

**Representative Val L. Peterson** proposes the following substitute bill:

**HIGHER EDUCATION FINANCIAL AID AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Val L. Peterson**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to higher education financial aid.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ changes the Public Safety Officer Career Advancement Reimbursement Program to a grant program;
- ▶ addresses the amount of money the Utah Board of Higher Education (board) may use for administrative costs and overhead related to the Opportunity Scholarship Program;
- ▶ repeals or reorganizes the provisions of the Access Utah Promise Scholarship Program;
- ▶ allows the board to establish criteria under which the board may forgive a loan made under the Terrel H. Bell Teaching Incentive Loans program;
- ▶ changes the Talent Development Incentive Loan Program to an award program;
- ▶ removes the state requirement for financial aid applicants to complete the federal form for selective service;
- ▶ directs the board to create educational pathways;



- ▶ changes the Success Stipend Program to the Utah Promise Program and modifies the financial aid available under the program;
- ▶ repeals the Strategic Workforce Investment; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2023:

- ▶ to the Utah Board of Higher Education - Administration - Administration as an ongoing appropriation:
  - from the Education Fund, \$718,000.

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 53B-1-301**, as last amended by Laws of Utah 2021, Chapters 282, 351, 402, and 425
- 53B-8-105**, as last amended by Laws of Utah 2021, Chapter 402
- 53B-8-112**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 13
- 53B-8-201**, as last amended by Laws of Utah 2021, Chapter 402
- 53B-10-101**, as last amended by Laws of Utah 2019, Chapter 129
- 53B-10-201**, as last amended by Laws of Utah 2021, Chapter 282
- 53B-10-202**, as enacted by Laws of Utah 2018, Chapter 402
- 53B-10-205**, as enacted by Laws of Utah 2018, Chapter 402
- 53B-13a-102**, as last amended by Laws of Utah 2011, Chapter 11
- 53B-13a-103**, as last amended by Laws of Utah 2011, Chapter 11
- 63G-12-402**, as last amended by Laws of Utah 2021, Chapter 402
- 63I-2-253**, as last amended by Laws of Utah 2021, First Special Session, Chapter 14
- 64-13e-102**, as last amended by Laws of Utah 2021, Chapter 260

ENACTS:

- 53b-10-106**, Utah Code Annotated 1953

REPEALS AND REENACTS:

- 53B-13a-104**, as last amended by Laws of Utah 2020, Chapter 196

RENUMBERS AND AMENDS:

57 **53B-13a-106**, (Renumbered from 53B-8-304, as last amended by Laws of Utah 2021,  
58 Chapter 282)

59 REPEALS:

60 **53B-8-301**, as last amended by Laws of Utah 2020, Chapter 365  
61 **53B-8-302**, as enacted by Laws of Utah 2019, Chapter 444  
62 **53B-8-303**, as last amended by Laws of Utah 2020, Chapters 63 and 365  
63 **53B-10-204**, as enacted by Laws of Utah 2018, Chapter 402  
64 **53B-11-104**, as last amended by Laws of Utah 2020, Chapter 365  
65 **53B-13a-101**, as last amended by Laws of Utah 2011, Chapter 11  
66 **53B-13a-105**, as last amended by Laws of Utah 2004, Chapter 10  
67 **53B-26-101**, as enacted by Laws of Utah 2016, Chapter 338  
68 **53B-26-102**, as last amended by Laws of Utah 2021, Chapters 187, 282 and last  
69 amended by Coordination Clause, Laws of Utah 2021, Chapter 187  
70 **53B-26-103**, as last amended by Laws of Utah 2021, Chapter 282

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

73 Section 1. Section **53B-1-301** is amended to read:

74 **53B-1-301. Reports to and actions of the Higher Education Appropriations**  
75 **Subcommittee.**

76 (1) In accordance with applicable provisions and Section **68-3-14**, the following  
77 recurring reports are due to the Higher Education Appropriations Subcommittee:

78 (a) the reports described in Sections **34A-2-202.5**, **53B-30-206**, and **59-9-102.5** by the  
79 Rocky Mountain Center for Occupational and Environmental Health;

80 (b) the report described in Section **53B-7-101** by the board on recommended  
81 appropriations for higher education institutions, including the report described in Section  
82 **53B-8-104** by the board on the effects of offering nonresident partial tuition scholarships;

83 (c) the report described in Section **53B-7-704** by the Department of Workforce  
84 Services and the Governor's Office of Economic Opportunity on targeted jobs;

85 (d) the reports described in Section **53B-7-705** by the board on performance;

86 (e) the report described in Section **53B-8-201** by the board on the Opportunity  
87 Scholarship Program;

88           ~~[(f) the report described in Section 53B-8-303 by the board regarding Access Utah~~  
89 ~~promise scholarships;]~~

90           ~~[(g)]~~ (f) the report described in Section 53B-8d-104 by the Division of Child and  
91 Family Services on tuition waivers for wards of the state;

92           ~~[(h)]~~ (g) the report described in Section 53B-12-107 by the Utah Higher Education  
93 Assistance Authority;

