
9520 (iv) any state-funded institution of higher education or public education; or
9521 (v) any political subdivision of the state, but, if a political subdivision has adopted an
9522 ordinance or a policy relating to information practices pursuant to Section 63G-2-701, this
9523 chapter shall apply to the political subdivision to the extent specified in Section 63G-2-701 or
9524 as specified in any other section of this chapter that specifically refers to political subdivisions.
9525 (b) "Governmental entity" also means:
9526 (i) every office, agency, board, bureau, committee, department, advisory board, or
9527 commission of an entity listed in Subsection (11)(a) that is funded or established by the
9528 government to carry out the public's business;
9529 (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative
9530 undertaking;
9531 (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;
9532 (iv) an association as defined in Section 53G-7-1101;
9533 (v) the Utah Independent Redistricting Commission; and
9534 (vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or
9535 more law enforcement officers, as defined in Section 53-13-103.
9536 (c) "Governmental entity" does not include the Utah Educational Savings Plan created
9537 in Section 53B-8a-103.
9538 (12) "Gross compensation" means every form of remuneration payable for a given
9539 period to an individual for services provided including salaries, commissions, vacation pay,
9540 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any
9541 similar benefit received from the individual's employer.
9542 (13) "Individual" means a human being.
9543 (14) (a) "Initial contact report" means an initial written or recorded report, however
9544 titled, prepared by peace officers engaged in public patrol or response duties describing official

9545 actions initially taken in response to either a public complaint about or the discovery of an
9546 apparent violation of law, which report may describe:
9547 (i) the date, time, location, and nature of the complaint, the incident, or offense;
9548 (ii) names of victims;
9549 (iii) the nature or general scope of the agency's initial actions taken in response to the
9550 incident;
9551 (iv) the general nature of any injuries or estimate of damages sustained in the incident;
9552 (v) the name, address, and other identifying information about any person arrested or
9553 charged in connection with the incident; or
9554 (vi) the identity of the public safety personnel, except undercover personnel, or
9555 prosecuting attorney involved in responding to the initial incident.
9556 (b) Initial contact reports do not include follow-up or investigative reports prepared
9557 after the initial contact report. However, if the information specified in Subsection (14)(a)
9558 appears in follow-up or investigative reports, it may only be treated confidentially if it is
9559 private, controlled, protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).
9560 (15) "Legislative body" means the Legislature.
9561 (16) "Notice of compliance" means a statement confirming that a governmental entity
9562 has complied with an order of the State Records Committee.
9563 (17) "Person" means:
9564 (a) an individual;
9565 (b) a nonprofit or profit corporation;
9566 (c) a partnership;
9567 (d) a sole proprietorship;
9568 (e) other type of business organization; or
9569 (f) any combination acting in concert with one another.
9570 (18) "Private provider" means any person who contracts with a governmental entity to
9571 provide services directly to the public.
9572 (19) "Private record" means a record containing data on individuals that is private as
9573 provided by Section 63G-2-302.
9574 (20) "Protected record" means a record that is classified protected as provided by
9575 Section 63G-2-305.

9576 (21) "Public record" means a record that is not private, controlled, or protected and that
9577 is not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).
9578 (22) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film,
9579 card, tape, recording, electronic data, or other documentary material regardless of physical form
9580 or characteristics:
9581 (i) that is prepared, owned, received, or retained by a governmental entity or political
9582 subdivision; and
9583 (ii) where all of the information in the original is reproducible by photocopy or other
9584 mechanical or electronic means.
9585 (b) "Record" does not mean:
9586 (i) a personal note or personal communication prepared or received by an employee or
9587 officer of a governmental entity:
9588 (A) in a capacity other than the employee's or officer's governmental capacity; or
9589 (B) that is unrelated to the conduct of the public's business;
9590 (ii) a temporary draft or similar material prepared for the originator's personal use or
9591 prepared by the originator for the personal use of an individual for whom the originator is
9592 working;
9593 (iii) material that is legally owned by an individual in the individual's private capacity;
9594 (iv) material to which access is limited by the laws of copyright or patent unless the
9595 copyright or patent is owned by a governmental entity or political subdivision;
9596 (v) proprietary software;
9597 (vi) junk mail or a commercial publication received by a governmental entity or an
9598 official or employee of a governmental entity;
9599 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections
9600 of a library open to the public;
9601 (viii) material that is cataloged, indexed, or inventoried and contained in the collections
9602 of a library open to the public, regardless of physical form or characteristics of the material;
9603 (ix) a daily calendar or other personal note prepared by the originator for the
9604 originator's personal use or for the personal use of an individual for whom the originator is
9605 working;
9606 (x) a computer program that is developed or purchased by or for any governmental

9607 entity for its own use;
9608 (xi) a note or internal memorandum prepared as part of the deliberative process by:
9609 (A) a member of the judiciary;
9610 (B) an administrative law judge;
9611 (C) a member of the Board of Pardons and Parole; or
9612 (D) a member of any other body, other than an association or appeals panel as defined
9613 in Section 53G-7-1101, charged by law with performing a quasi-judicial function;
9614 (xii) a telephone number or similar code used to access a mobile communication
9615 device that is used by an employee or officer of a governmental entity, provided that the
9616 employee or officer of the governmental entity has designated at least one business telephone
9617 number that is a public record as provided in Section 63G-2-301;
9618 (xiii) information provided by the Public Employees' Benefit and Insurance Program,
9619 created in Section 49-20-103, to a county to enable the county to calculate the amount to be
9620 paid to a health care provider under Subsection 17-50-319(2)(e)(ii);
9621 (xiv) information that an owner of unimproved property provides to a local entity as
9622 provided in Section 11-42-205;
9623 (xv) a video or audio recording of an interview, or a transcript of the video or audio
9624 recording, that is conducted at a Children's Justice Center established under Section 67-5b-102;
9625 (xvi) child pornography, as defined by Section 76-5b-103; or
9626 (xvii) before final disposition of an ethics complaint occurs, a video or audio recording
9627 of the closed portion of a meeting or hearing of:
9628 (A) a Senate or House Ethics Committee;
9629 (B) the Independent Legislative Ethics Commission;
9630 (C) the Independent Executive Branch Ethics Commission, created in Section
9631 63A-14-202; or
9632 (D) the Political Subdivisions Ethics Review Commission established in Section
9633 63A-15-201.
9634 (23) "Record series" means a group of records that may be treated as a unit for
9635 purposes of designation, description, management, or disposition.
9636 (24) "Records officer" means the individual appointed by the chief administrative
9637 officer of each governmental entity, or the political subdivision to work with state archives in

9638 the care, maintenance, scheduling, designation, classification, disposal, and preservation of
9639 records.
9640 (25) "Schedule," "scheduling," and their derivative forms mean the process of
9641 specifying the length of time each record series should be retained by a governmental entity for
9642 administrative, legal, fiscal, or historical purposes and when each record series should be
9643 transferred to the state archives or destroyed.
9644 (26) "Sponsored research" means research, training, and other sponsored activities as
9645 defined by the federal Executive Office of the President, Office of Management and Budget:
9646 (a) conducted:
9647 (i) by an institution within the state system of higher education defined in Section
9648 53B-1-102; and
9649 (ii) through an office responsible for sponsored projects or programs; and
9650 (b) funded or otherwise supported by an external:
9651 (i) person that is not created or controlled by the institution within the state system of
9652 higher education; or
9653 (ii) federal, state, or local governmental entity.
9654 (27) "State archives" means the Division of Archives and Records Service created in
9655 Section 63A-12-101.
9656 (28) "State archivist" means the director of the state archives.
9657 (29) "State Records Committee" means the State Records Committee created in
9658 Section 63G-2-501.
9659 (30) "Summary data" means statistical records and compilations that contain data
9660 derived from private, controlled, or protected information but that do not disclose private,
9661 controlled, or protected information.
9662 Section 179. Section **63G-6a-103** is amended to read:
9663 **63G-6a-103. Definitions.**
9664 As used in this chapter:
9665 (1) "Applicable rulemaking authority" means:
9666 (a) for a legislative procurement unit, the Legislative Management Committee;
9667 (b) for a judicial procurement unit, the Judicial Council;
9668 (c) (i) only to the extent of the procurement authority expressly granted to the

9669 procurement unit by statute:
9670 (A) for the building board or the Division of Facilities Construction and Management,
9671 created in Section 63A-5-201, the building board;
9672 (B) for the Office of the Attorney General, the attorney general; and
9673 (C) for the Department of Transportation created in Section 72-1-201, the executive
9674 director of the Department of Transportation; and
9675 (ii) for each other executive branch procurement unit, the board;
9676 (d) for a local government procurement unit:
9677 (i) the legislative body of the local government procurement unit; or
9678 (ii) an individual or body designated by the legislative body of the local government
9679 procurement unit;
9680 (e) for a school district or a public school, the board, except to the extent of a school
9681 district's own nonadministrative rules that do not conflict with the provisions of this chapter;
9682 (f) for a state institution of higher education [~~described in:~~], the Utah Board of Higher
9683 Education;
9684 [~~(i) Subsections 53B-1-102(1)(a) and (c), the State Board of Regents; or~~]
9685 [~~(ii) Subsection 53B-1-102(1)(b), the Utah System of Technical Colleges Board of~~
9686 ~~Trustees;~~]
9687 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the
9688 State Board of Education;
9689 (h) for a public transit district, the chief executive of the public transit district;
9690 (i) for a local district other than a public transit district or for a special service district:
9691 (i) before January 1, 2015, the board of trustees of the local district or the governing
9692 body of the special service district; or
9693 (ii) on or after January 1, 2015, the board, except to the extent that the board of trustees
9694 of the local district or the governing body of the special service district makes its own rules:
9695 (A) with respect to a subject addressed by board rules; or
9696 (B) that are in addition to board rules;
9697 (j) for the Utah Educational Savings Plan, created in Section 53B-8a-103, the board of
9698 directors of the Utah Educational Savings Plan;
9699 (k) for the School and Institutional Trust Lands Administration, created in Section

9700 53C-1-201, the School and Institutional Trust Lands Board of Trustees;
9701 (l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201,
9702 the School and Institutional Trust Fund Board of Trustees;
9703 (m) for the Utah Communications Authority, established in Section 63H-7a-201, the
9704 Utah Communications Authority Board, created in Section 63H-7a-203; or
9705 (n) for any other procurement unit, the board.
9706 (2) "Approved vendor" means a person who has been approved for inclusion on an
9707 approved vendor list through the approved vendor list process.
9708 (3) "Approved vendor list" means a list of approved vendors established under Section
9709 63G-6a-507.
9710 (4) "Approved vendor list process" means the procurement process described in
9711 Section 63G-6a-507.
9712 (5) "Bidder" means a person who submits a bid or price quote in response to an
9713 invitation for bids.
9714 (6) "Bidding process" means the procurement process described in Part 6, Bidding.
9715 (7) "Board" means the Utah State Procurement Policy Board, created in Section
9716 63G-6a-202.
9717 (8) "Building board" means the State Building Board, created in Section 63A-5-101.
9718 (9) "Change directive" means a written order signed by the procurement officer that
9719 directs the contractor to suspend work or make changes, as authorized by contract, without the
9720 consent of the contractor.
9721 (10) "Change order" means a written alteration in specifications, delivery point, rate of
9722 delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual
9723 agreement of the parties to the contract.
9724 (11) "Chief procurement officer" means the chief procurement officer appointed under
9725 Subsection 63G-6a-302(1).
9726 (12) "Conducting procurement unit" means a procurement unit that conducts all
9727 aspects of a procurement:
9728 (a) except:
9729 (i) reviewing a solicitation to verify that it is in proper form; and
9730 (ii) causing the publication of a notice of a solicitation; and

