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**HIGHER EDUCATION AMENDMENTS**  
2024 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Ann Millner**  
House Sponsor: Karen M. Peterson

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**LONG TITLE**

**General Description:**

This bill amends higher education funding metrics, requirements and governance, and updates general code language.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions related to the selection of Utah Board of Higher Education (board) designees on certain boards and commissions;
- ▶ moves certain duties and responsibilities between boards of institutions and the board;
- ▶ combines related provisions of presidential powers between technical colleges and degree granting institutions;
- ▶ amends the statutes governing performance metrics and performance funding for institutions of higher education;
- ▶ allows Talent Ready Utah to create talent advisory councils for talent initiatives;
- ▶ amends requirements related to operations and maintenance funding requests; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2025:

- ▶ to Utah Board of Higher Education - Performance Funding Restricted Account as an ongoing appropriation:
  - from the Income Tax Fund, \$20,000,000
- ▶ to Bridgerland Technical College - Education and General - Instruction as an ongoing appropriation:
  - from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$336,000
- ▶ to Davis Technical College - Education and General - Instruction as an ongoing appropriation:

- 28       • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$234,600
- 29       ▶ to Dixie Technical College - Education and General - Instruction as an ongoing appropriation:
- 30       • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$255,800
- 31       ▶ to Mountainland Technical College - Education and General - Instruction as an ongoing
- 32       appropriation:
- 33       • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$198,100
- 34       ▶ to University of Utah - Education and General - Instruction as an ongoing appropriation:
- 35       • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$3,404,600
- 36       ▶ to Utah Valley University - Education and General - Instruction as an ongoing appropriation:
- 37       • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$829,100
- 38       ▶ to Weber State University - Education and General - Instruction as an ongoing appropriation:
- 39       • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$834,300
- 40       ▶ to Southern Utah University - Education and General - Instruction as an ongoing appropriation:
- 41       • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$699,600
- 42       ▶ to Tooele Technical College - Education and General - Instruction as an ongoing appropriation:
- 43       • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$53,400
- 44       ▶ to Uintah Basin Technical College - Education and General - Instruction as an ongoing
- 45       appropriation:
- 46       • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$137,200
- 47       ▶ to Utah State University - Education and General - Instruction as an ongoing appropriation:
- 48       • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$989,200
- 49       ▶ to Utah State University - USU - Eastern Career and Technical Education - Instruction as an
- 50       ongoing appropriation:
- 51       • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$59,600
- 52       ▶ to Utah Tech University - Education and General - Instruction as an ongoing appropriation:
- 53       • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$279,500
- 54       ▶ to Ogden-Weber Technical College - Education and General - Instruction as an ongoing
- 55       appropriation:
- 56       • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$402,100
- 57       ▶ to Salt Lake Community College - Education and General - Instruction as an ongoing
- 58       appropriation:
- 59       • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$471,300
- 60       ▶ to Salt Lake Community College - Career and Technical Education - Instruction as an ongoing

- 61 appropriation:
- 62 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$68,200
- 63 ▶ to Snow College - Education and General - Instruction as an ongoing appropriation:
- 64 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$303,000
- 65 ▶ to Snow College - Career and Technical Education - Instruction as an ongoing appropriation:
- 66 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$93,600
- 67 ▶ to Southwest Technical College - Education and General - Instruction as an ongoing
- 68 appropriation:
- 69 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct., \$61,200

70 **Other Special Clauses:**

71 This bill provides a coordination clause.

72 **Utah Code Sections Affected:**

73 AMENDS:

- 74 **35A-13-603**, as last amended by Laws of Utah 2020, Chapter 365
- 75 **36-28-102**, as last amended by Laws of Utah 2021, Chapter 78
- 76 **49-12-204**, as last amended by Laws of Utah 2020, Chapters 24, 365
- 77 **49-13-204**, as last amended by Laws of Utah 2020, Chapters 24, 365
- 78 **49-22-204**, as last amended by Laws of Utah 2022, Chapter 171
- 79 **51-8-303**, as last amended by Laws of Utah 2020, Chapter 365
- 80 **53B-1-110**, as enacted by Laws of Utah 2007, Chapter 248
- 81 **53B-1-112**, as last amended by Laws of Utah 2021, Chapter 187
- 82 **53B-1-401**, as last amended by Laws of Utah 2023, Chapter 254
- 83 **53B-1-402**, as last amended by Laws of Utah 2023, Chapter 254
- 84 **53B-1-408**, as last amended by Laws of Utah 2023, Chapter 254
- 85 **53B-2a-107**, as last amended by Laws of Utah 2021, Chapter 187
- 86 **53B-2a-117**, as last amended by Laws of Utah 2022, Chapter 421
- 87 **53B-3-103**, as last amended by Laws of Utah 2021, First Special Session, Chapter 7
- 88 **53B-3-104**, as enacted by Laws of Utah 1987, Chapter 167
- 89 **53B-3-105**, as enacted by Laws of Utah 1987, Chapter 167
- 90 **53B-6-105**, as last amended by Laws of Utah 2021, Chapter 187
- 91 **53B-6-105.9**, as last amended by Laws of Utah 2020, Chapter 365
- 92 **53B-7-702**, as last amended by Laws of Utah 2021, Chapters 282, 351 and last amended
- 93 by Coordination Clause, Laws of Utah 2021, Chapter 187
- 94 **53B-7-705**, as last amended by Laws of Utah 2023, Chapter 254

- 95        **53B-7-706**, as last amended by Laws of Utah 2023, Chapter 254  
96        **53B-8-102**, as last amended by Laws of Utah 2023, Chapters 44, 50  
97        **53B-8-201**, as last amended by Laws of Utah 2022, Chapter 370  
98        **53B-8a-105**, as last amended by Laws of Utah 2023, Chapter 374  
99        **53B-13-103**, as enacted by Laws of Utah 1987, Chapter 167  
100       **53B-16-102**, as last amended by Laws of Utah 2023, Chapter 254  
101       **53B-17-1203**, as last amended by Laws of Utah 2023, Chapter 328  
102       **53B-22-102**, as last amended by Laws of Utah 1995, Chapter 332  
103       **53B-22-103**, as enacted by Laws of Utah 1991, Chapter 32  
104       **53B-22-104**, as last amended by Laws of Utah 1992, Chapter 177  
105       **53B-22-105**, as enacted by Laws of Utah 1991, Chapter 32  
106       **53B-22-106**, as last amended by Laws of Utah 2000, Chapter 143  
107       **53B-22-107**, as enacted by Laws of Utah 1991, Chapter 32  
108       **53B-22-109**, as last amended by Laws of Utah 1994, Chapter 209  
109       **53B-22-111**, as enacted by Laws of Utah 1994, Chapter 209  
110       **53B-22-112**, as enacted by Laws of Utah 1995, Chapter 332  
111       **53B-22-113**, as enacted by Laws of Utah 1995, Chapter 332  
112       **53B-22-114**, as enacted by Laws of Utah 1995, Chapter 332  
113       **53B-22-204**, as last amended by Laws of Utah 2022, Chapter 421  
114       **53B-23-106**, as last amended by Laws of Utah 2020, Chapter 365  
115       **53B-27-405**, as enacted by Laws of Utah 2021, Chapter 364  
116       **53B-28-401**, as last amended by Laws of Utah 2021, Chapter 332  
117       **53B-28-502**, as enacted by Laws of Utah 2022, Chapter 461  
118       **53B-33-202**, as last amended by Laws of Utah 2023, Chapter 84  
119       **53E-3-505**, as last amended by Laws of Utah 2020, Chapters 365, 408  
120       **63G-6a-202**, as last amended by Laws of Utah 2023, Chapter 16

## 121 ENACTS:

- 122        **53B-1-116**, Utah Code Annotated 1953  
123        **53B-1-117**, Utah Code Annotated 1953  
124        **53B-2-114**, Utah Code Annotated 1953  
125        **53B-34-110**, Utah Code Annotated 1953

## 126 REPEALS AND REENACTS:

- 127        **53B-2-106**, as last amended by Laws of Utah 2021, Chapter 187  
128        **53B-7-703**, as last amended by Laws of Utah 2022, Chapter 456



129 **53B-7-704**, as last amended by Laws of Utah 2021, Chapter 282

130 REPEALS:

131 **53B-6-105.7**, as last amended by Laws of Utah 2019, Chapter 444

132 **53B-26-201**, as enacted by Laws of Utah 2018, Chapter 354

133 **53B-26-202**, as last amended by Laws of Utah 2023, Chapter 328

134 **53B-26-301**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 1

135 **53B-26-302**, as enacted by Laws of Utah 2020, Chapter 361

136 **53B-26-303**, as last amended by Laws of Utah 2021, Chapter 282

137 **Utah Code Sections affected by Coordination Clause:**

138 **53B-2-106**, as last amended by Laws of Utah 2021, Chapter 187



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

141 Section 1. Section **35A-13-603** is amended to read:

142 **35A-13-603 . Board.**

143 (1) There is created to assist the director of the office the Interpreter Certification Board  
 144 consisting of the following 11 members:

- 145 (a) a designee of the assistant director;
- 146 (b) a designee of the Utah Board of Higher Education, whom the commissioner of  
 147 higher education selects under the direction of the Utah Board of Higher Education;
- 148 (c) a designee of the State Board of Education;
- 149 (d) four professional interpreters, [~~recommended by~~]the assistant director recommends;
- 150 and
- 151 (e) four individuals who are deaf or hard of hearing, [~~recommended by~~]the assistant  
 152 director recommends.

153 (2) (a) The director shall make all appointments to the board.  
 154 (b) In making appointments under Subsections (1)(d) and (e), the director shall give  
 155 consideration to recommendations by certified interpreters and members of the deaf  
 156 and hard of hearing community.

157 (3) (a) Board members shall serve three-year terms, except that for the initial terms of  
 158 board members, three shall serve one-year terms, four shall serve two-year terms, and  
 159 four shall serve three-year terms.  
 160 (b) An individual may not serve more than two three-year consecutive terms.  
 161 (c) If a vacancy occurs on the board for a reason other than the expiration of a term, the  
 162 director shall appoint a replacement for the remainder of the term in accordance with

163 Subsections (1) and (2).

164 (4) The director may remove a board member for cause, which may include misconduct,  
165 incompetence, or neglect of duty.

166 (5) The board shall annually elect a chair and vice chair from among its members.

167 (6) The board shall meet as often as necessary to accomplish the purposes of this part, but  
168 not less than quarterly.

169 (7) A member of the board may not receive compensation or benefits for the member's  
170 service, but may receive travel expenses in accordance with:

171 (a) Section 63A-3-107; and

172 (b) rules made by the Division of Finance in accordance with Section 63A-3-107.

173 Section 2. Section **36-28-102** is amended to read:

174 **36-28-102 . Veterans and Military Affairs Commission -- Creation --**

175 **Membership -- Chairs -- Terms -- Per diem and expenses.**

176 (1) There is created the Veterans and Military Affairs Commission.

177 (2) The commission membership is composed of 19 permanent members, but may not  
178 exceed 24 members, and is as follows:

179 (a) five legislative members to be appointed as follows:

180 (i) three members from the House of Representatives, [~~appointed by~~] whom the  
181 speaker of the House of Representatives appoints, no more than two of whom may  
182 be from the same political party; and

183 (ii) two members from the Senate, [~~appointed by~~] whom the president of the Senate  
184 appoints, no more than one of whom may be from the same political party;

185 (b) the executive director of the Department of Veterans and Military Affairs or the  
186 director's designee;

187 (c) the chair of the Utah Veterans Advisory Council;

188 (d) the executive director of the Department of Workforce Services or the director's  
189 designee;

190 (e) the executive director of the Department of Health and Human Services or the  
191 director's designee;

192 [~~(f) the executive director of the Department of Human Services or the director's~~  
193 ~~designee;~~]

194 [~~(g)~~] ~~(f)~~ the adjutant general of the Utah National Guard or the adjutant general's  
195 designee;

196 [~~(h)~~] ~~(g)~~ the Guard and Reserve Transition Assistance Advisor;

- 197        [~~(f)~~] (h) a [~~member~~] designee of the Utah Board of Higher Education [~~or that member's~~  
198        designee] , whom the commissioner of higher education selects, under the direction of  
199        the board;
- 200        [~~(f)~~] (i) three representatives of veteran service organizations [~~recommended by~~] whom  
201        the Veterans Advisory Council recommends and [~~confirmed by~~] the commission  
202        confirms;
- 203        [~~(k)~~] (j) one member of the Executive Committee of the Utah Defense Alliance;
- 204        [~~(f)~~] (k) one military affairs representative from a chamber of commerce member, [~~]~~  
205        appointed by] the Utah State Chamber of Commerce appoints; and
- 206        [~~(m)~~] (l) a representative from the Veterans Health Administration.
- 207        (3) The commission may appoint by majority vote of the entire commission up to five pro  
208        tempore members, representing:
- 209        (a) state or local government agencies;
- 210        (b) interest groups concerned with veterans issues; or
- 211        (c) the general public.
- 212        (4) (a) The president of the Senate shall designate a member of the Senate appointed  
213        under Subsection (2)(a) as a cochair of the commission.
- 214        (b) The speaker of the House of Representatives shall designate a member of the House  
215        of Representatives appointed under Subsection (2)(a) as a cochair of the commission.
- 216        (5) A majority of the members of the commission shall constitute a quorum. The action of  
217        a majority of a quorum constitutes the action of the commission.
- 218        (6) The term for each pro tempore member appointed in accordance with Subsection (3)  
219        shall be two years from July 1 of the year of appointment. A pro tempore member may  
220        not serve more than three terms.
- 221        (7) If a member leaves office or is unable to serve, the vacancy shall be filled as it was  
222        originally appointed. A person appointed to fill a vacancy under Subsection (6) serves  
223        the remaining unexpired term of the member being replaced. If the remaining unexpired  
224        term is less than six months, the newly appointed member shall be reappointed on July  
225        1. The time served until July 1 is not counted in the restriction set forth in Subsection (6).
- 226        (8) A member may not receive compensation or benefits for the member's service but may  
227        receive per diem and travel expenses in accordance with:
- 228        (a) Section 63A-3-106;
- 229        (b) Section 63A-3-107; and
- 230        (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

231 63A-3-107.

232 (9) Salaries and expenses of the members of the commission who are legislators shall be  
 233 paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3,  
 234 Legislator Compensation.

235 Section 3. Section **49-12-204** is amended to read:

236 **49-12-204 . Higher education employees' eligibility requirements -- Election**  
 237 **between different retirement plans -- Classification requirements -- Transfer**  
 238 **between systems -- One-time election window -- Rulemaking.**

239 (1) (a) A regular full-time employee of an institution of higher education who is eligible  
 240 to participate in either this system or a public or private retirement system,  
 241 organization, or company, designated as described in Subsection (1)(c)[~~or (d)~~], shall,  
 242 not later than January 1, 1979, elect to participate exclusively in this system or in an  
 243 annuity contract allowed under this Subsection (1).

244 (b) The election is final, and no right exists to make any further election.

245 (c) [~~Except as provided in Subsection (1)(d), the~~] The Utah Board of Higher Education  
 246 shall designate the public or private retirement systems, organizations, or companies  
 247 that a regular full-time employee of an institution of higher education is eligible to  
 248 participate in under Subsection (1)(a).

249 [~~(d) The technical college board of trustees of each technical college shall designate the~~  
 250 ~~public or private retirement systems, organizations, or companies that a regular~~  
 251 ~~full-time employee of each technical college is eligible to participate in under~~  
 252 ~~Subsection (1)(a).]~~

253 (2) (a) Except as provided under Subsection (2)(c), a regular full-time employee hired by  
 254 an institution of higher education after January 1, 1979, may participate only in the  
 255 retirement plan which attaches to the person's employment classification.

256 (b) Each institution of higher education shall prepare or amend existing employment  
 257 classifications, under the direction of the Utah Board of Higher Education, [~~or the~~  
 258 ~~technical college board of trustees of each technical college for each technical~~  
 259 ~~college,~~]so that each classification is assigned with either:

260 (i) this system; or

261 (ii) a public or private system, organization, or company designated by[~~: (A)~~  
 262 ~~except as provided in Subsection (2)(b)(ii)(B),~~]the Utah Board of Higher  
 263 Education[~~; or~~] .

264 [~~(B) the technical college board of trustees of each technical college for regular~~

- 265 full-time employees of each technical college.]
- 266 (c) Notwithstanding a person's employment classification assignment under Subsection  
267 (2)(b), a regular full-time employee who begins employment with an institution of  
268 higher education on or after May 11, 2010, has a one-time irrevocable election to  
269 continue participation in this system, if the employee has service credit in this system  
270 before the date of employment.
- 271 (3) Notwithstanding an employment classification assignment change made under  
272 Subsection (2)(b), a regular full-time employee hired by an institution of higher  
273 education after January 1, 1979, whose employment classification requires participation  
274 in this system may elect to continue participation in this system.
- 275 (4) A regular full-time employee hired by an institution of higher education after January 1,  
276 1979, whose employment classification requires participation in this system shall  
277 participate in this system.
- 278 (5) (a) Notwithstanding any other provision of this section, a regular full-time employee  
279 of an institution of higher education shall have a one-time irrevocable election to  
280 participate in this system if the employee:
- 281 (i) was hired after January 1, 1979;
- 282 (ii) whose employment classification assignment under Subsection (2)(b) required  
283 participation in a retirement program other than this system; and
- 284 (iii) has service credit in a system under this title.
- 285 (b) The election under Subsection (5)(a) shall be made before June 30, 2010.
- 286 (c) All forms required by the office must be completed and received by the office no  
287 later than June 30, 2010, for the election to participate in this system to be effective.
- 288 (d) Beginning July 1, 2010, a regular full-time employee of an institution of higher  
289 education who elects to be covered by this system under Subsection (5)(a) may begin  
290 to accrue service credit in this system.
- 291 (6) A regular full-time employee of an institution of higher education who elects to be  
292 covered by this system under Subsection (2)(c) or (5)(a), may purchase periods of  
293 employment while covered under another retirement program sponsored by the  
294 institution of higher education by complying with the requirements of Section 49-11-403.
- 295 (7) The board shall make rules to implement this section.
- 296 (8) An employee's participation or election described in this section:
- 297 (a) shall be made in accordance with this section; and
- 298 (b) is subject to requirements under federal law and rules made by the board.

299 Section 4. Section **49-13-204** is amended to read:

300 **49-13-204 . Higher education employees' eligibility requirements -- Election**  
 301 **between different retirement plans -- Classification requirements -- Transfer**  
 302 **between systems -- One-time election window -- Rulemaking.**

303 (1) (a) A regular full-time employee of an institution of higher education who is eligible  
 304 to participate in either this system or in a retirement system with a public or private  
 305 retirement system, organization, or company, designated as described in Subsection  
 306 (1)(c)[~~or (d)~~], shall, not later than January 1, 1979, elect to participate exclusively  
 307 in this system or in an annuity contract allowed under this Subsection (1)(a).

308 (b) The election is final, and no right exists to make any further election.

309 (c) [~~Except as provided in Subsection (1)(d), the~~] The Utah Board of Higher Education  
 310 shall designate the public or private retirement systems, organizations, or companies  
 311 that a regular full-time employee of an institution of higher education is eligible to  
 312 participate in under Subsection (1)(a).

313 [~~(d) The technical college board of trustees of each technical college shall designate the~~  
 314 ~~public or private retirement systems, organizations, or companies that a regular~~  
 315 ~~full-time employee of each technical college is eligible to participate in under~~  
 316 ~~Subsection (1)(a).]~~

317 (2) (a) Except as provided under Subsection (2)(c), a regular full-time employee hired by  
 318 an institution of higher education after January 1, 1979, may participate only in the  
 319 retirement plan which attaches to the person's employment classification.

320 (b) Each institution of higher education shall prepare or amend existing employment  
 321 classifications, under the direction of the Utah Board of Higher Education, [~~or the~~  
 322 ~~technical college board of trustees of each technical college for regular full-time~~  
 323 ~~employees of each technical college,]~~ so that each classification is assigned with  
 324 either:

325 (i) this system; or

326 (ii) a public or private system, organization, or company designated by[~~: (A)~~]  
 327 except as provided in Subsection (2)(b)(ii)(B), the Utah Board of Higher  
 328 Education[~~; or~~] .

329 [~~(B) the technical college board of trustees of each technical college for regular~~  
 330 ~~full-time employees of each technical college.]~~

331 (c) Notwithstanding a person's employment classification assignment under Subsection  
 332 (2)(b), a regular full-time employee who begins employment with an institution of

333 higher education on or after May 11, 2010, has a one-time irrevocable election to  
334 continue participation in this system, if the employee has service credit in this system  
335 before the date of employment.

