

Senator Ann Millner proposes the following substitute bill:

HIGHER EDUCATION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ 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:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 26 [35A-13-603](#), as last amended by Laws of Utah 2020, Chapter 365
- 27 [36-28-102](#), as last amended by Laws of Utah 2021, Chapter 78
- 28 [49-12-204](#), as last amended by Laws of Utah 2020, Chapters 24, 365
- 29 [49-13-204](#), as last amended by Laws of Utah 2020, Chapters 24, 365
- 30 [49-22-204](#), as last amended by Laws of Utah 2022, Chapter 171
- 31 [51-8-303](#), as last amended by Laws of Utah 2020, Chapter 365
- 32 [53B-1-110](#), as enacted by Laws of Utah 2007, Chapter 248
- 33 [53B-1-112](#), as last amended by Laws of Utah 2021, Chapter 187
- 34 [53B-1-401](#), as last amended by Laws of Utah 2023, Chapter 254
- 35 [53B-1-402](#), as last amended by Laws of Utah 2023, Chapter 254
- 36 [53B-1-408](#), as last amended by Laws of Utah 2023, Chapter 254
- 37 [53B-2a-107](#), as last amended by Laws of Utah 2021, Chapter 187
- 38 [53B-2a-117](#), as last amended by Laws of Utah 2022, Chapter 421
- 39 [53B-3-103](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 7
- 40 [53B-3-104](#), as enacted by Laws of Utah 1987, Chapter 167
- 41 [53B-3-105](#), as enacted by Laws of Utah 1987, Chapter 167
- 42 [53B-6-105](#), as last amended by Laws of Utah 2021, Chapter 187
- 43 [53B-6-105.9](#), as last amended by Laws of Utah 2020, Chapter 365
- 44 [53B-7-702](#), as last amended by Laws of Utah 2021, Chapters 282, 351 and last
45 amended by Coordination Clause, Laws of Utah 2021, Chapter 187
- 46 [53B-7-705](#), as last amended by Laws of Utah 2023, Chapter 254
- 47 [53B-7-706](#), as last amended by Laws of Utah 2023, Chapter 254
- 48 [53B-8-102](#), as last amended by Laws of Utah 2023, Chapters 44, 50
- 49 [53B-8-201](#), as last amended by Laws of Utah 2022, Chapter 370
- 50 [53B-8a-105](#), as last amended by Laws of Utah 2023, Chapter 374
- 51 [53B-13-103](#), as enacted by Laws of Utah 1987, Chapter 167
- 52 [53B-16-102](#), as last amended by Laws of Utah 2023, Chapter 254
- 53 [53B-17-1203](#), as last amended by Laws of Utah 2023, Chapter 328
- 54 [53B-22-102](#), as last amended by Laws of Utah 1995, Chapter 332
- 55 [53B-22-103](#), as enacted by Laws of Utah 1991, Chapter 32
- 56 [53B-22-104](#), as last amended by Laws of Utah 1992, Chapter 177

- 57 **53B-22-105**, as enacted by Laws of Utah 1991, Chapter 32
- 58 **53B-22-106**, as last amended by Laws of Utah 2000, Chapter 143
- 59 **53B-22-107**, as enacted by Laws of Utah 1991, Chapter 32
- 60 **53B-22-109**, as last amended by Laws of Utah 1994, Chapter 209
- 61 **53B-22-111**, as enacted by Laws of Utah 1994, Chapter 209
- 62 **53B-22-112**, as enacted by Laws of Utah 1995, Chapter 332
- 63 **53B-22-113**, as enacted by Laws of Utah 1995, Chapter 332
- 64 **53B-22-114**, as enacted by Laws of Utah 1995, Chapter 332
- 65 **53B-22-204**, as last amended by Laws of Utah 2022, Chapter 421
- 66 **53B-23-106**, as last amended by Laws of Utah 2020, Chapter 365
- 67 **53B-27-405**, as enacted by Laws of Utah 2021, Chapter 364
- 68 **53B-28-401**, as last amended by Laws of Utah 2021, Chapter 332
- 69 **53B-28-502**, as enacted by Laws of Utah 2022, Chapter 461
- 70 **53B-33-202**, as last amended by Laws of Utah 2023, Chapter 84
- 71 **53E-3-505**, as last amended by Laws of Utah 2020, Chapters 365, 408
- 72 **63G-6a-202**, as last amended by Laws of Utah 2023, Chapter 16

73 ENACTS:

- 74 **53B-1-116**, Utah Code Annotated 1953
- 75 **53B-1-117**, Utah Code Annotated 1953
- 76 **53B-2-114**, Utah Code Annotated 1953
- 77 **53B-34-110**, Utah Code Annotated 1953

78 REPEALS AND REENACTS:

- 79 **53B-2-106**, as last amended by Laws of Utah 2021, Chapter 187
- 80 **53B-7-704**, as last amended by Laws of Utah 2021, Chapter 282

81 REPEALS:

- 82 **53B-6-105.7**, as last amended by Laws of Utah 2019, Chapter 444
- 83 **53B-26-201**, as enacted by Laws of Utah 2018, Chapter 354
- 84 **53B-26-202**, as last amended by Laws of Utah 2023, Chapter 328
- 85 **53B-26-301**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 1
- 86 **53B-26-302**, as enacted by Laws of Utah 2020, Chapter 361
- 87 **53B-26-303**, as last amended by Laws of Utah 2021, Chapter 282

88

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

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

91 **35A-13-603. Board.**

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

94 (a) a designee of the assistant director;

95 (b) a designee of the Utah Board of Higher Education, selected by the commissioner of
96 higher education, under the direction of the board;

97 (c) a designee of the State Board of Education;

98 (d) four professional interpreters, recommended by the assistant director; and

99 (e) four individuals who are deaf or hard of hearing, recommended by the assistant
100 director.

101 (2) (a) The director shall make all appointments to the board.

102 (b) In making appointments under Subsections (1)(d) and (e), the director shall give
103 consideration to recommendations by certified interpreters and members of the deaf and hard
104 of hearing community.

105 (3) (a) Board members shall serve three-year terms, except that for the initial terms of
106 board members, three shall serve one-year terms, four shall serve two-year terms, and four shall
107 serve three-year terms.

108 (b) An individual may not serve more than two three-year consecutive terms.

109 (c) If a vacancy occurs on the board for a reason other than the expiration of a term, the
110 director shall appoint a replacement for the remainder of the term in accordance with
111 Subsections (1) and (2).

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

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

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

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

- 119 (a) Section [63A-3-107](#); and
- 120 (b) rules made by the Division of Finance in accordance with Section [63A-3-107](#).
- 121 Section 2. Section **36-28-102** is amended to read:
- 122 **36-28-102. Veterans and Military Affairs Commission -- Creation -- Membership**
- 123 **-- Chairs -- Terms -- Per diem and expenses.**
- 124 (1) There is created the Veterans and Military Affairs Commission.
- 125 (2) The commission membership is composed of 19 permanent members, but may not
- 126 exceed 24 members, and is as follows:
- 127 (a) five legislative members to be appointed as follows:
- 128 (i) three members from the House of Representatives, appointed by the speaker of the
- 129 House of Representatives, no more than two of whom may be from the same political party;
- 130 and
- 131 (ii) two members from the Senate, appointed by the president of the Senate, no more
- 132 than one of whom may be from the same political party;
- 133 (b) the executive director of the Department of Veterans and Military Affairs or the
- 134 director's designee;
- 135 (c) the chair of the Utah Veterans Advisory Council;
- 136 (d) the executive director of the Department of Workforce Services or the director's
- 137 designee;
- 138 (e) the executive director of the Department of Health or the director's designee;
- 139 (f) the executive director of the Department of Human Services or the director's
- 140 designee;
- 141 (g) the adjutant general of the Utah National Guard or the adjutant general's designee;
- 142 (h) the Guard and Reserve Transition Assistance Advisor;
- 143 (i) a ~~[member]~~ designee of the Utah Board of Higher Education ~~[or that member's~~
- 144 ~~designee]~~, selected by the commissioner of higher education, under the direction of the board;
- 145 (j) three representatives of veteran service organizations recommended by the Veterans
- 146 Advisory Council and confirmed by the commission;
- 147 (k) one member of the Executive Committee of the Utah Defense Alliance;
- 148 (l) one military affairs representative from a chamber of commerce member, appointed
- 149 by the Utah State Chamber of Commerce; and

150 (m) a representative from the Veterans Health Administration.

151 (3) The commission may appoint by majority vote of the entire commission up to five
152 pro tempore members, representing:

153 (a) state or local government agencies;

154 (b) interest groups concerned with veterans issues; or

155 (c) the general public.

156 (4) (a) The president of the Senate shall designate a member of the Senate appointed
157 under Subsection (2)(a) as a cochair of the commission.

158 (b) The speaker of the House of Representatives shall designate a member of the House
159 of Representatives appointed under Subsection (2)(a) as a cochair of the commission.

160 (5) A majority of the members of the commission shall constitute a quorum. The
161 action of a majority of a quorum constitutes the action of the commission.

162 (6) The term for each pro tempore member appointed in accordance with Subsection
163 (3) shall be two years from July 1 of the year of appointment. A pro tempore member may not
164 serve more than three terms.

165 (7) If a member leaves office or is unable to serve, the vacancy shall be filled as it was
166 originally appointed. A person appointed to fill a vacancy under Subsection (6) serves the
167 remaining unexpired term of the member being replaced. If the remaining unexpired term is
168 less than six months, the newly appointed member shall be reappointed on July 1. The time
169 served until July 1 is not counted in the restriction set forth in Subsection (6).

170 (8) A member may not receive compensation or benefits for the member's service but
171 may receive per diem and travel expenses in accordance with:

172 (a) Section [63A-3-106](#);

173 (b) Section [63A-3-107](#); and

174 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
175 [63A-3-107](#).

176 (9) Salaries and expenses of the members of the commission who are legislators shall
177 be paid in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3,
178 Legislator Compensation.

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

180 **49-12-204. Higher education employees' eligibility requirements -- Election**

181 **between different retirement plans -- Classification requirements -- Transfer between**
 182 **systems -- One-time election window -- Rulemaking.**

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

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

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

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

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

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

203 (i) this system; or

204 (ii) a public or private system, organization, or company designated by[:]

205 [~~(A) except as provided in Subsection (2)(b)(ii)(B);~~] the Utah Board of Higher
 206 Education[~~; or~~].

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

209 (c) Notwithstanding a person's employment classification assignment under Subsection
 210 (2)(b), a regular full-time employee who begins employment with an institution of higher
 211 education on or after May 11, 2010, has a one-time irrevocable election to continue

212 participation in this system, if the employee has service credit in this system before the date of
213 employment.

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

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

221 (5) (a) Notwithstanding any other provision of this section, a regular full-time
222 employee of an institution of higher education shall have a one-time irrevocable election to
223 participate in this system if the employee:

224 (i) was hired after January 1, 1979;

225 (ii) whose employment classification assignment under Subsection (2)(b) required
226 participation in a retirement program other than this system; and

227 (iii) has service credit in a system under this title.