9731 (b) including:
9732 (i) preparing any solicitation document;
9733 (ii) appointing an evaluation committee;
9734 (iii) conducting the evaluation process, except as provided in Subsection
9735 63G-6a-707(6)(b) relating to scores calculated for costs of proposals;
9736 (iv) selecting and recommending the person to be awarded a contract;
9737 (v) negotiating the terms and conditions of a contract, subject to the issuing
9738 procurement unit's approval; and
9739 (vi) contract administration.
9740 (13) "Conservation district" means the same as that term is defined in Section
9741 17D-3-102.
9742 (14) "Construction":
9743 (a) means services, including work, and supplies for a project for the construction,
9744 renovation, alteration, improvement, or repair of a public facility on real property; and
9745 (b) does not include services and supplies for the routine, day-to-day operation, repair,
9746 or maintenance of an existing public facility.
9747 (15) "Construction manager/general contractor":
9748 (a) means a contractor who enters into a contract:
9749 (i) for the management of a construction project; and
9750 (ii) that allows the contractor to subcontract for additional labor and materials that are
9751 not included in the contractor's cost proposal submitted at the time of the procurement of the
9752 contractor's services; and
9753 (b) does not include a contractor whose only subcontract work not included in the
9754 contractor's cost proposal submitted as part of the procurement of the contractor's services is to
9755 meet subcontracted portions of change orders approved within the scope of the project.
9756 (16) "Construction subcontractor":
9757 (a) means a person under contract with a contractor or another subcontractor to provide
9758 services or labor for the design or construction of a construction project;
9759 (b) includes a general contractor or specialty contractor licensed or exempt from
9760 licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and
9761 (c) does not include a supplier who provides only materials, equipment, or supplies to a

9762 contractor or subcontractor for a construction project.
9763 (17) "Contract" means an agreement for a procurement.
9764 (18) "Contract administration" means all functions, duties, and responsibilities
9765 associated with managing, overseeing, and carrying out a contract between a procurement unit
9766 and a contractor, including:
9767 (a) implementing the contract;
9768 (b) ensuring compliance with the contract terms and conditions by the conducting
9769 procurement unit and the contractor;
9770 (c) executing change orders;
9771 (d) processing contract amendments;
9772 (e) resolving, to the extent practicable, contract disputes;
9773 (f) curing contract errors and deficiencies;
9774 (g) terminating a contract;
9775 (h) measuring or evaluating completed work and contractor performance;
9776 (i) computing payments under the contract; and
9777 (j) closing out a contract.
9778 (19) "Contractor" means a person who is awarded a contract with a procurement unit.
9779 (20) "Cooperative procurement" means procurement conducted by, or on behalf of:
9780 (a) more than one procurement unit; or
9781 (b) a procurement unit and a cooperative purchasing organization.
9782 (21) "Cooperative purchasing organization" means an organization, association, or
9783 alliance of purchasers established to combine purchasing power in order to obtain the best
9784 value for the purchasers by engaging in procurements in accordance with Section 63G-6a-2105.
9785 (22) "Cost-plus-a-percentage-of-cost contract" means a contract under which the
9786 contractor is paid a percentage of the total actual expenses or costs in addition to the
9787 contractor's actual expenses or costs.
9788 (23) "Cost-reimbursement contract" means a contract under which a contractor is
9789 reimbursed for costs which are allowed and allocated in accordance with the contract terms and
9790 the provisions of this chapter, and a fee, if any.
9791 (24) "Days" means calendar days, unless expressly provided otherwise.
9792 (25) "Definite quantity contract" means a fixed price contract that provides for a

9793 specified amount of supplies over a specified period, with deliveries scheduled according to a
9794 specified schedule.
9795 (26) "Design professional" means:
9796 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects
9797 Licensing Act;
9798 (b) an individual licensed as a professional engineer or professional land surveyor
9799 under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing
9800 Act; or
9801 (c) an individual certified as a commercial interior designer under Title 58, Chapter 86,
9802 State Certification of Commercial Interior Designers Act.
9803 (27) "Design professional procurement process" means the procurement process
9804 described in Part 15, Design Professional Services.
9805 (28) "Design professional services" means:
9806 (a) professional services within the scope of the practice of architecture as defined in
9807 Section 58-3a-102;
9808 (b) professional engineering as defined in Section 58-22-102;
9809 (c) master planning and programming services; or
9810 (d) services within the scope of the practice of commercial interior design, as defined
9811 in Section 58-86-102.
9812 (29) "Design-build" means the procurement of design professional services and
9813 construction by the use of a single contract.
9814 (30) "Director" means the director of the division.
9815 (31) "Division" means the Division of Purchasing and General Services, created in
9816 Section 63A-2-101.
9817 (32) "Educational procurement unit" means:
9818 (a) a school district;
9819 (b) a public school, including a local school board or a charter school;
9820 (c) the Utah Schools for the Deaf and the Blind;
9821 (d) the Utah Education and Telehealth Network;
9822 (e) an institution of higher education of the state described in Section 53B-1-102; or
9823 (f) the State Board of Education.

9824 (33) "Established catalogue price" means the price included in a catalogue, price list,
9825 schedule, or other form that:
9826 (a) is regularly maintained by a manufacturer or contractor;
9827 (b) is published or otherwise available for inspection by customers; and
9828 (c) states prices at which sales are currently or were last made to a significant number
9829 of any category of buyers or buyers constituting the general buying public for the supplies or
9830 services involved.
9831 (34) "Executive branch procurement unit" means a department, division, office,
9832 bureau, agency, or other organization within the state executive branch.
9833 (35) "Fixed price contract" means a contract that provides a price, for each
9834 procurement item obtained under the contract, that is not subject to adjustment except to the
9835 extent that:
9836 (a) the contract provides, under circumstances specified in the contract, for an
9837 adjustment in price that is not based on cost to the contractor; or
9838 (b) an adjustment is required by law.
9839 (36) "Fixed price contract with price adjustment" means a fixed price contract that
9840 provides for an upward or downward revision of price, precisely described in the contract, that:
9841 (a) is based on the consumer price index or another commercially acceptable index,
9842 source, or formula; and
9843 (b) is not based on a percentage of the cost to the contractor.
9844 (37) "Grant" means an expenditure of public funds or other assistance, or an agreement
9845 to expend public funds or other assistance, for a public purpose authorized by law, without
9846 acquiring a procurement item in exchange.
9847 (38) "Head of a procurement unit" means:
9848 (a) for a legislative procurement unit, any person designated by rule made by the
9849 applicable rulemaking authority;
9850 (b) for an executive branch procurement unit:
9851 (i) the director of the division; or
9852 (ii) any other person designated by the board, by rule;
9853 (c) for a judicial procurement unit:
9854 (i) the Judicial Council; or

9855 (ii) any other person designated by the Judicial Council, by rule;
9856 (d) for a local government procurement unit:
9857 (i) the legislative body of the local government procurement unit; or
9858 (ii) any other person designated by the local government procurement unit;
9859 (e) for a local district other than a public transit district, the board of trustees of the
9860 local district or a designee of the board of trustees;
9861 (f) for a special service district, the governing body of the special service district or a
9862 designee of the governing body;
9863 (g) for a local building authority, the board of directors of the local building authority
9864 or a designee of the board of directors;
9865 (h) for a conservation district, the board of supervisors of the conservation district or a
9866 designee of the board of supervisors;
9867 (i) for a public corporation, the board of directors of the public corporation or a
9868 designee of the board of directors;
9869 (j) for a school district or any school or entity within a school district, the board of the
9870 school district, or the board's designee;
9871 (k) for a charter school, the individual or body with executive authority over the charter
9872 school, or the individual's or body's designee;
9873 (l) for an institution of higher education described in Section 53B-2-101, the president
9874 of the institution of higher education, or the president's designee;
9875 (m) for a public transit district, the board of trustees or a designee of the board of
9876 trustees;
9877 (n) for the State Board of Education, the State Board of Education or a designee of the
9878 State Board of Education; or
9879 (o) for the Utah Communications Authority, established in Section 63H-7a-201, the
9880 executive director of the Utah Communications Authority or a designee of the executive
9881 director.
9882 (39) "Immaterial error":
9883 (a) means an irregularity or abnormality that is:
9884 (i) a matter of form that does not affect substance; or
9885 (ii) an inconsequential variation from a requirement of a solicitation that has no, little,

9886 or a trivial effect on the procurement process and that is not prejudicial to other vendors; and
9887 (b) includes:
9888 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of a
9889 professional license, bond, or insurance certificate;
9890 (ii) a typographical error;
9891 (iii) an error resulting from an inaccuracy or omission in the solicitation; and
9892 (iv) any other error that the chief procurement officer or the head of a procurement unit
9893 with independent procurement authority reasonably considers to be immaterial.
9894 (40) "Indefinite quantity contract" means a fixed price contract that:
9895 (a) is for an indefinite amount of procurement items to be supplied as ordered by a
9896 procurement unit; and
9897 (b) (i) does not require a minimum purchase amount; or
9898 (ii) provides a maximum purchase limit.
9899 (41) "Independent procurement authority" means authority granted to a procurement
9900 unit under Subsection 63G-6a-106(4)(a).
9901 (42) "Invitation for bids":
9902 (a) means a document used to solicit:
9903 (i) bids to provide a procurement item to a procurement unit; or
9904 (ii) quotes for a price of a procurement item to be provided to a procurement unit; and
9905 (b) includes all documents attached to or incorporated by reference in a document
9906 described in Subsection (42)(a).
9907 (43) "Issuing procurement unit" means a procurement unit that:
9908 (a) reviews a solicitation to verify that it is in proper form;
9909 (b) causes the notice of a solicitation to be published; and
9910 (c) negotiates and approves the terms and conditions of a contract.
9911 (44) "Judicial procurement unit" means:
9912 (a) the Utah Supreme Court;
9913 (b) the Utah Court of Appeals;
9914 (c) the Judicial Council;
9915 (d) a state judicial district; or
9916 (e) an office, committee, subcommittee, or other organization within the state judicial

9917 branch.
9918 (45) "Labor hour contract" is a contract under which:
9919 (a) the supplies and materials are not provided by, or through, the contractor; and
9920 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and
9921 profit for a specified number of labor hours or days.
9922 (46) "Legislative procurement unit" means:
9923 (a) the Legislature;
9924 (b) the Senate;
9925 (c) the House of Representatives;
9926 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or
9927 (e) a committee, subcommittee, commission, or other organization:
9928 (i) within the state legislative branch; or
9929 (ii) (A) that is created by statute to advise or make recommendations to the Legislature;
9930 (B) the membership of which includes legislators; and
9931 (C) for which the Office of Legislative Research and General Counsel provides staff
9932 support.
9933 (47) "Local building authority" means the same as that term is defined in Section
9934 17D-2-102.
9935 (48) "Local district" means the same as that term is defined in Section 17B-1-102.
9936 (49) "Local government procurement unit" means:
9937 (a) a county or municipality, and each office or agency of the county or municipality,
9938 unless the county or municipality adopts its own procurement code by ordinance;
9939 (b) a county or municipality that has adopted this entire chapter by ordinance, and each
9940 office or agency of that county or municipality; or
9941 (c) a county or municipality that has adopted a portion of this chapter by ordinance, to
9942 the extent that a term in the ordinance is used in the adopted portion of this chapter, and each
9943 office or agency of that county or municipality.
9944 (50) "Multiple award contracts" means the award of a contract for an indefinite
9945 quantity of a procurement item to more than one person.
9946 (51) "Multiyear contract" means a contract that extends beyond a one-year period,
9947 including a contract that permits renewal of the contract, without competition, beyond the first