336 (3) Notwithstanding an employment classification assignment change made under  
337 Subsection (2)(b), a regular full-time employee hired by an institution of higher  
338 education after January 1, 1979, whose employment classification requires participation  
339 in this system may elect to continue participation in this system.

340 (4) A regular full-time employee hired by an institution of higher education after January 1,  
341 1979, whose employment classification requires participation in this system shall  
342 participate in this system.

343 (5) (a) Notwithstanding any other provision of this section, a regular full-time employee  
344 of an institution of higher education whose employment classification assignment  
345 under Subsection (2)(b) required participation in a retirement program other than this  
346 system shall have a one-time irrevocable election to participate in this system.

347 (b) The election under Subsection (5)(a) shall be made before June 30, 2010.

348 (c) All forms required by the office must be completed and received by the office no  
349 later than June 30, 2010, for the election to participate in this system to be effective.

350 (d) Beginning July 1, 2010, a regular full-time employee of an institution of higher  
351 education who elects to be covered by this system under Subsection (5)(a) may begin  
352 to accrue service credit in this system.

353 (6) A regular full-time employee of an institution of higher education who elects to be  
354 covered by this system under Subsection (2)(c) or (5)(a) may purchase periods of  
355 employment while covered under another retirement program by complying with the  
356 requirements of Section 49-11-403.

357 (7) The board shall make rules to implement this section.

358 (8) An employee's participation or election described in this section:

359 (a) shall be made in accordance with this section; and

360 (b) is subject to requirements under federal law and rules made by the board.

361 Section 5. Section **49-22-204** is amended to read:

362 **49-22-204 . Higher education employees' eligibility requirements -- Election**  
363 **between different retirement plans -- Classification requirements -- Transfer**  
364 **between systems.**

365 (1) (a) A regular full-time employee of an institution of higher education who is eligible  
366 to participate in either this system or in a retirement annuity contract with a public or

- 367 private system, organization, or company, designated as described in Subsection  
 368 (1)(c) [~~or (d)~~], shall, not later than January 1, 1979, elect to participate exclusively in  
 369 this system or in an annuity contract allowed under this Subsection (1).
- 370 (b) The election is final, and no right exists to make any further election.
- 371 (c) [~~Except as provided in Subsection (1)(d), the~~] The Utah Board of Higher Education  
 372 shall designate the public or private retirement systems, organizations, or companies  
 373 that a regular full-time employee of an institution of higher education is eligible to  
 374 participate in under Subsection (1)(a).
- 375 [~~(d) The technical college board of trustees of each technical college shall designate the~~  
 376 ~~public or private retirement systems, organizations, or companies that a regular~~  
 377 ~~full-time employee of each technical college is eligible to participate in under~~  
 378 ~~Subsection (1)(a).]~~
- 379 (2) (a) A regular full-time employee hired by an institution of higher education after  
 380 January 1, 1979, may participate only in the retirement plan designated for the  
 381 person's employment classification.
- 382 (b) Each institution of higher education shall prepare or amend existing employment  
 383 classifications, under the direction of the Utah Board of Higher Education, [~~or the~~  
 384 ~~technical college board of trustees of each technical college for each technical~~  
 385 ~~college,~~]so that each classification is assigned with either:
- 386 (i) this system; or
- 387 (ii) a public or private system, organization, or company designated by[: (A)  
 388 ~~except as provided under Subsection (2)(b)(ii)(B),~~]the Utah Board of Higher  
 389 Education[:~~or~~] .
- 390 [~~(B) the technical college board of trustees of each technical college for regular~~  
 391 ~~full-time employees of each technical college.]~~
- 392 (c) Notwithstanding a person's employment classification assignment under Subsection  
 393 (2)(b), a regular full-time employee who begins employment with an institution of  
 394 higher education has a one-time irrevocable election to continue participation in this  
 395 system if the employee:
- 396 (i) has service credit in this system before the date of employment with the institution  
 397 of higher education; and
- 398 (ii) makes the election before participating in the system described in Subsection  
 399 (2)(b)(ii).
- 400 (3) A regular full-time employee hired by an institution of higher education on or after July



401 1, 2011, whose employment classification requires participation in this system may elect  
402 to continue participation in this system upon change to an employment classification that  
403 requires participation in a public or private system, organization, or company designated  
404 by:

405 (a) except as provided in Subsection (3)(b), the Utah Board of Higher Education; or  
406 (b) the technical college board of trustees of each technical college for regular full-time  
407 employees of each technical college.

408 (4) A regular full-time employee hired by an institution of higher education on or after July  
409 1, 2011, whose employment classification requires participation in this system shall  
410 participate in this system.

411 (5) An employee's participation or election described in this section:

412 (a) shall be made in accordance with this section; and

413 (b) is subject to requirements under federal law and rules made by the board.

414 Section 6. Section **51-8-303** is amended to read:

415 **51-8-303 . Requirements of member institutions of the state system of higher**  
416 **education.**

417 (1) The Utah Board of Higher Education shall:

418 (a) establish asset allocations for the institutional funds;

419 (b) in consultation with the commissioner of higher education, establish guidelines for  
420 investing the funds; and

421 (c) establish a written policy governing conflicts of interest.

422 (2) (a) A higher education institution may not invest its institutional funds in violation of  
423 the Utah Board of Higher Education's guidelines unless the Utah Board of Higher  
424 Education approves an investment policy that has been adopted by the higher  
425 education institution's board of trustees.

426 (b) A higher education institution [~~and its employees shall comply with the Utah Board~~  
427 ~~of Higher Education's conflict of interest requirements unless the Utah Board of~~  
428 ~~Higher Education approves the conflict]~~ shall establish a written policy governing  
429 conflicts of interest [policy that has been adopted by the higher education institution's  
430 board of trustees] that complies with Title 67, Chapter 16, Utah Public Officers' and  
431 Employees' Ethics Act.

432 (3) (a) The board of trustees of a higher education institution may adopt:

433 (i) an investment policy to govern the investment of the higher education institution's  
434 institutional funds; and

- 435 (ii) a conflict of interest policy.
- 436 (b) The investment policy shall:
- 437 (i) define the groups, and the responsibilities of those groups, that must be involved
- 438 with investing the institutional funds;
- 439 (ii) ensure that the groups defined under Subsection (3)(b)(i) at least include the
- 440 board of trustees, an investment committee, institutional staff, and a custodian
- 441 bank;
- 442 (iii) create an investment committee that includes not more than two members of the
- 443 board of trustees and no less than two independent investment management
- 444 professionals;
- 445 (iv) determine an appropriate risk level for the institutional funds;
- 446 (v) establish allocation ranges for asset classes considered suitable for the
- 447 institutional funds;
- 448 (vi) determine prudent diversification of the institutional funds; and
- 449 (vii) establish performance objectives and a regular review process.
- 450 ~~[(e) Each higher education institution that adopts an investment policy, a conflict of~~
- 451 ~~interest policy, or both, shall submit the policy, and any subsequent amendments, to~~
- 452 ~~the Utah Board of Higher Education for approval.]~~
- 453 (4) Each higher education institution shall make monthly reports detailing the deposit and
- 454 investment of funds in the institution's custody or control to:
- 455 (a) the institution of higher education board of trustees; and
- 456 (b) the Utah Board of Higher Education.
- 457 (5) The state auditor may conduct or cause to be conducted an annual audit of the
- 458 investment program of each higher education institution.
- 459 (6) The Utah Board of Higher Education shall submit an annual report to the governor and
- 460 the Legislature summarizing all investments by higher education institutions under its
- 461 jurisdiction.

462 Section 7. Section **53B-1-110** is amended to read:

463 **53B-1-110 . Criminal background checks of prospective and existing employees**  
 464 **of higher education institutions -- Institutions to adopt policy.**

- 465 (1) As used in this section:
- 466 (a) "Institution" means an institution listed in Section 53B-1-102.
- 467 (b) "Minor" means a person younger than 21 years [of age] old.
- 468 (2) ~~[The board]~~ An institution shall adopt a policy providing for criminal background checks

- 469 of:
- 470 (a) prospective employees of institutions; and
- 471 (b) existing employees of institutions, where reasonable cause exists.
- 472 (3) (a) The policy shall require that:
- 473 (i) an applicant for any position that involves significant contact with minors or any
- 474 position considered to be security sensitive by [~~the board~~] an institution or its
- 475 designee shall submit to a criminal background check as a condition of
- 476 employment; and
- 477 (ii) an existing employee submit to a criminal background check, where reasonable
- 478 cause exists.
- 479 (b) Subsection (3)(a)(i) does not apply to adjunct faculty positions.
- 480 (c) The policy may allow or require applicants for positions other than those described in
- 481 Subsection (3)(a)(i) to submit to a criminal background check as a condition of
- 482 employment.
- 483 (d) The policy may allow criminal background checks for new employees to be phased
- 484 in over a two-year period.
- 485 (4) The applicant or employee shall receive written notice that the background check has
- 486 been requested.
- 487 (5) Each applicant or employee subject to a criminal background check under this section
- 488 shall, if required by the institution:
- 489 (a) be fingerprinted; and
- 490 (b) consent to a fingerprint background check by:
- 491 (i) the Utah Bureau of Criminal Identification; and
- 492 (ii) the Federal Bureau of Investigation.
- 493 (6) (a) Institutions may request the Utah Bureau of Criminal Identification to conduct
- 494 criminal background checks of prospective employees and, where reasonable cause
- 495 exists, existing employees pursuant to [~~board~~] an institution's policy.
- 496 (b) At the request of an institution, the Utah Bureau of Criminal Identification shall:
- 497 (i) release the individual's full record of criminal convictions to the administrator
- 498 requesting the information; and
- 499 (ii) seek additional information from regional or national criminal data files in
- 500 responding to inquiries under this section.
- 501 (c) Information received by the Utah Bureau of Criminal Identification from entities
- 502 other than agencies or political subdivisions of the state may not be released to a

503 private entity unless the release is permissible under applicable laws or regulations of  
504 the entity providing the information.

505 (d) Except as provided in Subsection (7), the institution shall pay the cost of background  
506 checks conducted by the Utah Bureau of Criminal Identification, and the money  
507 collected shall be credited to the Utah Bureau of Criminal Identification to offset its  
508 expenses.

509 (7) [~~The board~~] An institution may by policy require an applicant to pay the costs of a  
510 criminal background check as a condition of employment.

511 (8) The applicant or employee shall have an opportunity to respond to any information  
512 received as a result of the criminal background check.

513 (9) If a person is denied employment or is dismissed from employment because of  
514 information obtained through a criminal background check, the person shall receive  
515 written notice of the reasons for denial or dismissal and have an opportunity to respond  
516 to the reasons under procedures established by [~~the board~~] an institution in policy.

517 Section 8. Section **53B-1-112** is amended to read:

518 **53B-1-112 . Disclosure requirements for institution programs.**

519 (1) As used in this section:

520 (a) "Department" means the Department of Workforce Services.

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

522 (c) "Job placement data" means information collected by the board, and based on  
523 information from the department, that reflects the job placement rate and industry  
524 employment information for a student who graduates from a program.

525 (d) (i) "Program" means a program of organized instruction or study at an institution  
526 that leads to:

527 (A) an academic degree;

528 (B) a professional degree;

529 (C) a vocational degree;

530 (D) a certificate of one year or greater or the direct assessment equivalent; or

531 (E) another recognized educational credential.

532 (ii) "Program" includes instruction or study that, in lieu of time as a measurement for  
533 student learning, utilizes direct assessment of student learning, or recognizes the  
534 direct assessment of student learning by others, if the assessment is consistent  
535 with the accreditation of the institution or program utilizing the results of the  
536 assessment.

- 537 (e) "Student loan information" means the percentage of students at an institution who:  
538 (i) received a Title IV loan authorized under:  
539 (A) the Federal Perkins Loan Program;  
540 (B) the Federal Family Education Loan Program; or  
541 (C) the William D. Ford Direct Loan Program; and  
542 (ii) fail to pay a loan described in Subsection (1)(e)(i)(A), (B), or (C).
- 543 (f) "Total costs" means:  
544 (i) the estimated costs a student would incur while completing a program, including:  
545 (A) tuition and fees; and  
546 (B) books, supplies, and equipment; and  
547 (ii) calculated based on a student's degree, the institution's average costs that would  
548 be incurred while a student completes a program and are subsidized by taxpayer  
549 contribution, including:  
550 (A) tuition and fees; and  
551 (B) other applicable expenses subsidized by taxpayer contribution for program  
552 completion.
- 553 (g) "Wage data" means information collected by the board, and based on information  
554 from the department, that reflects a student's wage the first year and fifth year after a  
555 student has successfully completed a program.
- 556 (2) (a) Except as provided in Subsection (4), for each program listed in an institution's  
557 course catalog or each program otherwise offered by the institution, the institution  
558 shall provide a conspicuous and direct link on the institution's website, subject to  
559 Subsection (2)(b), to the following information maintained by the board in  
560 accordance with Subsection (3):  
561 (i) job placement data;  
562 (ii) to the extent supporting data is available, student loan information;  
563 (iii) total costs; and  
564 (iv) wage data.
- 565 (b) An institution shall include the information described in Subsection (2)(a) on each  
566 institutional website that includes academic, cost, financial aid, or admissions  
567 information for a program.
- 568 (3) [~~The board or the board's designee~~] The commissioner, under the board's direction, shall:  
569 (a) collect the information described in Subsection (2)(a);  
570 (b) develop through user testing a format for the display of information described in

- 571 Subsection (2)(a) that is easily accessible and informative; and  
 572 (c) maintain the information described in Subsection (2)(a) so that it is current.  
 573 (4) An institution is not subject to Subsection (2) for a program that the institution is  
 574 required to report on under 34 C.F.R. Sec. 668.412.  
 575 (5) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative  
 576 Rulemaking Act, make rules for the implementation and administration of this section.

577 Section 9. Section **53B-1-116** is enacted to read:

578 **53B-1-116 . Bereavement leave for miscarriage and stillbirth.**

- 579 (1) As used in this section "miscarriage" means the spontaneous or accidental loss of a  
 580 fetus, regardless of gestational age or the duration of the pregnancy.  
 581 (2) An institution shall adopt policies providing at least three work days of paid  
 582 bereavement leave for an employee following the end of the employee's pregnancy by  
 583 way of miscarriage or stillbirth or following the end of another individual's pregnancy  
 584 by way of a miscarriage or stillbirth, if:  
 585 (a) the employee is the individual's spouse or partner;  
 586 (b) the employee is the individual's former spouse or partner and the employee would  
 587 have been a biological parent of a child born as a result of the pregnancy;  
 588 (c) the employee provides documentation to show that the individual intended for the  
 589 employee to be an adoptive parent, as that term is defined in Section 78B-6-103, of a  
 590 child born as a result of the pregnancy; or  
 591 (d) under a valid gestational agreement in accordance with Title 78B, Chapter 15, Part 8,  
 592 Gestational Agreement, the employee would have been a parent of a child born as a  
 593 result of the pregnancy.

594 Section 10. Section **53B-1-117** is enacted to read:

595 **53B-1-117 . Oaths of office.**

596 Notwithstanding Section 52-1-2, except as otherwise provided in this title, an  
 597 individual whom one of the following appoints or employs is not required to take an  
 598 official oath of office:

- 599 (1) the board;  
 600 (2) the commissioner;  
 601 (3) a degree-granting institution or a technical college;  
 602 (4) an institution board of trustees; or  
 603 (5) the president of a degree-granting institution or a technical college.

604 Section 11. Section **53B-1-401** is amended to read:

605           **53B-1-401 . Definitions.**

606           As used in this part:

607       (1) "Board" means the Utah Board of Higher Education described in Section 53B-1-402.

608       (2) "Institution of higher education" or "institution" means an institution of higher  
609           education described in Section 53B-1-102.610       ~~[(3) "Miscarriage" means the spontaneous or accidental loss of a fetus, regardless of  
611           gestational age or the duration of the pregnancy.]~~612           Section 12. Section **53B-1-402** is amended to read:613           **53B-1-402 . Establishment of board -- Powers, duties, and authority -- Reports.**

614       (1) (a) There is established the Utah Board of Higher Education, which:

615           (i) is the governing board for the institutions of higher education;

616           (ii) controls, oversees, and regulates the Utah ~~[system of higher education]~~ System of  
617           Higher Education in a manner consistent with the purpose of this title and the  
618           specific powers and responsibilities granted to the board~~[-; and]~~ .

619       (b) (i) The University of Utah shall provide administrative support for the board.

620           (ii) Notwithstanding Subsection (1)(b)(i), the board shall maintain the board's  
621           independence, including in relation to the powers and responsibilities granted to  
622           the board.

623       (2) The board shall:

624       (a) establish and promote a state-level vision and goals for higher education that  
625           emphasize data-driven retrospective and prospective system priorities, including:

626           (i) quality;

627           (ii) affordability;

628           (iii) access and equity;

629           (iv) completion;

630           (v) workforce alignment and preparation for high-quality jobs; and

631           (vi) economic growth;

632       (b) establish system policies and practices that advance the vision and goals;

633       (c) establish metrics to demonstrate and monitor:

634           (i) performance related to the goals; and

635           (ii) performance on measures of operational efficiency;

636       (d) collect and analyze data including economic data, demographic data, and data related  
637           to the metrics;

638       (e) govern data quality and collection across institutions;

- 639 (f) establish, approve, and oversee each institution's mission and role in accordance with  
640 Section 53B-16-101;
- 641 (g) assess an institution's performance in accomplishing the institution's mission and role;
- 642 (h) participate in the establishment and review of programs of instruction in accordance  
643 with Section 53B-16-102;
- 644 (i) perform the following duties related to an institution of higher education president,  
645 including:
- 646 (i) [~~appointing~~] hiring an institution of higher education president in accordance with  
647 Section 53B-2-102;
- 648 (ii) through the commissioner and the board's executive committee:
- 649 (A) providing support and guidance to an institution of higher education president;  
650 and
- 651 (B) evaluating an institution of higher education president based on institution  
652 performance and progress toward systemwide priorities;
- 653 (iii) setting the terms of employment for an institution of higher education president,  
654 including performance-based compensation, through an employment contract or  
655 another method of establishing employment; and
- 656 (iv) establishing, through a public process, a statewide succession plan to develop  
657 potential institution presidents from within the system;
- 658 (j) create and implement a strategic finance plan for higher education, including by:
- 659 (i) establishing comprehensive budget and finance priorities for academic education  
660 and technical education;
- 661 (ii) allocating statewide resources to institutions;
- 662 (iii) setting tuition for each institution;
- 663 (iv) administering state financial aid programs;
- 664 (v) administering performance funding in accordance with Chapter 7, Part 7,  
665 Performance Funding; and
- 666 (vi) developing a strategic capital facility plan and prioritization process in  
667 accordance with Chapter 22, Part 2, Capital Developments, and Sections  
668 53B-2a-117 and 53B-2a-118;
- 669 (k) create and annually report to the Higher Education Appropriations Subcommittee on  
670 a seamless articulated education system for Utah students that responds to changing  
671 demographics and workforce, including by:
- 672 (i) providing for statewide prior learning assessment, in accordance with Section



- 673 53B-16-110;
- 674 (ii) establishing and maintaining clear pathways for articulation and transfer, in  
675 accordance with Section 53B-16-105;
- 676 (iii) establishing degree program requirement guidelines, including credit hour limits;
- 677 (iv) aligning general education requirements across degree-granting institutions;
- 678 (v) coordinating and incentivizing collaboration and partnerships between institutions  
679 in delivering programs;
- 680 (vi) coordinating distance delivery of programs;
- 681 (vii) coordinating work-based learning; and
- 682 (viii) emphasizing the system priorities and metrics described in Subsections (2)(a)  
683 and (c);
- 684 (l) coordinate with the public education system:
- 685 (i) regarding public education programs that provide postsecondary credit or  
686 certificates; and
- 687 (ii) to ensure that an institution of higher education providing technical education  
688 serves secondary students in the public education system;
- 689 (m) delegate to an institution board of trustees certain duties related to institution  
690 governance including:
- 691 (i) guidance and support for the institution president;
- 692 (ii) effective administration;
- 693 (iii) the institution's responsibility for contributing to progress toward achieving  
694 systemwide goals; and
- 695 (iv) other responsibilities determined by the board;
- 696 (n) delegate to an institution of higher education president management of the institution  
697 of higher education;
- 698 (o) consult with an institution of higher education board of trustees or institution of  
699 higher education president before acting on matters pertaining to the institution of  
700 higher education;
- 701 (p) maximize efficiency throughout the Utah [~~system of higher education~~] System of  
702 Higher Education by identifying and establishing shared administrative services,  
703 beginning with:
- 704 (i) commercialization;
- 705 (ii) services for compliance with Title IX of the Education Amendments of 1972, 20  
706 U.S.C. Sec. 1681 et seq.;