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

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

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

234 (6) A regular full-time employee of an institution of higher education who elects to be
235 covered by this system under Subsection (2)(c) or (5)(a), may purchase periods of employment
236 while covered under another retirement program sponsored by the institution of higher
237 education by complying with the requirements of Section [49-11-403](#).

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

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

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

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

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

243 **49-13-204. Higher education employees' eligibility requirements -- Election**
 244 **between different retirement plans -- Classification requirements -- Transfer between**
 245 **systems -- One-time election window -- Rulemaking.**

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

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

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

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

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

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

266 (i) this system; or

267 (ii) a public or private system, organization, or company designated by[;]

268 ~~[(A)]~~ except as provided in Subsection (2)(b)(ii)(B), the Utah Board of Higher
 269 Education[; ~~or~~].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

303 **49-22-204. Higher education employees' eligibility requirements -- Election**
304 **between different retirement plans -- Classification requirements -- Transfer between**

305 **systems.**

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

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

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

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

319 (2) (a) A regular full-time employee hired by an institution of higher education after
320 January 1, 1979, may participate only in the retirement plan designated for the person's
321 employment classification.

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

326 (i) this system; or

327 (ii) a public or private system, organization, or company designated by[:]

328 [~~(A) except as provided under Subsection (2)(b)(ii)(B),]~~ the Utah Board of Higher
329 Education[~~;~~or].

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

332 (c) Notwithstanding a person's employment classification assignment under Subsection
333 (2)(b), a regular full-time employee who begins employment with an institution of higher
334 education has a one-time irrevocable election to continue participation in this system if the
335 employee:

336 (i) has service credit in this system before the date of employment with the institution
337 of higher education; and

338 (ii) makes the election before participating in the system described in Subsection
339 (2)(b)(ii).

340 (3) A regular full-time employee hired by an institution of higher education on or after
341 July 1, 2011, whose employment classification requires participation in this system may elect
342 to continue participation in this system upon change to an employment classification that
343 requires participation in a public or private system, organization, or company designated by:

344 (a) except as provided in Subsection (3)(b), the Utah Board of Higher Education; or

345 (b) the technical college board of trustees of each technical college for regular full-time
346 employees of each technical college.

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

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

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

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

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

354 **51-8-303. Requirements of member institutions of the state system of higher**
355 **education.**

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

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

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

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

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

365 (b) A higher education institution [~~and its employees shall comply with the Utah Board~~
366 ~~of Higher Education's conflict of interest requirements unless the Utah Board of Higher~~

367 ~~Education approves the conflict]~~ shall establish a written policy governing conflicts of interest
368 [policy that has been adopted by the higher education institution's board of trustees] that
369 complies with Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act..

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

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

373 (ii) a conflict of interest policy.

374 (b) The investment policy shall:

375 (i) define the groups, and the responsibilities of those groups, that must be involved
376 with investing the institutional funds;

377 (ii) ensure that the groups defined under Subsection (3)(b)(i) at least include the board
378 of trustees, an investment committee, institutional staff, and a custodian bank;

379 (iii) create an investment committee that includes not more than two members of the
380 board of trustees and no less than two independent investment management professionals;

381 (iv) determine an appropriate risk level for the institutional funds;

382 (v) establish allocation ranges for asset classes considered suitable for the institutional
383 funds;

384 (vi) determine prudent diversification of the institutional funds; and

385 (vii) establish performance objectives and a regular review process.

386 ~~[(c) Each higher education institution that adopts an investment policy, a conflict of~~
387 ~~interest policy, or both, shall submit the policy, and any subsequent amendments, to the Utah~~
388 ~~Board of Higher Education for approval.]~~

389 (4) Each higher education institution shall make monthly reports detailing the deposit
390 and investment of funds in the institution's custody or control to:

391 (a) the institution of higher education board of trustees; and

392 (b) the Utah Board of Higher Education.

393 (5) The state auditor may conduct or cause to be conducted an annual audit of the
394 investment program of each higher education institution.

395 (6) The Utah Board of Higher Education shall submit an annual report to the governor
396 and the Legislature summarizing all investments by higher education institutions under its
397 jurisdiction.

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

399 **53B-1-110. Criminal background checks of prospective and existing employees of**
400 **higher education institutions -- Institutions to adopt policy.**

401 (1) As used in this section:

402 (a) "Institution" means an institution listed in Section 53B-1-102.

403 (b) "Minor" means a person younger than 21 years [~~of age~~] old.

404 (2) [~~The board~~] An institution shall adopt a policy providing for criminal background
405 checks of:

406 (a) prospective employees of institutions; and

407 (b) existing employees of institutions, where reasonable cause exists.

408 (3) (a) The policy shall require that:

409 (i) an applicant for any position that involves significant contact with minors or any
410 position considered to be security sensitive by [~~the board~~] an institution or its designee shall
411 submit to a criminal background check as a condition of employment; and

412 (ii) an existing employee submit to a criminal background check, where reasonable
413 cause exists.

414 (b) Subsection (3)(a)(i) does not apply to adjunct faculty positions.

415 (c) The policy may allow or require applicants for positions other than those described
416 in Subsection (3)(a)(i) to submit to a criminal background check as a condition of employment.

417 (d) The policy may allow criminal background checks for new employees to be phased
418 in over a two-year period.

419 (4) The applicant or employee shall receive written notice that the background check
420 has been requested.

421 (5) Each applicant or employee subject to a criminal background check under this
422 section shall, if required by the institution:

423 (a) be fingerprinted; and

424 (b) consent to a fingerprint background check by:

425 (i) the Utah Bureau of Criminal Identification; and

426 (ii) the Federal Bureau of Investigation.

427 (6) (a) Institutions may request the Utah Bureau of Criminal Identification to conduct
428 criminal background checks of prospective employees and, where reasonable cause exists,

429 existing employees pursuant to [~~board~~] an institution's policy.

430 (b) At the request of an institution, the Utah Bureau of Criminal Identification shall:

431 (i) release the individual's full record of criminal convictions to the administrator
432 requesting the information; and

433 (ii) seek additional information from regional or national criminal data files in
434 responding to inquiries under this section.

435 (c) Information received by the Utah Bureau of Criminal Identification from entities
436 other than agencies or political subdivisions of the state may not be released to a private entity
437 unless the release is permissible under applicable laws or regulations of the entity providing the
438 information.

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

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

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

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

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

451 **53B-1-112. Disclosure requirements for institution programs.**

452 (1) As used in this section:

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

454 (b) "Institution" means an institution of higher education described in Section
455 [53B-1-102](#).

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

459 (d) (i) "Program" means a program of organized instruction or study at an institution

460 that leads to:

- 461 (A) an academic degree;
- 462 (B) a professional degree;
- 463 (C) a vocational degree;
- 464 (D) a certificate of one year or greater or the direct assessment equivalent; or
- 465 (E) another recognized educational credential.

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

470 (e) "Student loan information" means the percentage of students at an institution who:

471 (i) received a Title IV loan authorized under:

- 472 (A) the Federal Perkins Loan Program;
- 473 (B) the Federal Family Education Loan Program; or
- 474 (C) the William D. Ford Direct Loan Program; and

475 (ii) fail to pay a loan described in Subsection (1)(e)(i)(A), (B), or (C).

476 (f) "Total costs" means:

477 (i) the estimated costs a student would incur while completing a program, including:

- 478 (A) tuition and fees; and
- 479 (B) books, supplies, and equipment; and

480 (ii) calculated based on a student's degree, the institution's average costs that would be
481 incurred while a student completes a program and are subsidized by taxpayer contribution,
482 including:

- 483 (A) tuition and fees; and
- 484 (B) other applicable expenses subsidized by taxpayer contribution for program
485 completion.

486 (g) "Wage data" means information collected by the board, and based on information
487 from the department, that reflects a student's wage the first year and fifth year after a student
488 has successfully completed a program.

489 (2) (a) Except as provided in Subsection (4), for each program listed in an institution's
490 course catalog or each program otherwise offered by the institution, the institution shall

491 provide a conspicuous and direct link on the institution's website, subject to Subsection (2)(b),
492 to the following information maintained by the board in accordance with Subsection (3):

- 493 (i) job placement data;
- 494 (ii) to the extent supporting data is available, student loan information;
- 495 (iii) total costs; and
- 496 (iv) wage data.

497 (b) An institution shall include the information described in Subsection (2)(a) on each
498 institutional website that includes academic, cost, financial aid, or admissions information for a
499 program.

500 (3) ~~[The board or the board's designee]~~ The commissioner, under the board's direction,
501 shall:

- 502 (a) collect the information described in Subsection (2)(a);
- 503 (b) develop through user testing a format for the display of information described in
504 Subsection (2)(a) that is easily accessible and informative; and
- 505 (c) maintain the information described in Subsection (2)(a) so that it is current.

506 (4) An institution is not subject to Subsection (2) for a program that the institution is
507 required to report on under 34 C.F.R. Sec. 668.412.

508 (5) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
509 Rulemaking Act, make rules for the implementation and administration of this section.

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

511 **53B-1-116. Bereavement leave for miscarriage and stillbirth.**

512 (1) As used in this section "miscarriage" means the spontaneous or accidental loss of a
513 fetus, regardless of gestational age or the duration of the pregnancy.

514 (2) An institution shall adopt policies providing at least three work days of paid
515 bereavement leave for an employee following the end of the employee's pregnancy by way of
516 miscarriage or stillbirth or following the end of another individual's pregnancy by way of a
517 miscarriage or stillbirth, if:

- 518 (a) the employee is the individual's spouse or partner;
- 519 (b) the employee is the individual's former spouse or partner and the employee would
520 have been a biological parent of a child born as a result of the pregnancy;
- 521 (c) the employee provides documentation to show that the individual intended for the

522 employee to be an adoptive parent, as that term is defined in Section 78B-6-103, of a child born
523 as a result of the pregnancy; or

524 (d) under a valid gestational agreement in accordance with Title 78B, Chapter 15, Part
525 8, Gestational Agreement, the employee would have been a parent of a child born as a result of
526 the pregnancy.

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

528 **53B-1-117. Oaths of office.**

529 Notwithstanding Section 52-1-2, except as otherwise provided in this title, an
530 individual who is appointed or employed by one of the following is not required to take an
531 official oath of office:

532 (1) the board;

533 (2) the commissioner;

534 (3) a degree-granting institution or a technical college;

535 (4) an institution board of trustees; or

536 (5) the president of a degree-granting institution or a technical college.