94           ~~[(i)]~~ (h) the report described in Section ~~[53B-13a-104]~~ 53B-13a-103 by the board on  
95 the ~~[Success Stipend Program]~~ Utah Promise Program;

96           ~~[(j)]~~ (i) the report described in Section 53B-17-201 by the University of Utah regarding  
97 the Miners' Hospital for Disabled Miners;

98           ~~[(k) the report described in Section 53B-26-103 by the Governor's Office of Economic~~  
99 ~~Opportunity on high-demand technical jobs projected to support economic growth;]~~

100           ~~[(l)]~~ (j) the report described in Section 53B-26-202 by the Medical Education Council  
101 on projected demand for nursing professionals; and

102           ~~[(m)]~~ (k) the report described in Section 53E-10-308 by the State Board of Education  
103 and board on student participation in the concurrent enrollment program.

104           (2) In accordance with applicable provisions and Section 68-3-14, the following  
105 occasional reports are due to the Higher Education Appropriations Subcommittee:

106           (a) upon request, the information described in Section 53B-8a-111 submitted by the  
107 Utah Educational Savings Plan;

108           (b) a proposal described in Section 53B-26-202 by an eligible program to respond to  
109 projected demand for nursing professionals;

110           (c) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board  
111 on the fire and rescue training program described in Section 53B-29-202; and

112           (d) the reports described in Section 63C-19-202 by the Higher Education Strategic  
113 Planning Commission on the commission's progress.

114           (3) In accordance with applicable provisions, the Higher Education Appropriations  
115 Subcommittee shall complete the following:

116           (a) as required by Section 53B-7-703, the review of performance funding described in  
117 Section 53B-7-703;

118           ~~[(b) an appropriation recommendation described in Section 53B-26-103 to fund a~~

~~proposal responding to workforce needs of a strategic industry cluster;]~~

~~[(e)]~~ (b) an appropriation recommendation described in Section 53B-26-202 to fund a proposal responding to projected demand for nursing professionals; and

~~[(d)]~~ (c) review of the report described in Section 63B-10-301 by the University of Utah on the status of a bond and bond payments specified in Section 63B-10-301.

Section 2. Section 53B-8-105 is amended to read:

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

(1) Notwithstanding the provisions of this section, the board may not accept a new application for a scholarship described in this section on or after August 15, 2021.

(2) As used in this section:

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

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

(B) applies for the associate degree from the institution; or

(ii) completes equivalent requirements described in Subsection (2)(a)(i)(A) from a higher education institution within the state system of higher education that offers baccalaureate degrees but does not offer associate degrees.

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

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

(b) The board shall develop and approve the math and science curriculum described under Subsection (4)(a)(ii).

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

(i) associate degree; or

(ii) approved math and science curriculum.

(b) The requirements under Subsection (4)(a) shall be completed:

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

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

(c) In addition to the requirements in Subsection (4)(a), a student in Utah shall:

(i) complete the high school graduation requirements of:

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

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

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

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

(a) complete the requirements for an associate degree:

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

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

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

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

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

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

(B) if applicable, an official high school transcript or, if applicable, a copy of the student's ACT scores;

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

(iii) if applicable, shall meet the application deadlines as established by the board under Subsection (11); and

(iv) shall demonstrate, in accordance with rules described in Subsection (6)(b), the completion of a Free Application for Federal Student Aid.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules regarding the completion of the Free Application for Federal Student Aid described in Subsection (6)(a)(iv), including:

(i) provisions for students or parents to opt out of the requirement due to:

(A) financial ineligibility for any potential grant or other financial aid;

(B) personal privacy concerns; or

(C) other reasons the board specifies; and

(ii) direction for applicants to financial aid advisors.

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

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

(ii) if the scholarship holder applies for the scholarship on or before October 1, 2019, private, nonprofit college or university in the state accredited by the Northwest Association of Schools and Colleges that offers baccalaureate programs.

(b) (i) Subject to Subsection (7)(e), the total value of the scholarship is up to \$5,000, allocated over a time period described in Subsection (7)(c), as prescribed by the board.

(ii) The board may increase the scholarship amount described in Subsection (7)(b)(i) by an amount not to exceed the average percentage tuition increase approved by the board for institutions in the state system of higher education.

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

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

(ii) 60 credit hours; or

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

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

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

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

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

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

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

(a) register for at least 15 credit hours per semester;

(b) maintain a 3.3 grade point average for two consecutive semesters; or

(c) make reasonable progress toward the completion of a baccalaureate degree.

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

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

(c) Notwithstanding Subsections (3)(a) and (7), if the appropriation under Subsection (9)(a) is insufficient to cover the costs associated with the New Century Scholarship Program, the board may reduce the scholarship amount.

(d) If money appropriated under this section is available after New Century scholarships are awarded, the board shall use the money for the ~~[Access Utah Promise Scholarship Program created in Section 53B-8-302]~~ Utah Promise Program created in Section 53B-13a-103.

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

(b) The board shall disclose on all applications and related materials that the amount of the scholarship is subject to funding and may be reduced, in accordance with Subsection (9)(c).