9948 year of the contract.
9949 (52) "Municipality" means a city, town, or metro township.
9950 (53) "Nonadopting local government procurement unit" means:
9951 (a) a county or municipality that has not adopted Part 16, Protests, Part 17,
9952 Procurement Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19,
9953 General Provisions Related to Protest or Appeal; and
9954 (b) each office or agency of a county or municipality described in Subsection (53)(a).
9955 (54) "Offeror" means a person who submits a proposal in response to a request for
9956 proposals.
9957 (55) "Preferred bidder" means a bidder that is entitled to receive a reciprocal preference
9958 under the requirements of this chapter.
9959 (56) "Procure" means to acquire a procurement item through a procurement.
9960 (57) "Procurement":
9961 (a) means a procurement unit's acquisition of a procurement item through an
9962 expenditure of public funds, or an agreement to expend public funds, including an acquisition
9963 through a public-private partnership;
9964 (b) includes all functions that pertain to the acquisition of a procurement item,
9965 including:
9966 (i) preparing and issuing a solicitation; and
9967 (ii) (A) conducting a standard procurement process; or
9968 (B) conducting a procurement process that is an exception to a standard procurement
9969 process under Part 8, Exceptions to Procurement Requirements; and
9970 (c) does not include a grant.
9971 (58) "Procurement item" means a supply, a service, or construction.
9972 (59) "Procurement officer" means:
9973 (a) for a procurement unit with independent procurement authority:
9974 (i) the head of the procurement unit;
9975 (ii) a designee of the head of the procurement unit; or
9976 (iii) a person designated by rule made by the applicable rulemaking authority; or
9977 (b) for the division or a procurement unit without independent procurement authority,
9978 the chief procurement officer.

9979 (60) "Procurement unit":
9980 (a) means:
9981 (i) a legislative procurement unit;
9982 (ii) an executive branch procurement unit;
9983 (iii) a judicial procurement unit;
9984 (iv) an educational procurement unit;
9985 (v) the Utah Communications Authority, established in Section 63H-7a-201;
9986 (vi) a local government procurement unit;
9987 (vii) a local district;
9988 (viii) a special service district;
9989 (ix) a local building authority;
9990 (x) a conservation district;
9991 (xi) a public corporation; or
9992 (xii) a public transit district; and
9993 (b) does not include a political subdivision created under Title 11, Chapter 13,
9994 Interlocal Cooperation Act.
9995 (61) "Professional service" means labor, effort, or work that requires an elevated
9996 degree of specialized knowledge and discretion, including labor, effort, or work in the field of:
9997 (a) accounting;
9998 (b) administrative law judge service;
9999 (c) architecture;
10000 (d) construction design and management;
10001 (e) engineering;
10002 (f) financial services;
10003 (g) information technology;
10004 (h) the law;
10005 (i) medicine;
10006 (j) psychiatry; or
10007 (k) underwriting.
10008 (62) "Protest officer" means:
10009 (a) for the division or a procurement unit with independent procurement authority:

10010 (i) the head of the procurement unit;
10011 (ii) the head of the procurement unit's designee who is an employee of the procurement
10012 unit; or
10013 (iii) a person designated by rule made by the applicable rulemaking authority; or
10014 (b) for a procurement unit without independent procurement authority, the chief
10015 procurement officer or the chief procurement officer's designee who is an employee of the
10016 division.
10017 (63) "Public corporation" means the same as that term is defined in Section 63E-1-102.
10018 (64) "Public entity" means any government entity of the state or political subdivision of
10019 the state, including:
10020 (a) a procurement unit;
10021 (b) a municipality or county, regardless of whether the municipality or county has
10022 adopted this chapter or any part of this chapter; and
10023 (c) any other government entity located in the state that expends public funds.
10024 (65) "Public facility" means a building, structure, infrastructure, improvement, or other
10025 facility of a public entity.
10026 (66) "Public funds" means money, regardless of its source, including from the federal
10027 government, that is owned or held by a procurement unit.
10028 (67) "Public transit district" means a public transit district organized under Title 17B,
10029 Chapter 2a, Part 8, Public Transit District Act.
10030 (68) "Public-private partnership" means an arrangement or agreement, occurring on or
10031 after January 1, 2017, between a procurement unit and one or more contractors to provide for a
10032 public need through the development or operation of a project in which the contractor or
10033 contractors share with the procurement unit the responsibility or risk of developing, owning,
10034 maintaining, financing, or operating the project.
10035 (69) "Qualified vendor" means a vendor who:
10036 (a) is responsible; and
10037 (b) submits a responsive statement of qualifications under Section 63G-6a-410 that
10038 meets the minimum mandatory requirements, evaluation criteria, and any applicable score
10039 thresholds set forth in the request for statement of qualifications.
10040 (70) "Real property" means land and any building, fixture, improvement, appurtenance,

10041 structure, or other development that is permanently affixed to land.
10042 (71) "Request for information" means a nonbinding process through which a
10043 procurement unit requests information relating to a procurement item.
10044 (72) "Request for proposals" means a document used to solicit proposals to provide a
10045 procurement item to a procurement unit, including all other documents that are attached to that
10046 document or incorporated in that document by reference.
10047 (73) "Request for proposals process" means the procurement process described in Part
10048 7, Request for Proposals.
10049 (74) "Request for statement of qualifications" means a document used to solicit
10050 information about the qualifications of a person interested in responding to a potential
10051 procurement, including all other documents attached to that document or incorporated in that
10052 document by reference.
10053 (75) "Requirements contract" means a contract:
10054 (a) under which a contractor agrees to provide a procurement unit's entire requirements
10055 for certain procurement items at prices specified in the contract during the contract period; and
10056 (b) that:
10057 (i) does not require a minimum purchase amount; or
10058 (ii) provides a maximum purchase limit.
10059 (76) "Responsible" means being capable, in all respects, of:
10060 (a) meeting all the requirements of a solicitation; and
10061 (b) fully performing all the requirements of the contract resulting from the solicitation,
10062 including being financially solvent with sufficient financial resources to perform the contract.
10063 (77) "Responsive" means conforming in all material respects to the requirements of a
10064 solicitation.
10065 (78) "Sealed" means manually or electronically secured to prevent disclosure.
10066 (79) "Service":
10067 (a) means labor, effort, or work to produce a result that is beneficial to a procurement
10068 unit;
10069 (b) includes a professional service; and
10070 (c) does not include labor, effort, or work provided under an employment agreement or
10071 a collective bargaining agreement.

10072 (80) "Small purchase process" means the procurement process described in Section
10073 63G-6a-506.
10074 (81) "Sole source contract" means a contract resulting from a sole source procurement.
10075 (82) "Sole source procurement" means a procurement without competition pursuant to
10076 a determination under Subsection 63G-6a-802(1)(a) that there is only one source for the
10077 procurement item.
10078 (83) "Solicitation" means an invitation for bids, request for proposals, request for
10079 statement of qualifications, or request for information.
10080 (84) "Solicitation response" means:
10081 (a) a bid submitted in response to an invitation for bids;
10082 (b) a proposal submitted in response to a request for proposals; or
10083 (c) a statement of qualifications submitted in response to a request for statement of
10084 qualifications.
10085 (85) "Special service district" means the same as that term is defined in Section
10086 17D-1-102.
10087 (86) "Specification" means any description of the physical or functional characteristics
10088 or of the nature of a procurement item included in an invitation for bids or a request for
10089 proposals, or otherwise specified or agreed to by a procurement unit, including a description of:
10090 (a) a requirement for inspecting or testing a procurement item; or
10091 (b) preparing a procurement item for delivery.
10092 (87) "Standard procurement process" means:
10093 (a) the bidding process;
10094 (b) the request for proposals process;
10095 (c) the approved vendor list process;
10096 (d) the small purchase process; or
10097 (e) the design professional procurement process.
10098 (88) "State cooperative contract" means a contract awarded by the division for and in
10099 behalf of all public entities.
10100 (89) "Statement of qualifications" means a written statement submitted to a
10101 procurement unit in response to a request for statement of qualifications.
10102 (90) "Subcontractor":

10103 (a) means a person under contract to perform part of a contractual obligation under the
10104 control of the contractor, whether the person's contract is with the contractor directly or with
10105 another person who is under contract to perform part of a contractual obligation under the
10106 control of the contractor; and
10107 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services
10108 to a contractor.
10109 (91) "Supply" means a good, material, technology, piece of equipment, or any other
10110 item of personal property.
10111 (92) "Tie bid" means that the lowest responsive bids of responsible bidders are
10112 identical in price.
10113 (93) "Time and materials contract" means a contract under which the contractor is paid:
10114 (a) the actual cost of direct labor at specified hourly rates;
10115 (b) the actual cost of materials and equipment usage; and
10116 (c) an additional amount, expressly described in the contract, to cover overhead and
10117 profit, that is not based on a percentage of the cost to the contractor.
10118 (94) "Transitional costs":
10119 (a) means the costs of changing:
10120 (i) from an existing provider of a procurement item to another provider of that
10121 procurement item; or
10122 (ii) from an existing type of procurement item to another type;
10123 (b) includes:
10124 (i) training costs;
10125 (ii) conversion costs;
10126 (iii) compatibility costs;
10127 (iv) costs associated with system downtime;
10128 (v) disruption of service costs;
10129 (vi) staff time necessary to implement the change;
10130 (vii) installation costs; and
10131 (viii) ancillary software, hardware, equipment, or construction costs; and
10132 (c) does not include:
10133 (i) the costs of preparing for or engaging in a procurement process; or

10134 (ii) contract negotiation or drafting costs.
10135 (95) "Trial use contract" means a contract for a procurement item that the procurement
10136 unit acquires for a trial use or testing to determine whether the procurement item will benefit
10137 the procurement unit.
10138 (96) "Vendor":
10139 (a) means a person who is seeking to enter into a contract with a procurement unit to
10140 provide a procurement item; and
10141 (b) includes:
10142 (i) a bidder;
10143 (ii) an offeror;
10144 (iii) an approved vendor;
10145 (iv) a design professional; and
10146 (v) a person who submits an unsolicited proposal under Section 63G-6a-712.
10147 Section 180. Section **63G-6a-202** is amended to read:
10148 **63G-6a-202. Creation of Utah State Procurement Policy Board.**
10149 (1) There is created the Utah State Procurement Policy Board.
10150 (2) The board consists of up to 15 members as follows:
10151 (a) two representatives of state institutions of higher education, appointed by the [~~board~~
10152 ~~of regents~~] Utah Board of Higher Education;
10153 (b) a representative of the Department of Human Services, appointed by the executive
10154 director of that department;
10155 (c) a representative of the Department of Transportation, appointed by the executive
10156 director of that department;
10157 (d) two representatives of school districts, appointed by the State Board of Education;
10158 (e) a representative of the Division of Facilities Construction and Management,
10159 appointed by the director of that division;
10160 (f) one representative of a county, appointed by the Utah Association of Counties;
10161 (g) one representative of a city or town, appointed by the Utah League of Cities and
10162 Towns;
10163 (h) two representatives of local districts or special service districts, appointed by the
10164 Utah Association of Special Districts;