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

538 **53B-1-401. Definitions.**

539 As used in this part:

540 (1) "Board" means the Utah Board of Higher Education described in Section
541 **53B-1-402.**

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

544 [~~(3) "Miscarriage" means the spontaneous or accidental loss of a fetus, regardless of~~
545 ~~gestational age or the duration of the pregnancy.]~~

546 Section 12. Section **53B-1-402** is amended to read:

547 **53B-1-402. Establishment of board -- Powers, duties, and authority -- Reports.**

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

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

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

- 553 (b) (i) The University of Utah shall provide administrative support for the board.
- 554 (ii) Notwithstanding Subsection (1)(b)(i), the board shall maintain the board's
- 555 independence, including in relation to the powers and responsibilities granted to the board.
- 556 (2) The board shall:
- 557 (a) establish and promote a state-level vision and goals for higher education that
- 558 emphasize data-driven retrospective and prospective system priorities, including:
- 559 (i) quality;
- 560 (ii) affordability;
- 561 (iii) access and equity;
- 562 (iv) completion;
- 563 (v) workforce alignment and preparation for high-quality jobs; and
- 564 (vi) economic growth;
- 565 (b) establish system policies and practices that advance the vision and goals;
- 566 (c) establish metrics to demonstrate and monitor:
- 567 (i) performance related to the goals; and
- 568 (ii) performance on measures of operational efficiency;
- 569 (d) collect and analyze data including economic data, demographic data, and data
- 570 related to the metrics;
- 571 (e) govern data quality and collection across institutions;
- 572 (f) establish, approve, and oversee each institution's mission and role in accordance
- 573 with Section 53B-16-101;
- 574 (g) assess an institution's performance in accomplishing the institution's mission and
- 575 role;
- 576 (h) participate in the establishment and review of programs of instruction in accordance
- 577 with Section 53B-16-102;
- 578 (i) perform the following duties related to an institution of higher education president,
- 579 including:
- 580 (i) ~~appointing~~ hiring an institution of higher education president in accordance with
- 581 Section 53B-2-102;
- 582 (ii) through the commissioner and the board's executive committee:
- 583 (A) providing support and guidance to an institution of higher education president; and

584 (B) evaluating an institution of higher education president based on institution
585 performance and progress toward systemwide priorities;

586 (iii) setting the terms of employment for an institution of higher education president,
587 including performance-based compensation, through an employment contract or another
588 method of establishing employment; and

589 (iv) establishing, through a public process, a statewide succession plan to develop
590 potential institution presidents from within the system;

591 (j) create and implement a strategic finance plan for higher education, including by:

592 (i) establishing comprehensive budget and finance priorities for academic education
593 and technical education;

594 (ii) allocating statewide resources to institutions;

595 (iii) setting tuition for each institution;

596 (iv) administering state financial aid programs;

597 (v) administering performance funding in accordance with Chapter 7, Part 7,
598 Performance Funding; and

599 (vi) developing a strategic capital facility plan and prioritization process in accordance
600 with Chapter 22, Part 2, Capital Developments, and Sections [53B-2a-117](#) and [53B-2a-118](#);

601 (k) create and annually report to the Higher Education Appropriations Subcommittee
602 on a seamless articulated education system for Utah students that responds to changing
603 demographics and workforce, including by:

604 (i) providing for statewide prior learning assessment, in accordance with Section
605 [53B-16-110](#);

606 (ii) establishing and maintaining clear pathways for articulation and transfer, in
607 accordance with Section [53B-16-105](#);

608 (iii) establishing degree program requirement guidelines, including credit hour limits;

609 (iv) aligning general education requirements across degree-granting institutions;

610 (v) coordinating and incentivizing collaboration and partnerships between institutions
611 in delivering programs;

612 (vi) coordinating distance delivery of programs;

613 (vii) coordinating work-based learning; and

614 (viii) emphasizing the system priorities and metrics described in Subsections (2)(a) and

- 615 (c);
- 616 (l) coordinate with the public education system:
- 617 (i) regarding public education programs that provide postsecondary credit or
- 618 certificates; and
- 619 (ii) to ensure that an institution of higher education providing technical education
- 620 serves secondary students in the public education system;
- 621 (m) delegate to an institution board of trustees certain duties related to institution
- 622 governance including:
- 623 (i) guidance and support for the institution president;
- 624 (ii) effective administration;
- 625 (iii) the institution's responsibility for contributing to progress toward achieving
- 626 systemwide goals; and
- 627 (iv) other responsibilities determined by the board;
- 628 (n) delegate to an institution of higher education president management of the
- 629 institution of higher education;
- 630 (o) consult with an institution of higher education board of trustees or institution of
- 631 higher education president before acting on matters pertaining to the institution of higher
- 632 education;
- 633 (p) maximize efficiency throughout the Utah [~~system of higher education~~] System of
- 634 Higher Education by identifying and establishing shared administrative services, beginning
- 635 with:
- 636 (i) commercialization;
- 637 (ii) services for compliance with Title IX of the Education Amendments of 1972, 20
- 638 U.S.C. Sec. 1681 et seq.;
- 639 (iii) information technology services; and
- 640 (iv) human resources, payroll, and benefits administration;
- 641 (q) develop strategies for providing higher education, including career and technical
- 642 education, in rural areas;
- 643 (r) manage and facilitate a process for initiating, prioritizing, and implementing
- 644 education reform initiatives, beginning with common applications and direct admissions;
- 645 (s) provide ongoing quality review of programs; and

646 (t) before each annual legislative general session, provide to the Higher Education
647 Appropriations Subcommittee a prioritization of all projects and proposals for which the board
648 or an institution of higher education seeks an appropriation.

649 (3) The board shall submit an annual report of the board's activities and performance
650 against the board's goals and metrics to:

- 651 (a) the Education Interim Committee;
- 652 (b) the Higher Education Appropriations Subcommittee;
- 653 (c) the governor; and
- 654 (d) each institution of higher education.

655 (4) The board shall prepare and submit an annual report detailing the board's progress
656 and recommendations on workforce related issues, including career and technical education, to
657 the governor and to the Legislature's Education Interim Committee by October 31 of each year,
658 including information detailing:

- 659 (a) how institutions of higher education are meeting the career and technical education
660 needs of secondary students;
- 661 (b) how the system emphasized high demand, high wage, and high skill jobs in
662 business and industry;
- 663 (c) performance outcomes, including:
 - 664 (i) entered employment;
 - 665 (ii) job retention; and
 - 666 (iii) earnings;
- 667 (d) an analysis of workforce needs and efforts to meet workforce needs; and
- 668 (e) student tuition and fees.

669 (5) The board may modify the name of an institution of higher education to reflect the
670 role and general course of study of the institution.

671 (6) The board may not take action relating to merging a technical college with another
672 institution of higher education without legislative approval.

673 (7) This section does not affect the power and authority vested in the State Board of
674 Education to apply for, accept, and manage federal appropriations for the establishment and
675 maintenance of career and technical education.

676 (8) The board shall ensure that any training or certification that an employee of the

677 higher education system is required to complete under this title or by board rule complies with
678 Title 63G, Chapter 22, State Training and Certification Requirements.

679 (9) The board shall demonstrate compliance with Subsection (2)(p) by providing to the
680 Higher Education Appropriations Subcommittee:

681 (a) on or before October 1, 2024, evidence of implementation of at least one shared
682 administrative service;

683 (b) on or before October 1, 2025, evidence of implementation of at least two shared
684 administrative services; and

685 (c) on or before October 1, 2026, evidence of implementation of at least three shared
686 administrative services.

687 (10) If the board is found by the Higher Education Appropriations Subcommittee to be
688 out of compliance with Subsection (9), the Legislature shall:

689 (a) deduct 10% of the appropriation described in Section [53B-7-703](#) for the following
690 fiscal year; and

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

693 ~~[(9) The board shall adopt a policy requiring institutions to provide at least three work~~
694 ~~days of paid bereavement leave for an employee:]~~

695 ~~[(a) following the end of the employee's pregnancy by way of miscarriage or stillbirth;~~
696 ~~or]~~

697 ~~[(b) following the end of another individual's pregnancy by way of a miscarriage or~~
698 ~~stillbirth, if:]~~

699 ~~[(i) the employee is the individual's spouse or partner;]~~

700 ~~[(ii) (A) the employee is the individual's former spouse or partner; and]~~

701 ~~[(B) the employee would have been a biological parent of a child born as a result of the~~
702 ~~pregnancy;]~~

703 ~~[(iii) the employee provides documentation to show that the individual intended for the~~
704 ~~employee to be an adoptive parent, as that term is defined in Section [78B-6-103](#), of a child born~~
705 ~~as a result of the pregnancy; or]~~

706 ~~[(iv) under a valid gestational agreement in accordance with Title 78B, Chapter 15,~~
707 ~~Part 8, Gestational Agreement, the employee would have been a parent of a child born as a~~

708 result of the pregnancy.]

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

710 **53B-1-408. Appointment of commissioner of higher education -- Qualifications --**
711 **Associate commissioners -- Duties -- Office.**

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

715 (b) The following may terminate the commissioner:

716 (i) the board; or

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

718 (c) The board shall:

719 (i) set the salary of the commissioner;

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

721 and

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

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

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

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

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

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

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

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

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

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

739 **53B-2-106. Duties and responsibilities of the president of an institution of higher**
740 **education -- Approval by board of trustees.**

741 (1) As used in this section:

742 (a) "Institution" means:

743 (i) a degree-granting institution; or

744 (ii) a technical college.

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

746 (2) The president of each institution may exercise grants of power and authority as
747 delegated by the board, as well as the necessary and proper exercise of powers and authority
748 not denied to the institution or the institution's administration, faculty, or students by the board
749 or by law, to ensure the effective and efficient administration and operation of the institution
750 consistent with the statewide strategic plan for higher education.

751 (3) A president may:

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

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

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

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

760 (i) policies governing personnel;

761 (ii) furloughs;

762 (iii) reductions in force;

763 (iv) program reductions or discontinuance;

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

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

767 (5) A president shall:

768 (a) control and manage the budget and finances of the institution, including by, as
769 determined by the president:

- 770 (i) establishing the institution's budget; and
771 (ii) establishing or adjusting administrative or academic unit budgets; and
772 (b) subject to Section 53B-7-101, establish:
773 (i) tuition for the institution, including both resident and nonresident tuition if the
774 institution is degree granting, subject to the approval of the board as described in Section
775 53B-1-402; and
776 (ii) fees and other charges for the institution; and
777 (c) establish the organization and structure of the institution, including by, as
778 determined by the president, creating, merging, or eliminating a college, department, or other
779 administrative or academic unit of the institution;
780 (6) Subject to the approval of the institution's board of trustees, a president:
781 (a) shall establish a budgetary policy, such as policy regarding benefits and endowment
782 investments;
783 (b) shall provide for the constitution, government, and organization of the faculty and
784 administration, and may enact implementing rules, including the establishment of a prescribed
785 system of tenure if the institution is degree granting; and
786 (c) may authorize the faculty to determine the general initiation and direction of
787 instruction and of the examination, admission, and classification of students.
788 (7) A president may establish policies for the administration and operation of the
789 institution that:
790 (a) are consistent with the institution's role established by the board, rules enacted by
791 the board, or the laws of the state; and
792 (b) may provide for:
793 (i) administrative, faculty, student, and joint committees with jurisdiction over
794 specified institutional matters;
795 (ii) student government and student affairs organizations;
796 (iii) the establishment of institutional standards in furtherance of the ideals of higher
797 education fostered and subscribed to by the institution and the institution's administration,
798 faculty, and students; and
799 (iv) the holding of classes on legal holidays, other than Sunday.
800 (8) A president shall manage the president's institution as a part of the Utah System of

801 Higher Education.

802 (9) In performing any of the acts described in this section, a president may, in the
803 president's sole discretion, seek input from the institution's faculty, staff, or students.