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

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

(ii) the applicant is a noncitizen who is eligible to receive federal student aid.

(d) The certification under this Subsection (10) shall include a statement advising the signer that providing false information subjects the signer to penalties for perjury.

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

(12) A student may not receive both a New Century scholarship and an Opportunity scholarship established in ~~[Part 2, Opportunity Scholarship Program]~~ Section 53B-8-201 or any scholarship established under Sections 53B-8-202 through 53B-8-205.

Section 3. Section **53B-8-112** is amended to read:

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

(1) The Public Safety Officer Career Advancement ~~[Reimbursement]~~ Grant Program is



created.

(2) Subject to legislative appropriations and Subsection ~~[(7)]~~ (6) the board shall ~~[reimburse]~~ award a grant to an applicant who:

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

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

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

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

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

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

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

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

~~[(5)]~~ (3) (a) ~~[A]~~ Subject to Subsection (3)(b), the board may award a qualified applicant ~~[may be reimbursed up to half of]~~ up to the cost of tuition and fees.

(b) ~~[A reimbursement]~~ A grant award under Subsection ~~[(5)]~~ (3)(a) is limited to:

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

(ii) a maximum of ~~[eight]~~ four academic years.

(4) The board shall design the program to use a packaging approach that ensures that institutions combine loans, grants, employment, and family and individual contributions toward financing the cost of attendance.

274           ~~[(6)]~~ (5) (a) The board shall make rules in accordance with Title 63G, Chapter 3, Utah  
275 Administrative Rulemaking Act, to:

276           (i) set deadlines for receiving ~~[reimbursement]~~ grant applications and supporting  
277 documentation; and

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

281           (b) The board shall include a disclosure on all applications and related materials that  
282 the amount of the awarded ~~[reimbursements]~~ grants may be subject to funding or be reduced, in  
283 accordance with Subsection ~~[(7)]~~ (6).

284           ~~[(7)]~~ (6) (a) Subject to future budget constraints, the Legislature shall make an annual  
285 appropriation from the Education Fund to the board for the costs associated with the Public  
286 Safety Officer Career Advancement ~~[Reimbursement]~~ Grant Program authorized under this  
287 section.

288           (b) Notwithstanding the provisions of this section, if the appropriation under this  
289 section is insufficient to cover the costs associated with the Public Safety Officer Career  
290 Advancement ~~[Reimbursement]~~ Grant Program, the board may:

291           (i) ~~[may]~~ reduce the amount of a ~~[reimbursement]~~ grant; ~~[and]~~ or

292           (ii) ~~[shall]~~ distribute ~~[reimbursements]~~ grants on a pro rata basis to all eligible  
293 applicants who submitted a complete application before the application deadline.

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

296           Section 4. Section **53B-8-201** is amended to read:

297           **53B-8-201. Opportunity Scholarship Program.**

298           (1) As used in this section:

299           (a) "Eligible institution" means:

300           (i) a degree-granting institution of higher education within the state system of higher  
301 education; or

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

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

- (i) applies to the board in accordance with the rules described in Subsection (5);
- (ii) is enrolled in an eligible institution; and
- (iii) meets the criteria established by the board in rules described in Subsection (5).

(c) "Fee" means:

(i) for an eligible institution that is a degree-granting institution, a fee approved by the board; or

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

(d) "Program" means the Opportunity Scholarship Program described in this section.

(2) (a) Subject to legislative appropriations, the board shall annually distribute money for the Opportunity Scholarship Program described in this section to each eligible institution to award as Opportunity scholarships to eligible students.

(b) The board shall annually determine the amount of an Opportunity scholarship based on:

(i) the number of eligible students in the state; and

(ii) money available for the program.

(c) The board may not use more than 3% of the money appropriated to the program for administrative costs and overhead.

(3) (a) Except as provided in this Subsection (3), an eligible institution shall provide to an eligible student an Opportunity scholarship in the amount determined by the board described in Subsection (2)(b).

(b) For an Opportunity scholarship for which an eligible student applies on or before July 1, 2019, an eligible institution may reduce the amount of the Opportunity scholarship based on other state aid awarded to the eligible student for tuition and fees.

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

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

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

(d) An institution described in Subsection (1)(a)(ii) may not award an Opportunity scholarship to an eligible student in an amount that exceeds the average total cost of tuition and fees among the eligible institutions described in Subsection (1)(a)(i).

(e) If the allocation for an eligible institution described in Subsection (1)(a)(ii) is insufficient to provide the amount described in Subsection (2)(b) to each eligible student, the eligible institution may reduce the amount of an Opportunity scholarship.

(4) The board may:

(a) audit an eligible institution's administration of Opportunity scholarships;

(b) require an eligible institution to repay to the board money distributed to the eligible institution under this section that is not provided to an eligible student as an Opportunity scholarship; and

(c) require an eligible institution to enter into a written agreement with the board in which the eligible institution agrees to provide the board with access to information and data necessary for the purposes of the program.