10165 (i) the executive director of the Department of Technology Services or the executive
10166 director's designee;
10167 (j) the chief procurement officer or the chief procurement officer's designee; and
10168 (k) two representatives of state agencies, other than a state agency already represented
10169 on the board, appointed by the executive director of the Department of Administrative
10170 Services, with the approval of the executive director of the state agency that employs the
10171 employee.
10172 (3) Members of the board shall be knowledgeable and experienced in, and have
10173 supervisory responsibility for, procurement in their official positions.
10174 (4) A board member may serve as long as the member meets the description in
10175 Subsection (2) unless removed by the person or entity with the authority to appoint the board
10176 member.
10177 (5) (a) The board shall:
10178 (i) adopt rules of procedure for conducting its business; and
10179 (ii) elect a chair to serve for one year.
10180 (b) The chair of the board shall be selected by a majority of the members of the board
10181 and may be elected to succeeding terms.
10182 (c) The chief procurement officer shall designate an employee of the division to serve
10183 as the nonvoting secretary to the policy board.
10184 (6) A member of the board may not receive compensation or benefits for the member's
10185 service, but may receive per diem and travel expenses in accordance with:
10186 (a) Section 63A-3-106;
10187 (b) Section 63A-3-107; and
10188 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10189 63A-3-107.
10190 Section 181. Section **63G-7-301** is amended to read:
10191 **63G-7-301. Waivers of immunity.**
10192 (1) (a) Immunity from suit of each governmental entity is waived as to any contractual
10193 obligation.
10194 (b) Actions arising out of contractual rights or obligations are not subject to the
10195 requirements of Sections 63G-7-401, 63G-7-402, 63G-7-403, or 63G-7-601.

10196 (c) The Division of Water Resources is not liable for failure to deliver water from a
10197 reservoir or associated facility authorized by Title 73, Chapter 26, Bear River Development
10198 Act, if the failure to deliver the contractual amount of water is due to drought, other natural
10199 condition, or safety condition that causes a deficiency in the amount of available water.
10200 (2) Immunity from suit of each governmental entity is waived:
10201 (a) as to any action brought to recover, obtain possession of, or quiet title to real or
10202 personal property;
10203 (b) as to any action brought to foreclose mortgages or other liens on real or personal
10204 property, to determine any adverse claim on real or personal property, or to obtain an
10205 adjudication about any mortgage or other lien that the governmental entity may have or claim
10206 on real or personal property;
10207 (c) as to any action based on the negligent destruction, damage, or loss of goods,
10208 merchandise, or other property while it is in the possession of any governmental entity or
10209 employee, if the property was seized for the purpose of forfeiture under any provision of state
10210 law;
10211 (d) subject to Subsection 63G-7-302(1), as to any action brought under the authority of
10212 Utah Constitution, Article I, Section 22, for the recovery of compensation from the
10213 governmental entity when the governmental entity has taken or damaged private property for
10214 public uses without just compensation;
10215 (e) subject to Subsection 63G-7-302(2), as to any action brought to recover attorney
10216 fees under Sections 63G-2-405 and 63G-2-802;
10217 (f) for actual damages under Title 67, Chapter 21, Utah Protection of Public Employees
10218 Act;
10219 (g) as to any action brought to obtain relief from a land use regulation that imposes a
10220 substantial burden on the free exercise of religion under Title 63L, Chapter 5, Utah Religious
10221 Land Use Act;
10222 (h) except as provided in Subsection 63G-7-201(3), as to any injury caused by:
10223 (i) a defective, unsafe, or dangerous condition of any highway, road, street, alley,
10224 crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them; or
10225 (ii) any defective or dangerous condition of a public building, structure, dam, reservoir,
10226 or other public improvement;

10227 (i) subject to Subsections 63G-7-101(4) and 63G-7-201(4), as to any injury
10228 proximately caused by a negligent act or omission of an employee committed within the scope
10229 of employment;
10230 (j) as to any action or suit brought under Section 20A-19-301 and as to any
10231 compensation or expenses awarded under Section 20A-19-301(5); and
10232 (k) notwithstanding Subsection 63G-7-101(4), as to a claim for an injury resulting from
10233 a sexual battery, as provided in Section 76-9-702.1, committed:
10234 (i) against a student of a public elementary or secondary school, including a charter
10235 school; and
10236 (ii) by an employee of a public elementary or secondary school or charter school who:
10237 (A) at the time of the sexual battery, held a position of special trust, as defined in
10238 Section 76-5-404.1, with respect to the student;
10239 (B) is criminally charged in connection with the sexual battery; and
10240 (C) the public elementary or secondary school or charter school knew or in the exercise
10241 of reasonable care should have known, at the time of the employee's hiring, to be a sex
10242 offender, as defined in Section 77-41-102, required to register under Title 77, Chapter 41, Sex
10243 and Kidnap Offender Registry, whose status as a sex offender would have been revealed in a
10244 background check under Section 53G-11-402.
10245 (3) (a) As used in this Subsection (3):
10246 (i) "Appropriate behavior policy" means a policy that:
10247 (A) is not less stringent than a model policy, created by the State Board of Education,
10248 establishing a professional standard of care for preventing the conduct described in Subsection
10249 (3)(a)(i)(D);
10250 (B) is adopted by the applicable local education governing body;
10251 (C) regulates behavior of a school employee toward a student; and
10252 (D) includes a prohibition against any sexual conduct between an employee and a
10253 student and against the employee and student sharing any sexually explicit or lewd
10254 communication, image, or photograph.
10255 (ii) "Local education agency" means:
10256 (A) a school district;
10257 (B) a charter school; or

10258 (C) the Utah Schools for the Deaf and the Blind.
10259 (iii) "Local education governing board" means:
10260 (A) for a school district, the local school board;
10261 (B) for a charter school, the charter school governing board; or
10262 (C) for the Utah Schools for the Deaf and the Blind, the state board.
10263 (iv) "Public school" means a public elementary or secondary school.
10264 (v) "Sexual abuse" means the offense described in Subsection 76-5-404.1(2).
10265 (vi) "Sexual battery" means the offense described in Section 76-9-702.1, considering
10266 the term "child" in that section to include an individual under age 18.
10267 (b) Notwithstanding Subsection 63G-7-101(4), immunity from suit is waived as to a
10268 claim against a local education agency for an injury resulting from a sexual battery or sexual
10269 abuse committed against a student of a public school by a paid employee of the public school
10270 who is criminally charged in connection with the sexual battery or sexual abuse, unless:
10271 (i) at the time of the sexual battery or sexual abuse, the public school was subject to an
10272 appropriate behavior policy; and
10273 (ii) before the sexual battery or sexual abuse occurred, the public school had:
10274 (A) provided training on the policy to the employee; and
10275 (B) required the employee to sign a statement acknowledging that the employee has
10276 read and understands the policy.
10277 (4) (a) As used in this Subsection (4):
10278 (i) "Higher education institution" means an institution included within the state system
10279 of higher education under Section 53B-1-102.
10280 (ii) "Policy governing behavior" means a policy adopted by a higher education
10281 institution or the [~~State Board of Regents~~] Utah Board of Higher Education that:
10282 (A) establishes a professional standard of care for preventing the conduct described in
10283 Subsections (4)(a)(ii)(C) and (D);
10284 (B) regulates behavior of a special trust employee toward a subordinate student;
10285 (C) includes a prohibition against any sexual conduct between a special trust employee
10286 and a subordinate student; and
10287 (D) includes a prohibition against a special trust employee and subordinate student
10288 sharing any sexually explicit or lewd communication, image, or photograph.

10289 (iii) "Sexual battery" means the offense described in Section 76-9-702.1.
10290 (iv) "Special trust employee" means an employee of a higher education institution who
10291 is in a position of special trust, as defined in Section 76-5-404.1, with a higher education
10292 student.
10293 (v) "Subordinate student" means a student:
10294 (A) of a higher education institution; and
10295 (B) whose educational opportunities could be adversely impacted by a special trust
10296 employee.
10297 (b) Notwithstanding Subsection 63G-7-101(4), immunity from suit is waived as to a
10298 claim for an injury resulting from a sexual battery committed against a subordinate student by a
10299 special trust employee, unless:
10300 (i) the institution proves that the special trust employee's behavior that otherwise would
10301 constitute a sexual battery was:
10302 (A) with a subordinate student who was at least 18 years old at the time of the
10303 behavior; and
10304 (B) with the student's consent; or
10305 (ii) (A) at the time of the sexual battery, the higher education institution was subject to
10306 a policy governing behavior; and
10307 (B) before the sexual battery occurred, the higher education institution had taken steps
10308 to implement and enforce the policy governing behavior.
10309 Section 182. Section **63G-10-102** is amended to read:
10310 **63G-10-102. Definitions.**
10311 As used in this chapter:
10312 (1) (a) "Action settlement agreement" includes a stipulation, consent decree, settlement
10313 agreement, or any other legally binding document or representation that resolves a threatened
10314 or pending lawsuit between the state and another party by requiring the state to take legally
10315 binding action.
10316 (b) "Action settlement agreement" includes stipulations, consent decrees, settlement
10317 agreements, and other legally binding documents or representations resolving a dispute
10318 between the state and another party when the state is required to pay money and required to
10319 take legally binding action.