804 (10) The board shall establish guidelines relating to the roles and relationships between
805 presidents and boards of trustees, including those matters which by law must be approved by a
806 board of trustees before implementation by the president.

807 (11) (a) A president is subject to regular review and evaluation administered by the
808 board, in consultation with the institution's board of trustees, through a process approved by the
809 board.

810 (b) Only the board may formally assess a president's performance, formally declare a
811 president's standing, or take other formal action to evaluate a president.

812 Section 15. Section **53B-2-114** is enacted to read:

813 **53B-2-114. Degree-granting institution attorneys -- Appointment -- Duties.**

814 (1) Recognizing the status of institutions within the Utah System of Higher Education
815 as bodies politic and corporate, the president of a degree-granting institution may appoint
816 attorneys to:

817 (a) provide legal advice to the degree-granting institution's administration; and

818 (b) coordinate legal affairs within the degree-granting institution.

819 (2) Compensation costs and related office expenses for an attorney described in
820 Subsection (1) shall be funded within existing budgets.

821 (3) The board shall coordinate the activities of attorneys described in Subsection (1).

822 (4) An attorney described in Subsection (1):

823 (a) may not:

824 (i) conduct litigation;

825 (ii) settle a claim covered by the State Risk Management Fund; or

826 (iii) issue a formal legal opinion; and

827 (b) shall cooperate with the Office of the Attorney General in providing legal
828 representation to a degree-granting institution.

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

830 **53B-2a-107. Technical college presidents.**

831 (1) The board shall appoint a president for each technical college in accordance with

832 Section [53B-2-102](#).

833 (2) ~~[(a)]~~ A technical college president is the chief executive officer of the technical
834 college.

835 ~~[(b)]~~ (3) A technical college president:

836 ~~[(i)]~~ (a) does not need to have a doctorate degree; and

837 ~~[(ii)]~~ (b) shall have extensive experience in career and technical education.

838 ~~[(3)]~~ (4) ~~[A]~~ In addition to the duties described in Section [53B-2-106](#), a technical
839 college president shall:

840 ~~[(a) exercise grants of power and authority as delegated by the board, as well as the~~
841 ~~necessary and proper exercise of powers and authority not specifically denied to the technical~~
842 ~~college's administration, faculty, or students, by the board or by law, to ensure the effective and~~
843 ~~efficient administration and operation of the technical college consistent with the statewide~~
844 ~~strategic plan for higher education;]~~

845 ~~[(b) administer the day-to-day operations of the technical college;]~~

846 ~~[(c) consult with the technical college board of trustees;]~~

847 ~~[(d) administer human resource policies and employee compensation plans in~~
848 ~~accordance with the requirements of the board;]~~

849 ~~[(e) prepare a budget request for the technical college's annual operations to the board;]~~

850 ~~[(f)]~~ (a) after consulting with the board, other institutions of higher education, school
851 districts, and charter schools within the technical college's region, prepare a comprehensive
852 strategic plan for delivering technical education within the region;

853 ~~[(g)]~~ (b) consult with business, industry, the Department of Workforce Services, the
854 Governor's Office of Economic Opportunity, and the Governor's Office of Planning and Budget
855 on an ongoing basis to determine what workers and skills are needed for employment in Utah
856 businesses and industries;

857 ~~[(h)]~~ (c) coordinate with local school boards, school districts, and charter schools to
858 meet the technical education needs of secondary students; and

859 ~~[(i)]~~ (d) develop policies and procedures for the admission, classification, instruction,
860 and examination of students in accordance with the policies and accreditation guidelines of the
861 board and the State Board of Education~~[-and]~~

862 ~~[(j) manage the technical college president's institution as part of the Utah system of~~

863 higher education].

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

865 **53B-2a-117. Legislative approval -- Capital development projects --**

866 **Prioritization.**

867 (1) As used in this section:

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

870 (b) "Fund" means the Technical Colleges Capital Projects Fund created in Section
871 **53B-2a-118**.

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

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

877 (4) The board shall:

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

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

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

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

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

886 (i) the governor;

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

888 (iii) the Higher Education Appropriations Subcommittee; and

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

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

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

892 (5) A dedicated project:

893 (a) is subject to the recommendation of the Division of Facilities Construction and

894 Management as described in Section 63A-5b-403; and

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

897 (6) (a) Subject to Subsection (7), the board shall prioritize funding requests for capital
898 development projects described in this section based on:

899 (i) growth and capacity;

900 (ii) effectiveness and support of critical programs;

901 (iii) cost effectiveness;

902 (iv) building deficiencies and life safety concerns; and

903 (v) alternative funding sources.

904 (b) The board shall establish:

905 (i) how the board will measure each factor described in Subsection (6)(a); and

906 (ii) procedures for prioritizing funding requests for capital development projects
907 described in this section.

908 (7) (a) Subject to Subsection (7)(b), and in accordance with Subsection (6), the board
909 may annually prioritize:

910 (i) up to three nondedicated projects if the ongoing appropriation to the fund is less
911 than \$7,000,000;

912 (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least
913 \$7,000,000 but less than \$14,000,000; or

914 (iii) one nondedicated project if the ongoing appropriation to the fund is at least
915 \$14,000,000.

916 (b) For each calendar year beginning on or after January 1, 2020, the dollar amounts
917 described in Subsection (7)(a) shall be adjusted by an amount equal to the percentage
918 difference between:

919 (i) the Consumer Price Index for the 2019 calendar year; and

920 (ii) the Consumer Price Index for the previous calendar year.

921 (8) (a) A technical college may request operations and maintenance funds for a capital
922 development project approved under this section.

923 (b) A technical college shall make the request described in Subsection (8)(a) at the
924 same time as the technical college submits the proposal described in Subsection (3).

925 (c) The Legislature shall consider a technical college's request described in Subsection
926 (8)(a).

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

928 **53B-3-103. Power of board and institutions to adopt rules and enact regulations.**

929 (1) As used in this section, "institution" means an institution listed in Section
930 [53B-1-102](#).

931 ~~[(1)]~~ (2) (a) The board may enact regulations governing the conduct of university and
932 college students, faculty, and employees.

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

935 ~~[(2)]~~ (3) (a) ~~[The board]~~ An institution may[:]

936 ~~[(i) enact and authorize higher education institutions to]~~ enact traffic, parking, and
937 related ~~[regulations]~~ policies governing all individuals ~~[on campuses]~~ at the individual's
938 institution and ~~[other]~~ facilities owned or controlled by the ~~[institutions or the board; and]~~
939 institution.

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

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

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

948 ~~[(b) In addition to the requirements and penalty prescribed in Subsections~~
949 ~~[76-8-311.1](#)(3), (4), (5), and (6), the board shall make rules to ensure that:]~~

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

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

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

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

961 ~~[(e)]~~ (b) (i) The board and an institution may not require proof of vaccination as a
962 condition for enrollment or attendance within the system of higher education unless the board
963 or an institution allows for the following exemptions:

964 (A) a medical exemption if the student provides to the institution a statement that the
965 claimed exemption is for a medical reason; and

966 (B) a personal exemption if the student provides to the institution a statement that the
967 claimed exemption is for a personal or religious belief.

968 (ii) An institution that offers both remote and in-person learning options may not deny
969 a student who is exempt from a requirement to receive a vaccine under Subsection ~~[(2)(e)(i)]~~
970 (2)(b)(i) to participate in an in-person learning option based upon the student's vaccination
971 status.

972 (iii) Subsections ~~[(2)(e)(i)]~~ (2)(b)(i) and (ii) do not apply to a student studying in a
973 medical setting at an institution of higher education.

974 (iv) Nothing in this section restricts a state or local health department from acting
975 under applicable law to contain the spread of an infectious disease.

976 ~~[(d)]~~ (c) (i) For purposes of this Subsection ~~[(2)(d)]~~ (2)(c), "face covering" means the
977 same as that term is defined in Section [53G-9-210](#).

978 (ii) The board or an institution may not require an individual to wear a face covering as
979 a condition of attendance for in-person instruction, institution-sponsored athletics,
980 institution-sponsored extracurricular activities, in dormitories, or in any other place on a
981 campus of an institution within the system of higher education at any time after the end of the
982 spring semester in 2021.

983 (iii) Subsection ~~[(2)(d)(i)]~~ (2)(c)(ii) does not apply to an individual in a medical setting
984 at an institution of higher education.

985 ~~[(3)]~~ (4) The board shall enact regulations that require all testimony be given under
986 oath during an employee grievance hearing for a non-faculty employee of an institution of

987 higher education if the grievance hearing relates to the non-faculty employee's:

988 (a) demotion; or

989 (b) termination.

990 (5) Acknowledging that the Legislature has the authority to regulate, by law, firearms

991 at higher education institutions, the board may:

992 (a) authorize higher education institutions to establish no more than one secure area at
993 each institution as a hearing room as prescribed in Section 76-8-311.1, but not otherwise

994 restrict the lawful possession or carrying of firearms; and

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

998 (6) In addition to the requirements and penalty prescribed in Subsections

999 76-8-311.1(3), (4), (5), and (6), the board shall make rules to ensure that:

1000 (a) reasonable means such as mechanical, electronic, x-ray, or similar devices are used
1001 to detect firearms, ammunition, or dangerous weapons contained in the personal property of or
1002 on the person of any individual attempting to enter a secure area hearing room;

1003 (b) an individual required or requested to attend a hearing in a secure area hearing
1004 room is notified in writing of the requirements related to entering a secure area hearing room
1005 under this Subsection (6)(b) and Section 76-8-311.1;

1006 (c) the restriction of firearms, ammunition, or dangerous weapons in the secure area
1007 hearing room is in effect only during the time the secure area hearing room is in use for
1008 hearings and for a reasonable time before and after its use; and

1009 (d) reasonable space limitations are applied to the secure area hearing room as
1010 warranted by the number of individuals involved in a typical hearing.

1011 ~~[(4)]~~ (7) The board and institutions may enforce these rules ~~[and]~~, regulations, and
1012 policies in any reasonable manner, including the assessment of fees, fines, and forfeitures, the
1013 collection of which may be by withholding from money owed the violator, the imposition of
1014 probation, suspension, or expulsion from the institution, the revocation of privileges, the
1015 refusal to issue certificates, degrees, and diplomas, through judicial process or any reasonable
1016 combination of these alternatives.