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

(a) requirements related to an eligible institution's administration of Opportunity scholarships;

(b) a process for a student to apply to the board to determine the student's eligibility for an Opportunity scholarship;

(c) criteria to determine a student's eligibility for an Opportunity scholarship, including:

(i) minimum secondary education academic performance standards; and

(ii) the completion of a Free Application for Federal Student Aid or a process approved by the board in lieu of the Free Application for Federal Student Aid;

(d) a requirement for each eligible institution to annually report to the board on all Opportunity scholarships awarded by the eligible institution; and

(e) a process for a student to apply to the board for an Opportunity scholarship who would have likely received the scholarship but for an irreconcilable error in the application process described in Subsection (5)(b).

(6) The board shall annually report on the program to the Higher Education

Appropriations Subcommittee.

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

Section 5. Section **53B-10-101** is amended to read:

**53B-10-101. Terrel H. Bell Teaching Incentive Loans program -- Eligible students -- Cancellation of incentive loans -- Repayment by recipient who fails to meet requirements -- Duration of incentive loans.**

(1) (a) Notwithstanding the provisions of this section, the board may not award an incentive loan described in this section on or after July 1, 2019.

(b) The provisions of this section apply to an incentive loan described in this section that was awarded before July 1, 2019.

(2) (a) A Terrel H. Bell Teaching Incentive Loans program is established to recruit and train superior candidates for teaching in Utah's public school system as a component of the teacher quality continuum referred to in Subsections [53E-2-302\(7\)](#) and [53E-6-103\(2\)\(a\)](#).

(b) Under the program, the incentive loans may be used in any of Utah's state-operated institutions of higher education or at a private institution of higher education in Utah that offers a state-approved teacher education program.

(3) (a) The board shall award the incentive loans to college students who have been admitted to, or have made application to and are prepared to enter into, a program preparing students for licensure and who declare an intent to complete the prescribed course of instruction and to teach in this state in accordance with the priorities described under Subsection (6)(c).

(b) The incentive loan may be canceled at any time by the institution of attendance if:

(i) the student fails to make reasonable progress toward completion of licensing requirements; or

(ii) it appears to be a reasonable certainty that the student does not intend to teach in Utah.

(c) The board may grant leaves of absence to incentive loan holders.

(d) The board may establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, criteria and procedures under which the board may

forgive a loan made under this section.

(4) The board may require an incentive loan recipient who fails to complete the requirements for licensing without good cause to repay all tuition and fees provided by the loan, together with appropriate interest.

(5) (a) The board may require an incentive loan recipient who does not work in the state's public school system or a private school within the state within two years after graduation to repay all tuition and fees provided by the loan, together with appropriate interest, unless waived for good cause.

(b) (i) A recipient who does not teach for a term equal to the number of years of the incentive loan within a reasonable period of time after graduation shall repay a graduated portion of the tuition and fees based upon the uncompleted term.

(ii) One year of teaching is credit for one year's tuition and fees.

(c) All repayments made under this Subsection (5) are for use in the Terrel H. Bell Education Scholarship Program described in Section [53B-8-116](#).

(6) (a) Each incentive loan is valid for up to four years of full-time equivalent enrollment, or until requirements for licensing or advanced licensing have been met, whichever is less.

(b) (i) Incentive loans apply to both tuition and fees in amounts and are subject to conditions approved by the board, based upon criteria developed to ensure that all recipients of the loans will pursue an education career within the state.

(ii) An incentive loan for tuition and fees at a private institution may not exceed the average scholarship amounts granted for tuition and fees at public institutions of higher education within the state.

(c) Incentive loans shall be awarded in accordance with prioritized critical areas of need for teaching expertise within the state, as determined by the State Board of Education's criticality index and school district priorities based upon data provided by the school district, and may include preparing persons as:

(i) a special education teacher;

(ii) a speech or language pathologist; or

(iii) another licensed professional providing services in the public schools to pupils with disabilities.

Section 6. Section **53B-10-106** is enacted to read:

**53B-10-106. Pathways development.**

(1) The board shall develop and implement a plan that creates clear educational pathways:

(a) from a technical college described in Subsection [53B-1-102](#)(1)(b) to an institution;  
and

(b) in course work leading to a qualifying degree or a qualifying job as described in Section [53B-10-203](#).

(2) The plan shall maximize efficiencies in transferring earned credit and help align academic programs with workforce needs.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make rules necessary to establish a plan described in this section.

Section 7. Section **53B-10-201** is amended to read:

**Part 2. Talent Development Award Program**

**53B-10-201. Definitions.**

As used in this part:

(1) "Award" means a monetary grant awarded in accordance with Section [53B-10-202](#).

~~[(1)]~~ (2) "Full-time" means the number of credit hours the board determines is full-time enrollment for a student for purposes of the program.

~~[(2)]~~ (3) "GO Utah office" means the Governor's Office of Economic Opportunity created in Section [63N-1a-301](#).

~~[(3)]~~ "Incentive loan" means a loan described in Section [53B-10-202](#).]

(4) "Institution" means an institution of higher education described in Subsection [53B-1-102](#)(1)(a).

(5) "Program" means the Talent Development ~~[Incentive Loan]~~ Award Program created in Section [53B-10-202](#).