10320 (c) "Action settlement agreement" does not include:
10321 (i) the internal process established by the Department of Transportation to resolve
10322 construction contract claims;
10323 (ii) any resolution of an employment dispute or claim made by an employee of the state
10324 of Utah against the state as employer;
10325 (iii) adjudicative orders issued by the State Tax Commission, the Public Service
10326 Commission, the Labor Commission, or the Department of Workforce Services; or
10327 (iv) the settlement of disputes arising from audits, defaults, or breaches of permits,
10328 contracts of sale, easements, or leases by the School and Institutional Trust Lands
10329 Administration.
10330 (2) (a) "Agency" means each department, commission, board, council, agency,
10331 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
10332 unit, bureau, panel, or other administrative unit of the state.
10333 (b) "Agency" includes the legislative branch, the judicial branch, the attorney general's
10334 office, the State Board of Education, the [~~Board of Regents~~] Utah Board of Higher Education,
10335 the institutional councils of each higher education institution, and each higher education
10336 institution.
10337 (3) (a) "Financial settlement agreement" includes a stipulation, consent decree,
10338 settlement agreement, and any other legally binding document or representation that resolves a
10339 dispute between the state and another party exclusively by requiring the payment of money
10340 from one party to the other.
10341 (b) "Financial settlement agreement" does not include:
10342 (i) agreements made under the internal process established by the Department of
10343 Transportation to resolve construction contract claims;
10344 (ii) adjudicative orders issued by the State Tax Commission, Public Service
10345 Commission, Labor Commission, or the Department of Workforce Services;
10346 (iii) the settlement of disputes arising from audits, defaults, or breaches of permits,
10347 contracts of sale, easements, or leases by the School and Institutional Trust Lands
10348 Administration; or
10349 (iv) agreements made under the internal processes established by the Division of
10350 Facilities Construction and Management or by law to resolve construction contract claims

10351 made against the state by contractors or subcontractors.
10352 (4) "Government entities" means the state and its political subdivisions.
10353 Section 183. Section **63I-2-253** is amended to read:
10354 **63I-2-253. Repeal dates -- Titles 53 through 53G.**
10355 [~~(1) (a) Subsections 53B-2a-103(2) and (4), regarding the composition of the UTech~~
10356 ~~Board of Trustees and the transition to that composition, are repealed July 1, 2019.~~]
10357 [~~(b) When repealing Subsections 53B-2a-103(2) and (4), the Office of Legislative~~
10358 ~~Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3),~~
10359 ~~make necessary changes to subsection numbering and cross references.~~]
10360 (1) Section 53B-2a-103 is repealed July 1, 2021.
10361 (2) Section 53B-2a-104 is repealed July 1, 2021.
10362 [~~(2)~~] (3) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a
10363 technical college board of [~~directors~~] trustees, is repealed July 1, 2022.
10364 (b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and
10365 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make
10366 necessary changes to subsection numbering and cross references.
10367 [~~(3)~~] (4) Section 53B-6-105.7 is repealed July 1, 2024.
10368 [~~(4)~~] (5) (a) Subsection 53B-7-705(6)(b)(ii)(A), the language that states "Except as
10369 provided in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.
10370 (b) Subsection 53B-7-705(6)(b)(ii)(B), regarding comparing a technical college's
10371 change in performance with the technical college's average performance, is repealed July 1,
10372 2021.
10373 [~~(5)~~] (6) (a) Subsection 53B-7-707(3)(a)(ii), the language that states "Except as
10374 provided in Subsection (3)(b)," is repealed July 1, 2021.
10375 (b) Subsection 53B-7-707(3)(b), regarding performance data of a technical college
10376 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.
10377 [~~(6)~~] (7) Section 53B-8-112 is repealed July 1, 2024.
10378 [~~(7)~~] (8) Section 53B-8-114 is repealed July 1, 2024.
10379 [~~(8)~~] (9) (a) The following sections, regarding the Regents' scholarship program, are
10380 repealed on July 1, 2023:
10381 (i) Section 53B-8-202;

10382 (ii) Section 53B-8-203;
10383 (iii) Section 53B-8-204; and
10384 (iv) Section 53B-8-205.
10385 (b) (i) Subsection 53B-8-201(2), regarding the Regents' scholarship program for
10386 students who graduate from high school before fiscal year 2019, is repealed on July 1, 2023.
10387 (ii) When repealing Subsection 53B-8-201(2), the Office of Legislative Research and
10388 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make
10389 necessary changes to subsection numbering and cross references.
10390 [~~(9)~~] (10) Section 53B-10-101 is repealed on July 1, 2027.
10391 [~~(10)~~] (11) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,
10392 is repealed July 1, 2023.
10393 [~~(11)~~] (12) Section 53E-3-519 regarding school counselor services is repealed July 1,
10394 2020.
10395 [~~(12)~~] (13) Section 53E-3-520 is repealed July 1, 2021.
10396 [~~(13)~~] (14) Subsection 53E-5-306(3)(b)(ii)(B), related to improving school
10397 performance and continued funding relating to the School Recognition and Reward Program, is
10398 repealed July 1, 2020.
10399 [~~(14)~~] (15) Section 53E-5-307 is repealed July 1, 2020.
10400 [~~(15)~~] (16) In Subsections 53F-2-205(4) and (5), regarding the State Board of
10401 Education's duties if contributions from the minimum basic tax rate are overestimated or
10402 underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1,
10403 2023.
10404 [~~(16)~~] (17) Subsection 53F-2-301(1), relating to the years the section is not in effect, is
10405 repealed July 1, 2023.
10406 [~~(17)~~] (18) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as
10407 applicable" is repealed July 1, 2023.
10408 [~~(18) Section 53F-4-204 is repealed July 1, 2019.~~]
10409 (19) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as
10410 applicable" is repealed July 1, 2023.
10411 (20) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
10412 applicable" is repealed July 1, 2023.

10413 (21) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
10414 applicable" is repealed July 1, 2023.
10415 (22) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5, as
10416 applicable" is repealed July 1, 2023.
10417 (23) On July 1, 2023, when making changes in this section, the Office of Legislative
10418 Research and General Counsel shall, in addition to the office's authority under Subsection
10419 36-12-12(3), make corrections necessary to ensure that sections and subsections identified in
10420 this section are complete sentences and accurately reflect the office's perception of the
10421 Legislature's intent.
10422 Section 184. Section **63I-2-263** is amended to read:
10423 **63I-2-263. Repeal dates, Title 63A to Title 63N.**
10424 (1) On July 1, 2020:
10425 (a) Subsection 63A-1-203(5)(a)(i) is repealed; and
10426 (b) in Subsection 63A-1-203(5)(a)(ii), the language that states "appointed on or after
10427 May 8, 2018," is repealed.
10428 (2) Sections 63C-4a-307 and 63C-4a-309 are repealed January 1, 2020.
10429 (3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission, is
10430 repealed July 1, [~~2020~~] 2021.
10431 (4) The following sections regarding the World War II Memorial Commission are
10432 repealed on July 1, 2020:
10433 (a) Section 63G-1-801;
10434 (b) Section 63G-1-802;
10435 (c) Section 63G-1-803; and
10436 (d) Section 63G-1-804.
10437 (5) In relation to the State Fair Park Committee, on January 1, 2021:
10438 (a) Section 63H-6-104.5 is repealed; and
10439 (b) Subsections 63H-6-104(8) and (9) are repealed.
10440 (6) Section 63H-7a-303 is repealed on July 1, 2022.
10441 (7) In relation to the Employability to Careers Program Board, on July 1, 2022:
10442 (a) Subsection 63J-1-602.1(52) is repealed;
10443 (b) Subsection 63J-4-301(1)(h), related to the review of data and metrics, is repealed;

10444 and
10445 (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.
10446 (8) Section 63J-4-708 is repealed January 1, 2023.
10447 Section 185. Section **63I-5-102** is amended to read:
10448 **63I-5-102. Definitions.**
10449 As used in this chapter:
10450 (1) "Agency governing board" is any board or commission that has policy making and
10451 oversight responsibility over the agency, including the authority to appoint and remove the
10452 agency director.
10453 (2) "Agency head" means a cabinet officer, an elected official, an executive director, or
10454 a board or commission vested with responsibility to administer or make policy for a state
10455 agency.
10456 (3) "Agency internal audit director" or "audit director" means the person who:
10457 (a) directs the internal audit program for the state agency; and
10458 (b) is appointed by the audit committee or, if no audit committee has been established,
10459 by the agency head.
10460 (4) "Appointing authority" means:
10461 (a) the governor, for state agencies other than the State Tax Commission;
10462 (b) the Judicial Council, for judicial branch agencies;
10463 (c) the [~~Board of Regents~~] Utah Board of Higher Education, for higher education
10464 entities;
10465 (d) the State Board of Education, for entities administered by the State Board of
10466 Education; or
10467 (e) the four tax commissioners, for the State Tax Commission.
10468 (5) "Audit committee" means a standing committee composed of members who:
10469 (a) are appointed by an appointing authority;
10470 (b) (i) do not have administrative responsibilities within the agency; and
10471 (ii) are not an agency contractor or other service provider; and
10472 (c) have the expertise to provide effective oversight of and advice about internal audit
10473 activities and services.
10474 (6) "Audit plan" means a prioritized list of audits to be performed by an internal audit

10475 program within a specified period of time.
10476 (7) "Higher education entity" means the [~~Board of Regents, the institutional councils of~~
10477 ~~each higher education institution~~] Utah Board of Higher Education, an institution of higher
10478 education board of trustees, or each higher education institution.
10479 (8) "Internal audit" means an independent appraisal activity established within a state
10480 agency as a control system to examine and evaluate the adequacy and effectiveness of other
10481 internal control systems within the agency.
10482 (9) "Internal audit program" means an audit function that:
10483 (a) is conducted by an agency, division, bureau, or office, independent of the agency,
10484 division, bureau, or office operations;
10485 (b) objectively evaluates the effectiveness of agency, division, bureau, or office
10486 governance, risk management, internal controls, and the efficiency of operations; and
10487 (c) is conducted in accordance with the current:
10488 (i) International Standards for the Professional Practice of Internal Auditing; or
10489 (ii) The Government Auditing Standards, issued by the Comptroller General of the
10490 United States.
10491 (10) "Judicial branch agency" means each administrative entity of the judicial branch.
10492 (11) (a) "State agency" means:
10493 (i) each department, commission, board, council, agency, institution, officer,
10494 corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel,
10495 or other administrative unit of the state; or
10496 (ii) each state public education entity.
10497 (b) "State agency" does not mean:
10498 (i) a legislative branch agency;
10499 (ii) an independent state agency as defined in Section 63E-1-102;
10500 (iii) a county, municipality, school district, local district, or special service district; or
10501 (iv) any administrative subdivision of a county, municipality, school district, local
10502 district, or special service district.
10503 Section 186. Section **63I-5-201** is amended to read:
10504 **63I-5-201. Internal auditing programs -- State agencies.**
10505 (1) (a) The departments of Administrative Services, Agriculture, Commerce, Heritage

10506 and Arts, Corrections, Workforce Services, Environmental Quality, Health, Human Services,
10507 Natural Resources, Public Safety, and Transportation, and the State Tax Commission shall
10508 conduct various types of auditing procedures as determined by the agency head or governor.
10509 (b) The governor may, by executive order, require a state agency not described in
10510 Subsection (1)(a) to establish an internal audit program.
10511 (c) The governor shall ensure that each state agency that reports to the governor has
10512 adequate internal audit coverage.
10513 (2) (a) The Administrative Office of the Courts shall establish an internal audit
10514 program under the direction of the Judicial Council, including auditing procedures for courts
10515 not of record.
10516 (b) The Judicial Council may, by rule, require other judicial agencies to establish an
10517 internal audit program.
10518 (3) (a) Dixie State University, the University of Utah, Utah State University, Salt Lake
10519 Community College, Southern Utah University, Utah Valley University, Weber State
10520 University, and Snow College shall establish an internal audit program under the direction of
10521 the [~~Board of Regents~~] Utah Board of Higher Education.
10522 (b) The [~~State Board of Regents~~] Utah Board of Higher Education may issue policies
10523 requiring other higher education entities or programs to establish an internal audit program.
10524 (4) The State Board of Education shall establish an internal audit program that provides
10525 internal audit services for each program administered by the State Board of Education.
10526 (5) Subject to Section 32B-2-302.5, the internal audit division of the Department of
10527 Alcoholic Beverage Control shall establish an internal audit program under the direction of the
10528 Alcoholic Beverage Control Commission.
10529 Section 187. Section **63J-1-210** is amended to read:
10530 **63J-1-210. Restrictions on agency expenditures of money -- Lobbyists.**
10531 (1) As used in this section:
10532 (a) (i) "Agency" means:
10533 (A) a department, commission, board, council, agency, institution, officer, corporation,
10534 fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other
10535 administrative unit of the state; or
10536 (B) a school, a school district, or a charter school.