1017 Section 19. Section 53B-3-104 is amended to read:

1018 **53B-3-104. Establishment of police or security departments.**

1019 (1) As used in this section, "institution" means an institution listed in Section
1020 53B-1-102.

1021 (2) ~~[The board]~~ An institution's president may establish and maintain police or security
1022 departments for the purpose of enforcing the regulations of each institution of higher education
1023 and the laws of the state.

1024 Section 20. Section **53B-3-105** is amended to read:

1025 **53B-3-105. Appointment of police or security personnel -- Powers.**

1026 (1) As used in this section, "institution" means an institution listed in Section
1027 53B-1-102.

1028 (2) Members of the police or security department of any ~~[college or university]~~
1029 institution are appointed by the ~~[board]~~ president.

1030 ~~[(2)]~~ (3) Upon appointment, they are peace officers and have all the powers possessed
1031 by policemen in cities and by sheriffs, including the power to make arrests on view or on
1032 warrant of violation of state statutes and city or county ordinances.

1033 ~~[(3)]~~ (4) Members of the police or security department of any ~~[college or university]~~
1034 institution also have the power to enforce all rules and regulations promulgated by the board or
1035 institution as related to the institution.

1036 Section 21. Section **53B-6-105** is amended to read:

1037 **53B-6-105. Engineering and Computer Technology Initiative.**

1038 (1) (a) (i) The commissioner of higher education, under the direction of the board shall
1039 develop, establish, and maintain an Engineering and Computer Science Initiative within the
1040 state system of higher education to increase the number of graduates in engineering, computer
1041 science, and related technology.

1042 (ii) The commissioner of higher education, under the direction of the board shall make
1043 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing
1044 the criteria for those fields of study that qualify as "related technology" under this section and
1045 Section 53B-6-105.9.

1046 (b) The initiative shall include components that:

1047 (i) improve the quality of instructional programs in engineering, computer science, and
1048 related technology by providing supplemental money for equipment purchases; and

1049 (ii) provide incentives to institutions to hire and retain faculty under Section
1050 [53B-6-105.9](#).

1051 (2) The increase in program capacity under Subsection (1)(a) shall include funding for
1052 new and renovated capital facilities and funding for new engineering and computer science
1053 programs.

1054 (3) The Legislature shall provide an annual appropriation to the board to fund the
1055 initiative.

1056 Section 22. Section **53B-6-105.9** is amended to read:

1057 **53B-6-105.9. Incentive program for engineering, computer science, and related**
1058 **technology faculty.**

1059 (1) The Legislature shall provide an annual appropriation to help fund the faculty
1060 incentive component of the Engineering and Computer Science Initiative established under
1061 Section [53B-6-105](#).

1062 (2) The appropriation shall be used to hire, recruit, and retain outstanding faculty in
1063 engineering, computer science, and related technology fields under guidelines established by
1064 the commissioner of higher education, under the direction of the board.

1065 (3) (a) State institutions of higher education shall match the appropriation on a
1066 one-to-one basis in order to qualify for state money appropriated under Subsection (1).

1067 (b) (i) Qualifying institutions shall annually report their matching dollars to the board.

1068 (ii) The [~~board~~] commissioner of higher education shall make a summary report of the
1069 institutional matches.

1070 (iii) The annual report of the Technology Initiative Advisory Board required by Section
1071 [53B-6-105.5](#) shall include the summary report of the institutional matches.

1072 (4) The commissioner of higher education, under the direction of the board shall make
1073 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1074 establishing policies and procedures to apply for and distribute the state appropriation to
1075 qualifying institutions.

1076 Section 23. Section **53B-7-702** is amended to read:

1077 **53B-7-702. Definitions.**

1078 As used in this part:

1079 (1) "Account" means the Performance Funding Restricted Account created in Section

1080 [53B-7-703](#).

1081 (2) "Estimated revenue growth from targeted jobs" means the estimated increase in
1082 individual income tax revenue generated by individuals employed in targeted jobs, determined
1083 by the Department of Workforce Services in accordance with Section [53B-7-704](#).

1084 (3) "Full new performance funding amount" means the maximum amount of new
1085 performance funding that a degree-granting institution or technical college may qualify for in a
1086 fiscal year, determined by the Legislature in accordance with Section [53B-7-705](#).

1087 (4) "Full-time" means the number of credit hours the board determines is full-time
1088 enrollment for a student.

1089 [~~(5) "GO Utah office" means the Governor's Office of Economic Opportunity created
1090 in Section [63N-1a-301](#).]~~

1091 [~~(6) "Job" means an occupation determined by the Department of Workforce Services.]~~

1092 [~~(7) "Membership hour" means 60 minutes of scheduled instruction provided by a
1093 technical college to a student enrolled in the technical college.]~~

1094 [~~(8)~~ (5) "New performance funding" means the difference between the total amount of
1095 money in the account and the amount of money appropriated from the account for performance
1096 funding in the current fiscal year.

1097 [~~(9)~~ (6) "Performance" means total performance across the metrics described in
1098 Sections [53B-7-706](#) and [53B-7-707](#).

1099 [~~(10) "Research university" means the University of Utah or Utah State University.]~~

1100 [~~(11)~~ (7) "Targeted job" means a four- and five-star job designated by the Department
1101 of Workforce Services [~~or the GO Utah office in accordance with Section [53B-7-704](#)].~~

1102 [~~(12)~~ (8) "Technical college" means:

1103 (a) the same as that term is defined in Section [53B-1-101.5](#); and

1104 (b) a degree-granting institution acting in the degree-granting institution's technical
1105 education role described in Section [53B-2a-201](#).

1106 [~~(13) "Technical college graduate" means an individual who:]~~

1107 [~~(a) has earned a certificate from an accredited program at a technical college; and]~~

1108 [~~(b) is no longer enrolled in the technical college.]~~

1109 Section 24. Section [53B-7-704](#) is repealed and reenacted to read:

1110 **53B-7-704. Determination of estimated revenue growth from targeted jobs --**

1111 **Reporting.**

1112 (1) As used in this section, "baseline amount" means the simple five-year average of
1113 total wages for targeted jobs in Utah as reported by the Department of Workforce Services
1114 using the best information available over calendar years 2017-2021 multiplied by 44.5%.

1115 (2) The Department of Workforce Services shall annually determine the estimated
1116 revenue growth from targeted jobs by:

1117 (a) determining the total estimated wages for targeted jobs by:

1118 (i) calculating the simple five-year moving average of total wages in Utah as reported
1119 by the Department of Workforce Services using the best information available for the most
1120 recent calendar year for which data is available; and

1121 (ii) multiplying the results of the calculation in Subsection (2)(a)(i) by 44.5%;

1122 (b) determining the change in estimated wages for targeted jobs for the year by
1123 subtracting the baseline amount from the total wages for targeted jobs as described in
1124 Subsection (2)(a); and

1125 (c) multiplying the change in estimated wages for targeted jobs described in Subsection
1126 (2)(b) by 3.3%.

1127 (3) Annually, at least 30 days before the first day of the legislative general session, the
1128 Department of Workforce Services shall report the estimated revenue growth from targeted
1129 jobs to:

1130 (a) The Office of the Legislative Fiscal Analyst;

1131 (b) The Governor's Office of Planning and Budget;

1132 (c) The Division of Finance; and

1133 (d) the commissioner.

1134 (4) Annually, the Department of Workforce Services shall report to the Higher
1135 Education Appropriations Subcommittee on:

1136 (a) the total average annual wages in Utah as reported by the Department of Workforce
1137 Services for the most recent calendar year for which data is available;

1138 (b) total average annual wages in Utah attributable to four- and five-star jobs that
1139 require postsecondary training as reported by the Department of Workforce Services for which
1140 data is available; and

1141 (c) total average annual wages in Utah for all occupations as captured by the

1142 Department of Workforce Services for which data is available;

1143 (d) the quotient of the total average annual wages in Subsection (4)(a) compared to the
1144 annual average wages in Subsection (4)(b); and

1145 (e) the quotient of the total annual average wages in Subsection (4)(a) compared to the
1146 annual average wages in Subsection (4)(c).

1147 Section 25. Section **53B-7-705** is amended to read:

1148 **53B-7-705. Determination of full new performance funding amount -- Role of**
1149 **appropriations subcommittee -- Program review.**

1150 (1) In accordance with this section, and based on money deposited into the account, the
1151 Legislature shall, as part of the higher education appropriations budget process, annually
1152 determine the full new performance funding amount for each:

1153 (a) degree-granting institution; and

1154 (b) technical college.

1155 (2) ~~[(a) Before January 1, 2024, the Legislature shall annually allocate:]~~

1156 ~~[(i) 90% of the money in the account to degree-granting institutions; and]~~

1157 ~~[(ii) 10% of the money in the account to technical colleges.]~~

1158 ~~[(b) After January 1, 2024, the]~~ The Legislature shall annually allocate:

1159 ~~[(i)]~~ (a) 80% of the money in the account to degree-granting institutions; and

1160 ~~[(ii)]~~ (b) 20% of the money in the account to technical colleges.

1161 (3) (a) The Legislature shall determine a degree-granting institution's full new
1162 performance funding amount based on the degree-granting institution's prior year share of:

1163 (i) full-time equivalent enrollment in all degree-granting institutions; and

1164 (ii) the total state-funded appropriated budget for all degree-granting institutions.

1165 (b) In determining a degree-granting institution's full new performance funding
1166 amount, the Legislature shall give equal weight to the factors described in Subsections (3)(a)(i)
1167 and (ii).

1168 (4) (a) The Legislature shall determine a technical college's full new performance
1169 funding amount based on the technical college's prior year share of:

1170 ~~[(i) (A) before January 1, 2024, membership hours for all technical colleges; and]~~

1171 ~~[(B) after January 1, 2024,]~~

1172 (i) full-time equivalent enrollment for all technical colleges; and

1173 (ii) the total state-funded appropriated budget for all technical colleges.

1174 (b) In determining a technical college's full new performance funding amount, the
1175 Legislature shall give equal weight to the factors described in Subsections (4)(a)(i) and (ii).

1176 (5) Annually, at least 30 days before the first day of the legislative general session the
1177 board shall submit a report to the Higher Education Appropriations Subcommittee on each
1178 degree-granting institution's and each technical college's performance.

1179 (6) (a) In accordance with this Subsection (6), and based on the report described in
1180 Subsection (5), the Legislature shall determine for each degree-granting institution and each
1181 technical college:

1182 (i) the portion of the full new performance funding amount earned; and

1183 (ii) the amount of new performance funding to recommend that the Legislature
1184 appropriate, from the account, to the degree-granting institution or technical college.