- 707 (iii) information technology services; and  
708 (iv) human resources, payroll, and benefits administration;
- 709 (q) develop strategies for providing higher education, including career and technical  
710 education, in rural areas;
- 711 (r) manage and facilitate a process for initiating, prioritizing, and implementing  
712 education reform initiatives, beginning with common applications and direct  
713 admissions;
- 714 (s) provide ongoing quality review of programs ; and  
715 (t) before each annual legislative general session, provide to the Higher Education  
716 Appropriations Subcommittee a prioritization of all projects and proposals for which  
717 the board or an institution of higher education seeks an appropriation.
- 718 (3) The board shall submit an annual report of the board's activities and performance  
719 against the board's goals and metrics to:
- 720 (a) the Education Interim Committee;  
721 (b) the Higher Education Appropriations Subcommittee;  
722 (c) the governor; and  
723 (d) each institution of higher education.
- 724 (4) The board shall prepare and submit an annual report detailing the board's progress and  
725 recommendations on workforce related issues, including career and technical education,  
726 to the governor and to the Legislature's Education Interim Committee by October 31 of  
727 each year, including information detailing:
- 728 (a) how institutions of higher education are meeting the career and technical education  
729 needs of secondary students;
- 730 (b) how the system emphasized high demand, high wage, and high skill jobs in business  
731 and industry;
- 732 (c) performance outcomes, including:  
733 (i) entered employment;  
734 (ii) job retention; and  
735 (iii) earnings;
- 736 (d) an analysis of workforce needs and efforts to meet workforce needs; and  
737 (e) student tuition and fees.
- 738 (5) The board may modify the name of an institution of higher education to reflect the role  
739 and general course of study of the institution.
- 740 (6) The board may not take action relating to merging a technical college with another

- 741 institution of higher education without legislative approval.
- 742 (7) This section does not affect the power and authority vested in the State Board of  
743 Education to apply for, accept, and manage federal appropriations for the establishment  
744 and maintenance of career and technical education.
- 745 (8) The board shall ensure that any training or certification that an employee of the higher  
746 education system is required to complete under this title or by board rule complies with  
747 Title 63G, Chapter 22, State Training and Certification Requirements.
- 748 (9) The board shall demonstrate compliance with Subsection (2)(p) by providing to the  
749 Higher Education Appropriations Subcommittee:
- 750 (a) on or before October 1, 2024, evidence of implementation of at least one shared  
751 administrative service;
- 752 (b) on or before October 1, 2025, evidence of implementation of at least two shared  
753 administrative services; and
- 754 (c) on or before October 1, 2026, evidence of implementation of at least three shared  
755 administrative services.
- 756 (10) If the Higher Education Appropriations Subcommittee finds the board to be out of  
757 compliance with Subsection (9), the Legislature shall:
- 758 (a) deduct 10% of the appropriation described in Section 53B-7-703 for the following  
759 fiscal year; and
- 760 (b) deduct an additional 10% of the appropriation described in Section 53B-7-703 for  
761 each subsequent year of noncompliance up to a maximum deduction of 30%.
- 762 [~~(9) The board shall adopt a policy requiring institutions to provide at least three work days~~  
763 ~~of paid bereavement leave for an employee:]~~
- 764 [~~(a) following the end of the employee's pregnancy by way of miscarriage or stillbirth; or]~~
- 765 [~~(b) following the end of another individual's pregnancy by way of a miscarriage or~~  
766 ~~stillbirth, if:]~~
- 767 [~~(i) the employee is the individual's spouse or partner;]~~
- 768 [~~(ii) (A) the employee is the individual's former spouse or partner; and]~~
- 769 [~~(B) the employee would have been a biological parent of a child born as a result of the~~  
770 ~~pregnancy;]~~
- 771 [~~(iii) the employee provides documentation to show that the individual intended for the~~  
772 ~~employee to be an adoptive parent, as that term is defined in Section 78B-6-103, of a~~  
773 ~~child born as a result of the pregnancy; or]~~
- 774 [~~(iv) under a valid gestational agreement in accordance with Title 78B, Chapter 15, Part 8,~~

775                    Gestational Agreement, the employee would have been a parent of a child born as a  
776                    result of the pregnancy.]

777                    Section 13. Section **53B-1-408** is amended to read:

778                    **53B-1-408 . Appointment of commissioner of higher education -- Qualifications --**  
779 **Associate commissioners -- Duties -- Office.**

780 (1) (a) The board, upon approval from the governor and with the advice and consent of  
781                    the Senate, shall appoint a commissioner of higher education to serve at the board's  
782                    pleasure as the board's chief executive officer.

783                    (b) The following may terminate the commissioner:

784                    (i) the board; or

785                    (ii) the governor, after consultation with the board.

786                    (c) The board shall:

787                    (i) set the salary of the commissioner;

788                    (ii) subject to Subsection (3), prescribe the duties and functions of the commissioner;

789                    and

790                    (iii) select a commissioner on the basis of outstanding professional qualifications.

791 (2) (a) The commissioner may appoint associate commissioners.

792                    (b) An associate commissioner described in Subsection (2)(a) is not subject to the  
793                    approval of the board.

794 (3) The commissioner is responsible to the board to:

795                    (a) ensure the proper execution of the policies, programs, and strategic plan of the board;

796                    (b) furnish information about the Utah [~~system of higher education~~] System of Higher  
797                    Education and make recommendations regarding that information to the board;

798                    (c) provide state-level leadership in any activity affecting an institution of higher  
799                    education;

800                    (d) in consultation with the board's executive committee and in accordance with  
801                    Subsection 53B-1-402(2), evaluate and provide support and guidance to an institution  
802                    of higher education president; and

803                    (e) perform other duties the board assigns in carrying out the board's duties and  
804                    responsibilities.

805 (4) The commissioner is responsible to the governor to:

806                    (a) inform the governor about the board's strategic plan and progress on accomplishing  
807                    the strategic plan;

808                    (b) inform the governor of significant issues impacting the Utah System of Higher

809 Education; and

810 (c) provide other information and updates as requested by the governor.

811 *The following section is affected by a coordination clause at the end of this bill.*

812 Section 14. Section **53B-2-106** is repealed and reenacted to read:

813 **53B-2-106 . Duties and responsibilities of the president of an institution of higher**  
814 **education -- Approval by board of trustees.**

815 (1) As used in this section:

816 (a) "Institution" means:

817 (i) a degree-granting institution; or

818 (ii) a technical college.

819 (b) "President" means the president of an institution.

820 (2) The president of each institution may exercise grants of power and authority as the  
821 board delegates, as well as the necessary and proper exercise of powers and authority  
822 not denied to the institution or the institution's administration, faculty, or students by the  
823 board or by law, to ensure the effective and efficient administration and operation of the  
824 institution consistent with the statewide strategic plan for higher education.

825 (3) A president may:

826 (a) appoint or employ administrative officers, deans, faculty members, professional  
827 personnel, and support personnel;

828 (b) prescribe duties for a position described in Subsection (3)(a); and

829 (c) determine the salary for an employed position described in Subsection (3)(a), in  
830 accordance with the institution's human resources policies.

831 (4) (a) A president may, after consultation with the institution's board of trustees,  
832 exercise powers related to the institution's employees, including faculty and persons  
833 under contract with the institution, by implementing:

834 (i) policies governing personnel;

835 (ii) furloughs;

836 (iii) reductions in force;

837 (iv) program reductions or discontinuance;

838 (v) early retirement incentives that provide cost savings to the institution; or

839 (vi) other measures that provide cost savings, facilitate efficiencies, or otherwise  
840 enable the institution to meet the institution's mission and role.

841 (5) A president shall:

842 (a) control and manage the budget and finances of the institution, including by, as

- 843 determined by the president:
- 844 (i) establishing the institution's budget; and
- 845 (ii) establishing or adjusting administrative or academic unit budgets; and
- 846 (b) subject to Section 53B-7-101, establish:
- 847 (i) tuition for the institution, including both resident and nonresident tuition if the
- 848 institution is a degree-granting institution, subject to the approval of the board as
- 849 described in Section 53B-1-402; and
- 850 (ii) fees and other charges for the institution; and
- 851 (c) establish the organization and structure of the institution, including by, as determined
- 852 by the president, creating, merging, or eliminating a college, department, or other
- 853 administrative or academic unit of the institution;
- 854 (6) Subject to the approval of the institution's board of trustees, a president:
- 855 (a) shall establish a budgetary policy, such as policy regarding benefits and endowment
- 856 investments;
- 857 (b) shall provide for the constitution, government, and organization of the faculty and
- 858 administration, including:
- 859 (i) enacting and implementing rules;
- 860 (ii) ensuring that the faculty may only have jurisdiction over:
- 861 (A) academic requirements for admission, degrees, and certificates; and
- 862 (B) course curriculum and instructions;
- 863 (iii) permitting faculty to have jurisdiction over a matter other than a matter described
- 864 in Subsection (6)(b)(ii) only if the following entities expressly authorize or
- 865 delegate such power:
- 866 (A) the Legislature;
- 867 (B) the board;
- 868 (C) the institution's board of trustees; or
- 869 (D) the institution's president; and
- 870 (iv) if the institution is a degree-granting institution, the establishment of a prescribed
- 871 system of tenure; and
- 872 (c) may authorize the faculty to determine the general initiation and direction of
- 873 instruction and of the examination, admission, and classification of students.
- 874 (7) A president may establish policies for the administration and operation of the institution
- 875 that:
- 876 (a) are consistent with the institution's role that the board establishes, rules which the

- 877 board enacts, and the laws of the state; and
- 878 (b) may provide for:
- 879 (i) administrative, faculty, student, and joint committees with jurisdiction over
- 880 specified institutional matters;
- 881 (ii) student government and student affairs organizations;
- 882 (iii) the establishment of institutional standards in furtherance of the ideals of higher
- 883 education to which the institution and the institution's administration, faculty, and
- 884 students subscribe and foster; and
- 885 (iv) the holding of classes on legal holidays, other than Sunday.
- 886 (8) A president shall manage the president's institution as a part of the Utah System of
- 887 Higher Education.
- 888 (9) In performing any of the acts described in this section, a president may, in the
- 889 president's sole discretion, seek input from the institution's faculty, staff, or students.
- 890 (10) The board shall establish guidelines relating to the roles and relationships between
- 891 presidents and boards of trustees, including those matters for which law requires the
- 892 approval of a board of trustees before implementation by the president.
- 893 (11) (a) A president is subject to regular review and evaluation that the board
- 894 administers, in consultation with the institution's board of trustees, through a process
- 895 the board approves.
- 896 (b) Only the board may formally assess a president's performance, formally declare a
- 897 president's standing, or take other formal action to evaluate a president.
- 898 Section 15. Section **53B-2-114** is enacted to read:
- 899 **53B-2-114 . Degree-granting institution attorneys -- Appointment -- Duties.**
- 900 (1) Recognizing the status of institutions within the Utah System of Higher Education as
- 901 bodies politic and corporate, the president of a degree-granting institution may appoint
- 902 attorneys to:
- 903 (a) provide legal advice to the degree-granting institution's administration; and
- 904 (b) coordinate legal affairs within the degree-granting institution.
- 905 (2) An institution shall fund compensation costs and related office expenses for an attorney
- 906 described in Subsection (1) within existing budgets.
- 907 (3) The board shall coordinate the activities of attorneys described in Subsection (1).
- 908 (4) An attorney described in Subsection (1):
- 909 (a) may not:
- 910 (i) conduct litigation;

- 911           (ii) settle a claim covered by the State Risk Management Fund; or  
 912           (iii) issue a formal legal opinion; and  
 913       (b) shall cooperate with the Office of the Attorney General in providing legal  
 914           representation to a degree-granting institution.

915       Section 16. Section **53B-2a-107** is amended to read:

916       **53B-2a-107 . Technical college presidents.**

- 917       (1) The board shall appoint a president for each technical college in accordance with  
 918       Section 53B-2-102.
- 919       (2) [(a)] A technical college president is the chief executive officer of the technical  
 920       college.
- 921       [(b)] (3) A technical college president:
- 922           [(i)] (a) does not need to have a doctorate degree; and  
 923           [(ii)] (b) shall have extensive experience in career and technical education.
- 924       [(3)] (4) [A] In addition to the duties described in Section 53B-2-106, a technical college  
 925       president shall:
- 926           [(a) ~~exercise grants of power and authority as delegated by the board, as well as the~~  
 927           ~~necessary and proper exercise of powers and authority not specifically denied to the~~  
 928           ~~technical college's administration, faculty, or students, by the board or by law, to~~  
 929           ~~ensure the effective and efficient administration and operation of the technical~~  
 930           ~~college consistent with the statewide strategic plan for higher education;]~~
- 931           [(b) ~~administer the day-to-day operations of the technical college;]~~
- 932           [(e) ~~consult with the technical college board of trustees;]~~
- 933           [(d) ~~administer human resource policies and employee compensation plans in~~  
 934           ~~accordance with the requirements of the board;]~~
- 935           [(e) ~~prepare a budget request for the technical college's annual operations to the board;]~~
- 936           [(f)] (a) after consulting with the board, other institutions of higher education, school  
 937           districts, and charter schools within the technical college's region, prepare a  
 938           comprehensive strategic plan for delivering technical education within the region;
- 939           [(g)] (b) consult with business, industry, the Department of Workforce Services, the  
 940           Governor's Office of Economic Opportunity, and the Governor's Office of Planning  
 941           and Budget on an ongoing basis to determine what workers and skills are needed for  
 942           employment in Utah businesses and industries;
- 943           [(h)] (c) coordinate with local school boards, school districts, and charter schools to meet  
 944           the technical education needs of secondary students; and



945        [(†)] (d) develop policies and procedures for the admission, classification, instruction, and  
 946            examination of students in accordance with the policies and accreditation guidelines  
 947            of the board and the State Board of Education[; and (j) ~~manage the technical college~~  
 948            ~~president's institution as part of the Utah system of higher education].~~

949        Section 17. Section **53B-2a-117** is amended to read:

950        **53B-2a-117 . Legislative approval -- Capital development projects --**

951        **Prioritization.**

952        (1) As used in this section:

953            (a) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers  
 954            as published by the Bureau of Labor Statistics of the United States Department of  
 955            Labor.

956            (b) "Fund" means the Technical Colleges Capital Projects Fund created in Section  
 957            53B-2a-118.

958        (2) In accordance with this section, a technical college is required to receive legislative  
 959            approval in an appropriations act for a dedicated project or a nondedicated project.

960        (3) In accordance with Section 53B-2a-112, a technical college shall submit to the board a  
 961            proposal for a funding request for each dedicated project or nondedicated project for  
 962            which the technical college seeks legislative approval.

963        (4) The board shall:

964            (a) review each proposal submitted under Subsection (3) to ensure that the proposal  
 965            complies with Section 53B-2a-112;

966            (b) based on the results of the board's review under Subsection (4)(a), create:

967                (i) a list of approved dedicated projects, prioritized in accordance with Subsection  
 968                (6); and

969                (ii) a list of approved nondedicated projects, prioritized in accordance with  
 970                Subsection (6); and

971            (c) submit the lists described in Subsection (4)(b) to:

972                (i) the governor;

973                (ii) the Infrastructure and General Government Appropriations Subcommittee;

974                (iii) the Higher Education Appropriations Subcommittee; and

975                (iv) the Division of Facilities Construction and Management for a:

976                    (A) recommendation, for the list described in Subsection (4)(b)(i); or

977                    (B) recommendation and prioritization, for the list described in Subsection  
 978                    (4)(b)(ii).

- 979 (5) A dedicated project:
- 980 (a) is subject to the recommendation of the Division of Facilities Construction and  
981 Management as described in Section 63A-5b-403; and
- 982 (b) is not subject to the prioritization of the Division of Facilities Construction and  
983 Management as described in Section 63A-5b-403.
- 984 (6) (a) Subject to Subsection (7), the board shall prioritize funding requests for capital  
985 development projects described in this section based on:
- 986 (i) growth and capacity;
- 987 (ii) effectiveness and support of critical programs;
- 988 (iii) cost effectiveness;
- 989 (iv) building deficiencies and life safety concerns; and
- 990 (v) alternative funding sources.
- 991 (b) The board shall establish:
- 992 (i) how the board will measure each factor described in Subsection (6)(a); and
- 993 (ii) procedures for prioritizing funding requests for capital development projects  
994 described in this section.
- 995 (7) (a) Subject to Subsection (7)(b), and in accordance with Subsection (6), the board  
996 may annually prioritize:
- 997 (i) up to three nondedicated projects if the ongoing appropriation to the fund is less  
998 than \$7,000,000;
- 999 (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least  
1000 \$7,000,000 but less than \$14,000,000; or
- 1001 (iii) one nondedicated project if the ongoing appropriation to the fund is at least  
1002 \$14,000,000.
- 1003 (b) For each calendar year beginning on or after January 1, 2020, the dollar amounts  
1004 described in Subsection (7)(a) shall be adjusted by an amount equal to the percentage  
1005 difference between:
- 1006 (i) the Consumer Price Index for the 2019 calendar year; and
- 1007 (ii) the Consumer Price Index for the previous calendar year.
- 1008 (8) (a) A technical college may request operations and maintenance funds for a capital  
1009 development project approved under this section.
- 1010 (b) A technical college shall make the request described in Subsection (8)(a) at the same  
1011 time the technical college submits the proposal described in Subsection (3).
- 1012 (c) The Legislature shall consider a technical college's request described in Subsection

1013 (8)(a).

1014 Section 18. Section **53B-3-103** is amended to read:

1015 **53B-3-103 . Power of board and institutions to adopt rules and enact regulations.**

1016 (1) As used in this section, "institution" means an institution listed in Section 53B-1-102.

1017 ~~[(1)]~~ (2) (a) The board may enact regulations governing the conduct of university and  
 1018 college students, faculty, and employees.

1019 (b) A president in consultation with the board of trustees, may enact policies governing  
 1020 the conduct of university and college students, faculty, and employees.

1021 ~~[(2)]~~ (3) (a) ~~[The board]~~ An institution may[: (i) ~~enact and authorize higher education~~  
 1022 ~~institutions to]~~ enact traffic, parking, and related ~~[regulations]~~ policies governing  
 1023 all individuals on ~~[campuses]~~ campus and ~~[other]~~ facilities owned or controlled by  
 1024 the ~~[institutions or the board; and]~~ institution.

1025 ~~[(ii) acknowledging that the Legislature has the authority to regulate, by law,~~  
 1026 ~~firearms at higher education institutions:]~~

1027 ~~[(A) authorize higher education institutions to establish no more than one secure~~  
 1028 ~~area at each institution as a hearing room as prescribed in Section 76-8-311.1, but~~  
 1029 ~~not otherwise restrict the lawful possession or carrying of firearms; and]~~

1030 ~~[(B) authorize a higher education institution to make a rule that allows a resident of a~~  
 1031 ~~dormitory located at the institution to request only roommates who are not~~  
 1032 ~~licensed to carry a concealed firearm under Section 53-5-704 or 53-5-705.]~~

1033 ~~[(b) In addition to the requirements and penalty prescribed in Subsections 76-8-311.1~~  
 1034 ~~(3), (4), (5), and (6), the board shall make rules to ensure that:]~~

1035 ~~[(i) reasonable means such as mechanical, electronic, x-ray, or similar devices are used~~  
 1036 ~~to detect firearms, ammunition, or dangerous weapons contained in the personal~~  
 1037 ~~property of or on the person of any individual attempting to enter a secure area~~  
 1038 ~~hearing room;]~~

1039 ~~[(ii) an individual required or requested to attend a hearing in a secure area hearing~~  
 1040 ~~room is notified in writing of the requirements related to entering a secured area~~  
 1041 ~~hearing room under this Subsection (2)(b) and Section 76-8-311.1;]~~

1042 ~~[(iii) the restriction of firearms, ammunition, or dangerous weapons in the secure area~~  
 1043 ~~hearing room is in effect only during the time the secure area hearing room is in use~~  
 1044 ~~for hearings and for a reasonable time before and after its use; and]~~

1045 ~~[(iv) reasonable space limitations are applied to the secure area hearing room as~~  
 1046 ~~warranted by the number of individuals involved in a typical hearing.]~~

- 1047       ~~(e)~~ (b) (i) The board and an institution may not require proof of vaccination as a  
1048           condition for enrollment or attendance within the system of higher education  
1049           unless the board or an institution allows for the following exemptions:
- 1050               (A) a medical exemption if the student provides to the institution a statement that  
1051               the claimed exemption is for a medical reason; and
- 1052               (B) a personal exemption if the student provides to the institution a statement that  
1053               the claimed exemption is for a personal or religious belief.
- 1054       (ii) An institution that offers both remote and in-person learning options may not  
1055           deny a student who is exempt from a requirement to receive a vaccine under  
1056           Subsection ~~[(2)(e)(i)]~~ (2)(b)(i) to participate in an in-person learning option based  
1057           upon the student's vaccination status.
- 1058       (iii) Subsections ~~[(2)(e)(i)]~~ (2)(b)(i) and (ii) do not apply to a student studying in a  
1059           medical setting at an institution of higher education.
- 1060       (iv) Nothing in this section restricts a state or local health department from acting  
1061           under applicable law to contain the spread of an infectious disease.
- 1062       ~~(d)~~ (c) (i) For purposes of this Subsection ~~[(2)(d)]~~ (2)(c), "face covering" means the  
1063           same as that term is defined in Section 53G-9-210.
- 1064       (ii) The board or an institution may not require an individual to wear a face covering  
1065           as a condition of attendance for in-person instruction, institution-sponsored  
1066           athletics, institution-sponsored extracurricular activities, in dormitories, or in any  
1067           other place on a campus of an institution within the system of higher education at  
1068           any time after the end of the spring semester in 2021.
- 1069       (iii) Subsection ~~[(2)(d)(ii)]~~ (2)(c)(ii) does not apply to an individual in a medical  
1070           setting at an institution of higher education.
- 1071       ~~(3)~~ (4) The board shall enact regulations that require all testimony be given under oath  
1072           during an employee grievance hearing for a non-faculty employee of an institution of  
1073           higher education if the grievance hearing relates to the non-faculty employee's:
- 1074           (a) demotion; or  
1075           (b) termination.
- 1076       (5) Acknowledging that the Legislature has the authority to regulate, by law, firearms at  
1077           higher education institutions, the board may:
- 1078           (a) authorize higher education institutions to establish no more than one secure area at  
1079           each institution as a hearing room in accordance with Section 76-8-311.1, but not  
1080           otherwise restrict the lawful possession or carrying of firearms; and

1081 (b) authorize a higher education institution to make a policy that allows a resident of a  
 1082 dormitory located at the institution to request only roommates who are not licensed to  
 1083 carry a concealed firearm under Section 53-5-704 or 53-5-705.