10537 (ii) "Agency" includes the legislative branch, the judicial branch, the [~~Board of~~
10538 ~~Regents~~] Utah Board of Higher Education, the board of trustees of each higher education
10539 institution, or a higher education institution.
10540 (b) "Contract lobbyist" means a person who is not an employee of an agency who is
10541 hired as an independent contractor by the agency to communicate with legislators or the
10542 governor for the purpose of influencing the passage, defeat, amendment, or postponement of a
10543 legislative action or an executive action.
10544 (c) "Executive action" means action undertaken by the governor, including signing or
10545 vetoing legislation, and action undertaken by any official in the executive branch of state
10546 government.
10547 (d) "Legislative action" means action undertaken by the Utah Legislature or any part of
10548 it.
10549 (2) An agency to which money is appropriated by the Legislature may not expend any
10550 money to pay a contract lobbyist.
10551 (3) This section does not affect the provisions of Title 36, Chapter 11, Lobbyist
10552 Disclosure and Regulation Act.
10553 Section 188. Section **63J-1-219** is amended to read:
10554 **63J-1-219. Definitions -- Federal receipts reporting requirements.**
10555 (1) As used in this section:
10556 (a) (i) "Designated state agency" means the Department of Administrative Services, the
10557 Department of Agriculture and Food, the Department of Alcoholic Beverage Control, the
10558 Department of Commerce, the Department of Heritage and Arts, the Department of
10559 Corrections, the Department of Environmental Quality, the Department of Financial
10560 Institutions, the Department of Health, the Department of Human Resource Management, the
10561 Department of Human Services, the Department of Insurance, the Department of Natural
10562 Resources, the Department of Public Safety, the Department of Technology Services, the
10563 Department of Transportation, the Department of Veterans and Military Affairs, the
10564 Department of Workforce Services, the Labor Commission, the Office of Economic
10565 Development, the Public Service Commission, the [~~State Board of Regents~~] Utah Board of
10566 Higher Education, the State Board of Education, the State Tax Commission, or the Utah
10567 National Guard.

10568 (ii) "Designated state agency" does not include the judicial branch, the legislative
10569 branch, or an office or other entity within the judicial branch or the legislative branch.
10570 (b) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C.
10571 Sec. 7501, that is reported as part of a single audit.
10572 (c) "Single audit" is as defined in 31 U.S.C. Sec. 7501.
10573 (2) Subject to Subsections (3) and (4), a designated state agency shall each year, on or
10574 before October 31, prepare a report that:
10575 (a) reports the aggregate value of federal receipts the designated state agency received
10576 for the preceding fiscal year;
10577 (b) reports the aggregate amount of federal funds appropriated by the Legislature to the
10578 designated state agency for the preceding fiscal year;
10579 (c) calculates the percentage of the designated state agency's total budget for the
10580 preceding fiscal year that constitutes federal receipts that the designated state agency received
10581 for that fiscal year; and
10582 (d) develops plans for operating the designated state agency if there is a reduction of:
10583 (i) 5% or more in the federal receipts that the designated state agency receives; and
10584 (ii) 25% or more in the federal receipts that the designated state agency receives.
10585 (3) (a) The report required by Subsection (2) that the [~~Board of Regents~~] Utah Board of
10586 Higher Education prepares shall include the information required by Subsections (2)(a) through
10587 (c) for each state institution of higher education listed in Section 53B-2-101.
10588 (b) The report required by Subsection (2) that the State Board of Education prepares
10589 shall include the information required by Subsections (2)(a) through (c) for each school district
10590 and each charter school within the public education system.
10591 (4) A designated state agency that prepares a report in accordance with Subsection (2)
10592 shall submit the report to the Division of Finance on or before November 1 of each year.
10593 (5) (a) The Division of Finance shall, on or before November 30 of each year, prepare a
10594 report that:
10595 (i) compiles and summarizes the reports the Division of Finance receives in accordance
10596 with Subsection (4); and
10597 (ii) compares the aggregate value of federal receipts each designated state agency
10598 received for the previous fiscal year to the aggregate amount of federal funds appropriated by

10599 the Legislature to that designated state agency for that fiscal year.
10600 (b) The Division of Finance shall, as part of the report required by Subsection (5)(a),
10601 compile a list of designated state agencies that do not submit a report as required by this
10602 section.
10603 (6) The Division of Finance shall submit the report required by Subsection (5) to the
10604 Executive Appropriations Committee on or before December 1 of each year.
10605 (7) Upon receipt of the report required by Subsection (5), the chairs of the Executive
10606 Appropriations Committee shall place the report on the agenda for review and consideration at
10607 the next Executive Appropriations Committee meeting.
10608 (8) When considering the report required by Subsection (5), the Executive
10609 Appropriations Committee may elect to:
10610 (a) recommend that the Legislature reduce or eliminate appropriations for a designated
10611 state agency;
10612 (b) take no action; or
10613 (c) take another action that a majority of the committee approves.
10614 Section 189. Section **63J-1-602.2** is amended to read:
10615 **63J-1-602.2. List of nonlapsing appropriations to programs.**
10616 Appropriations made to the following programs are nonlapsing:
10617 (1) The Legislature and its committees.
10618 (2) The Percent-for-Art Program created in Section 9-6-404.
10619 (3) The LeRay McAllister Critical Land Conservation Program created in Section
10620 11-38-301.
10621 (4) Dedicated credits accrued to the Utah Marriage Commission as provided under
10622 Subsection 17-16-21(2)(d)(ii).
10623 (5) The Trip Reduction Program created in Section 19-2a-104.
10624 (6) The Division of Wildlife Resources for the appraisal and purchase of lands under
10625 the Pelican Management Act, as provided in Section 23-21a-6.
10626 (7) The primary care grant program created in Section 26-10b-102.
10627 (8) Sanctions collected as dedicated credits from Medicaid provider under Subsection
10628 26-18-3(7).
10629 (9) The Utah Health Care Workforce Financial Assistance Program created in Section

10630 26-46-102.
10631 (10) The Rural Physician Loan Repayment Program created in Section 26-46a-103.
10632 (11) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.
10633 (12) Funds that the Department of Alcoholic Beverage Control retains in accordance
10634 with Subsection 32B-2-301(7)(a) or (b).
10635 (13) The General Assistance program administered by the Department of Workforce
10636 Services, as provided in Section 35A-3-401.
10637 (14) A new program or agency that is designated as nonlapsing under Section
10638 36-24-101.
10639 (15) The Utah National Guard, created in Title 39, Militia and Armories.
10640 (16) The State Tax Commission under Section 41-1a-1201 for the:
10641 (a) purchase and distribution of license plates and decals; and
10642 (b) administration and enforcement of motor vehicle registration requirements.
10643 (17) The Search and Rescue Financial Assistance Program, as provided in Section
10644 53-2a-1102.
10645 (18) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
10646 (19) The [~~State Board of Regents~~] Utah Board of Higher Education for teacher
10647 preparation programs, as provided in Section 53B-6-104.
10648 (20) The Medical Education Program administered by the Medical Education Council,
10649 as provided in Section 53B-24-202.
10650 (21) The State Board of Education, as provided in Section 53F-2-205.
10651 (22) The Division of Services for People with Disabilities, as provided in Section
10652 62A-5-102.
10653 (23) The Division of Fleet Operations for the purpose of upgrading underground
10654 storage tanks under Section 63A-9-401.
10655 (24) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.
10656 (25) Appropriations to the Department of Technology Services for technology
10657 innovation as provided under Section 63F-4-202.
10658 (26) The Office of Administrative Rules for publishing, as provided in Section
10659 63G-3-402.
10660 (27) The Utah Science Technology and Research Initiative created in Section

10661 63M-2-301.
10662 (28) The Governor's Office of Economic Development to fund the Enterprise Zone
10663 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
10664 (29) Appropriations to fund the Governor's Office of Economic Development's Rural
10665 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
10666 Employment Expansion Program.
10667 (30) The Department of Human Resource Management user training program, as
10668 provided in Section 67-19-6.
10669 (31) A public safety answering point's emergency telecommunications service fund, as
10670 provided in Section 69-2-301.
10671 (32) The Traffic Noise Abatement Program created in Section 72-6-112.
10672 (33) The Judicial Council for compensation for special prosecutors, as provided in
10673 Section 77-10a-19.
10674 (34) A state rehabilitative employment program, as provided in Section 78A-6-210.
10675 (35) The Utah Geological Survey, as provided in Section 79-3-401.
10676 (36) The Bonneville Shoreline Trail Program created under Section 79-5-503.
10677 (37) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
10678 78B-6-144.5.
10679 (38) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
10680 Defense Commission.
10681 (39) The program established by the Division of Facilities Construction and
10682 Management under Subsection 63A-5-228(3) under which state agencies receive an
10683 appropriation and pay lease payments for the use and occupancy of buildings owned by the
10684 Division of Facilities Construction and Management.
10685 Section 190. Section **63J-2-102** is amended to read:
10686 **63J-2-102. Definitions.**
10687 As used in this chapter:
10688 (1) (a) "Agency" means each department, commission, board, council, agency,
10689 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
10690 unit, bureau, panel, or other administrative unit of the state.
10691 (b) "Agency" does not include the legislative branch, the [~~board of regents~~] Utah Board

10692 of Higher Education, the Utah Higher Education Assistance Authority, the board of trustees of
10693 each higher education institution, each higher education institution and its associated branches,
10694 centers, divisions, institutes, foundations, hospitals, colleges, schools, or departments, a public
10695 education entity, or an independent agency.
10696 (2) "Dedicated credits" means the same as that term is defined in Section 63J-1-102.
10697 (3) "Fees" means revenue collected by an agency for performing a service or providing
10698 a function that the agency deposits or accounts for as dedicated credits.
10699 (4) (a) "Governmental fund" means funds used to account for the acquisition, use, and
10700 balances of expendable financial resources and related liabilities using a measurement focus
10701 that emphasizes the flow of financial resources.
10702 (b) "Governmental fund" does not include internal service funds, enterprise funds,
10703 capital projects funds, debt service funds, or trust and agency funds as established in Section
10704 51-5-4.
10705 (5) "Independent agency" means the Utah State Retirement Office and the Utah
10706 Housing Corporation.
10707 (6) "Program" means the same as that term is defined in Section 63J-1-102.
10708 (7) "Revenue types" means the categories established by the Division of Finance under
10709 the authority of this chapter that classify revenue according to the purpose for which it is
10710 collected.
10711 Section 191. Section **63J-3-103** is amended to read:
10712 **63J-3-103. Definitions.**
10713 As used in this chapter:
10714 (1) (a) "Appropriations" means actual unrestricted capital and operating appropriations
10715 from unrestricted General Fund and Education Fund sources.
10716 (b) "Appropriations" includes appropriations that are contingent upon available
10717 surpluses in the General Fund and Education Fund.
10718 (c) "Appropriations" does not mean:
10719 (i) public education expenditures;
10720 (ii) Utah Education and Telehealth Network expenditures in support of public
10721 education;
10722 (iii) [~~Utah System of Technical Colleges~~] Utah Board of Higher Education