(6) "Qualifying degree" means an associate's or a bachelor's degree that qualifies an individual to work in a qualifying job, as determined by the GO Utah office under Section [53B-10-203](#).

(7) "Qualifying job" means a job:

(a) described in Section [53B-10-203](#) for which an individual may receive an ~~[incentive~~

460 ~~loan~~] award for the current two-year period; or

461 (b) (i) that was selected in accordance with Section 53B-10-203 at the time a recipient  
462 received an ~~[incentive loan]~~ award; and

463 (ii) (A) for which the recipient is pursuing a qualifying degree;

464 (B) for which the recipient completed a qualifying degree; or

465 (C) in which the recipient is working.

466 (8) "Recipient" means an individual who receives an ~~[incentive loan]~~ award.

467 Section 8. Section 53B-10-202 is amended to read:

468 **53B-10-202. Talent Development Award Program.**

469 (1) There is created the Talent Development ~~[Incentive Loan]~~ Award Program to  
470 recruit and train individuals to work in certain jobs that have a high demand for new employees  
471 and offer high wages.

472 (2) Subject to available funds, an institution shall award ~~[an incentive loan to]~~ an  
473 individual who:

474 ~~[(a) is enrolled full time in the institution;]~~

475 ~~[(b) has completed at least:]~~

476 ~~[(i) one semester of full-time equivalent course work if the individual is pursuing an~~  
477 ~~associate's degree; or]~~

478 ~~[(ii) two semesters of full-time equivalent course work if the individual is pursuing a~~  
479 ~~bachelor's degree;]~~

480 ~~[(c)]~~ (a) is pursuing or declares an intent to pursue a qualifying degree;

481 ~~[(d)]~~ (b) declares an intent to work in a qualifying job described in Subsection  
482 53B-10-201(7)(a) in Utah following graduation;

483 ~~[(e)]~~ (c) applies to the institution to receive an ~~[incentive loan]~~ award; and

484 ~~[(f)]~~ (d) meets other criteria determined by the board in the rules described in Section  
485 53B-10-205.

486 (3) (a) An institution may award ~~[an incentive loan to]~~ a recipient in an amount up to  
487 the cost of resident tuition, fees, and books for the number of credit hours in which the  
488 recipient is enrolled each semester.

489 (b) An institution may award ~~[an incentive loan to]~~ a recipient for up to the expected  
490 amount of time for the recipient to complete the qualifying degree, as determined by the



491 institution.

492 (c) An institution may cancel an ~~[incentive loan]~~ award in accordance with the rules  
493 described in Section 53B-10-205.

494 (4) An institution may use money from a partnership with an industry or business for  
495 funding or repaying an ~~[incentive loan]~~ award.

496 (5) The board may use up to 5% of money appropriated for the program for  
497 administration.

498 Section 9. Section **53B-10-205** is amended to read:

499 **53B-10-205. Rulemaking -- Program administration.**

500 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
501 board shall make rules to:

502 ~~[(1)]~~ (a) establish an application process for an individual to apply for an [incentive  
503 loan] award;

504 ~~[(2)]~~ (b) subject to Section 53B-10-202, establish qualifying criteria for an individual  
505 to receive an [incentive loan] award, including enrollment status;

506 (c) establish a process to evaluate applications that prioritizes awards to students who  
507 demonstrate financial need;

508 ~~[(3)]~~ (d) establish how state funding available for [incentive loans] awards is divided  
509 among institutions;

510 ~~[(4)]~~ (e) establish how to determine an amount of money for an [incentive loan] award;

511 ~~[(5)]~~ (f) establish the circumstances under which an institution may[:] cancel an award;  
512 and

513 ~~[(a) cancel an incentive loan; or]~~

514 ~~[(b) waive or delay repayment of an incentive loan; and]~~

515 ~~[(6) administer the program.]~~

516 (g) require an institution to provide specified information to the board relevant to  
517 administering the program.

518 (2) In administering the program, the board shall use a packaging approach that ensures  
519 that institutions combine loans, grants, employment, and family and individual contributions  
520 toward financing the cost of attendance.

521 Section 10. Section **53B-13a-102** is amended to read:

## CHAPTER 13a. UTAH PROMISE PROGRAM ACT

**53B-13a-102. Definitions.**

As used in this chapter:

(1) (a) "Cost of attendance" means the estimated costs associated with attending an institution, as established by the institution in accordance with board policies.

(b) "Cost of attendance" includes costs payable to the institution, other direct educational expenses, transportation, and living expenses while attending the institution.

(2) (a) "Eligible student" means a financially needy student who is:

(i) unconditionally admitted to and enrolled at a Utah postsecondary institution on at least a half-time basis, as defined by the board, in an eligible postsecondary program leading to a defined education or training objective, as defined by the board;

(ii) making satisfactory academic progress, as defined by the institution in published policies or rules, toward an education or training objective; and

(iii) (A) a resident student under Section 53B-8-102 and rules of the board; or

(B) exempt from paying the nonresident portion of total tuition under Section 53B-8-106.

(b) "Eligible student" does not include a graduate student.