1185 [~~(b) (i) This Subsection (6)(b) applies before January 1, 2024.~~]

1186 [~~(ii) A degree-granting institution earns the full new performance funding amount if the
1187 degree-granting institution has a positive change in performance of at least 1% compared to the
1188 degree-granting institution's average performance over the previous five years.]~~]

1189 [~~(iii) A technical college earns the full new performance funding amount if the
1190 technical college has a positive change in the technical college's performance of at least 5%
1191 compared to the technical college's average performance over the previous five years.]~~]

1192 [(e)] (b) [~~After January 1, 2024, a~~] A degree-granting institution or technical college
1193 earns the full new performance funding amount if the degree-granting institution or technical
1194 college meets the annual performance goals the board sets under Subsection
1195 [53B-7-706](#)(1)(a)(ii).

1196 [~~(d) Before January 1, 2024, a degree-granting institution or technical college that has a
1197 positive change in performance that is less than a change described in Subsection (6)(b) is
1198 eligible to receive a prorated amount of the full new performance funding amount.]~~]

1199 [(e) ~~Before January 1, 2024, a degree-granting or technical college that has a negative
1200 change, or no change, in performance over a time period described in Subsection (6)(b) is not
1201 eligible to receive new performance funding.]~~]

1202 [(f)] (c) [~~After January 1, 2024, a~~] A degree-granting institution or technical college
1203 that does not meet the goals the board sets under Subsection [53B-7-706](#)(1)(a)(ii):

- 1204 (i) is not eligible to receive the full new performance funding amount; and
- 1205 (ii) is eligible to receive a prorated amount of the full new performance funding
- 1206 amount for performance that is greater than zero as measured by the model the board
- 1207 establishes under Subsection [53B-7-706\(1\)\(a\)\(i\)\(B\)](#).
- 1208 ~~[(g)]~~ (d) ~~[After January 1, 2024, if]~~ If a degree-granting institution or technical college
- 1209 does not earn the full new performance funding amount as described in Subsection ~~[(6)(c)]~~
- 1210 (6)(b), the board:
- 1211 (i) shall set aside the unearned new performance funding; and
- 1212 (ii) may, at the end of an annual performance goal period within a five-year period for
- 1213 which the board sets goals under Subsection [53B-7-706\(1\)\(a\)\(ii\)](#), reallocate the funds set aside
- 1214 under Subsection ~~[(6)(g)(i)]~~ (6)(d)(i) to a degree-granting institution or technical college that
- 1215 meets or exceeds the degree-granting institution's or technical college's:
- 1216 (A) previous year's annual performance goal; and
- 1217 (B) performance goal that the institution previously failed to meet which caused the
- 1218 funding to be set aside.
- 1219 (7) An appropriation described in this section is ongoing.
- 1220 (8) Notwithstanding Section [53B-7-703](#) and Subsections (6) and (7), the Legislature
- 1221 may, by majority vote, appropriate or refrain from appropriating money for performance
- 1222 funding as circumstances require in a particular year.
- 1223 Section 26. Section [53B-7-706](#) is amended to read:
- 1224 **[53B-7-706. Performance metrics for institutions -- Determination of](#)**
- 1225 **[performance.](#)**
- 1226 (1) (a) (i) ~~[(A) The board shall establish a model for determining a degree-granting~~
- 1227 ~~institution's performance.]~~
- 1228 ~~[(B) Beginning in March 2021, the]~~ The board shall establish a model for determining
- 1229 a degree-granting institution's or technical college's performance.
- 1230 (ii) ~~[Beginning in May 2021, the]~~ The board shall:
- 1231 (A) set a five-year goal for the Utah System of Higher Education for each metric
- 1232 described in Subsection ~~[(2)(a)(ii)]~~ (2)(a);
- 1233 (B) adopt five-year goals for each degree-granting institution and technical college that
- 1234 align with each goal described in Subsection (1)(a)(ii)(A)~~[-and]~~.

1235 (C) ensure the goals the board adopts for each degree-granting institution and technical
 1236 college described in Subsection (1)(a)(ii)(B) are sufficiently rigorous to meet the goals
 1237 described in Subsection (1)(a)(ii)(A); and

1238 (b) (i) The board shall submit a draft of the model described in this section to the
 1239 Higher Education Appropriations Subcommittee and the governor for comments and
 1240 recommendations.

1241 (ii) [~~Beginning in 2021, and every~~] Every five years [~~thereafter~~], the board shall:

1242 (A) submit the model described in Subsection (1)(a)(i) and the goals described in
 1243 Subsection (1)(a)(ii) to the Higher Education Appropriations Subcommittee and to the
 1244 governor for comments and recommendations; and

1245 (B) consider the comments and recommendations described in Subsection
 1246 (1)(b)(ii)(A), and make any necessary changes to the model described in Subsection (1)(a)(i)
 1247 and the goals described in Subsection (1)(a)(ii).

1248 (c) [~~Beginning in 2021, and every~~] Every five years [~~thereafter~~], the Executive
 1249 Appropriations Committee, the Higher Education Appropriations Subcommittee, and the
 1250 Education Interim Committee shall prepare and jointly meet to consider legislation for
 1251 introduction at the following general legislative session to adopt the goals described in
 1252 Subsection (1)(a)(ii).

1253 (2) (a) [~~(i) The model described in Subsection (1)(a)(i)(A) shall include metrics,~~
 1254 ~~including:~~]

1255 [~~(A) completion, measured by degrees and certificates awarded;~~]

1256 [~~(B) completion by underserved students, measured by degrees and certificates~~
 1257 ~~awarded to underserved students;~~]

1258 [~~(C) responsiveness to workforce needs, measured by degrees and certificates awarded~~
 1259 ~~in high market demand fields;~~]

1260 [~~(D) institutional efficiency, measured by degrees and certificates awarded per~~
 1261 ~~full-time equivalent student; and]~~

1262 [~~(E) for a research university, research, measured by total research expenditures.]~~

1263 [~~(ii) Beginning in 2021, the~~] The board shall set the goals and establish the
 1264 performance model described in Subsection [~~(1)(a)(i)(B)~~] (1)(a)(i) for the following metrics:

1265 [~~(A)~~] (i) access;

1266 ~~[(B)]~~ (ii) timely completion; and

1267 ~~[(C)]~~ (iii) high-yield awards.

1268 (b) ~~[(i) Subject to Subsection (2)(b)(ii), the]~~ The board shall determine the relative
1269 weights of the metrics described in Subsection ~~[(2)(a)(i)]~~ (2)(a).

1270 ~~[(ii) The board shall assign the responsiveness to workforce needs metric described in~~
1271 ~~Subsection (2)(a)(i)(C) a weight of at least 25% when determining a degree-granting~~
1272 ~~institution's performance.]~~

1273 (c) ~~[Beginning in 2021, the]~~ The board shall determine and establish in board policy,
1274 the definitions, measures, and relative weights of the metrics described in Subsection
1275 ~~[(2)(a)(ii)]~~ (2)(a) based on each degree-granting institution's and each technical college's
1276 mission.

1277 (3) (a) For each degree-granting institution, the board shall annually determine the
1278 degree-granting institution's:

1279 (i) performance; and

1280 (ii) change in performance compared to the degree-granting institution's average
1281 performance over the previous five years.

1282 (b) For each degree-granting institution and technical college, the board shall annually:

1283 (i) adopt annual performance goals for each metric described in Subsection (2)(a)(ii)
1284 that will advance the degree-granting institution or technical college toward achievement of the
1285 five-year goals described in Subsection (1)(a)(ii);

1286 (ii) evaluate performance in meeting the goals described in Subsection (3)(b)(i); and

1287 (iii) include a degree-granting institution's or technical college's performance under this
1288 section in the evaluation described in Subsection [53B-1-402\(2\)\(i\)](#).

1289 (4) ~~[(a) The board shall use the model described in Subsection (1)(a)(i)(A) to make the~~
1290 ~~report described in Section [53B-7-705](#) for determining a degree-granting institution's~~
1291 ~~performance funding for a fiscal year beginning on or after July 1, 2018, but before July 1,~~
1292 ~~2024.]~~

1293 ~~[(b) For a fiscal year beginning on or after July 1, 2024, the]~~ The board shall use the
1294 model described in Subsection ~~[(1)(a)(i)(B)]~~ (1)(a)(i) to make the report described in Section
1295 [53B-7-705](#) for determining a degree-granting institution's or technical college's performance
1296 funding.

1297 (5) At the end of each five-year period for which the board sets goals under Subsection
1298 (1)(a)(ii):

1299 (a) the board shall:

1300 (i) review the Utah System of Higher Education's performance in meeting the goals the
1301 board sets under Subsection (1)(a)(ii)(A);

1302 (ii) review each degree-granting institution's and each technical college's performance
1303 in meeting the goals the board sets under Subsection (1)(a)(ii)(B); and

1304 (iii) allocate any funds not allocated under Subsection 53B-7-705(6)(g) to each
1305 degree-granting institution and each technical college that meets or exceeds the goals the board
1306 sets under Subsection (1)(a)(ii)(B); and

1307 (b) the Legislature may appropriate additional funds for the board to allocate to each
1308 degree-granting institution and each technical college that meets or exceeds goals as described
1309 in Subsection (5)(a)(iii).

1310 (6) In year two or three of each five-year period for which the board sets goals under
1311 Subsection (1)(a)(ii), the following committees and the governor shall hold a joint open
1312 meeting to review the goals the board sets under Subsection (1)(a)(ii):

1313 (a) the Executive Appropriations Committee;

1314 (b) the Higher Education Appropriations Subcommittee; and

1315 (c) the Education Interim Committee.

1316 Section 27. Section 53B-8-102 is amended to read:

1317 **53B-8-102. Definitions -- Resident student status -- Exceptions.**

1318 (1) As used in this section:

1319 (a) "Eligible person" means an individual who is entitled to post-secondary educational
1320 benefits under Title 38 U.S.C., Veterans' Benefits.

1321 (b) "Immediate family member" means an individual's spouse or dependent child.

1322 (c) "Military service member" means an individual who:

1323 (i) is serving on active duty in the United States Armed Forces within the state of Utah;

1324 (ii) is a member of a reserve component of the United States Armed Forces assigned in
1325 Utah;

1326 (iii) is a member of the Utah National Guard; or

1327 (iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned

1328 outside of Utah pursuant to federal permanent change of station orders.

1329 (d) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.

1330 (e) "Parent" means a student's biological or adoptive parent.

1331 (2) The meaning of "resident student" is determined by reference to the general law on
1332 the subject of domicile, except as provided in this section.

1333 (3) (a) Institutions within the state system of higher education may grant resident
1334 student status to any student who has come to Utah and established residency for the purpose of
1335 attending an institution of higher education, and who, prior to registration as a resident student:

1336 (i) has maintained continuous Utah residency status for one full year;

1337 (ii) has signed a written declaration that the student has relinquished residency in any
1338 other state; and

1339 (iii) has submitted objective evidence that the student has taken overt steps to establish
1340 permanent residency in Utah and that the student does not maintain a residence elsewhere.