10723 expenditures in support of public education;
10724 (iv) State Tax Commission expenditures related to collection of income taxes in
10725 support of public education;
10726 (v) debt service expenditures;
10727 (vi) emergency expenditures;
10728 (vii) expenditures from all other fund or subfund sources;
10729 (viii) transfers or appropriations from the Education Fund to the Uniform School Fund;
10730 (ix) transfers into, or appropriations made to, the General Fund Budget Reserve
10731 Account established in Section 63J-1-312;
10732 (x) transfers into, or appropriations made to, the Education Budget Reserve Account
10733 established in Section 63J-1-313;
10734 (xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to the
10735 Wildland Fire Suppression Fund created in Section 65A-8-204 or the State Disaster Recovery
10736 Restricted Account created in Section 53-2a-603;
10737 (xii) money appropriated to fund the total one-time project costs for the construction of
10738 capital developments as defined in Section 63A-5-104;
10739 (xiii) transfers or deposits into or appropriations made to the Centennial Highway Fund
10740 created by Section 72-2-118;
10741 (xiv) transfers or deposits into or appropriations made to the Transportation Investment
10742 Fund of 2005 created by Section 72-2-124;
10743 (xv) transfers or deposits into or appropriations made to:
10744 (A) the Department of Transportation from any source; or
10745 (B) any transportation-related account or fund from any source; or
10746 (xvi) supplemental appropriations from the General Fund to the Division of Forestry,
10747 Fire, and State Lands to provide money for wildland fire control expenses incurred during the
10748 current or previous fire years.
10749 (2) "Base year real per capita appropriations" means the result obtained for the state by
10750 dividing the fiscal year 1985 actual appropriations of the state less debt money by:
10751 (a) the state's July 1, 1983 population; and
10752 (b) the fiscal year 1983 inflation index divided by 100.
10753 (3) "Calendar year" means the time period beginning on January 1 of any given year

10754 and ending on December 31 of the same year.
10755 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate
10756 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special Session,
10757 Chapter 4.
10758 (5) "Fiscal year" means the time period beginning on July 1 of any given year and
10759 ending on June 30 of the subsequent year.
10760 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual
10761 capital and operations appropriations from General Fund and non-Uniform School Fund
10762 income tax revenue sources, less debt money.
10763 (7) "Inflation index" means the change in the general price level of goods and services
10764 as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic
10765 Analysis, U.S. Department of Commerce calculated as provided in Section 63J-3-202.
10766 (8) (a) "Maximum allowable appropriations limit" means the appropriations that could
10767 be, or could have been, spent in any given year under the limitations of this chapter.
10768 (b) "Maximum allowable appropriations limit" does not mean actual appropriations
10769 spent or actual expenditures.
10770 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two
10771 fiscal years previous to the fiscal year for which the maximum allowable inflation and
10772 population appropriations limit is being computed under this chapter.
10773 (10) "Most recent fiscal year's population" means the fiscal year population two fiscal
10774 years previous to the fiscal year for which the maximum allowable inflation and population
10775 appropriations limit is being computed under this chapter.
10776 (11) "Population" means the number of residents of the state as of July 1 of each year
10777 as calculated by the Governor's Office of Management and Budget according to the procedures
10778 and requirements of Section 63J-3-202.
10779 (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and
10780 other monetary exaction and interest connected with it that are recorded as unrestricted revenue
10781 of the General Fund and from non-Uniform School Fund income tax revenues, except as
10782 specifically exempted by this chapter.
10783 (13) "Security" means any bond, note, warrant, or other evidence of indebtedness,
10784 whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an

10785 "indebtedness" within the meaning of any provision of the constitution or laws of this state.
10786 Section 192. Section **63N-1-301** is amended to read:
10787 **63N-1-301. Annual report -- Content -- Format -- Strategic plan.**
10788 (1) The office shall prepare and submit to the governor and the Legislature, by October
10789 1 of each year, an annual written report of the operations, activities, programs, and services of
10790 the office, including the divisions, sections, boards, commissions, councils, and committees
10791 established under this title, for the preceding fiscal year.
10792 (2) For each operation, activity, program, or service provided by the office, the annual
10793 report shall include:
10794 (a) a description of the operation, activity, program, or service;
10795 (b) data and metrics:
10796 (i) selected and used by the office to measure progress, performance, effectiveness, and
10797 scope of the operation, activity, program, or service, including summary data; and
10798 (ii) that are consistent and comparable for each state operation, activity, program, or
10799 service that primarily involves employment training or placement as determined by the
10800 executive directors of the office, the Department of Workforce Services, and the Governor's
10801 Office of Management and Budget;
10802 (c) budget data, including the amount and source of funding, expenses, and allocation
10803 of full-time employees for the operation, activity, program, or service;
10804 (d) historical data from previous years for comparison with data reported under
10805 Subsections (2)(b) and (c);
10806 (e) goals, challenges, and achievements related to the operation, activity, program, or
10807 service;
10808 (f) relevant federal and state statutory references and requirements;
10809 (g) contact information of officials knowledgeable and responsible for each operation,
10810 activity, program, or service; and
10811 (h) other information determined by the office that:
10812 (i) may be needed, useful, or of historical significance; or
10813 (ii) promotes accountability and transparency for each operation, activity, program, or
10814 service with the public and elected officials.
10815 (3) The annual report shall be designed to provide clear, accurate, and accessible

10816 information to the public, the governor, and the Legislature.
10817 (4) The office shall:
10818 (a) submit the annual report in accordance with Section 68-3-14;
10819 (b) make the annual report, and previous annual reports, accessible to the public by
10820 placing a link to the reports on the office's website; and
10821 (c) provide the data and metrics described in Subsection (2)(b) to the Talent Ready
10822 Utah Board created in Section 63N-12-503.
10823 (5) (a) On or before October 1, 2019, the office shall:
10824 (i) in consultation with the organizations described in Subsection (5)(c), coordinate the
10825 development of a written strategic plan that contains a coordinated economic development
10826 strategy for the state; and
10827 (ii) provide the strategic plan to the president of the Senate, the speaker of the House of
10828 Representatives, and the Economic Development and Workforce Services Interim Committee.
10829 (b) The strategic plan shall:
10830 (i) establish a statewide economic development strategy that consists of a limited set of
10831 clear, concise, and defined principles and goals;
10832 (ii) recommend targeted economic development policies that will further the
10833 implementation of the economic development strategy described in this section;
10834 (iii) identify each of the relevant state-level economic development agencies, including
10835 the agencies described in Subsection (5)(c);
10836 (iv) outline the functional role in furthering the state's economic development strategy
10837 for each relevant state-level economic development agency;
10838 (v) establish specific principles and make specific recommendations to decrease
10839 competition and increase communication and cooperation among state-level economic
10840 development agencies, providers and administrators of economic development programs in the
10841 state, nonprofit entities that participate in economic development in the state, and local
10842 governments;
10843 (vi) recommend a fundamental realignment of economic development programs in the
10844 state to ensure each program's purpose is congruent with the mission of the organization within
10845 which the program is located;
10846 (vii) address rural economic development by:

10847 (A) establishing goals and principles to ensure the state's economic development
10848 strategy works for both urban and rural areas of the state; and
10849 (B) providing recommendations on how existing rural economic development
10850 programs should be restructured or realigned;
10851 (viii) assess the effectiveness of the state's economic development incentives and make
10852 recommendations regarding:
10853 (A) how incentive policies could be improved; and
10854 (B) how incentives could be better coordinated among state-level economic
10855 development agencies and local governments;
10856 (ix) make recommendations regarding how to align the state's economic development
10857 strategy and policies in order to take advantage of the strengths and address the weaknesses of
10858 the state's current and projected urban and rural workforce;
10859 (x) make recommendations regarding how to monitor and assess whether certain
10860 economic development policies further the statewide economic development strategy described
10861 in this section, including recommendations on performance metrics to measure results; and
10862 (xi) align the strategic plan with each element of the statewide economic development
10863 strategy.
10864 (c) The office shall coordinate the development of the strategic plan by working in
10865 coordination with and obtaining information from other state agencies, including:
10866 (i) the Department of Workforce Services;
10867 (ii) the Office of Energy Development;
10868 (iii) the State Board of Education; and
10869 [~~(iv) the State Board of Regents; and~~]
10870 [~~(v) the Utah System of Technical Colleges Board of Trustees.~~]
10871 (iv) the Utah Board of Higher Education.
10872 (d) If contacted by the office, other state agencies, including those described in
10873 Subsection (5)(c), shall, in accordance with state and federal law, share information and
10874 cooperate with the office in coordinating the development of the strategic plan.
10875 Section 193. Section **63N-12-503** is amended to read:
10876 **63N-12-503. Talent Ready Utah Board.**
10877 (1) There is created within GOED the Talent Ready Utah Board composed of the

10878 following [~~15~~] 14 members:
10879 (a) the state superintendent of public instruction or the superintendent's designee;
10880 (b) the commissioner of higher education or the commissioner of higher education's
10881 designee;
10882 [~~(c) the commissioner of technical education or the commissioner of technical~~
10883 ~~education's designee;~~]
10884 [~~(d)~~] (c) the chair of the State Board of Education or the chair's designee;
10885 [~~(e)~~] (d) the executive director of the Department of Workforce Services or the
10886 executive director of the department's designee;
10887 [~~(f)~~] (e) the executive director of GOED or the executive director's designee;
10888 [~~(g)~~] (f) the director of the Division of Occupational and Professional Licensing or the
10889 director's designee;
10890 [~~(h)~~] (g) the governor's education advisor or the advisor's designee;
10891 [~~(i)~~] (h) one member of the Senate, appointed by the president of the Senate;
10892 [~~(j)~~] (i) one member of the House of Representatives, appointed by the speaker of the
10893 House of Representatives;
10894 [~~(k)~~] (j) the president of the Salt Lake Chamber or the president's designee;
10895 [~~(l)~~] (k) three representatives of private industry chosen by the talent ready board; and
10896 [~~(m)~~] (l) a representative of the technology industry chosen by the talent ready board.
10897 (2) The talent ready board shall select a chair and vice chair from among the members
10898 of the talent ready board.
10899 (3) The talent ready board shall meet at least quarterly.
10900 (4) Attendance of a majority of the members of the talent ready board constitutes a
10901 quorum for the transaction of official talent ready board business.
10902 (5) Formal action by the talent ready board requires the majority vote of a quorum.
10903 (6) A member of the talent ready board:
10904 (a) may not receive compensation or benefits for the member's service; and
10905 (b) who is not a legislator may receive per diem and travel expenses in accordance
10906 with:
10907 (i) Section 63A-3-106;
10908 (ii) Section 63A-3-107; and