(3) "Financially needy student" means a student who demonstrates the financial inability to meet all or a portion of the cost of attendance at an institution for any period of attendance as defined by the board, after considering the student's expected family contribution.

(4) "Fiscal year" means the fiscal year of the state.

(5) "Partner award" means a financial award described in Section 53B-13a-106.

~~[(5)]~~ (6) "Program" means the ~~[Success Stipend]~~ Utah Promise Program.

(7) "Promise partner" means an employer that participates in the program described in Section 53B-13a-106.

~~[(6)]~~ (8) "Utah postsecondary institution" or "institution" means:

(a) an institution of higher education listed in Section ~~[53B-2-101]~~ 53B-1-102; or

(b) a Utah private, nonprofit postsecondary institution that is accredited by a regional accrediting organization recognized by the board.

Section 11. Section 53B-13a-103 is amended to read:

**53B-13a-103. Utah Promise Program -- Annual report.**

(1) The Legislature finds that:

(a) the prosperity, economic success, and general welfare of the people of Utah and of the state are directly related to the educational levels and skills of the citizens of the state; and

(b) financial assistance, to bridge the gap between a financially needy student's resources and the cost of attendance at a Utah postsecondary institution, is a necessary component for ensuring access to postsecondary education and training.

(2) There is created the ~~[Success Stipend]~~ Utah Promise Program to provide financial assistance to students ~~[who, after utilizing family and personal resources, federal assistance, and scholarships, demonstrate financial need].~~

(3) The board shall annually submit an electronic report to the Higher Education Appropriations Subcommittee regarding the Utah Promise Program.

Section 12. Section **53B-13a-104** is repealed and reenacted to read:

**53B-13a-104. Promise grants.**

(1) (a) As part of the Utah Promise Program and in accordance with this section, the board shall allocate available money to each institution to use to award promise grants to eligible students to pay the eligible student's cost of attendance.

(b) An eligible student may apply for a promise grant in accordance with procedures established by board rule.

(c) The amount of a promise grant to an eligible student may not exceed the amount equal to the difference between:

(i) the eligible student's cost of attendance; and

(ii) the total value of other financial aid that the eligible student receives toward the eligible student's cost of attendance.

(d) An eligible student may transfer a promise grant to one or more other institutions.

(2) In administering this section, the board shall use a packaging approach that ensures that institutions combine loans, grants, employment, and family and individual contributions toward financing the cost of attendance.

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

(a) an application process;

(b) eligibility criteria, including:

584 (i) criteria related to academic achievement and enrollment status; and  
585 (ii) a requirement that an applicant demonstrate completion of the Free Application for  
586 Federal Student Aid, unless the student or the students parent opts out in accordance with board  
587 rule;  
588 (c) how a student demonstrates financial need;  
589 (d) a process to defer a promise grant;  
590 (e) a formula to determine the allocation of money to institutions in accordance with  
591 Subsection (1), taking into account:  
592 (i) the cost of attendance for programs offered by institutions; and  
593 (ii) the number of eligible students who attend each institution; and  
594 (f) a methodology for prioritizing award of promise grants based primarily on financial  
595 need.  
596 (4) After an institution awards a promise grant to an eligible student, the institution  
597 shall continue to award a promise grant to the eligible student:  
598 (a) until the earlier of:  
599 (i) two years after the eligible student first receives a promise grant; or  
600 (ii) after the eligible student uses a promise grant to attend an institution for four  
601 semesters; and  
602 (b) provided the eligible student continues to meet the eligibility criteria.  
603 (5) The board or an institution may not represent to a recipient or a potential recipient  
604 of a promise grant that promise grants will remain available in perpetuity.  
605 (6) (a) The board may require an institution to enter into a participation agreement  
606 before the institution may award promise grants.  
607 (b) In a participation agreement, the board shall include a requirement that the  
608 institution:  
609 (i) provide to the board information necessary to administer the promise grants;  
610 (ii) comply with this section and board rules related to the promise grants;  
611 (iii) submit reports related to the promise grants as required by board rule; and  
612 (iv) cooperate in any review or financial audit related to the promise grants that the  
613 board determines necessary.  
614 (7) (a) The board may use up to 2% of the money appropriated for promise grants for

costs related to administering the promise grants.

(b) An institution may use up to 3% of the money the institution receives for promise grants for costs related to administering the promise grants.

Section 13. Section **53B-13a-106**, which is renumbered from Section 53B-8-304 is renumbered and amended to read:

~~[53B-8-304].~~ **53B-13a-106. Utah promise partners.**

(1) ~~[In]~~ As part of the Utah Promise Program and in consultation with the Talent Ready Utah Program created in Section **63N-1b-302**, ~~[and in accordance with Subsection (2);]~~ the board ~~[shall]~~ may select employers to be promise partners.

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

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

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

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

(a) applies for a partner award;

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

~~[(c) is a Utah resident;]~~

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

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

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

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

(b) The board may:

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

(ii) prioritize awarding partner awards if an appropriation for partner awards is not

sufficient to provide a partner award to each individual who is eligible under Subsection (3).