1084 (6) In addition to the requirements and penalty prescribed in Subsections 76-8-311.1(3)  
 1085 through (6), the board shall make rules to ensure:

1086 (a) the use of reasonable means such as mechanical, electronic, x-ray, or similar devices,  
 1087 to detect firearms, ammunition, or dangerous weapons contained in the personal  
 1088 property of or on the person of any individual attempting to enter a secure area  
 1089 hearing room;

1090 (b) that an individual required or requested to attend a hearing in a secure area hearing  
 1091 room is notified in writing of the requirements related to entering a secure area  
 1092 hearing room under this Subsection (6)(b) and Section 76-8-311.1;

1093 (c) that the restriction of firearms, ammunition, or dangerous weapons in the secure area  
 1094 hearing room is in effect only during the time the secure area hearing room is in use  
 1095 for hearings and for a reasonable time before and after the hearing; and

1096 (d) the application of reasonable space limitations to the secure area hearing room as the  
 1097 number of individuals involved in a typical hearing warrants.

1098 [(4)] (7) The board and institutions may enforce [these rules and] the rules, regulations, and  
 1099 policies described in this section in any reasonable manner, including the assessment of  
 1100 fees, fines, and forfeitures, [the collection of which may be by] through:

1101 (a) withholding from money owed the violator[-] ;

1102 (b) the imposition of probation, suspension, or expulsion from the institution[-] ;

1103 (c) the revocation of privileges[-] ;

1104 (d) the refusal to issue certificates, degrees, and diplomas[-] ;

1105 (e) [through]judicial process; or

1106 (f) any reasonable combination of [these-] the alternatives described in this Subsection  
 1107 (7).

1108 Section 19. Section **53B-3-104** is amended to read:

1109 **53B-3-104 . Establishment of police or security departments.**

1110 (1) As used in this section, "institution" means an institution listed in Section 53B-1-102.

1111 (2) [The board] An institution's president may establish and maintain police or security  
 1112 departments for the purpose of enforcing the regulations of each institution of higher  
 1113 education and the laws of the state.

1114 Section 20. Section **53B-3-105** is amended to read:

1115 **53B-3-105 . Appointment of police or security personnel -- Powers.**

1116 (1) As used in this section, "institution" means an institution listed in Section 53B-1-102.

1117 (2) ~~[Members]~~ An institution shall appoint members of the police or security department of [  
1118 ~~any college or university are appointed by the board]~~ the institution.

1119 ~~[(2)]~~ (3) Upon appointment, ~~[they]~~ members described in Subsection (2) are peace officers  
1120 and have all the powers ~~[possessed by policemen]~~ of police in cities and ~~[by]~~ of sheriffs,  
1121 including the power to make arrests on view or on warrant of violation of state statutes  
1122 and city or county ordinances.

1123 ~~[(3)]~~ (4) Members of the police or security department of any ~~[college or university]~~  
1124 institution also have the power to enforce all rules and regulations ~~[promulgated by]~~ that  
1125 the institution or the board promulgates as related to the institution.

1126 Section 21. Section **53B-6-105** is amended to read:

1127 **53B-6-105 . Engineering and Computer Technology Initiative.**

1128 (1) (a) (i) The commissioner of higher education, under the direction of the board  
1129 shall develop, establish, and maintain an Engineering and Computer Science  
1130 Initiative within the state system of higher education to increase the number of  
1131 graduates in engineering, computer science, and related technology.

1132 (ii) The commissioner of higher education, under the direction of the board shall  
1133 make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
1134 Rulemaking Act, providing the criteria for those fields of study that qualify as  
1135 "related technology" under this section and Section 53B-6-105.9.

1136 (b) The initiative shall include components that:

1137 (i) improve the quality of instructional programs in engineering, computer science,  
1138 and related technology by providing supplemental money for equipment  
1139 purchases; and

1140 (ii) provide incentives to institutions to hire and retain faculty under Section  
1141 53B-6-105.9.

1142 (2) The increase in program capacity under Subsection (1)(a) shall include funding for new  
1143 and renovated capital facilities and funding for new engineering and computer science  
1144 programs.

1145 (3) The Legislature shall provide an annual appropriation to the board to fund the initiative.

1146 Section 22. Section **53B-6-105.9** is amended to read:

1147 **53B-6-105.9 . Incentive program for engineering, computer science, and related**  
1148 **technology faculty.**

- 1149 (1) The Legislature shall provide an annual appropriation to help fund the faculty incentive  
1150 component of the Engineering and Computer Science Initiative established under  
1151 Section 53B-6-105.
- 1152 (2) The appropriation shall be used to hire, recruit, and retain outstanding faculty in  
1153 engineering, computer science, and related technology fields under guidelines  
1154 established by the commissioner of higher education, under the direction of the board.
- 1155 (3) (a) State institutions of higher education shall match the appropriation on a  
1156 one-to-one basis in order to qualify for state money appropriated under Subsection  
1157 (1).
- 1158 (b) (i) Qualifying institutions shall annually report their matching dollars to the board.  
1159 (ii) The [~~board~~] commissioner of higher education shall make a summary report of the  
1160 institutional matches.
- 1161 (iii) The annual report of the Technology Initiative Advisory Board required by  
1162 Section 53B-6-105.5 shall include the summary report of the institutional matches.
- 1163 (4) The commissioner of higher education, under the direction of the board shall make rules  
1164 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1165 establishing policies and procedures to apply for and distribute the state appropriation to  
1166 qualifying institutions.

1167 Section 23. Section **53B-7-702** is amended to read:

1168 **53B-7-702 . Definitions.**

1169 As used in this part:

- 1170 (1) "Account" means the Performance Funding Restricted Account created in Section  
1171 53B-7-703.
- 1172 (2) "Estimated revenue growth from targeted jobs" means the estimated increase in  
1173 individual income tax revenue generated by individuals employed in targeted jobs,  
1174 determined [~~by the Department of Workforce Services~~]in accordance with [Section]  
1175 Sections 53B-7-703 and 53B-7-704.
- 1176 (3) "Full new performance funding amount" means the maximum amount of new  
1177 performance funding that a degree-granting institution or technical college may qualify  
1178 for in a fiscal year, determined by the Legislature in accordance with Section 53B-7-705.
- 1179 (4) "Full-time" means the number of credit hours the board determines is full-time  
1180 enrollment for a student.
- 1181 [~~(5) "GO Utah office" means the Governor's Office of Economic Opportunity created in~~  
1182 ~~Section 63N-1a-301.~~]

- 1183 [~~(6)~~ "Job" means an occupation determined by the Department of Workforce Services.]
- 1184 [~~(7)~~ "Membership hour" means 60 minutes of scheduled instruction provided by a
- 1185 technical college to a student enrolled in the technical college.]
- 1186 [~~(8)~~ (5) "New performance funding" means the difference between the total amount of
- 1187 money in the account and the amount of money appropriated from the account for
- 1188 performance funding in the current fiscal year.
- 1189 [~~(9)~~ (6) "Performance" means total performance across the metrics described in Sections
- 1190 53B-7-706 and 53B-7-707.
- 1191 [~~(10)~~ "Research university" means the University of Utah or Utah State University.]
- 1192 [~~(11)~~ (7) "Targeted job" means a four- and five-star job that requires postsecondary training
- 1193 as designated by the Department of Workforce Services [or the GO Utah office in
- 1194 accordance with Section 53B-7-704].
- 1195 [~~(12)~~ (8) "Technical college" means:
- 1196 (a) the same as that term is defined in Section 53B-1-101.5; and
- 1197 (b) a degree-granting institution acting in the degree-granting institution's technical
- 1198 education role described in Section 53B-2a-201.
- 1199 [~~(13)~~ "Technical college graduate" means an individual who:]
- 1200 [(a) has earned a certificate from an accredited program at a technical college; and]
- 1201 [(b) is no longer enrolled in the technical college.]
- 1202 Section 24. Section **53B-7-703** is repealed and reenacted to read:
- 1203 **53B-7-703 . Performance Funding Restricted Account -- Creation -- Deposits into**
- 1204 **account -- Legislative review.**
- 1205 (1) As used in this section:
- 1206 (a) "Account" means the Performance Funding Restricted Account created in Subsection
- 1207 (2).
- 1208 (b) "Baseline amount" means the simple five-year average amount of personal income
- 1209 tax withholding over fiscal years 2019-2023.
- 1210 (c) "Personal income tax withholding means" means income tax withholding required
- 1211 under Title 59, Chapter 10, Part 4, Withholding of Tax.
- 1212 (2) There is created within the Income Tax Fund a restricted account known as the
- 1213 Performance Funding Restricted Account.
- 1214 (3) The Legislature may appropriate money to the account.
- 1215 (4) Money in the account shall be:
- 1216 (a) used for performance funding for:



- 1217 (i) degree-granting institutions; and  
1218 (ii) technical colleges; and  
1219 (b) appropriated by the Legislature in accordance with Section 53B-7-705.
- 1220 (5) (a) Money in the account shall earn interest.  
1221 (b) All interest earned on account money shall be deposited into the account.
- 1222 (6) (a) Except as provided in Subsection (6)(b) or (6)(c) and beginning December 1,  
1223 2025, before the end of each calendar year, the Executive Appropriations Committee  
1224 shall appropriate to the account an amount equal to 6% of the difference between the  
1225 five-year average amount from the most recent five years of personal income tax  
1226 withholdings and the baseline amount.
- 1227 (b) (i) As used in this Subsection (6)(b), "total higher education appropriations"  
1228 means, for the current fiscal year, the total state funded appropriations to:  
1229 (A) the board;  
1230 (B) degree-granting institutions; and  
1231 (C) technical colleges.
- 1232 (ii) If an appropriation described in Subsection (6)(a) would exceed 10% of total  
1233 higher education appropriations, the Executive Appropriations Committee shall  
1234 appropriate to the account an amount equal to 10% of total higher education  
1235 appropriations.
- 1236 (c) If, after appropriating to the Public Education Economic Stabilization Restricted  
1237 Account as defined in Section 53F-9-204, the remaining available revenue from the  
1238 personal income tax withholdings is less than the lesser of the amounts in Subsection  
1239 (6)(a) or Subsection (6)(b)(ii), the Executive Appropriations Committee shall  
1240 appropriate to the account the remaining available revenue from the personal income  
1241 tax withholdings.
- 1242 Section 25. Section **53B-7-704** is repealed and reenacted to read:  
1243 **53B-7-704 . Reporting of estimated revenue growth from targeted jobs.**
- 1244 (1) On or before October 1, 2030 and each subsequent fifth year, the Department of  
1245 Workforce Services shall report to the Higher Education Appropriations Subcommittee  
1246 on:  
1247 (a) the total wages in Utah according to the Quarterly Census of Employment and  
1248 Wages program over the previous five years;  
1249 (b) total wages in Utah attributable to four- and five-star jobs that require postsecondary  
1250 training according to the Occupational Employment and Wage Statistics program

- 1251 over the previous five years;
- 1252 (c) total wages in Utah for all occupations according to the Occupational Employment
- 1253 and Wage Statistics program over the previous five years;
- 1254 (d) the quotient of total wages in Subsection (1)(a) and total wages in Subsection (1)(b);
- 1255 and
- 1256 (e) the quotient of total wages in Subsection (1)(c) and total wages in Subsection (1)(b).
- 1257 (2) On or before October 1, 2030 and each subsequent fifth year, the commissioner shall
- 1258 report to the Higher Education Appropriations Subcommittee on:
- 1259 (a) all institutions' high yield awards over the previous five years;
- 1260 (b) the estimated revenue growth from targeted jobs associated with high yield awards
- 1261 over the previous five years;
- 1262 (c) the connection between the data described in Subsections (2)(a) and (2)(b); and
- 1263 (d) the estimated median effective income tax rate.

1264 Section 26. Section **53B-7-705** is amended to read:

1265 **53B-7-705 . Determination of full new performance funding amount -- Role of**

1266 **appropriations subcommittee -- Program review.**

- 1267 (1) In accordance with this section, and based on money deposited into the account, the
- 1268 Legislature shall, as part of the higher education appropriations budget process, annually
- 1269 determine the full new performance funding amount for each:
- 1270 (a) degree-granting institution; and
- 1271 (b) technical college.
- 1272 [~~(2) (a) Before January 1, 2024, the Legislature shall annually allocate:~~]
- 1273 [~~(i) 90% of the money in the account to degree-granting institutions; and]~~]
- 1274 [~~(ii) 10% of the money in the account to technical colleges.]~~]
- 1275 [~~(b) After January 1, 2024, the]~~]
- 1276 (2) The Legislature shall annually allocate:
- 1277 [(i)] (a) 80% of the money in the account to degree-granting institutions; and
- 1278 [(ii)] (b) 20% of the money in the account to technical colleges.
- 1279 (3) (a) The Legislature shall determine a degree-granting institution's full new
- 1280 performance funding amount based on the degree-granting institution's prior year
- 1281 share of:
- 1282 (i) full-time equivalent enrollment in all degree-granting institutions; and
- 1283 (ii) the total state-funded appropriated budget for all degree-granting institutions.
- 1284 (b) In determining a degree-granting institution's full new performance funding amount,

- 1285 the Legislature shall give equal weight to the factors described in Subsections  
 1286 (3)(a)(i) and (ii).
- 1287 (4) (a) The Legislature shall determine a technical college's full new performance  
 1288 funding amount based on the technical college's prior year share of:  
 1289 [~~(i) (A) before January 1, 2024, membership hours for all technical colleges; and]~~  
 1290 [~~(B) after January 1, 2024,]~~  
 1291 (i) full-time equivalent enrollment for all technical colleges; and  
 1292 (ii) the total state-funded appropriated budget for all technical colleges.
- 1293 (b) In determining a technical college's full new performance funding amount, the  
 1294 Legislature shall give equal weight to the factors described in Subsections (4)(a)(i)  
 1295 and (ii).
- 1296 (5) Annually, at least 30 days before the first day of the legislative general session the board  
 1297 shall submit a report to the Higher Education Appropriations Subcommittee on each  
 1298 degree-granting institution's and each technical college's performance.
- 1299 (6) (a) In accordance with this Subsection (6), and based on the report described in  
 1300 Subsection (5), the Legislature shall determine for each degree-granting institution  
 1301 and each technical college:  
 1302 (i) the portion of the full new performance funding amount earned; and  
 1303 (ii) the amount of new performance funding to recommend that the Legislature  
 1304 appropriate, from the account, to the degree-granting institution or technical  
 1305 college.
- 1306 [~~(b) (i) This Subsection (6)(b) applies before January 1, 2024.]~~  
 1307 [~~(ii) A degree-granting institution earns the full new performance funding amount if the~~  
 1308 ~~degree-granting institution has a positive change in performance of at least 1%~~  
 1309 ~~compared to the degree-granting institution's average performance over the previous~~  
 1310 ~~five years.]~~  
 1311 [~~(iii) A technical college earns the full new performance funding amount if the technical~~  
 1312 ~~college has a positive change in the technical college's performance of at least 5%~~  
 1313 ~~compared to the technical college's average performance over the previous five years.]~~
- 1314 [(e)] (b) [~~After January 1, 2024, a~~] A degree-granting institution or technical college earns  
 1315 the full new performance funding amount if the degree-granting institution or  
 1316 technical college meets the annual performance goals the board sets under Subsection  
 1317 53B-7-706(1)(a)(ii).
- 1318 [(d) Before January 1, 2024, a degree-granting institution or technical college that has a

1319 positive change in performance that is less than a change described in Subsection  
 1320 (6)(b) is eligible to receive a prorated amount of the full new performance funding  
 1321 amount.]

1322 [(e) Before January 1, 2024, a degree-granting or technical college that has a negative  
 1323 change, or no change, in performance over a time period described in Subsection  
 1324 (6)(b) is not eligible to receive new performance funding.]

1325 [(f)] (c) [After January 1, 2024, a] A degree-granting institution or technical college that  
 1326 does not meet the goals the board sets under Subsection 53B-7-706(1)(a)(ii):

1327 (i) is not eligible to receive the full new performance funding amount; and

1328 (ii) is eligible to receive a prorated amount of the full new performance funding  
 1329 amount for performance that is greater than zero as measured by the model the  
 1330 board establishes under Subsection 53B-7-706(1)(a)(i)(B).

1331 [(g)] (d) [After January 1, 2024, if] If a degree-granting institution or technical college  
 1332 does not earn the full new performance funding amount as described in Subsection [   
 1333 (6)(e)] (6)(b), the [board] Legislature:

1334 (i) shall set aside the unearned new performance funding; and

1335 (ii) may, at the end of an annual performance goal period within a five-year period  
 1336 for which the board sets goals under Subsection 53B-7-706(1)(a)(ii), reallocate the  
 1337 funds set aside under Subsection [(6)(g)(i)] (6)(d)(i) to a degree-granting  
 1338 institution or technical college that meets or exceeds the degree-granting  
 1339 institution's or technical college's:

1340 (A) previous year's annual performance goal; and

1341 (B) performance goal that the institution previously failed to meet which caused  
 1342 the funding to be set aside.

1343 (7) An appropriation described in this section is ongoing.

1344 (8) Notwithstanding Section 53B-7-703 and Subsections (6) and (7), the Legislature may,  
 1345 by majority vote, appropriate or refrain from appropriating money for performance  
 1346 funding as circumstances require in a particular year.

1347 Section 27. Section **53B-7-706** is amended to read:

1348 **53B-7-706 . Performance metrics for institutions -- Determination of**  
 1349 **performance.**

1350 (1) (a) (i) [(A) The board shall establish a model for determining a  
 1351 degree-granting institution's performance.]

1352 [(B) Beginning in March 2021, the] The board shall establish a model for

1353 determining a degree-granting institution's or technical college's performance.

1354 (ii) ~~[Beginning in May 2021, the]~~ The board shall:

1355 (A) set a five-year goal for the Utah System of Higher Education for each metric  
1356 described in Subsection ~~[(2)(a)(ii)]~~ (2)(a);

1357 (B) adopt five-year goals for each degree-granting institution and technical college  
1358 that align with each goal described in Subsection (1)(a)(ii)(A)~~[-and]~~ ;

1359 (C) ensure the goals the board adopts for each degree-granting institution and  
1360 technical college described in Subsection (1)(a)(ii)(B) are sufficiently rigorous  
1361 to meet the goals described in Subsection (1)(a)(ii)(A); and

1362 (b) (i) The board shall submit a draft of the model described in this section to the  
1363 Higher Education Appropriations Subcommittee and the governor for comments  
1364 and recommendations.

1365 (ii) ~~[Beginning in 2021, and every]~~ Every five years~~[-thereafter]~~, the board shall:

1366 (A) submit the model described in Subsection (1)(a)(i) and the goals described in  
1367 Subsection (1)(a)(ii) to the Higher Education Appropriations Subcommittee  
1368 and to the governor for comments and recommendations; and

1369 (B) consider the comments and recommendations described in Subsection  
1370 (1)(b)(ii)(A), and make any necessary changes to the model described in  
1371 Subsection (1)(a)(i) and the goals described in Subsection (1)(a)(ii).