1341 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:

1342 (i) a Utah high school transcript issued in the past year confirming attendance at a Utah
1343 high school in the past 12 months;

1344 (ii) a Utah voter registration dated a reasonable period prior to application;

1345 (iii) a Utah driver license or identification card with an original date of issue or a
1346 renewal date several months prior to application;

1347 (iv) a Utah vehicle registration dated a reasonable period prior to application;

1348 (v) evidence of employment in Utah for a reasonable period prior to application;

1349 (vi) proof of payment of Utah resident income taxes for the previous year;

1350 (vii) a rental agreement showing the student's name and Utah address for at least 12
1351 months prior to application; and

1352 (viii) utility bills showing the student's name and Utah address for at least 12 months
1353 prior to application.

1354 (c) A student who is claimed as a dependent on the tax returns of a person who is not a
1355 resident of Utah is not eligible to apply for resident student status.

1356 (4) Except as provided in Subsection (8), an institution within the state system of
1357 higher education may establish stricter criteria for determining resident student status.

1358 (5) If an institution does not have a minimum credit-hour requirement, that institution

1359 shall honor the decision of another institution within the state system of higher education to
1360 grant a student resident student status, unless:

1361 (a) the student obtained resident student status under false pretenses; or
1362 (b) the facts existing at the time of the granting of resident student status have changed.

1363 (6) Within the limits established in Title 53B, Chapter 8, Tuition Waiver and
1364 Scholarships, each institution within the state system of higher education may, regardless of its
1365 policy on obtaining resident student status, waive nonresident tuition either in whole or in part,
1366 but not other fees.

1367 (7) In addition to the waivers of nonresident tuition under Subsection (6), each
1368 institution may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to
1369 the maximum number allowed by the appropriate athletic conference as recommended by the
1370 president of each institution.

1371 (8) Notwithstanding Subsection (3), an institution within the state system of higher
1372 education shall grant resident student status for tuition purposes to:

1373 (a) a military service member, if the military service member provides:

1374 (i) the military service member's current United States military identification card; and

1375 (ii) (A) a statement from the military service member's current commander, or
1376 equivalent, stating that the military service member is assigned in Utah; or

1377 (B) evidence that the military service member is domiciled in Utah, as described in
1378 Subsection (9)(a);

1379 (b) a military service member's immediate family member, if the military service
1380 member's immediate family member provides:

1381 (i) (A) the military service member's current United States military identification card;

1382 or

1383 (B) the immediate family member's current United States military identification card;

1384 and

1385 (ii) (A) a statement from the military service member's current commander, or
1386 equivalent, stating that the military service member is assigned in Utah; or

1387 (B) evidence that the military service member is domiciled in Utah, as described in
1388 Subsection (9)(a);

1389 (c) a military veteran, regardless of whether the military veteran served in Utah, if the

1390 military veteran provides:

1391 (i) evidence of an honorable or general discharge;

1392 (ii) a signed written declaration that the military veteran has relinquished residency in
1393 any other state and does not maintain a residence elsewhere;

1394 (iii) objective evidence that the military veteran has demonstrated an intent to establish
1395 residency in Utah, which may include any one of the following:

1396 (A) a Utah voter registration card;

1397 (B) a Utah driver license or identification card;

1398 (C) a Utah vehicle registration;

1399 (D) evidence of employment in Utah;

1400 (E) a rental agreement showing the military veteran's name and Utah address; or

1401 (F) utility bills showing the military veteran's name and Utah address;

1402 (d) a military veteran's immediate family member, regardless of whether the military
1403 veteran served in Utah, if the military veteran's immediate family member provides:

1404 (i) evidence of the military veteran's honorable or general discharge;

1405 (ii) a signed written declaration that the military veteran's immediate family member
1406 has relinquished residency in any other state and does not maintain a residence elsewhere; and

1407 (iii) objective evidence that the military veteran's immediate family member has
1408 demonstrated an intent to establish residency in Utah, which may include any one of the items
1409 described in Subsection (8)(c)(iii); ~~or~~

1410 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who
1411 is either:

1412 (i) domiciled in Utah, recognizing the individual may not be physically present in the
1413 state due to an assignment; or

1414 (ii) assigned to a duty station in Utah if the foreign service member provides:

1415 (A) evidence of the foreign service member's status;

1416 (B) a statement from the foreign service member's current commander, or equivalent,
1417 stating that the foreign service member is assigned in Utah; or

1418 (C) evidence that the foreign service member is domiciled in Utah;

1419 (f) a foreign service member's immediate family member if the foreign service member
1420 is either:

- 1421 (i) domiciled in Utah, recognizing the individual may not be physically present in the
 1422 state due to an assignment; or
- 1423 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 1424 (A) evidence of the foreign service member's status;
- 1425 (B) a statement from the foreign service member's current commander, or equivalent,
 1426 stating that the foreign service member is assigned in Utah; or
- 1427 (C) evidence that the foreign service member is domiciled in Utah;
- 1428 ~~[(e)]~~ (g) an eligible person who provides:
- 1429 (i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits;
- 1430 (ii) a signed written declaration that the eligible person will use the ~~[G.I. Bill benefits]~~
 1431 Veteran Benefits under Title 38 U.S.C.; and
- 1432 (iii) objective evidence that the eligible person has demonstrated an intent to establish
 1433 residency in Utah, which may include any one of the items described in Subsection
 1434 ~~(8)(c)(iii)[-]; and~~
- 1435 ~~[(f)]~~ (h) an alien who provides:
- 1436 (i) evidence that the alien is a special immigrant visa recipient;
- 1437 (ii) evidence that the alien has been granted refugee status, humanitarian parole,
 1438 temporary protected status, or asylum; or
- 1439 (iii) evidence that the alien has submitted in good faith an application for refugee
 1440 status, humanitarian parole, temporary protected status, or asylum under United States
 1441 immigration law.
- 1442 (9) (a) The evidence described in Subsection (8)(a)(ii)(B) or (8)(b)(ii)(B) includes:
- 1443 (i) a current Utah voter registration card;
- 1444 (ii) a valid Utah driver license or identification card;
- 1445 (iii) a current Utah vehicle registration;
- 1446 (iv) a copy of a Utah income tax return, in the military service member's or military
 1447 service member's spouse's name, filed as a resident in accordance with Section 59-10-502; or
- 1448 (v) proof that the military service member or military service member's spouse owns a
 1449 home in Utah, including a property tax notice for property owned in Utah.
- 1450 (b) Aliens who are present in the United States on visitor, student, or other visas not
 1451 listed in Subsection ~~[(8)(f)]~~ (8)(h) or (9)(c), which authorize only temporary presence in this

1452 country, do not have the capacity to intend to reside in Utah for an indefinite period and
1453 therefore are classified as nonresidents.

1454 (c) Aliens who have been granted or have applied for permanent resident status in the
1455 United States are classified for purposes of resident student status according to the same
1456 criteria applicable to citizens.

1457 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose
1458 reservation or trust lands lie partly or wholly within Utah or whose border is at any point
1459 contiguous with the border of Utah, and any American Indian who is a member of a federally
1460 recognized or known Utah tribe and who has graduated from a high school in Utah, is entitled
1461 to resident student status.

1462 (11) A Job Corps student is entitled to resident student status if the student:

1463 (a) is admitted as a full-time, part-time, or summer school student in a program of
1464 study leading to a degree or certificate; and

1465 (b) submits verification that the student is a current Job Corps student.

1466 (12) A person is entitled to resident student status and may immediately apply for
1467 resident student status if the person:

1468 (a) marries a Utah resident eligible to be a resident student under this section; and

1469 (b) establishes his or her domicile in Utah as demonstrated by objective evidence as
1470 provided in Subsection (3).

1471 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one
1472 parent who has been domiciled in Utah for at least 12 months prior to the student's application
1473 is entitled to resident student status.

1474 (14) (a) A person who has established domicile in Utah for full-time permanent
1475 employment may rebut the presumption of a nonresident classification by providing substantial
1476 evidence that the reason for the individual's move to Utah was, in good faith, based on an
1477 employer requested transfer to Utah, recruitment by a Utah employer, or a comparable
1478 work-related move for full-time permanent employment in Utah.

1479 (b) All relevant evidence concerning the motivation for the move shall be considered,
1480 including:

1481 (i) the person's employment and educational history;

1482 (ii) the dates when Utah employment was first considered, offered, and accepted;

1483 (iii) when the person moved to Utah;
1484 (iv) the dates when the person applied for admission, was admitted, and was enrolled
1485 as a postsecondary student;

1486 (v) whether the person applied for admission to an institution of higher education
1487 sooner than four months from the date of moving to Utah;

1488 (vi) evidence that the person is an independent person who is:

1489 (A) at least 24 years old; or

1490 (B) not claimed as a dependent on someone else's tax returns; and

1491 (vii) any other factors related to abandonment of a former domicile and establishment
1492 of a new domicile in Utah for purposes other than to attend an institution of higher education.

1493 (15) (a) A person who is in residence in Utah to participate in a United States Olympic
1494 athlete training program, at a facility in Utah, approved by the governing body for the athlete's
1495 Olympic sport, shall be entitled to resident status for tuition purposes.

1496 (b) Upon the termination of the athlete's participation in the training program, the
1497 athlete shall be subject to the same residency standards applicable to other persons under this
1498 section.

1499 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah
1500 counts for Utah residency for tuition purposes upon termination of the athlete's participation in
1501 a Utah Olympic athlete training program.

1502 (16) (a) A person who has established domicile in Utah for reasons related to divorce,
1503 the death of a spouse, or long-term health care responsibilities for an immediate family
1504 member, including the person's spouse, parent, sibling, or child, may rebut the presumption of a
1505 nonresident classification by providing substantial evidence that the reason for the individual's
1506 move to Utah was, in good faith, based on the long-term health care responsibilities.

1507 (b) All relevant evidence concerning the motivation for the move shall be considered,
1508 including:

1509 (i) the person's employment and educational history;

1510 (ii) the dates when the long-term health care responsibilities in Utah were first
1511 considered, offered, and accepted;

1512 (iii) when the person moved to Utah;

1513 (iv) the dates when the person applied for admission, was admitted, and was enrolled

1514 as a postsecondary student;

1515 (v) whether the person applied for admission to an institution of higher education
1516 sooner than four months from the date of moving to Utah;

1517 (vi) evidence that the person is an independent person who is:

1518 (A) at least 24 years old; or

1519 (B) not claimed as a dependent on someone else's tax returns; and

1520 (vii) any other factors related to abandonment of a former domicile and establishment
1521 of a new domicile in Utah for purposes other than to attend an institution of higher education.

1522 (17) A foreign service member or their immediate family member deemed eligible for
1523 resident student status under Subsection (8)(e) or (f) shall retain their eligibility for resident
1524 student status provided they maintain continuous enrollment even if their domicile or duty
1525 station changes.

1526 [~~17~~] (18) The board, after consultation with the institutions, shall make rules not
1527 inconsistent with this section:

1528 (a) concerning the definition of resident and nonresident students;

1529 (b) establishing procedures for classifying and reclassifying students;

1530 (c) establishing criteria for determining and judging claims of residency or domicile;

1531 (d) establishing appeals procedures; and

1532 (e) other matters related to this section.