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) The board may allow an individual to apply directly to the board for a partner award.

Section 14. Section **63G-12-402** is amended to read:

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

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

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

(ii) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by an

agency or political subdivision of this state.

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

(i) owns an interest in the contractor that is an unincorporated entity; and  
(ii) engages, or will engage, in a construction trade in Utah as an owner of the contractor described in Subsection (1)(b)(i).

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

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

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

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

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

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

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

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

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

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

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

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

(f) the exemption for paying the nonresident portion of total tuition as set forth in

708 Section [53B-8-106](#);

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

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

711 (ii) files an application with the state Division of Securities through the Central

712 Registration Depository;

713 (h) a state public benefit to be given to an individual under Title 49, Utah State

714 Retirement and Insurance Benefit Act;

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

716 (i) the Federal Housing Administration, the Veterans Administration, or any other

717 federal agency; or

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

719 (j) a subordinate loan or a grant that will be made to an applicant in connection with a

720 home loan that does not require verification under Subsection (3)(i);

721 (k) an applicant for a license issued by the Department of Commerce or individual

722 described in Subsection (1)(b), if the applicant or individual provides the Department of

723 Commerce:

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

725 (A) a United States citizen;

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

727 (C) lawfully present in the United States; and

728 (ii) (A) the number assigned to a driver license or identification card issued under Title

729 53, Chapter 3, Uniform Driver License Act; or

730 (B) the number assigned to a driver license or identification card issued by a state other

731 than Utah if, as part of issuing the driver license or identification card, the state verifies an

732 individual's lawful presence in the United States; and

733 (l) an applicant for:

734 (i) an Opportunity scholarship described in Title 53B, Chapter 8, Part 2, Regents'

735 Scholarship Program;

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

737 (iii) a promise [~~scholarship described in Section [53B-8-303](#)~~] grant described in Section

738 [53B-13a-104](#); or



(iv) a scholarship:

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

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

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

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

(ii) the applicant is:

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

(B) lawfully present in the United States.

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

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

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

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

(ii) fraudulently obtaining:

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 15. Section **63I-2-253** is amended to read:

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

~~[(1) Section 53-1-106.1 is repealed January 1, 2022.]~~

~~[(2) (a) Section 53-2a-217, regarding procurement during an epidemic or pandemic emergency, is repealed on December 31, 2021.]~~

~~[(b) When repealing Section 53-2a-217, the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.]~~

~~[(3) Section 53-2a-219, in relation to termination of emergency powers pertaining to COVID-19, is repealed on July 1, 2021.]~~

~~[(4)] (1) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a technical college board of trustees, is repealed July 1, 2022.~~

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

[~~(5)~~] (2) Section [53B-6-105.7](#) is repealed July 1, 2024.

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

[~~(b)~~ Subsection [53B-7-705](#)(~~(6)~~)(~~(b)~~)(~~(iii)~~)(B), regarding comparing a technical college's change in performance with the technical college's average performance, is repealed July 1, 2021.]

[~~(7)~~] ~~(a)~~ Subsection [53B-7-707](#)(~~(3)~~)(~~(a)~~)(~~(ii)~~), the language that states "Except as provided in Subsection (~~(3)~~)(~~(b)~~)," is repealed July 1, 2021.]

[~~(b)~~ Subsection [53B-7-707](#)(~~(3)~~)(~~(b)~~), regarding performance data of a technical college during a fiscal year before fiscal year 2020, is repealed July 1, 2021.]

[~~(8)~~] (3) Section [53B-7-707](#) regarding performance metrics for technical colleges is repealed July 1, 2023.

[~~(9)~~] (4) Section [53B-8-114](#) is repealed July 1, 2024.

[~~(10)~~] (5) The following ~~[sections]~~ provisions, regarding the Regents' scholarship program, are repealed on July 1, 2023:

(a) in Subsection [53B-8-105](#)(12), the language that states, "or any scholarship established under Sections [53B-8-202](#) through [53B-8-205](#)";

[~~(a)~~] (b) Section [53B-8-202](#);

[~~(b)~~] (c) Section [53B-8-203](#);

[~~(c)~~] (d) Section [53B-8-204](#); and

[~~(d)~~] (e) Section [53B-8-205](#).

[~~(11)~~] (6) Section [53B-10-101](#) is repealed on July 1, 2027.

[~~(12)~~] (7) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is repealed July 1, 2023.

[~~(13)~~] (8) Section [53E-1-202.2](#), regarding a Public Education Appropriations Subcommittee evaluation and recommendations, is repealed January 1, 2024.

[~~(14)~~ Section [53E-3-520](#) is repealed July 1, 2021.]

[~~(15)~~] (9) Subsection [53E-10-309](#)(7), related to the PRIME pilot program, is repealed July 1, 2024.

[~~(16)~~] (10) In Subsections [53F-2-205](#)(4) and (5), regarding the State Board of Education's duties if contributions from the minimum basic tax rate are overestimated or

underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(17)]~~ (11) Section 53F-2-209, regarding local education agency budgetary flexibility, is repealed July 1, 2024.