1372 (c) ~~[Beginning in 2021, and every]~~ Every five years~~[-thereafter]~~, the Executive  
1373 Appropriations Committee, the Higher Education Appropriations Subcommittee, and  
1374 the Education Interim Committee shall prepare and jointly meet to consider  
1375 legislation for introduction at the following general legislative session to adopt the  
1376 goals described in Subsection (1)(a)(ii).

1377 (2) (a) ~~[(i) The model described in Subsection (1)(a)(i)(A) shall include metrics,~~  
1378 ~~including:]~~

1379 ~~[(A) completion, measured by degrees and certificates awarded;]~~

1380 ~~[(B) completion by underserved students, measured by degrees and certificates~~  
1381 ~~awarded to underserved students;]~~

1382 ~~[(C) responsiveness to workforce needs, measured by degrees and certificates~~  
1383 ~~awarded in high market demand fields;]~~

1384 ~~[(D) institutional efficiency, measured by degrees and certificates awarded per~~  
1385 ~~full-time equivalent student; and]~~

1386 ~~[(E) for a research university, research, measured by total research expenditures. (ii)]~~

- 1387 ~~Beginning in 2021, the~~ The board shall set the goals and establish the  
 1388 performance model described in Subsection ~~[(1)(a)(i)(B)]~~ (1)(a)(i) for the  
 1389 following metrics:
- 1390 ~~[(A)]~~ (i) access;
  - 1391 ~~[(B)]~~ (ii) timely completion; and
  - 1392 ~~[(C)]~~ (iii) high-yield awards.
- 1393 (b) ~~[(i) Subject to Subsection (2)(b)(ii), the]~~ The board shall determine the relative  
 1394 weights of the metrics described in Subsection ~~[(2)(a)(i)]~~ (2)(a).
- 1395 ~~[(ii) The board shall assign the responsiveness to workforce needs metric described~~  
 1396 ~~in Subsection (2)(a)(i)(C) a weight of at least 25% when determining a~~  
 1397 ~~degree-granting institution's performance.]~~
- 1398 (c) ~~[(Beginning in 2021, the)]~~ The board shall determine and establish in board policy, the  
 1399 definitions, measures, and relative weights of the metrics described in Subsection [  
 1400 ~~(2)(a)(ii)]~~ (2)(a) based on each degree-granting institution's and each technical  
 1401 college's mission.
- 1402 (3) (a) For each degree-granting institution, the board shall annually determine the  
 1403 degree-granting institution's:
- 1404 (i) performance; and
  - 1405 (ii) change in performance compared to the degree-granting institution's average  
 1406 performance over the previous five years.
- 1407 (b) For each degree-granting institution and technical college, the board shall annually:
- 1408 (i) adopt annual performance goals for each metric described in Subsection (2)(a)(ii)  
 1409 that will advance the degree-granting institution or technical college toward  
 1410 achievement of the five-year goals described in Subsection (1)(a)(ii);
  - 1411 (ii) evaluate performance in meeting the goals described in Subsection (3)(b)(i); and
  - 1412 (iii) include a degree-granting institution's or technical college's performance under  
 1413 this section in the evaluation described in Subsection 53B-1-402(2)(i).
- 1414 (4) ~~[(a) The board shall use the model described in Subsection (1)(a)(i)(A) to make the~~  
 1415 ~~report described in Section 53B-7-705 for determining a degree-granting institution's~~  
 1416 ~~performance funding for a fiscal year beginning on or after July 1, 2018, but before~~  
 1417 ~~July 1, 2024. (b) For a fiscal year beginning on or after July 1, 2024, the]~~ The board  
 1418 shall use the model described in Subsection ~~[(1)(a)(i)(B)]~~ (1)(a)(i) to make the report  
 1419 described in Section 53B-7-705 for determining a degree-granting institution's or  
 1420 technical college's performance funding.

- 1421 (5) At the end of each five-year period for which the board sets goals under Subsection  
1422 (1)(a)(ii):
- 1423 (a) the board shall:
- 1424 (i) review the Utah System of Higher Education's performance in meeting the goals  
1425 the board sets under Subsection (1)(a)(ii)(A);
- 1426 (ii) review each degree-granting institution's and each technical college's performance  
1427 in meeting the goals the board sets under Subsection (1)(a)(ii)(B); and
- 1428 (iii) allocate any funds not allocated under Subsection 53B-7-705(6)(g) to each  
1429 degree-granting institution and each technical college that meets or exceeds the  
1430 goals the board sets under Subsection (1)(a)(ii)(B); and
- 1431 (b) the Legislature may appropriate additional funds for the board to allocate to each  
1432 degree-granting institution and each technical college that meets or exceeds goals as  
1433 described in Subsection (5)(a)(iii).
- 1434 (6) In year two or three of each five-year period for which the board sets goals under  
1435 Subsection (1)(a)(ii), the following committees and the governor shall hold a joint open  
1436 meeting to review the goals the board sets under Subsection (1)(a)(ii):
- 1437 (a) the Executive Appropriations Committee;
- 1438 (b) the Higher Education Appropriations Subcommittee; and
- 1439 (c) the Education Interim Committee.
- 1440 Section 28. Section **53B-8-102** is amended to read:
- 1441 **53B-8-102 . Definitions -- Resident student status -- Exceptions.**
- 1442 (1) As used in this section:
- 1443 (a) "Eligible person" means an individual who is entitled to post-secondary educational  
1444 benefits under Title 38 U.S.C., Veterans' Benefits.
- 1445 (b) "Immediate family member" means an individual's spouse or dependent child.
- 1446 (c) "Military service member" means an individual who:
- 1447 (i) is serving on active duty in the United States Armed Forces within the state of  
1448 Utah;
- 1449 (ii) is a member of a reserve component of the United States Armed Forces assigned  
1450 in Utah;
- 1451 (iii) is a member of the Utah National Guard; or
- 1452 (iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned  
1453 outside of Utah pursuant to federal permanent change of station orders.
- 1454 (d) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.

- 1455 (e) "Parent" means a student's biological or adoptive parent.
- 1456 (2) The meaning of "resident student" is determined by reference to the general law on the  
1457 subject of domicile, except as provided in this section.
- 1458 (3) (a) Institutions within the state system of higher education may grant resident student  
1459 status to any student who has come to Utah and established residency for the purpose  
1460 of attending an institution of higher education, and who, prior to registration as a  
1461 resident student:
- 1462 (i) has maintained continuous Utah residency status for one full year;
  - 1463 (ii) has signed a written declaration that the student has relinquished residency in any  
1464 other state; and
  - 1465 (iii) has submitted objective evidence that the student has taken overt steps to  
1466 establish permanent residency in Utah and that the student does not maintain a  
1467 residence elsewhere.
- 1468 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
- 1469 (i) a Utah high school transcript issued in the past year confirming attendance at a  
1470 Utah high school in the past 12 months;
  - 1471 (ii) a Utah voter registration dated a reasonable period prior to application;
  - 1472 (iii) a Utah driver license or identification card with an original date of issue or a  
1473 renewal date several months prior to application;
  - 1474 (iv) a Utah vehicle registration dated a reasonable period prior to application;
  - 1475 (v) evidence of employment in Utah for a reasonable period prior to application;
  - 1476 (vi) proof of payment of Utah resident income taxes for the previous year;
  - 1477 (vii) a rental agreement showing the student's name and Utah address for at least 12  
1478 months prior to application; and
  - 1479 (viii) utility bills showing the student's name and Utah address for at least 12 months  
1480 prior to application.
- 1481 (c) A student who is claimed as a dependent on the tax returns of a person who is not a  
1482 resident of Utah is not eligible to apply for resident student status.
- 1483 (4) Except as provided in Subsection (8), an institution within the state system of higher  
1484 education may establish stricter criteria for determining resident student status.
- 1485 (5) If an institution does not have a minimum credit-hour requirement, that institution shall  
1486 honor the decision of another institution within the state system of higher education to  
1487 grant a student resident student status, unless:
- 1488 (a) the student obtained resident student status under false pretenses; or



- 1489 (b) the facts existing at the time of the granting of resident student status have changed.
- 1490 (6) Within the limits established in Title 53B, Chapter 8, Tuition Waiver and Scholarships,  
1491 each institution within the state system of higher education may, regardless of its policy  
1492 on obtaining resident student status, waive nonresident tuition either in whole or in part,  
1493 but not other fees.
- 1494 (7) In addition to the waivers of nonresident tuition under Subsection (6), each institution  
1495 may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the  
1496 maximum number allowed by the appropriate athletic conference as recommended by  
1497 the president of each institution.
- 1498 (8) Notwithstanding Subsection (3), an institution within the state system of higher  
1499 education shall grant resident student status for tuition purposes to:
- 1500 (a) a military service member, if the military service member provides:
- 1501 (i) the military service member's current United States military identification card;  
1502 and
- 1503 (ii) (A) a statement from the military service member's current commander, or  
1504 equivalent, stating that the military service member is assigned in Utah; or  
1505 (B) evidence that the military service member is domiciled in Utah, as described  
1506 in Subsection (9)(a);
- 1507 (b) a military service member's immediate family member, if the military service  
1508 member's immediate family member provides:
- 1509 (i) (A) the military service member's current United States military identification  
1510 card; or  
1511 (B) the immediate family member's current United States military identification  
1512 card; and
- 1513 (ii) (A) a statement from the military service member's current commander, or  
1514 equivalent, stating that the military service member is assigned in Utah; or  
1515 (B) evidence that the military service member is domiciled in Utah, as described  
1516 in Subsection (9)(a);
- 1517 (c) a military veteran, regardless of whether the military veteran served in Utah, if the  
1518 military veteran provides:
- 1519 (i) evidence of an honorable or general discharge;
- 1520 (ii) a signed written declaration that the military veteran has relinquished residency in  
1521 any other state and does not maintain a residence elsewhere;
- 1522 (iii) objective evidence that the military veteran has demonstrated an intent to

- 1523 establish residency in Utah, which may include any one of the following:
- 1524 (A) a Utah voter registration card;
- 1525 (B) a Utah driver license or identification card;
- 1526 (C) a Utah vehicle registration;
- 1527 (D) evidence of employment in Utah;
- 1528 (E) a rental agreement showing the military veteran's name and Utah address; or
- 1529 (F) utility bills showing the military veteran's name and Utah address;
- 1530 (d) a military veteran's immediate family member, regardless of whether the military
- 1531 veteran served in Utah, if the military veteran's immediate family member provides:
- 1532 (i) evidence of the military veteran's honorable or general discharge;
- 1533 (ii) a signed written declaration that the military veteran's immediate family member
- 1534 has relinquished residency in any other state and does not maintain a residence
- 1535 elsewhere; and
- 1536 (iii) objective evidence that the military veteran's immediate family member has
- 1537 demonstrated an intent to establish residency in Utah, which may include any one
- 1538 of the items described in Subsection (8)(c)(iii);[-øŕ]
- 1539 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who
- 1540 is either:
- 1541 (i) domiciled in Utah, recognizing the individual may not be physically present in the
- 1542 state due to an assignment; or
- 1543 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 1544 (A) evidence of the foreign service member's status;
- 1545 (B) a statement from the foreign service member's current commander, or
- 1546 equivalent, stating that the foreign service member is assigned in Utah; or
- 1547 (C) evidence that the foreign service member is domiciled in Utah;
- 1548 (f) a foreign service member's immediate family member if the foreign service member
- 1549 is either:
- 1550 (i) domiciled in Utah, recognizing the individual may not be physically present in the
- 1551 state due to an assignment; or
- 1552 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 1553 (A) evidence of the foreign service member's status;
- 1554 (B) a statement from the foreign service member's current commander, or
- 1555 equivalent, stating that the foreign service member is assigned in Utah; or
- 1556 (C) evidence that the foreign service member is domiciled in Utah;

- 1557 [(e)] (g) an eligible person who provides:
- 1558 (i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits;
- 1559 (ii) a signed written declaration that the eligible person will use the [~~G.I. Bill~~ benefits]
- 1560 Veteran Benefits under Title 38 U.S.C.; and
- 1561 (iii) objective evidence that the eligible person has demonstrated an intent to establish
- 1562 residency in Utah, which may include any one of the items described in
- 1563 Subsection (8)(c)(iii)~~[-]~~ ; or
- 1564 [(f)] (h) an alien who provides:
- 1565 (i) evidence that the alien is a special immigrant visa recipient;
- 1566 (ii) evidence that the alien has been granted refugee status, humanitarian parole,
- 1567 temporary protected status, or asylum; or
- 1568 (iii) evidence that the alien has submitted in good faith an application for refugee
- 1569 status, humanitarian parole, temporary protected status, or asylum under United
- 1570 States immigration law.
- 1571 (9) (a) The evidence described in Subsection (8)(a)(ii)(B) or (8)(b)(ii)(B) includes:
- 1572 (i) a current Utah voter registration card;
- 1573 (ii) a valid Utah driver license or identification card;
- 1574 (iii) a current Utah vehicle registration;
- 1575 (iv) a copy of a Utah income tax return, in the military service member's or military
- 1576 service member's spouse's name, filed as a resident in accordance with Section
- 1577 59-10-502; or
- 1578 (v) proof that the military service member or military service member's spouse owns
- 1579 a home in Utah, including a property tax notice for property owned in Utah.
- 1580 (b) Aliens who are present in the United States on visitor, student, or other visas not
- 1581 listed in Subsection [~~(8)(f)] (8)(h)~~ or (9)(c), which authorize only temporary presence
- 1582 in this country, do not have the capacity to intend to reside in Utah for an indefinite
- 1583 period and therefore are classified as nonresidents.
- 1584 (c) Aliens who have been granted or have applied for permanent resident status in the
- 1585 United States are classified for purposes of resident student status according to the
- 1586 same criteria applicable to citizens.
- 1587 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or
- 1588 trust lands lie partly or wholly within Utah or whose border is at any point contiguous
- 1589 with the border of Utah, and any American Indian who is a member of a federally
- 1590 recognized or known Utah tribe and who has graduated from a high school in Utah, is

- 1591 entitled to resident student status.
- 1592 (11) A Job Corps student is entitled to resident student status if the student:
- 1593 (a) is admitted as a full-time, part-time, or summer school student in a program of study
- 1594 leading to a degree or certificate; and
- 1595 (b) submits verification that the student is a current Job Corps student.
- 1596 (12) A person is entitled to resident student status and may immediately apply for resident
- 1597 student status if the person:
- 1598 (a) marries a Utah resident eligible to be a resident student under this section; and
- 1599 (b) establishes his or her domicile in Utah as demonstrated by objective evidence as
- 1600 provided in Subsection (3).
- 1601 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent
- 1602 who has been domiciled in Utah for at least 12 months prior to the student's application
- 1603 is entitled to resident student status.
- 1604 (14) (a) A person who has established domicile in Utah for full-time permanent
- 1605 employment may rebut the presumption of a nonresident classification by providing
- 1606 substantial evidence that the reason for the individual's move to Utah was, in good
- 1607 faith, based on an employer requested transfer to Utah, recruitment by a Utah
- 1608 employer, or a comparable work-related move for full-time permanent employment
- 1609 in Utah.
- 1610 (b) All relevant evidence concerning the motivation for the move shall be considered,
- 1611 including:
- 1612 (i) the person's employment and educational history;
- 1613 (ii) the dates when Utah employment was first considered, offered, and accepted;
- 1614 (iii) when the person moved to Utah;
- 1615 (iv) the dates when the person applied for admission, was admitted, and was enrolled
- 1616 as a postsecondary student;
- 1617 (v) whether the person applied for admission to an institution of higher education
- 1618 sooner than four months from the date of moving to Utah;
- 1619 (vi) evidence that the person is an independent person who is:
- 1620 (A) at least 24 years old; or
- 1621 (B) not claimed as a dependent on someone else's tax returns; and
- 1622 (vii) any other factors related to abandonment of a former domicile and establishment
- 1623 of a new domicile in Utah for purposes other than to attend an institution of higher
- 1624 education.

- 1625 (15) (a) A person who is in residence in Utah to participate in a United States Olympic  
1626 athlete training program, at a facility in Utah, approved by the governing body for the  
1627 athlete's Olympic sport, shall be entitled to resident status for tuition purposes.
- 1628 (b) Upon the termination of the athlete's participation in the training program, the athlete  
1629 shall be subject to the same residency standards applicable to other persons under this  
1630 section.
- 1631 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah  
1632 counts for Utah residency for tuition purposes upon termination of the athlete's  
1633 participation in a Utah Olympic athlete training program.
- 1634 (16) (a) A person who has established domicile in Utah for reasons related to divorce,  
1635 the death of a spouse, or long-term health care responsibilities for an immediate  
1636 family member, including the person's spouse, parent, sibling, or child, may rebut the  
1637 presumption of a nonresident classification by providing substantial evidence that the  
1638 reason for the individual's move to Utah was, in good faith, based on the long-term  
1639 health care responsibilities.
- 1640 (b) All relevant evidence concerning the motivation for the move shall be considered,  
1641 including:
- 1642 (i) the person's employment and educational history;
- 1643 (ii) the dates when the long-term health care responsibilities in Utah were first  
1644 considered, offered, and accepted;
- 1645 (iii) when the person moved to Utah;
- 1646 (iv) the dates when the person applied for admission, was admitted, and was enrolled  
1647 as a postsecondary student;
- 1648 (v) whether the person applied for admission to an institution of higher education  
1649 sooner than four months from the date of moving to Utah;
- 1650 (vi) evidence that the person is an independent person who is:
- 1651 (A) at least 24 years old; or
- 1652 (B) not claimed as a dependent on someone else's tax returns; and
- 1653 (vii) any other factors related to abandonment of a former domicile and establishment  
1654 of a new domicile in Utah for purposes other than to attend an institution of higher  
1655 education.
- 1656 (17) A foreign service member or the foreign service member's immediate family member  
1657 deemed eligible for resident student status under Subsection (8)(e) or (f) shall retain the  
1658 eligibility for resident student status if the foreign service member or immediate family

1659 member maintains continuous enrollment even in the case of a change in domicile or  
 1660 duty station.

1661 [~~17~~] (18) The board, after consultation with the institutions, shall make rules not  
 1662 inconsistent with this section:

- 1663 (a) concerning the definition of resident and nonresident students;
- 1664 (b) establishing procedures for classifying and reclassifying students;
- 1665 (c) establishing criteria for determining and judging claims of residency or domicile;
- 1666 (d) establishing appeals procedures; and
- 1667 (e) other matters related to this section.

1668 [~~18~~] (19) A student shall be exempt from paying the nonresident portion of total tuition if  
 1669 the student:

- 1670 (a) is a foreign national legally admitted to the United States;
- 1671 (b) attended high school in this state for three or more years; and
- 1672 (c) graduated from a high school in this state or received the equivalent of a high school  
 1673 diploma in this state.

1674 Section 29. Section **53B-8-201** is amended to read:

1675

### **Part 2. Opportunity Scholarship Program**

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

1676 (1) As used in this section:

1677 (a) "Eligible institution" means:

- 1678 (i) a degree-granting institution of higher education within the state system of higher  
 1679 education; or
- 1680 (ii) a private, nonprofit college or university in the state that is accredited by the  
 1681 Northwest Commission on Colleges and Universities.

1682 (b) "Eligible student" means a student who:

- 1683 (i) applies to the board in accordance with the rules described in Subsection (5);
- 1684 (ii) is enrolled in an eligible institution; and
- 1685 (iii) meets the criteria established by the board in rules described in Subsection (5).

1686 (c) "Fee" means:

- 1687 (i) for an eligible institution that is a degree-granting institution, a fee approved by  
 1688 the board; or
- 1689 (ii) for an eligible institution that is a technical college, a fee approved by the eligible  
 1690 institution.