10909 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10910 63A-3-107.
10911 (7) The talent ready board shall:
10912 (a) (i) review and develop metrics to measure the progress, performance, effectiveness,
10913 and scope of any state operation, activity, program, or service that primarily involves
10914 employment training or placement; and
10915 (ii) ensure that the metrics described in Subsection (7)(a) are consistent and
10916 comparable for each state operation, activity, program, or service that primarily involves
10917 employment training or placement;
10918 (b) make recommendations to the center regarding how to better align training and
10919 education in the state with industry demand;
10920 (c) make recommendations to the center regarding how to better align technical
10921 education with current and future workforce needs; and
10922 (d) coordinate with the center to meet the responsibilities described in Subsection
10923 63N-12-502(4).
10924 Section 194. Section **63N-12-508** is amended to read:
10925 **63N-12-508. Utah Works.**
10926 (1) There is created within the center the Utah Works Program.
10927 (2) The program, under the direction of the center and the talent ready board, shall
10928 develop workforce solutions that meet the needs of businesses that are creating jobs and
10929 economic growth in the state by:
10930 (a) partnering with the office, the Department of Workforce Services, [~~the Utah System~~
10931 ~~of Higher Education, and the Utah System of Technical Colleges~~] and the Utah system of
10932 higher education;
10933 (b) identifying businesses that have significant hiring demands in the state;
10934 (c) coordinating with the Department of Workforce Services to create effective
10935 recruitment initiatives to attract student and workforce participants and business participants to
10936 the program;
10937 (d) coordinating with the [~~Utah System of Higher Education and the Utah System of~~
10938 ~~Technical Colleges~~] Utah system of higher education to develop educational and training
10939 resources to provide student participants in the program qualifications to be hired by business

10940 participants in the program; and
10941 (e) coordinating with the State Board of Education and local education agencies when
10942 appropriate to develop educational and training resources to provide student participants in the
10943 program qualifications to be hired by business participants in the program.
10944 (3) The office, in consultation with the talent ready board, may, in accordance with
10945 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in accordance with the
10946 provisions of this section, make rules regarding the development and administration of the
10947 Utah Works Program.
10948 (4) The center shall report the following metrics to the office for inclusion in the
10949 office's annual report described in Section 63N-1-301:
10950 (a) the number of participants in the program;
10951 (b) the number of participants who have completed training offered by the program;
10952 and
10953 (c) the number of participants who have been hired by a business participating in the
10954 program.
10955 Section 195. Section **67-8-3** is amended to read:
10956 **67-8-3. Compensation plan for appointive officers -- Exceptions -- Legislative**
10957 **approval -- Career status attorneys.**
10958 (1) (a) The executive director of the Department of Human Resource Management,
10959 based upon recommendations of the Executive and Judicial Compensation Commission shall,
10960 before October 31 of each year, recommend to the governor a compensation plan for appointed
10961 officers of the state except those officers whose compensation is set under Section 49-11-203,
10962 53E-3-302, [~~53B-1-105~~] 53B-1-408, or 53C-1-301.
10963 (b) The plan shall include salaries and wages, paid leave, group insurance plans,
10964 retirement programs, and any other benefits that may be offered to state officers.
10965 (2) The governor shall include in each annual budget proposal to the Legislature
10966 specific recommendations on compensation for those appointed state officers in Subsection (1).
10967 (3) (a) After consultation with the attorney general, the executive director of the
10968 Department of Human Resource Management shall place career status attorneys on a state
10969 salary schedule at a range comparable with salaries paid attorneys in private and other public
10970 employment.

10971 (b) The attorney general and the executive director shall take into consideration the
10972 experience of the attorney, length of service with the Office of the Attorney General, quality of
10973 performance, and responsibility involved in legal assignments.
10974 (c) The attorney general and the executive director shall periodically adjust the salary
10975 levels for attorneys in a career status to reasonably compensate them for full-time employment
10976 and the restrictions placed on the private practice of law.
10977 Section 196. Section **67-19c-101** is amended to read:
10978 **67-19c-101. Department award program.**
10979 (1) As used in this section:
10980 (a) "Department" means the Department of Administrative Services, the Department of
10981 Agriculture and Food, the Department of Alcoholic Beverage Control, the Department of
10982 Commerce, the Department of Heritage and Arts, the Department of Corrections, the
10983 Department of Workforce Services, the Department of Environmental Quality, the Department
10984 of Financial Institutions, the Department of Health, the Department of Human Resource
10985 Management, the Department of Human Services, the Insurance Department, the National
10986 Guard, the Department of Natural Resources, the Department of Public Safety, the Public
10987 Service Commission, the Labor Commission, the State Board of Education, the [~~State Board of~~
10988 ~~Regents~~] Utah Board of Higher Education, the State Tax Commission, the Department of
10989 Technology Services, and the Department of Transportation.
10990 (b) "Department head" means the individual or body of individuals in whom the
10991 ultimate legal authority of the department is vested by law.
10992 (2) There is created a department awards program to award an outstanding employee in
10993 each department of state government.
10994 (3) (a) By April 1 of each year, each department head shall solicit nominations for
10995 outstanding employee of the year for his department from the employees in his department.
10996 (b) By July 1 of each year, the department head shall:
10997 (i) select a person from the department to receive the outstanding employee of the year
10998 award using the criteria established in Subsection (3)(c); and
10999 (ii) announce the recipient of the award to his employees.
11000 (c) Department heads shall make the award to a person who demonstrates:
11001 (i) extraordinary competence in performing his function;

11002 (ii) creativity in identifying problems and devising workable, cost-effective solutions to
11003 them;
11004 (iii) excellent relationships with the public and other employees;
11005 (iv) a commitment to serving the public as the client; and
11006 (v) a commitment to economy and efficiency in government.
11007 (4) (a) The Department of Human Resource Management shall divide any
11008 appropriation for outstanding department employee awards that it receives from the Legislature
11009 equally among the departments.
11010 (b) If the department receives money from the Department of Human Resource
11011 Management or if the department budget allows, the department head shall provide the
11012 employee with a bonus, a plaque, or some other suitable acknowledgement of the award.
11013 (5) (a) The department head may name the award after an exemplary present or former
11014 employee of the department.
11015 (b) A department head may not name the award for himself or for any relative as
11016 defined in Section 52-3-1.
11017 (c) Any awards or award programs existing in any department as of May 3, 1993, shall
11018 be modified to conform to the requirements of this section.
11019 Section 197. Section **67-21-3** is amended to read:
11020 **67-21-3. Reporting of governmental waste or violations of law -- Employer action**
11021 **-- Exceptions.**
11022 (1) (a) An employer may not take adverse action against an employee because the
11023 employee, or a person authorized to act on behalf of the employee, communicates in good
11024 faith:
11025 (i) the waste or misuse of public funds, property, or manpower;
11026 (ii) a violation or suspected violation of a law, rule, or regulation adopted under the law
11027 of this state, a political subdivision of this state, or any recognized entity of the United States;
11028 or
11029 (iii) as it relates to a state government employer:
11030 (A) gross mismanagement;
11031 (B) abuse of authority; or
11032 (C) unethical conduct.

11033 (b) For purposes of Subsection (1)(a), an employee is presumed to have communicated
11034 in good faith if the employee gives written notice or otherwise formally communicates the
11035 conduct described in Subsection (1)(a) to:
11036 (i) a person in authority over the person alleged to have engaged in the conduct
11037 described in Subsection (1)(a);
11038 (ii) the attorney general's office;
11039 (iii) law enforcement, if the conduct is criminal in nature;
11040 (iv) if the employee is a public entity employee, public body employee, legislative
11041 employee, or a judicial employee:
11042 (A) the state auditor's office;
11043 (B) the president of the Senate;
11044 (C) the speaker of the House of Representatives;
11045 (D) the Office of Legislative Auditor General;
11046 (E) the governor's office;
11047 (F) the state court administrator; or
11048 (G) the Division of Finance;
11049 (v) if the employee is a public entity employee, but not an employee of a state
11050 institution of higher education, the director of the Division of Purchasing and General Services;
11051 (vi) if the employee is a political subdivision employee:
11052 (A) the legislative body, or a member of the legislative body, of the political
11053 subdivision;
11054 (B) the governing body, or a member of the governing body, of the political
11055 subdivision;
11056 (C) the top executive of the political subdivision; or
11057 (D) any government official with authority to audit the political subdivision or the
11058 applicable part of the political subdivision; or
11059 (vii) if the employee is an employee of a state institution of higher education:
11060 [~~(A) the State Board of Regents or a member of the State Board of Regents;~~]
11061 (A) the Utah Board of Higher Education or a member of the Utah Board of Higher
11062 Education;
11063 (B) the commissioner of higher education;

11064 (C) the president of the state institution of higher education where the employee is
11065 employed; or
11066 (D) the entity that conducts audits of the state institution of higher education where the
11067 employee is employed.
11068 (c) The presumption described in Subsection (1)(b) may be rebutted by showing that
11069 the employee knew or reasonably ought to have known that the report is malicious, false, or
11070 frivolous.
11071 (2) An employer may not take adverse action against an employee because an
11072 employee participates or gives information in an investigation, hearing, court proceeding,
11073 legislative or other inquiry, or other form of administrative review held by the public body.
11074 (3) An employer may not take adverse action against an employee because the
11075 employee has objected to or refused to carry out a directive that the employee reasonably
11076 believes violates a law of this state, a political subdivision of this state, or the United States, or
11077 a rule or regulation adopted under the authority of the laws of this state, a political subdivision
11078 of this state, or the United States.
11079 (4) An employer may not implement rules or policies that unreasonably restrict an
11080 employee's ability to document:
11081 (a) the waste or misuse of public funds, property, or manpower;
11082 (b) a violation or suspected violation of any law, rule, or regulation; or
11083 (c) as it relates to a state government employer:
11084 (i) gross mismanagement;
11085 (ii) abuse of authority; or
11086 (iii) unethical conduct.
11087 Section 198. **Repealer.**
11088 This bill repeals:
11089 Section **53B-1-101**, **Purpose of title.**
11090 Section **53B-1-106**, **Appointment and hiring of staff -- Transfer of functions,**
11091 **personnel, and funds.**
11092 Section **53B-1-107**, **Annual report of board activities.**
11093 Section **53B-2a-102**, **Commissioner of technical education -- Appointment --**
11094 **Duties.**

11095 Section 53B-2a-111, **Board of Trustees -- Consultation with State Board of**
11096 **Regents.**
11097 Section 199. **Appropriation.**
11098 The following sums of money are appropriated for the fiscal year beginning July 1,
11099 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for
11100 fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
11101 Act, the Legislature appropriates the following sums of money from the funds or accounts
11102 indicated for the use and support of the government of the state of Utah.
11103 ITEM 1
11104 To Legislature - Office of Legislative Research and General Counsel
11105 From General Fund, One-time $1,200
11106 Schedule of Programs:
11107 Administration $1,200
11108 ITEM 2
11109 To Legislature - Senate
11110 From General Fund, One-time $4,000
11111 Schedule of Programs:
11112 Administration $4,000
11113 ITEM 3
11114 To Legislature - House of Representatives
11115 From General Fund, One-time $4,000
11116 Schedule of Programs:
11117 Administration $4,000
11118 The Legislature intends that an appropriation provided under these items be used for
11119 expenses relating to the Higher Education Strategic Planning Commission, described in Title
11120 63C, Chapter 19, Higher Education Strategic Planning Commission.
11121 Section 200. **Effective date.**
11122 (1) Except as provided in Subsection (2), this bill takes effect July 1, 2020.
11123 (2) Amendments to the following sections take effect May 12, 2020:
11124 (a) Section 53B-1-401;
11125 (b) Section 53B-1-403;

11126 (c) Section 53B-1-501;
11127 (d) Section 53B-1-502;
11128 (e) Section 53B-1-503; and
11129 (f) Section 63C-19-202.