~~[(18)]~~ (12) Subsection 53F-2-301(1), relating to the years the section is not in effect, is repealed July 1, 2023.

~~[(19)]~~ (13) Section 53F-2-302.1, regarding the Enrollment Growth Contingency Program, is repealed July 1, 2023.

~~[(20)]~~ (14) Subsection 53F-2-314(4), relating to a one-time expenditure between the at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.

~~[(21)]~~ Section 53F-2-418, regarding the Supplemental Educator COVID-19 Stipend, is repealed January 1, 2022.]

~~[(22)]~~ (15) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(23)]~~ (16) Section 53F-4-207 is repealed July 1, 2022.

~~[(24)]~~ (17) Subsection 53F-4-401(3)(b), regarding a child enrolled or eligible for enrollment in kindergarten, is repealed July 1, 2022.

~~[(25)]~~ (18) In Subsection 53F-4-404(4)(c), the language that states "Except as provided in Subsection (4)(d)" is repealed July 1, 2022.

~~[(26)]~~ (19) Subsection 53F-4-404(4)(d) is repealed July 1, 2022.

~~[(27)]~~ (20) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(28)]~~ (21) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(29)]~~ (22) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(30)]~~ (23) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(31)]~~ (24) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(6), related to the civics engagement pilot program, are repealed on July 1, 2023.

~~[(32)]~~ (25) On July 1, 2023, when making changes in this section, the Office of

Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections identified in this section are complete sentences and accurately reflect the office's perception of the Legislature's intent.

Section 16. Section 64-13e-102 is amended to read:

**64-13e-102. Definitions.**

As used in this chapter:

(1) "Actual county daily incarceration rate" means the median amount of jail daily incarceration costs based on the data submitted by counties in accordance with Section 64-13e-104(6)(b).

(2) "Actual state daily incarceration rate" means the average daily incarceration rate, calculated by the department based on the previous three fiscal years, that reflects the following expenses incurred by the department for housing an inmate:

- (a) executive overhead;
- (b) administrative overhead;
- (c) transportation overhead;
- (d) division overhead; and
- (e) motor pool expenses.

(3) "Alternative treatment" means:

- (a) evidence-based cognitive behavioral therapy; or
- (b) a certificate-based program provided by ~~a Utah technical college, as defined in Section 53B-26-102;~~];

(i) an institution of higher education described in Subsection 53B-1-102(1)(b); or  
(ii) a degree-granting institution acting in the degree-granting institution's technical education role described in Section 53B-2a-201.

(4) "Annual inmate jail days" means the total number of state probationary inmates housed in a county jail each day for the preceding fiscal year.

(5) "CCJJ" means the Utah Commission on Criminal and Juvenile Justice, created in Section 63M-7-201.

(6) "Department" means the Department of Corrections.

(7) "Division of Finance" means the Division of Finance, created in Section

## 894 63A-3-101.

895 (8) "Final county daily incarceration rate" means the amount equal to:

896 (a) the amount appropriated by the Legislature for the purpose of making payments to  
897 counties under Section 64-13e-104; divided by

898 (b) the average annual inmate jail days for the preceding five fiscal years.

899 (9) "Jail daily incarceration costs" means the following daily costs incurred by a county  
900 jail for housing a state probationary inmate on behalf of the department:

901 (a) executive overhead;

902 (b) administrative overhead;

903 (c) transportation overhead;

904 (d) division overhead; and

905 (e) motor pool expenses.

906 (10) "State inmate" means an individual, other than a state probationary inmate or state  
907 parole inmate, who is committed to the custody of the department.

908 (11) "State parole inmate" means an individual who is:

909 (a) on parole, as defined in Section 77-27-1; and

910 (b) housed in a county jail for a reason related to the individual's parole.

911 (12) "State probationary inmate" means a felony probationer sentenced to time in a  
912 county jail under Subsection 77-18-105(6).

913 (13) "Treatment program" means:

914 (a) an alcohol treatment program;

915 (b) a substance abuse treatment program;

916 (c) a sex offender treatment program; or

917 (d) an alternative treatment program.

918 Section 17. **Repealer.**

919 This bill repeals:

920 Section 53B-8-301, **Definitions.**921 Section 53B-8-302, **Access Utah Promise Scholarship Program.**922 Section 53B-8-303, **Access Utah promise scholarships.**923 Section 53B-10-204, **Repayment of an incentive loan.**924 Section 53B-11-104, **Eligibility for student financial aid -- Filing of selective service**

status.

Section **53B-13a-101**, Title.

Section **53B-13a-105**, Disbursal of financial aid -- Additional resources.

Section **53B-26-101**, Title.

Section **53B-26-102**, Definitions.

Section **53B-26-103**, GO Utah office reporting requirement -- Proposals --

**Funding.**

Section 18. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To Utah Board of Higher Education - Administration

From Education Fund

\$718,000

Schedule of Programs:

Administration

\$718,000

The Legislature intends that the Utah Board of Higher Education use the appropriation provided under this section to pay for up to six full-time positions, including related costs, for the purpose of implementing the educational pathways plan described in Section **53B-10-106**.