1691

- 1692 (d) "Program" means the Opportunity Scholarship Program described in this section.
- 1693 (2) (a) Subject to legislative appropriations, the board shall annually distribute money  
1694 for the Opportunity Scholarship Program described in this section to each eligible  
1695 institution to award as Opportunity scholarships to eligible students.
- 1696 (b) The board shall annually determine the amount of an Opportunity scholarship based  
1697 on:
- 1698 (i) the number of eligible students in the state; and  
1699 (ii) money available for the program.
- 1700 (c) The board may not use more than 3% of the money appropriated to the program for  
1701 administrative costs and overhead.
- 1702 (3) (a) Except as provided in this Subsection (3), an eligible institution shall provide to  
1703 an eligible student an Opportunity scholarship in the amount determined by the board  
1704 described in Subsection (2)(b).
- 1705 (b) For an Opportunity scholarship for which an eligible student applies on or before  
1706 July 1, 2019, an eligible institution may reduce the amount of the Opportunity  
1707 scholarship based on other state aid awarded to the eligible student for tuition and  
1708 fees.
- 1709 (c) For an Opportunity scholarship for which an eligible student applies after July 1,  
1710 2019:
- 1711 (i) an eligible institution shall reduce the amount of the Opportunity scholarship so  
1712 that the total amount of state aid awarded to the eligible student, including tuition  
1713 or fee waivers and the Opportunity scholarship, does not exceed the cost of the  
1714 eligible student's tuition and fees; and
- 1715 (ii) the eligible student may only use the Opportunity scholarship for tuition and fees.
- 1716 (d) An institution described in Subsection (1)(a)(ii) may not award an Opportunity  
1717 scholarship to an eligible student in an amount that exceeds the average total cost of  
1718 tuition and fees among the eligible institutions described in Subsection (1)(a)(i).
- 1719 (e) If the allocation for an eligible institution described in Subsection (1)(a)(ii) is  
1720 insufficient to provide the amount described in Subsection (2)(b) to each eligible  
1721 student, the eligible institution may reduce the amount of an Opportunity scholarship.
- 1722 (4) The board may:
- 1723 (a) audit an eligible institution's administration of Opportunity scholarships;  
1724 (b) require an eligible institution to repay to the board money distributed to the eligible  
1725 institution under this section that is not provided to an eligible student as an

- 1726 Opportunity scholarship; and
- 1727 (c) require an eligible institution to enter into a written agreement with the board in
- 1728 which the eligible institution agrees to provide the board with access to information
- 1729 and data necessary for the purposes of the program.
- 1730 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1731 board shall make rules that establish:
- 1732 (a) requirements related to an eligible institution's administration of Opportunity
- 1733 scholarships;
- 1734 (b) a process for a student to apply to the board to determine the student's eligibility for
- 1735 an Opportunity scholarship;
- 1736 (c) criteria to determine a student's eligibility for an Opportunity scholarship, including:
- 1737 (i) minimum secondary education academic performance standards; and
- 1738 (ii) the completion of a Free Application for Federal Student Aid or a process
- 1739 approved by the board in lieu of the Free Application for Federal Student Aid;
- 1740 (d) a requirement for each eligible institution to annually report to the board on all
- 1741 Opportunity scholarships awarded by the eligible institution; and
- 1742 (e) a process for a student to apply to the board for an Opportunity scholarship who
- 1743 would have likely received the scholarship but for an irreconcilable error in the
- 1744 application process described in Subsection (5)(b).
- 1745 (6) The board shall annually report on the program to the Higher Education Appropriations
- 1746 Subcommittee.
- 1747 (7) The State Board of Education, a school district, or a public high school shall cooperate
- 1748 with the board and eligible institutions to facilitate the program, including by
- 1749 exchanging relevant data where allowed by law.

1750 Section 30. Section **53B-8a-105** is amended to read:

1751 **53B-8a-105 . Powers and duties of board.**

- 1752 (1) There is created the Utah Education Savings Board of Trustees.
- 1753 (2) The Utah Board of Higher Education shall:
- 1754 (a) appoint the members of the board as follows:
- 1755 (i) not more than three members from the Utah Board of Higher Education; and
- 1756 (ii) at least four public members, each of whom possesses skills in one or more of the
- 1757 following:
- 1758 (A) investments;
- 1759 (B) accounting;



- 1760 (C) finance;
- 1761 (D) banking;
- 1762 (E) education;
- 1763 (F) technology; or
- 1764 (G) financial operations; and
- 1765 (b) designate a member appointed under Subsection (2)(a) as chair.
- 1766 (3) Each board member serves at the pleasure of the Utah Board of Higher Education.
- 1767 (4) The board has all powers necessary to carry out and effectuate the purposes, objectives,
- 1768 and provisions of this chapter pertaining to the plan.
- 1769 (5) The board shall act as a fiduciary of the plan with:
- 1770 (a) a duty of care to act solely in the best interest of the plan's account owners and
- 1771 beneficiaries;
- 1772 (b) a duty of loyalty putting the plan's interest ahead of other interests; and
- 1773 (c) a duty to invest with care, skill, prudence, and diligence.
- 1774 (6) The duties, responsibilities, funds, liabilities, and expenses of the board in oversight and
- 1775 governance of the plan shall be maintained separate and apart from the Utah Board of
- 1776 Higher Education's other duties, responsibilities, funds, liabilities, and expenses.
- 1777 (7) The board shall:
- 1778 (a) make policies governing the administration of the plan; and
- 1779 (b) amend policies related to board governance.
- 1780 (8) (a) The board may appoint advisory committees to aid the board in fulfilling its
- 1781 duties and responsibilities.
- 1782 (b) An advisory committee member may receive compensation and be reimbursed for
- 1783 reasonable expenses incurred in the performance of the member's official duties as
- 1784 determined by the board.
- 1785 [~~(9) The board may appoint a board of directors known as the Board of Directors of the~~
- 1786 ~~Utah Education Savings Plan to carry out the obligation of separation of functions~~
- 1787 ~~required under Subsection (6).]~~
- 1788 [~~(10) If the board creates a board of directors under Subsection (9):]~~
- 1789 [~~(a) the board of directors shall consist of at least five members; and]~~
- 1790 [~~(b) no more than two-thirds of the members of the board of directors may simultaneously~~
- 1791 ~~serve as a member of the board.]~~
- 1792 Section 31. Section **53B-13-103** is amended to read:
- 1793 **53B-13-103 . Powers of Utah Board of Higher Education.**

- 1794 The [~~board~~] Utah Board of Higher Education has the powers necessary to carry out  
1795 the purposes of this chapter, including the following:
- 1796 (1) to accept gifts, grants, loans, and other aids or amounts from a person, corporation, or  
1797 governmental agency;
  - 1798 (2) to loan money to eligible borrowers to assist them in obtaining a post-high school  
1799 education by attending an eligible institution, including refinancing or consolidating  
1800 obligations previously incurred by eligible borrowers with other lending sources for this  
1801 purpose and participating in loans to eligible borrowers for this purpose with other  
1802 lending sources;
  - 1803 (3) to acquire, purchase, or make commitments to purchase, and take assignments from  
1804 lenders of obligations. No obligation is eligible for acquisition, purchase, or  
1805 commitment to purchase by the board unless at or before the time of transfer to the  
1806 board the lender certifies either: (a) that, under and to the extent required by rules and  
1807 regulations of the board, the proceeds of sale or its equivalent shall be reinvested in  
1808 other obligations under the student loan program; or (b) that the obligation was made in  
1809 anticipation of its sale to the board under rules and regulations of the board promulgated  
1810 under this chapter;
  - 1811 (4) to enforce its rights under a contract or agreement including the commencement of court  
1812 action;
  - 1813 (5) to acquire, hold, and dispose of real and personal property necessary for the  
1814 accomplishment of the purposes of this chapter;
  - 1815 (6) to obtain insurance against losses which may be incurred in connection with its  
1816 property, assets, activities, or the exercise of the powers granted under this chapter;
  - 1817 (7) to borrow money and to issue its bonds and provide for the rights of bondholders and to  
1818 secure the bonds by assignment, pledge, or granting a security interest in its property  
1819 including all or a part of an obligation. The state is not liable for the repayment of bonds  
1820 issued by the board. The bonds issued by the board are not a debt of the state, and each  
1821 bond shall contain on its face a statement to this effect;
  - 1822 (8) to invest funds not required for immediate use or disbursement as provided in the State  
1823 Money Management Act;
  - 1824 (9) subject to a contract with the holders of its bonds, an applicable bond resolution, or a  
1825 contract with the recipient of a loan, to consent to the modification, with respect to  
1826 security, rate of interest, time of payment of interest or principal, or other term of a bond  
1827 contract or agreement between the board and a recipient of a loan, bondholder, or

- 1828 agency or institution guaranteeing the repayment of an obligation;
- 1829 (10) to engage and [~~appoint~~] employ officers, agents, employees, and other private
- 1830 consultants to render and perform professional and technical duties, assistance, and
- 1831 advice in carrying out the purposes of this chapter, to describe their duties, and to fix the
- 1832 amount and source of their compensation;
- 1833 (11) to make rules and regulations governing the activities authorized under this chapter;
- 1834 (12) to solicit grants and contributions from the public or from any government or
- 1835 governmental agency and to arrange for the guaranteeing of the repayment of
- 1836 obligations by other agencies of this state or the United States;
- 1837 (13) to collect fees and charges in connection with its loans, commitments, and servicing,
- 1838 including reimbursement of the costs of financing, service charges, and insurance
- 1839 premiums which are determined as reasonable and are approved by the board;
- 1840 (14) to sell obligations held by the board at such prices and at such times as it may
- 1841 determine, when that sale would not impair the rights or interests of holders of bonds
- 1842 issued by the board; and
- 1843 (15) to participate in federal programs supporting loans to eligible borrowers and to agree
- 1844 to, and comply with, the conditions of those programs.

1845 Section 32. Section **53B-16-102** is amended to read:

1846 **53B-16-102 . Changes in curriculum -- Substantial alterations in institutional**

1847 **operations -- Program approval -- Periodic review of programs -- Career and**

1848 **technical education curriculum changes.**

1849 (1) As used in this section:

1850 (a) "Institution of higher education" means an institution described in Section 53B-1-102.

1851 (b) "Program of instruction" means a program of curriculum that leads to the completion

1852 of a degree, diploma, certificate, or other credential.

1853 (2) (a) Under procedures and policies approved by the board and developed in

1854 consultation with each institution of higher education, each institution of higher

1855 education may make such changes in the institution of higher education's curriculum

1856 as necessary to better effectuate the institution of higher education's primary role[-:];

1857 and

1858 (b) subject to Subsection (2)(a), an institution of higher education's faculty shall

1859 establish and have primary responsibility for the curriculum of a course within a

1860 program of instruction at the institution.

1861 (3) The board shall establish criteria for whether an institution of higher education may

- 1862 approve a new program of instruction, including criteria related to whether:
- 1863 (a) the program of instruction meets identified workforce needs;
- 1864 (b) the institution of higher education is maximizing collaboration with other institutions
- 1865 of higher education to provide for efficiency in offering the program of instruction;
- 1866 (c) the new program of instruction is within the institution of higher education's mission
- 1867 and role; and
- 1868 (d) the new program of instruction meets other criteria determined by the board.
- 1869 (4) (a) Except as [~~provided in Subsection (4)(b), without the approval of the board]~~ board
- 1870 policy permits, an institution of higher education may not~~[(+)]~~ establish a branch,
- 1871 extension center, college, or professional school~~[; or]~~ .
- 1872 [~~(ii) establish a new program of instruction.~~]
- 1873 (b) [~~An]~~ The president of an institution of higher education may, with the approval of the
- 1874 institution of higher education's board of trustees, establish a new program of
- 1875 instruction that meets the criteria described in Subsection (3), subject to board review
- 1876 for pathway articulation.
- 1877 (5) (a) An institution of higher education shall notify the board of a proposed new
- 1878 program of instruction, including how the proposed new program of instruction
- 1879 meets the criteria described in Subsection (3).
- 1880 (b) The board shall establish procedures and guidelines for institutional boards of
- 1881 trustees to consider an institutional proposal for a new program of instruction
- 1882 described in Subsection (4)(b).
- 1883 (6) The president of an institution of higher education may discontinue a program of
- 1884 instruction in accordance with criteria that the president and the institution of higher
- 1885 education's board of trustees establish.
- 1886 [~~(6)~~] (7) (a) The board shall conduct a periodic review of all new programs of instruction,
- 1887 including those funded by gifts, grants, and contracts, no later than two years after the
- 1888 first cohort to begin the program of instruction completes the program of instruction.
- 1889 (b) The board may conduct a periodic review of any program of instruction at an
- 1890 institution of higher education, including a program of instruction funded by a gift,
- 1891 grant, or contract.
- 1892 (c) The board shall conduct:
- 1893 (i) at least once every seven years, at least one review described in Subsection [~~(6)(b)~~]
- 1894 (7)(b) of each program of instruction at each institution; and
- 1895 (ii) annually, a qualitative and quantitative review of academic disciplines across the

1896 system, including enrollment, graduation rates, and workforce placement,  
 1897 ensuring that the board conducts a review of all disciplines within the system at  
 1898 least once every seven years.

1899 (d) Following a review described in this Subsection ~~[(6)]~~ (7) and after providing the  
 1900 relevant institution of higher education an opportunity to respond to the board's  
 1901 review of a given program of instruction, the board may modify, consolidate, or  
 1902 terminate the program of instruction.

1903 ~~[(7)]~~ (8) In making decisions related to career and technical education curriculum changes,  
 1904 the board shall coordinate on behalf of the boards of trustees of higher education  
 1905 institutions a review of the proposed changes by the State Board of Education to ensure  
 1906 an orderly and systematic career and technical education curriculum that eliminates  
 1907 overlap and duplication of course work with high schools and technical colleges.

1908 (9) The board shall demonstrate compliance with Subsection (7) by:

1909 (a) creating a list of programs and corresponding review schedules;

1910 (b) upon request of the Higher Education Appropriations Subcommittee, providing the  
 1911 list described in Subsection (9)(a); and

1912 (c) providing a written report on or before October 1 to the Higher Education  
 1913 Appropriations Subcommittee of each year regarding relevant findings from the  
 1914 reviews conducted under Subsection (7).

1915 (10) On or before October 1, 2026, if the Higher Education Appropriations Subcommittee  
 1916 finds the board to be out of compliance with Subsection (9), the Legislature shall:

1917 (a) deduct 10% of the appropriation described in Section 53B-7-703 for the following  
 1918 fiscal year; and

1919 (b) deduct an additional 10% of the appropriation described in Section 53B-7-703 for  
 1920 each subsequent year of noncompliance up to a maximum deduction of 30%.

1921 Section 33. Section **53B-17-1203** is amended to read:

1922 **53B-17-1203 . SafeUT and School Safety Commission established -- Members.**

1923 (1) There is created the SafeUT and School Safety Commission composed of the following  
 1924 members:

1925 (a) one member who represents the Office of the Attorney General, ~~[appointed by]~~ whom  
 1926 the attorney general appoints;

1927 (b) one member who represents the Utah public education system, ~~[appointed by]~~ whom  
 1928 the State Board of Education appoints;

1929 (c) ~~[one member who represents the Utah system of higher education, appointed by]~~ a

- 1930 designee of the Utah Board of Higher Education, whom the commissioner selects  
 1931 under direction of the board;
- 1932 (d) one member who represents the Department of Health and Human Services, [  
 1933 ~~appointed by~~] whom the executive director of the Department of Health and Human  
 1934 Services appoints;
- 1935 (e) one member of the House of Representatives, [~~appointed by~~] whom the speaker of the  
 1936 House of Representatives appoints;
- 1937 (f) one member of the Senate, [~~appointed by~~] whom the president of the Senate appoints;
- 1938 (g) one member who represents the University Neuropsychiatric Institute, [~~appointed by~~]  
 1939 whom the chair of the commission appoints;
- 1940 (h) one member who represents law enforcement who has extensive experience in  
 1941 emergency response, [~~appointed by~~] whom the chair of the commission appoints;
- 1942 (i) one member who represents the Department of Health and Human Services who has  
 1943 experience in youth services or treatment services, [~~appointed by~~] whom the executive  
 1944 director of the Department of Health and Human Services appoints; and
- 1945 (j) two members of the public, [~~appointed by~~] whom the chair of the commission appoints.
- 1946 (2) (a) Except as provided in Subsection (2)(b), members of the commission shall be  
 1947 appointed to four-year terms.
- 1948 (b) The length of the terms of the members shall be staggered so that approximately half  
 1949 of the committee is appointed every two years.
- 1950 (c) When a vacancy occurs in the membership of the commission, the replacement shall  
 1951 be appointed for the unexpired term.
- 1952 (3) (a) The attorney general's designee shall serve as chair of the commission.
- 1953 (b) The chair shall set the agenda for commission meetings.
- 1954 (4) Attendance of a simple majority of the members constitutes a quorum for the  
 1955 transaction of official commission business.
- 1956 (5) Formal action by the commission requires a majority vote of a quorum.
- 1957 (6) (a) Except as provided in Subsection (6)(b), a member may not receive  
 1958 compensation, benefits, per diem, or travel expenses for the member's service.
- 1959 (b) Compensation and expenses of a member who is a legislator are governed by Section  
 1960 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- 1961 (7) The Office of the Attorney General shall provide staff support to the commission.
- 1962 Section 34. Section **53B-22-102** is amended to read:
- 1963 **53B-22-102 . Utah State University revenue bonds -- Student family housing and**

1964 **Human Resource Research Center.**

1965 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf  
 1966 of Utah State University, may issue, sell, and deliver revenue bonds or other evidences  
 1967 of indebtedness of Utah State University to borrow money on the credit of the income  
 1968 and revenues of Utah State University, other than appropriations of the Legislature, to  
 1969 finance the cost of constructing, furnishing, and equipping a student family housing  
 1970 project and a Human Resource Research Center.

1971 (2) The bonds or other evidences of indebtedness authorized by this section may not exceed  
 1972 \$6,600,000 for the student family housing project and \$6,000,000 for the Human  
 1973 Resource Research Center, and shall be issued in accordance with Title 53B, Chapter 21,  
 1974 Revenue Bonds, under such terms and conditions and in such amounts as the board, by  
 1975 resolution, determines are reasonable and necessary.

1976 Section 35. Section **53B-22-103** is amended to read:

1977 **53B-22-103 . Weber State University revenue bonds -- Student services building.**

1978 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf  
 1979 of Weber State University, may issue, sell, and deliver revenue bonds or other evidences  
 1980 of indebtedness of Weber State University to borrow money on the credit of the income  
 1981 and revenues of Weber State University, other than appropriations of the Legislature, to  
 1982 finance the partial cost of constructing, furnishing, and equipping a student services  
 1983 building.

1984 (2) The bonds or other evidences of indebtedness authorized by this section may not exceed  
 1985 \$5,800,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue  
 1986 Bonds, under such terms and conditions and in such amounts as the board, by resolution,  
 1987 determines are reasonable and necessary.

1988 Section 36. Section **53B-22-104** is amended to read:

1989 **53B-22-104 . Southern Utah University revenue bonds -- Student housing and**  
 1990 **student center addition.**

1991 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf  
 1992 of Southern Utah University, may issue, sell, and deliver revenue bonds or other  
 1993 evidences of indebtedness of Southern Utah University to borrow money on the credit of  
 1994 the income and revenues of Southern Utah University, other than appropriations of the  
 1995 Legislature, to finance the cost of constructing, furnishing, and equipping a student  
 1996 housing project and a student center addition.

1997 (2) The bonds or other evidences of indebtedness authorized by this section may not exceed

1998 \$6,000,000 for the student housing project and \$5,500,000 for the student center  
 1999 addition and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds,  
 2000 under terms and conditions and in amounts that the board, by resolution, determines are  
 2001 reasonable and necessary.

2002 Section 37. Section **53B-22-105** is amended to read:

2003 **53B-22-105 . Utah Tech University revenue bonds -- Student center building.**

2004 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf  
 2005 of [~~Dixie College~~] Utah Tech University, may issue, sell, and deliver revenue bonds or  
 2006 other evidences of indebtedness of [~~Dixie College~~] Utah Tech University to borrow  
 2007 money on the credit of the income and revenues of [~~Dixie College~~] Utah Tech University,  
 2008 other than appropriations of the Legislature, to finance the partial cost of constructing,  
 2009 furnishing, and equipping a student center building.

2010 (2) The bonds or other evidences of indebtedness authorized by this section may not exceed  
 2011 \$3,100,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue  
 2012 Bonds, under such terms and conditions and in such amounts as the board, by resolution,  
 2013 determines are reasonable and necessary.

2014 Section 38. Section **53B-22-106** is amended to read:

2015 **53B-22-106 . Utah Valley University revenue bonds -- Student center addition.**

2016 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf  
 2017 of Utah Valley [~~State College~~] University, may issue, sell, and deliver revenue bonds or  
 2018 other evidences of indebtedness of Utah Valley [~~State College~~] Univeristy to borrow  
 2019 money on the credit of the income and revenues of Utah Valley [~~State College~~]  
 2020 University, other than appropriations of the Legislature, to finance the cost of  
 2021 constructing, furnishing, and equipping a student center addition.

2022 (2) The bonds or other evidences of indebtedness authorized by this section may not exceed  
 2023 \$13,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue  
 2024 Bonds, under such terms and conditions and in such amounts as the board, by resolution,  
 2025 determines are reasonable and necessary.

2026 Section 39. Section **53B-22-107** is amended to read:

2027 **53B-22-107 . Salt Lake Community College revenue bonds -- Classroom/physical**  
 2028 **education facility.**

2029 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf  
 2030 of Salt Lake Community College, may issue, sell, and deliver revenue bonds or other  
 2031 evidences of indebtedness of Salt Lake Community College to borrow money on the



2032 credit of the income and revenues of Salt Lake Community College, other than  
 2033 appropriations of the Legislature, to finance the partial cost of constructing, furnishing,  
 2034 and equipping a classroom/physical education facility.

2035 (2) The bonds or other evidences of indebtedness authorized by this section may not exceed  
 2036 \$5,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue  
 2037 Bonds, under such terms and conditions and in such amounts as the board, by resolution,  
 2038 determines are reasonable and necessary.

2039 Section 40. Section **53B-22-109** is amended to read:

2040 **53B-22-109 . Salt Lake Community College revenue bonds -- Science/major**  
 2041 **industry building.**

2042 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf  
 2043 of Salt Lake Community College, may issue, sell, and deliver revenue bonds or other  
 2044 evidences of indebtedness of Salt Lake Community College to borrow money on the  
 2045 credit of the income and revenues of Salt Lake Community College, other than  
 2046 appropriations of the Legislature, to finance the partial cost of constructing, furnishing,  
 2047 and equipping a science/major industry building.

2048 (2) The bonds or other evidences of indebtedness authorized by this section may not exceed  
 2049 \$5,150,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue  
 2050 Bonds, under terms and conditions and in amounts that the board, by resolution,  
 2051 determines are reasonable and necessary.

2052 Section 41. Section **53B-22-111** is amended to read:

2053 **53B-22-111 . Southern Utah University revenue bonds -- Stadium expansion.**

2054 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf  
 2055 of Southern Utah University, may issue, sell, and deliver revenue bonds or other  
 2056 evidences of indebtedness of Southern Utah University to borrow money on the credit of  
 2057 the income and revenues of Southern Utah University, other than appropriations of the  
 2058 Legislature, to finance the phased expansion of the stadium at the university.

2059 (2) The bonds or other evidences of indebtedness authorized by this section may not exceed  
 2060 \$5,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue  
 2061 Bonds, under terms and conditions and in amounts that the board, by resolution,  
 2062 determines are reasonable and necessary.

2063 Section 42. Section **53B-22-112** is amended to read:

2064 **53B-22-112 . University of Utah revenue bonds -- Biology research building.**

2065 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf

2066 of the University of Utah, may issue, sell, and deliver revenue bonds or other evidences  
 2067 of indebtedness of the University of Utah to borrow money on the credit of the income  
 2068 and revenues of the University of Utah, other than appropriations of the Legislature, to  
 2069 finance the partial cost of constructing, furnishing, and equipping a biology research  
 2070 building.

2071 (2) The bonds or other evidences of indebtedness authorized by this section may not exceed  
 2072 \$21,050,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue  
 2073 Bonds, under terms and conditions and in amounts that the board, by resolution,  
 2074 determines are reasonable and necessary.

2075 Section 43. Section **53B-22-113** is amended to read:

2076 **53B-22-113 . University of Utah revenue bonds -- Robert L. Rice Stadium**  
 2077 **renovation and expansion.**

2078 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf  
 2079 of the University of Utah, may issue, sell, and deliver revenue bonds or other evidences  
 2080 of indebtedness of the University of Utah to borrow money on the credit of the income  
 2081 and revenues of the University of Utah, other than appropriations of the Legislature, to  
 2082 finance the partial cost of constructing, furnishing, and equipping a renovation and  
 2083 expansion of the Robert L. Rice Stadium.

2084 (2) The bonds or other evidences of indebtedness authorized by this section may not exceed  
 2085 \$12,000,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue  
 2086 Bonds, under terms and conditions and in amounts that the board, by resolution,  
 2087 determines are reasonable and necessary.

2088 Section 44. Section **53B-22-114** is amended to read:

2089 **53B-22-114 . Utah State University Eastern revenue bonds -- Student center.**

2090 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf of  
 2091 ~~the College of Eastern~~ Utah State University Eastern, may issue, sell, and deliver  
 2092 revenue bonds or other evidences of indebtedness of ~~the College of Eastern~~ Utah State  
 2093 University Eastern to borrow money on the credit of the income and revenues of ~~the~~  
 2094 ~~College of Eastern~~ Utah State University Eastern, other than appropriations of the  
 2095 Legislature, to finance the partial cost of constructing, furnishing, and equipping a  
 2096 student center.

2097 (2) The bonds or other evidences of indebtedness authorized by this section may not exceed  
 2098 \$3,300,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue  
 2099 Bonds, under terms and conditions and in amounts that the board, by resolution,

2100 determines are reasonable and necessary.

2101 Section 45. Section **53B-22-204** is amended to read:

2102 **53B-22-204 . Funding request for capital development project -- Legislative**  
2103 **approval -- Board prioritization, approval, and review.**

2104 (1) In accordance with this section, an institution is required to receive legislative approval  
2105 in an appropriations act for a dedicated project or a nondedicated project.

2106 (2) An institution shall submit to the board a proposal for a funding request for each  
2107 dedicated project or nondedicated project for which the institution seeks legislative  
2108 approval.

2109 (3) The board shall:

2110 (a) review each proposal submitted under Subsection (2) to ensure the proposal:

2111 (i) is cost effective and an efficient use of resources;

2112 (ii) is consistent with the institution's mission and master plan; and

2113 (iii) fulfills a critical institutional facility need;

2114 (b) based on the results of the board's review under Subsection (3)(a), create:

2115 (i) a list of approved dedicated projects; and

2116 (ii) a list of approved nondedicated projects, prioritized in accordance with  
2117 Subsection (5); and

2118 (c) submit the lists described in Subsection (3)(b) to:

2119 (i) the governor;

2120 (ii) the Infrastructure and General Government Appropriations Subcommittee;

2121 (iii) the Higher Education Appropriations Subcommittee; and

2122 (iv) the Division of Facilities Construction and Management for a:

2123 (A) recommendation, for the list described in Subsection (3)(b)(i); or

2124 (B) recommendation and prioritization, for the list described in Subsection  
2125 (3)(b)(ii).

2126 (4) A dedicated project:

2127 (a) is subject to the recommendation of the Division of Facilities Construction and  
2128 Management as described in Section 63A-5b-403; and

2129 (b) is not subject to the prioritization of the Division of Facilities Construction and  
2130 Management as described in Section 63A-5b-403.

2131 (5) (a) Subject to Subsection (6), the board shall prioritize institution requests for  
2132 funding for nondedicated projects based on:

2133 (i) capital facility need;

- 2134 (ii) utilization of facilities;
- 2135 (iii) maintenance and condition of facilities; and
- 2136 (iv) any other factor determined by the board.
- 2137 (b) On or before August 1, 2019, the board shall establish how the board will prioritize
- 2138 institution requests for funding for nondedicated projects, including:
- 2139 (i) how the board will measure each factor described in Subsection (5)(a); and
- 2140 (ii) procedures for prioritizing requests.
- 2141 (6) (a) Subject to Subsection (6)(b), and in accordance with Subsection (5), the board
- 2142 may annually prioritize:
- 2143 (i) up to three nondedicated projects if the ongoing appropriation to the fund is less
- 2144 than \$50,000,000;
- 2145 (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least
- 2146 \$50,000,000 but less than \$100,000,000; or
- 2147 (iii) one nondedicated project if the ongoing appropriation to the fund is at least
- 2148 \$100,000,000.
- 2149 (b) For each calendar year beginning on or after January 1, 2020, the dollar amounts
- 2150 described in Subsection (6)(a) shall be adjusted by an amount equal to the percentage
- 2151 difference between:
- 2152 (i) the Consumer Price Index for the 2019 calendar year; and
- 2153 (ii) the Consumer Price Index for the previous calendar year.
- 2154 (7) (a) An institution may request operations and maintenance funds for a capital
- 2155 development project approved under this section.
- 2156 (b) An institution shall make the request described in Subsection (7)(a) at the same time
- 2157 the institution submits the proposal described in Subsection (2).
- 2158 ~~[(b)]~~ (c) The Legislature shall consider an institution's request described in Subsection
- 2159 (7)(a).
- 2160 (8) After an institution completes a capital development project described in this section,
- 2161 the board shall review the capital development project, including the costs and design of
- 2162 the capital development project.
- 2163 Section 46. Section **53B-23-106** is amended to read:
- 2164 **53B-23-106 . Institution to make policy.**
- 2165 (1) As used in this section, "institution" means an institution listed in Section 53B-1-102.
- 2166 (2) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~
- 2167 ~~board]~~ An institution shall make [rules] policy consistent with this section for [its] the

2168 implementation and administration of the institution, including [~~rules~~] policy addressing:  
 2169 [(1)] (a) the designation of materials considered "required or essential to student success";  
 2170 [(2)] (b) the determination of the availability of technology for the conversion of  
 2171 nonprinted materials pursuant to Section 53B-23-103 and the conversion of  
 2172 mathematics and science materials pursuant to Section 53B-23-102; and  
 2173 [(3)] (c) the procedures and standards relating to distribution of files and materials  
 2174 pursuant to Section 53B-23-103.

2175 Section 47. Section **53B-27-405** is amended to read:

2176 **53B-27-405 . Student religious accommodations.**

2177 (1) An institution shall:

2178 (a) reasonably accommodate a student's absence from an examination or other academic  
 2179 requirement under the circumstances described in Subsection (2) for reasons of:

2180 (i) the student's faith or conscience; or

2181 (ii) the student's participation in an organized activity conducted under the auspices  
 2182 of the student's religious tradition or religious organization; and

2183 (b) ensure that an accommodation described in Subsection (1)(a) does not adversely  
 2184 impact the student's academic opportunities.

2185 (2) An institution shall make an accommodation described in Subsection (1) if:

2186 (a) the time at which an examination or academic requirement is scheduled to occur  
 2187 creates an undue hardship for a student due to the student's sincerely held religious  
 2188 belief; and

2189 (b) the student provides a written notice to the instructor of the course for which the  
 2190 student seeks the accommodation regarding the date of the examination or academic  
 2191 requirement for which the student seeks the accommodation.

2192 (3) [~~The board~~] An institution shall establish policies related to the accommodation  
 2193 described in Subsection (1) that:

2194 (a) require [~~an~~] the institution to provide the accommodation with respect to when the  
 2195 student participates in examinations and other academic requirements;

2196 (b) allow an instructor who receives a notice described in Subsection (2)(b) to:

2197 (i) schedule an alternative examination time before or after the regularly scheduled  
 2198 examination; or

2199 (ii) make accommodations for other academic requirements related to the  
 2200 accommodation; and

2201 (c) require an instructor who receives a notice described in Subsection (2)(b) to keep

- 2202 confidential a student's request for the accommodation.
- 2203 (4) (a) The [~~board~~] commissioner shall annually:
- 2204 (i) create a list of the dates of religious holidays for the following two years; and
- 2205 (ii) distribute the list described in Subsection (4)(a) to an institution.
- 2206 (b) The creation and distribution of the list described in Subsection (4)(a) does not
- 2207 prohibit a student from seeking, or an institution from granting, an accommodation
- 2208 for a date of a religious holiday that is not included on that list.
- 2209 (5) An institution shall:
- 2210 (a) designate a point of contact for information about an accommodation described in
- 2211 Subsection (1);
- 2212 (b) establish a process by which a student may submit a grievance with regards to
- 2213 implementation of this section; and
- 2214 (c) publish the following information on the institution's website and update the
- 2215 information annually:
- 2216 (i) the [~~board's~~] institution's religious accommodation policies described in Subsection
- 2217 (3);
- 2218 (ii) the point of contact described in Subsection (5)(a);
- 2219 (iii) the list described in Subsection (4);
- 2220 (iv) a description of the general procedure to request an accommodation described in
- 2221 Subsection (1); and
- 2222 (v) the grievance process described in Subsection (5)(b).
- 2223 Section 48. Section **53B-28-401** is amended to read:
- 2224 **53B-28-401 . Campus safety plans and training -- Institution duties -- Governing**
- 2225 **board duties.**
- 2226 (1) As used in this section:
- 2227 (a) "Covered offense" means:
- 2228 (i) sexual assault;
- 2229 (ii) domestic violence;
- 2230 (iii) dating violence; or
- 2231 (iv) stalking.
- 2232 (b) "Institution" means an institution of higher education described in Section 53B-1-102.
- 2233 (c) "Student organization" means a club, group, sports team, fraternity or sorority, or
- 2234 other organization:
- 2235 (i) of which the majority of members is composed of students enrolled in an

- 2236 institution; and
- 2237 (ii) (A) that is officially recognized by the institution; or
- 2238 (B) seeks to be officially recognized by the institution.
- 2239 (2) An institution shall develop a campus safety plan that addresses:
- 2240 (a) where an individual can locate the institution's policies and publications related to a
- 2241 covered offense;
- 2242 (b) institution and community resources for a victim of a covered offense;
- 2243 (c) the rights of a victim of a covered offense, including the measures the institution
- 2244 takes to ensure, unless otherwise provided by law, victim confidentiality throughout
- 2245 all steps in the reporting and response to a covered offense;
- 2246 (d) how the institution informs the campus community of a crime that presents a threat
- 2247 to the campus community;
- 2248 (e) availability, locations, and methods for requesting assistance of security personnel on
- 2249 the institution's campus;
- 2250 (f) guidance on how a student may contact law enforcement for incidents that occur off
- 2251 campus;
- 2252 (g) institution efforts related to increasing campus safety, including efforts related to the
- 2253 institution's increased response in providing services to victims of a covered offense,
- 2254 that:
- 2255 (i) the institution made in the preceding 18 months; and
- 2256 (ii) the institution expects to make in the upcoming 24 months;
- 2257 (h) coordination and communication between institution resources and organizations,
- 2258 including campus law enforcement;
- 2259 (i) institution coordination with local law enforcement or community resources,
- 2260 including coordination related to a student's safety at an off-campus location; and
- 2261 (j) how the institution requires a student organization to provide the campus safety
- 2262 training as described in Subsection (5).
- 2263 (3) An institution shall:
- 2264 (a) prominently post the institution's campus safety plan on the institution's website and
- 2265 each of the institution's campuses; and
- 2266 (b) annually update the institution's campus safety plan.
- 2267 (4) An institution shall develop a campus safety training curriculum that addresses:
- 2268 (a) awareness and prevention of covered offenses, including information on institution
- 2269 and community resources for a victim of a covered offense;

- 2270 (b) bystander intervention; and  
 2271 (c) sexual consent.
- 2272 (5) An institution shall require a student organization, in order for the student organization  
 2273 to receive or maintain official recognition by the institution, to annually provide campus  
 2274 safety training, using the curriculum described in Subsection (4), to the student  
 2275 organization's members.
- 2276 (6) ~~[The board shall:]~~  
 2277 ~~[(a) on or before July 1, 2019, establish minimum requirements for an institution's~~  
 2278 ~~campus safety plan described in Subsection (2);]~~  
 2279 ~~[(b) identify resources an institution may use to develop a campus safety training~~  
 2280 ~~curriculum as described in Subsection (4); and (c)]~~ An institution shall report annually  
 2281 to the Education Interim Committee and the Law Enforcement and Criminal Justice  
 2282 Interim Committee, at or before the committees' November meetings~~[-on:]~~  
 2283 ~~[(i) the implementation of the requirements described in this section; and (ii) crime~~  
 2284 ~~statistics aggregated by housing facility as described in Subsection 53B-28-403(2)].~~
- 2285 Section 49. Section **53B-28-502** is amended to read:
- 2286 **53B-28-502 . State student data protection governance.**
- 2287 (1) The state privacy officer shall establish a higher education privacy advisory group to  
 2288 advise institutions and institution boards of trustees on student data protection.
- 2289 (2) The advisory group shall consist of:
- 2290 (a) the state privacy officer;
- 2291 (b) the higher education privacy officer; and
- 2292 (c) the following members, appointed by the commissioner~~[-of higher education]:~~
- 2293 (i) at least one Utah ~~[system of higher education]~~ System of Higher Education  
 2294 employee; and
- 2295 (ii) at least one representative of the Utah Board of Higher Education.
- 2296 (3) The advisory group shall:
- 2297 (a) discuss and make recommendations to the board and institutions regarding:
- 2298 (i) existing and proposed:
- 2299 (A) board rules; or
- 2300 (B) board policies of the Utah Board of Higher Education or institutions; and
- 2301 (ii) training on protecting student data privacy; and
- 2302 (b) perform other tasks related to student data protection as designated by the Utah  
 2303 Board of Higher Education.



- 2304 (4) The higher education privacy officer shall:
- 2305 (a) provide training and support to institution boards and employees; and
- 2306 (b) produce:
- 2307 (i) resource materials;
- 2308 (ii) model data governance plans;
- 2309 (iii) model forms for institution student data protection governance; and
- 2310 (iv) a model data collection notice.
- 2311 (5) The board shall:
- 2312 (a) (i) create and maintain a data governance plan; and
- 2313 (ii) annually publish the data governance plan on the Utah System of Higher
- 2314 Education website; and
- 2315 (b) establish standards for:
- 2316 (i) institution policies to protect student data;
- 2317 (ii) institution data governance plans; and
- 2318 (iii) a third-party contractor's use of student data.

2319 Section 50. Section **53B-33-202** is amended to read:

2320 **53B-33-202 . Utah Data Research Advisory Board -- Composition --**

2321 **Appointment.**

- 2322 (1) There is created the Utah Data Research Advisory Board.
- 2323 (2) The advisory board is composed of the following members:
- 2324 (a) the state superintendent of the State Board of Education or the state superintendent's
- 2325 designee;
- 2326 (b) the commissioner or the commissioner's designee;
- 2327 (c) the executive director of the Department of Workforce Services or the executive
- 2328 director's designee;
- 2329 (d) the executive director of the Department of Health and Human Services or the
- 2330 executive director's designee; and
- 2331 (e) the executive director of the Department of Commerce or the executive director's
- 2332 designee.
- 2333 (3) The commissioner or the commissioner's designee shall serve as chair.
- 2334 (4) A member of the advisory board:
- 2335 (a) except to the extent a member's service on the advisory board is related to the
- 2336 member's duties outside of the advisory board, may not receive compensation or
- 2337 benefits for the member's service; and

- 2338 (b) may receive per diem and travel expenses in accordance with:  
 2339 (i) Section 63A-3-106;  
 2340 (ii) Section 63A-3-107; and  
 2341 (iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

2342 Section 51. Section **53B-34-110** is enacted to read:

2343 **53B-34-110 . Talent advisory councils.**

2344 (1) As used in this section:

- 2345 (a) "Advisory council" means an advisory council the talent board creates under  
 2346 Subsection (10).  
 2347 (b) "Institution of higher education" means the same as the term is defined in Section  
 2348 53B-1-102.  
 2349 (c) "Talent initiative" means an initiative the board creates under Subsection (2).

2350 (2) (a) Subject to legislative appropriations and in accordance with the proposal process  
 2351 and other provisions of this section, the board shall develop and oversee one or more  
 2352 talent initiatives that include providing funding for expanded programs at an  
 2353 institution of higher education related to the talent initiative.

- 2354 (b) The board shall ensure that a talent initiative the board creates:  
 2355 (i) uses a name for the talent initiative that reflects the area the initiative is targeting;  
 2356 (ii) contains an outline of the disciplines, industries, degrees, certifications,  
 2357 credentials, and types of skills the talent initiative will target; and  
 2358 (iii) uses a corresponding advisory council created in Subsection (10).

2359 (3) In creating a talent initiative, the board shall facilitate collaborations between an  
 2360 institution of higher education and participating employers that:

- 2361 (a) create expanded, multidisciplinary programs or stackable credential programs offered  
 2362 at a technical college, undergraduate, or graduate level of study; and  
 2363 (b) prepare students to be workforce participants in jobs requiring skills related to a  
 2364 talent initiative.

2365 (4) (a) An institution of higher education seeking to partner with one or more  
 2366 participating employers to create a program related to a talent initiative shall submit a  
 2367 proposal to the talent board through a process the talent board creates.

- 2368 (b) An institution of higher education shall submit a proposal that contains:  
 2369 (i) a description of the proposed program, including:  
 2370 (A) implementation timelines for the program;  
 2371 (B) a demonstration of how the program will be responsive to the talent needs

- 2372 related to the talent initiative;
- 2373 (C) an outline of relevant industry involvement that includes at least one
- 2374 participating employer that partners with the institution of higher education; and
- 2375 (D) an explanation of how the program addresses an unmet regional workforce
- 2376 need related to a talent initiative;
- 2377 (ii) an estimate of:
- 2378 (A) projected student enrollment and completion rates for a program;
- 2379 (B) the academic credit or credentials that a program will provide; and
- 2380 (C) occupations for which a graduate will qualify;
- 2381 (iii) evidence that each participating employer is committed to participating and
- 2382 contributing to the program by providing any combination of:
- 2383 (A) instruction;
- 2384 (B) curriculum review;
- 2385 (C) feedback regarding effectiveness of program graduates as employees;
- 2386 (D) work-based learning opportunities; or
- 2387 (E) mentoring;
- 2388 (iv) a description of any resources a participating employer will provide within the
- 2389 program; and
- 2390 (v) the amount of funding requested for the program, including:
- 2391 (A) the justification for the funding; and
- 2392 (B) the cost per student served as estimated under Subsection (4)(b)(ii).
- 2393 (5) In reviewing a proposal, the talent board shall provide a proposal to the relevant
- 2394 advisory council described in Subsections (10) and (11).
- 2395 (6) The relevant advisory council shall:
- 2396 (a) review and prioritize each proposal the advisory council receives; and
- 2397 (b) recommend to the talent board whether the proposal should be funded and the
- 2398 funding amount based on:
- 2399 (i) the quality and completeness of the elements of the proposal described in
- 2400 Subsection (4)(b);
- 2401 (ii) to what extent the proposed program:
- 2402 (A) would expand the capacity to meet state or regional workforce needs related
- 2403 to the talent initiative;
- 2404 (B) would integrate industry-relevant competencies with disciplinary expertise;
- 2405 (C) would incorporate internships or significant project experiences, including

- 2406 team-based experiences;  
2407 (D) identifies how industry professionals would participate in elements described  
2408 in Subsection (4)(b)(iii); and  
2409 (E) would be cost effective; and  
2410 (iii) other relevant criteria as the relevant advisory council and the talent board  
2411 determines.
- 2412 (7) The board shall review the recommendations of an advisory council and may provide  
2413 funding for a program related to a talent initiative using the criteria described in  
2414 Subsection (6)(b).
- 2415 (8) In a form that the board approves, each institution of higher education that receives  
2416 funding shall annually provide written information to the board regarding the activities,  
2417 successes, and challenges related to administering the program related to the talent  
2418 initiative, including:
- 2419 (a) specific entities that received funding under this section;  
2420 (b) the amount of funding provided to each entity;  
2421 (c) the number of participating students in each program;  
2422 (d) the number of graduates of the program;  
2423 (e) the number of graduates of the program employed in jobs requiring skills related to  
2424 the talent initiative; and  
2425 (f) progress and achievements relevant to the implementation timeline submitted under  
2426 Subsection (4)(b)(i)(A).
- 2427 (9) On or before October 1 of each year, the board shall provide an annual written report  
2428 containing the information described in Subsection (8) to the:
- 2429 (a) Education Interim Committee; and  
2430 (b) Higher Education Appropriations Subcommittee.
- 2431 (10) The talent board shall create a talent advisory council for each talent initiative created  
2432 under Subsection (2) to make recommendations to the board regarding the  
2433 administration of a talent initiative including:
- 2434 (a) a deep technology initiative;  
2435 (b) a life sciences workforce initiative; and  
2436 (c) health professions initiatives including a nursing initiative.
- 2437 (11) An advisory council shall consist of the following members:
- 2438 (a) four members who have extensive experience in the talent initiative's subject matter  
2439 from the private sector whom the chair of the talent board appoints and the board

- 2440 approves;
- 2441 (b) a representative of the board described in Section 53B-1-402 whom the chair of the
- 2442 board appoints;
- 2443 (c) a representative of the Governor's Office of Economic Opportunity whom the
- 2444 executive director of the Governor's Office of Economic Opportunity appoints;
- 2445 (d) a representative from Talent Ready Utah;
- 2446 (e) one member of the Senate whom the president of the Senate appoints;
- 2447 (f) one member of the House of Representatives whom the speaker of the House of
- 2448 Representatives appoints; and
- 2449 (g) any other specialized industry experts whom a majority of the advisory council may
- 2450 invite to participate as needed as nonvoting members.
- 2451 (12) Talent Ready Utah shall provide staff support for an advisory council.
- 2452 (13) (a) Two advisory council members appointed under Subsection (11)(a) shall serve
- 2453 an initial term of two years.
- 2454 (b) Except as described in Subsection (13)(a), all other advisory council members shall
- 2455 serve an initial term of four years.
- 2456 (c) Successor advisory council members upon appointment or reappointment shall each
- 2457 serve a term of four years.
- 2458 (d) When a vacancy occurs in the membership for any reason, the initial appointing
- 2459 authority shall appoint a replacement for the unexpired term.
- 2460 (e) An advisory council member may not serve more than two consecutive terms.
- 2461 (14) A vote of a majority of the advisory council members constitutes an action of the
- 2462 advisory council.
- 2463 (15) The duties of the advisory council include reviewing, prioritizing, and making
- 2464 recommendations to the board regarding proposals for funding under the talent initiative
- 2465 created in accordance with Subsection (2) for which the council was created.
- 2466 (16) An advisory council member may not receive compensation or benefits for the
- 2467 member's service, but an advisory council member who is not a legislator may receive
- 2468 per diem and travel expenses in accordance with:
- 2469 (a) Sections 63A-3-106 and 63A-3-107; and
- 2470 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 2471 63A-3-107.
- 2472 (17) The board may discontinue a talent initiative and the related talent advisory council by
- 2473 majority vote.

- 2474 Section 52. Section **53E-3-505** is amended to read:
- 2475 **53E-3-505 . Financial and economic literacy education.**
- 2476 (1) As used in this section:
- 2477 (a) "Financial and economic activities" include activities related to the topics listed in
- 2478 Subsection (1)(b).
- 2479 (b) "Financial and economic literacy concepts" include concepts related to the following
- 2480 topics:
- 2481 (i) basic budgeting;
- 2482 (ii) saving and financial investments;
- 2483 (iii) banking and financial services, including balancing a checkbook or a bank
- 2484 account and online banking services;
- 2485 (iv) career management, including earning an income;
- 2486 (v) rights and responsibilities of renting or buying a home;
- 2487 (vi) retirement planning;
- 2488 (vii) loans and borrowing money, including interest, credit card debt, predatory
- 2489 lending, and payday loans;
- 2490 (viii) insurance;
- 2491 (ix) federal, state, and local taxes;
- 2492 (x) charitable giving;
- 2493 (xi) identity fraud and theft;
- 2494 (xii) negative financial consequences of gambling;
- 2495 (xiii) bankruptcy;
- 2496 (xiv) economic systems, including a description of:
- 2497 (A) a command system such as socialism or communism, a market system such as
- 2498 capitalism, and a mixed system; and
- 2499 (B) historic and current examples of the effects of each economic system on
- 2500 economic growth;
- 2501 (xv) supply and demand;
- 2502 (xvi) monetary and fiscal policy;
- 2503 (xvii) effective business plan creation, including using economic analysis in creating
- 2504 a plan;
- 2505 (xviii) scarcity and choices;
- 2506 (xix) opportunity cost and tradeoffs;
- 2507 (xx) productivity;

- 2508 (xxi) entrepreneurship; and  
2509 (xxii) economic reasoning.
- 2510 (c) "General financial literacy course" means the course of instruction administered by  
2511 the state board under Subsection (3).
- 2512 (2) The state board shall:
- 2513 (a) more fully integrate existing and new financial and economic literacy education into  
2514 instruction in kindergarten through grade 12 by:
- 2515 (i) coordinating financial and economic literacy instruction with existing instruction  
2516 in other areas of the core standards for Utah public schools, such as mathematics  
2517 and social studies;
- 2518 (ii) using curriculum mapping;
- 2519 (iii) creating training materials and staff development programs that:
- 2520 (A) highlight areas of potential coordination between financial and economic  
2521 literacy education and other core standards for Utah public schools concepts;  
2522 and
- 2523 (B) demonstrate specific examples of financial and economic literacy concepts as  
2524 a way of teaching other core standards for Utah public schools concepts; and
- 2525 (iv) using appropriate financial and economic literacy assessments to improve  
2526 financial and economic literacy education and, if necessary, developing  
2527 assessments;
- 2528 (b) work with interested public, private, and nonprofit entities to:
- 2529 (i) identify, and make available to teachers, online resources for financial and  
2530 economic literacy education, including modules with interactive activities and  
2531 turnkey instructor resources;
- 2532 (ii) coordinate school use of existing financial and economic literacy education  
2533 resources;
- 2534 (iii) develop simple, clear, and consistent messaging to reinforce and link existing  
2535 financial literacy resources;
- 2536 (iv) coordinate the efforts of school, work, private, nonprofit, and other financial  
2537 education providers in implementing methods of appropriately communicating to  
2538 teachers, students, and parents key financial and economic literacy messages; and
- 2539 (v) encourage parents and students to establish higher education savings, including a  
2540 Utah Educational Savings Plan account;
- 2541 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

- 2542 make rules to develop guidelines and methods for school districts and charter schools  
2543 to more fully integrate financial and economic literacy education into other core  
2544 standards for Utah public schools courses; and
- 2545 (d) in cooperation with school districts, charter schools, and interested private and  
2546 nonprofit entities, provide opportunities for professional development in financial  
2547 and economic literacy concepts to teachers, including:
- 2548 (i) a statewide learning community for financial and economic literacy;  
2549 (ii) summer workshops; and  
2550 (iii) online videos of experts in the field of financial and economic literacy education.
- 2551 (3) The state board shall:
- 2552 (a) administer a general financial literacy course in the same manner that the state board  
2553 administers other core standards for Utah public school courses for grades 9 through  
2554 12;
- 2555 (b) adopt standards and objectives for the general financial literacy course that address:
- 2556 (i) financial and economic literacy concepts;  
2557 (ii) the costs of going to college, student loans, scholarships, and the Free Application  
2558 for Federal Student Aid;  
2559 (iii) financial benefits of pursuing concurrent enrollment as defined in Section  
2560 53E-10-301; and  
2561 (iv) technology that relates to banking, savings, and financial products; and
- 2562 (c) (i) contract with a provider, through a request for proposals process, to develop an  
2563 online, end-of-course assessment for the general financial literacy course;  
2564 (ii) require a school district or charter school to administer an online, end-of-course  
2565 assessment to a student who takes the general financial literacy course; and  
2566 (iii) develop a plan, through the state superintendent, to analyze the results of an  
2567 online, end-of-course assessment in general financial literacy that includes:  
2568 (A) an analysis of assessment results by standard; and  
2569 (B) average scores statewide and by school district and school.
- 2570 (4) (a) The state board shall establish a task force to study and make recommendations  
2571 to the state board on how to improve financial and economic literacy education in the  
2572 public school system.
- 2573 (b) The task force membership shall include representatives of:
- 2574 (i) the state board;  
2575 (ii) school districts and charter schools;



2576 (iii) the Utah [~~Board~~] System of Higher Education; and  
2577 (iv) private or public entities that teach financial education and share a commitment  
2578 to empower individuals and families to achieve economic stability, opportunity,  
2579 and upward mobility.

2580 (c) The state board shall convene the task force at least once every three years to review  
2581 and recommend adjustments to the standards and objectives of the general financial  
2582 literacy course.

2583 Section 53. Section **63G-6a-202** is amended to read:

2584 **63G-6a-202 . Creation of Utah State Procurement Policy Board.**

2585 (1) There is created the Utah State Procurement Policy Board.

2586 (2) The board consists of up to 15 members as follows:

2587 (a) two representatives of state institutions of higher education, [~~appointed by~~] whom the  
2588 commissioner of higher education, under the direction of the Utah Board of Higher  
2589 Education, appoints;

2590 (b) a representative of the Department of Human Services, [~~appointed by~~] whom the  
2591 executive director of that department appoints;

2592 (c) a representative of the Department of Transportation, [~~appointed by~~] whom the  
2593 executive director of that department appoints;

2594 (d) two representatives of school districts, [~~appointed by~~] whom the State Board of  
2595 Education appoints;

2596 (e) a representative of the Division of Facilities Construction and Management, [~~appointed by~~] whom the  
2597 director of that division appoints;

2598 (f) one representative of a county, [~~appointed by~~] whom the Utah Association of Counties  
2599 appoints;

2600 (g) one representative of a city or town, [~~appointed by~~] whom the Utah League of Cities  
2601 and Towns appoints;

2602 (h) two representatives of special districts or special service districts, [~~appointed by~~] whom the  
2603 Utah Association of Special Districts appoints;

2604 (i) the director of the Division of Technology Services or the executive director's  
2605 designee;

2606 (j) the chief procurement officer or the chief procurement officer's designee; and

2607 (k) two representatives of state agencies, other than a state agency already represented  
2608 on the board, [~~appointed by~~] whom the executive director of the Department of  
2609 Government Operations, with the approval of the executive director of the state

- 2610 agency that employs the employee, appoints.
- 2611 (3) Members of the board shall be knowledgeable and experienced in, and have supervisory  
2612 responsibility for, procurement in their official positions.
- 2613 (4) A board member may serve as long as the member meets the description in Subsection  
2614 (2) unless removed by the person or entity with the authority to appoint the board  
2615 member.
- 2616 (5) (a) The board shall:
- 2617 (i) adopt rules of procedure for conducting its business; and  
2618 (ii) elect a chair to serve for one year.
- 2619 (b) The chair of the board shall be selected by a majority of the members of the board  
2620 and may be elected to succeeding terms.
- 2621 (c) The chief procurement officer shall designate an employee of the division to serve as  
2622 the nonvoting secretary to the policy board.
- 2623 (6) A member of the board may not receive compensation or benefits for the member's  
2624 service, but may receive per diem and travel expenses in accordance with:
- 2625 (a) Section 63A-3-106;  
2626 (b) Section 63A-3-107; and  
2627 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2628 63A-3-107.
- 2629 **Section 54. Repealer.**  
2630 This bill repeals:  
2631 **Section 53B-6-105.7, Initiative student scholarship program.**  
2632 **Section 53B-26-201, Definitions.**  
2633 **Section 53B-26-202, Nursing initiative -- Reporting requirements -- Proposals --**  
2634 **Funding.**  
2635 **Section 53B-26-301, Definitions.**  
2636 **Section 53B-26-302, Deep technology initiative.**  
2637 **Section 53B-26-303, Deep Technology Talent Advisory Council.**  
2638 **Section 55. FY 2025 Appropriation.**  
2639 The following sums of money are appropriated for the fiscal year beginning July 1,  
2640 2024, and ending June 30, 2025. These are additions to amounts previously  
2641 appropriated for fiscal year 2025.  
2642 **Subsection 55(a) Operating and Capital Budgets**  
2643 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act,

2644	the Legislature appropriates the following sums of money from the funds or accounts	
2645	indicated for the use and support of the government of the state of Utah.	
2646	ITEM 1 To University of Utah - Education and General	
2647	From Income Tax Fund Restricted - Performance	
2648	Funding Rest. Acct.	\$3,404,600
2649	Schedule of Programs:	
2650	Instruction	\$3,404,600
2651	ITEM 2 To Utah State University - USU - Eastern Career and Technical Education	
2652	From Income Tax Fund Restricted - Performance	
2653	Funding Rest. Acct.	\$59,600
2654	Schedule of Programs:	
2655	Instruction	\$59,600
2656	ITEM 3 To Utah State University - Education and General	
2657	From Income Tax Fund Restricted - Performance	
2658	Funding Rest. Acct.	\$989,200
2659	Schedule of Programs:	
2660	Instruction	\$989,200
2661	ITEM 4 To Weber State University - Education and General	
2662	From Income Tax Fund Restricted - Performance	
2663	Funding Rest. Acct.	\$834,300
2664	Schedule of Programs:	
2665	Instruction	\$834,300
2666	ITEM 5 To Southern Utah University - Education and General	
2667	From Income Tax Fund Restricted - Performance	
2668	Funding Rest. Acct.	\$699,600
2669	Schedule of Programs:	
2670	Instruction	\$699,600
2671	ITEM 6 To Utah Valley University - Education and General	
2672	From Income Tax Fund Restricted - Performance	
2673	Funding Rest. Acct.	\$829,100
2674	Schedule of Programs:	
2675	Instruction	\$829,100
2676	ITEM 7 To Snow College - Education and General	
2677	From Income Tax Fund Restricted - Performance	

2678		Funding Rest. Acct.	\$303,000
2679		Schedule of Programs:	
2680		Instruction	\$303,000
2681	ITEM 8	To Snow College - Career and Technical Education	
2682		From Income Tax Fund Restricted - Performance	
2683		Funding Rest. Acct.	\$93,600
2684		Schedule of Programs:	
2685		Instruction	\$93,600
2686	ITEM 9	To Utah Tech University - Education and General	
2687		From Income Tax Fund Restricted - Performance	
2688		Funding Rest. Acct.	\$279,500
2689		Schedule of Programs:	
2690		Instruction	\$279,500
2691	ITEM 10	To Salt Lake Community College - Education and General	
2692		From Income Tax Fund Restricted - Performance	
2693		Funding Rest. Acct.	\$471,300
2694		Schedule of Programs:	
2695		Instruction	\$471,300
2696	ITEM 11	To Salt Lake Community College - Career and Technical Education	
2697		From Income Tax Fund Restricted - Performance	
2698		Funding Rest. Acct.	\$68,200
2699		Schedule of Programs:	
2700		Instruction	\$68,200
2701	ITEM 12	To Bridgerland Technical College - Education and General	
2702		From Income Tax Fund Restricted - Performance	
2703		Funding Rest. Acct.	\$336,000
2704		Schedule of Programs:	
2705		Instruction	\$336,000
2706	ITEM 13	To Davis Technical College - Education and General	
2707		From Income Tax Fund Restricted - Performance	
2708		Funding Rest. Acct.	\$234,600
2709		Schedule of Programs:	
2710		Instruction	\$234,600
2711	ITEM 14	To Dixie Technical College - Education and General	

2712	From Income Tax Fund Restricted - Performance	
2713	Funding Rest. Acct.	\$255,800
2714	Schedule of Programs:	
2715	Instruction	\$255,800
2716	ITEM 15 To Mountainland Technical College - Education and General	
2717	From Income Tax Fund Restricted - Performance	
2718	Funding Rest. Acct.	\$198,100
2719	Schedule of Programs:	
2720	Instruction	\$198,100
2721	ITEM 16 To Ogden-Weber Technical College - Education and General	
2722	From Income Tax Fund Restricted - Performance	
2723	Funding Rest. Acct.	\$402,100
2724	Schedule of Programs:	
2725	Instruction	\$402,100
2726	ITEM 17 To Southwest Technical College - Education and General	
2727	From Income Tax Fund Restricted - Performance	
2728	Funding Rest. Acct.	\$61,200
2729	Schedule of Programs:	
2730	Instruction	\$61,200
2731	ITEM 18 To Tooele Technical College - Education and General	
2732	From Income Tax Fund Restricted - Performance	
2733	Funding Rest. Acct.	\$53,400
2734	Schedule of Programs:	
2735	Instruction	\$53,400
2736	ITEM 19 To Uintah Basin Technical College - Education and General	
2737	From Income Tax Fund Restricted - Performance	
2738	Funding Rest. Acct.	\$137,200
2739	Schedule of Programs:	
2740	Instruction	\$137,200

2741 Subsection 55(b) **Restricted Fund and Account Transfers**

2742 The Legislature authorizes the State Division of Finance to transfer the following  
 2743 amounts between the following funds or accounts as indicated. Expenditures and  
 2744 outlays from the funds to which the money is transferred must be authorized by an  
 2745 appropriation.

2746 ITEM 20 To Performance Funding Restricted Account

2747 From Income Tax Fund \$20,000,000

2748 Schedule of Programs:

2749 Performance Funding Restricted Account \$20,000,000

2750 Section 56. **Effective date.**

2751 This bill takes effect on May 1, 2024.

2752 Section 57. **Coordinating S.B. 192 with H.B. 438**

2753 If S.B. 192, Higher Education Amendments, and H.B. 438, Higher Education

2754 Revisions, both pass and become law, the Legislature intends that, on May 1, 2024,

2755 Subsection 53B-2-106(6)(b) in S.B. 192 be amended to read:

2756 "(b) subject to Section 53B-2-106.1, shall provide for the constitution,

2757 government, and organization of the faculty and administration, including:

2758 (i) enacting and implementing rules;

2759 (ii) ensuring that the faculty may only have jurisdiction over:

2760 (A) academic requirements for admission, degrees, and certificates; and

2761 (B) course curriculum and instruction;

2762 (iii) permitting faculty to have jurisdiction over a matter other than a matter

2763 described in Subsection (6)(b)(ii) only if the following entities expressly authorize or

2764 delegate such power:

2765 (A) the Legislature;

2766 (B) the board;

2767 (C) the institution's board of trustees; or

2768 (D) the institution's president; and

2769 (iv) if the institution is a degree-granting institution, the establishment of a

2770 prescribed system of tenure;".