1533 [~~18~~] (19) A student shall be exempt from paying the nonresident portion of total
1534 tuition if the student:

1535 (a) is a foreign national legally admitted to the United States;

1536 (b) attended high school in this state for three or more years; and

1537 (c) graduated from a high school in this state or received the equivalent of a high
1538 school diploma in this state.

1539 Section 28. Section **53B-8-201** is amended to read:

1540 **Part 2. Opportunity Scholarship Program**

1541 **53B-8-201. Opportunity Scholarship Program.**

1542 (1) As used in this section:

1543 (a) "Eligible institution" means:

1544 (i) a degree-granting institution of higher education within the state system of higher

1545 education; or

1546 (ii) a private, nonprofit college or university in the state that is accredited by the
1547 Northwest Commission on Colleges and Universities.

1548 (b) "Eligible student" means a student who:

1549 (i) applies to the board in accordance with the rules described in Subsection (5);

1550 (ii) is enrolled in an eligible institution; and

1551 (iii) meets the criteria established by the board in rules described in Subsection (5).

1552 (c) "Fee" means:

1553 (i) for an eligible institution that is a degree-granting institution, a fee approved by the
1554 board; or

1555 (ii) for an eligible institution that is a technical college, a fee approved by the eligible
1556 institution.

1557 (d) "Program" means the Opportunity Scholarship Program described in this section.

1558 (2) (a) Subject to legislative appropriations, the board shall annually distribute money
1559 for the Opportunity Scholarship Program described in this section to each eligible institution to
1560 award as Opportunity scholarships to eligible students.

1561 (b) The board shall annually determine the amount of an Opportunity scholarship based
1562 on:

1563 (i) the number of eligible students in the state; and

1564 (ii) money available for the program.

1565 (c) The board may not use more than 3% of the money appropriated to the program for
1566 administrative costs and overhead.

1567 (3) (a) Except as provided in this Subsection (3), an eligible institution shall provide to
1568 an eligible student an Opportunity scholarship in the amount determined by the board described
1569 in Subsection (2)(b).

1570 (b) For an Opportunity scholarship for which an eligible student applies on or before
1571 July 1, 2019, an eligible institution may reduce the amount of the Opportunity scholarship
1572 based on other state aid awarded to the eligible student for tuition and fees.

1573 (c) For an Opportunity scholarship for which an eligible student applies after July 1,
1574 2019:

1575 (i) an eligible institution shall reduce the amount of the Opportunity scholarship so that

1576 the total amount of state aid awarded to the eligible student, including tuition or fee waivers
1577 and the Opportunity scholarship, does not exceed the cost of the eligible student's tuition and
1578 fees; and

1579 (ii) the eligible student may only use the Opportunity scholarship for tuition and fees.

1580 (d) An institution described in Subsection (1)(a)(ii) may not award an Opportunity
1581 scholarship to an eligible student in an amount that exceeds the average total cost of tuition and
1582 fees among the eligible institutions described in Subsection (1)(a)(i).

1583 (e) If the allocation for an eligible institution described in Subsection (1)(a)(ii) is
1584 insufficient to provide the amount described in Subsection (2)(b) to each eligible student, the
1585 eligible institution may reduce the amount of an Opportunity scholarship.

1586 (4) The board may:

1587 (a) audit an eligible institution's administration of Opportunity scholarships;

1588 (b) require an eligible institution to repay to the board money distributed to the eligible
1589 institution under this section that is not provided to an eligible student as an Opportunity
1590 scholarship; and

1591 (c) require an eligible institution to enter into a written agreement with the board in
1592 which the eligible institution agrees to provide the board with access to information and data
1593 necessary for the purposes of the program.

1594 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1595 board shall make rules that establish:

1596 (a) requirements related to an eligible institution's administration of Opportunity
1597 scholarships;

1598 (b) a process for a student to apply to the board to determine the student's eligibility for
1599 an Opportunity scholarship;

1600 (c) criteria to determine a student's eligibility for an Opportunity scholarship,
1601 including:

1602 (i) minimum secondary education academic performance standards; and

1603 (ii) the completion of a Free Application for Federal Student Aid or a process approved
1604 by the board in lieu of the Free Application for Federal Student Aid;

1605 (d) a requirement for each eligible institution to annually report to the board on all
1606 Opportunity scholarships awarded by the eligible institution; and

1607 (e) a process for a student to apply to the board for an Opportunity scholarship who
1608 would have likely received the scholarship but for an irreconcilable error in the application
1609 process described in Subsection (5)(b).

1610 (6) The board shall annually report on the program to the Higher Education
1611 Appropriations Subcommittee.

1612 (7) The State Board of Education, a school district, or a public high school shall
1613 cooperate with the board and eligible institutions to facilitate the program, including by
1614 exchanging relevant data where allowed by law.

1615 Section 29. Section **53B-8a-105** is amended to read:

1616 **53B-8a-105. Powers and duties of board.**

1617 (1) There is created the Utah Education Savings Board of Trustees.

1618 (2) The Utah Board of Higher Education shall:

1619 (a) appoint the members of the board as follows:

1620 (i) not more than three members from the Utah Board of Higher Education; and

1621 (ii) at least four public members, each of whom possesses skills in one or more of the
1622 following:

1623 (A) investments;

1624 (B) accounting;

1625 (C) finance;

1626 (D) banking;

1627 (E) education;

1628 (F) technology; or

1629 (G) financial operations; and

1630 (b) designate a member appointed under Subsection (2)(a) as chair.

1631 (3) Each board member serves at the pleasure of the Utah Board of Higher Education.

1632 (4) The board has all powers necessary to carry out and effectuate the purposes,
1633 objectives, and provisions of this chapter pertaining to the plan.

1634 (5) The board shall act as a fiduciary of the plan with:

1635 (a) a duty of care to act solely in the best interest of the plan's account owners and
1636 beneficiaries;

1637 (b) a duty of loyalty putting the plan's interest ahead of other interests; and

1638 (c) a duty to invest with care, skill, prudence, and diligence.

1639 (6) The duties, responsibilities, funds, liabilities, and expenses of the board in oversight
1640 and governance of the plan shall be maintained separate and apart from the Utah Board of
1641 Higher Education's other duties, responsibilities, funds, liabilities, and expenses.

1642 (7) The board shall:

1643 (a) make policies governing the administration of the plan; and

1644 (b) amend policies related to board governance.

1645 (8) (a) The board may appoint advisory committees to aid the board in fulfilling its
1646 duties and responsibilities.

1647 (b) An advisory committee member may receive compensation and be reimbursed for
1648 reasonable expenses incurred in the performance of the member's official duties as determined
1649 by the board.

1650 ~~[(9) The board may appoint a board of directors known as the Board of Directors of the~~
1651 ~~Utah Education Savings Plan to carry out the obligation of separation of functions required~~
1652 ~~under Subsection (6).]~~

1653 ~~[(10) If the board creates a board of directors under Subsection (9):]~~

1654 ~~[(a) the board of directors shall consist of at least five members; and]~~

1655 ~~[(b) no more than two-thirds of the members of the board of directors may~~
1656 ~~simultaneously serve as a member of the board.]~~

1657 Section 30. Section **53B-13-103** is amended to read:

1658 **53B-13-103. Powers of Utah Board of Higher Education.**

1659 The [board] Utah Board of Higher Education has the powers necessary to carry out the
1660 purposes of this chapter, including the following:

1661 (1) to accept gifts, grants, loans, and other aids or amounts from a person, corporation,
1662 or governmental agency;

1663 (2) to loan money to eligible borrowers to assist them in obtaining a post-high school
1664 education by attending an eligible institution, including refinancing or consolidating
1665 obligations previously incurred by eligible borrowers with other lending sources for this
1666 purpose and participating in loans to eligible borrowers for this purpose with other lending
1667 sources;

1668 (3) to acquire, purchase, or make commitments to purchase, and take assignments from

1669 lenders of obligations. No obligation is eligible for acquisition, purchase, or commitment to
1670 purchase by the board unless at or before the time of transfer to the board the lender certifies
1671 either: (a) that, under and to the extent required by rules and regulations of the board, the
1672 proceeds of sale or its equivalent shall be reinvested in other obligations under the student loan
1673 program; or (b) that the obligation was made in anticipation of its sale to the board under rules
1674 and regulations of the board promulgated under this chapter;

1675 (4) to enforce its rights under a contract or agreement including the commencement of
1676 court action;

1677 (5) to acquire, hold, and dispose of real and personal property necessary for the
1678 accomplishment of the purposes of this chapter;

1679 (6) to obtain insurance against losses which may be incurred in connection with its
1680 property, assets, activities, or the exercise of the powers granted under this chapter;

1681 (7) to borrow money and to issue its bonds and provide for the rights of bondholders
1682 and to secure the bonds by assignment, pledge, or granting a security interest in its property
1683 including all or a part of an obligation. The state is not liable for the repayment of bonds
1684 issued by the board. The bonds issued by the board are not a debt of the state, and each bond
1685 shall contain on its face a statement to this effect;

1686 (8) to invest funds not required for immediate use or disbursement as provided in the
1687 State Money Management Act;

1688 (9) subject to a contract with the holders of its bonds, an applicable bond resolution, or
1689 a contract with the recipient of a loan, to consent to the modification, with respect to security,
1690 rate of interest, time of payment of interest or principal, or other term of a bond contract or
1691 agreement between the board and a recipient of a loan, bondholder, or agency or institution
1692 guaranteeing the repayment of an obligation;

1693 (10) to engage and [~~appoint~~] employ officers, agents, employees, and other private
1694 consultants to render and perform professional and technical duties, assistance, and advice in
1695 carrying out the purposes of this chapter, to describe their duties, and to fix the amount and
1696 source of their compensation;

1697 (11) to make rules and regulations governing the activities authorized under this
1698 chapter;

1699 (12) to solicit grants and contributions from the public or from any government or

1700 governmental agency and to arrange for the guaranteeing of the repayment of obligations by
1701 other agencies of this state or the United States;

1702 (13) to collect fees and charges in connection with its loans, commitments, and
1703 servicing, including reimbursement of the costs of financing, service charges, and insurance
1704 premiums which are determined as reasonable and are approved by the board;

1705 (14) to sell obligations held by the board at such prices and at such times as it may
1706 determine, when that sale would not impair the rights or interests of holders of bonds issued by
1707 the board; and

1708 (15) to participate in federal programs supporting loans to eligible borrowers and to
1709 agree to, and comply with, the conditions of those programs.

1710 Section 31. Section **53B-16-102** is amended to read:

1711 **53B-16-102. Changes in curriculum -- Substantial alterations in institutional**
1712 **operations -- Program approval -- Periodic review of programs -- Career and technical**
1713 **education curriculum changes.**

1714 (1) As used in this section:

1715 (a) "Institution of higher education" means an institution described in Section
1716 [53B-1-102](#).

1717 (b) "Program of instruction" means a program of curriculum that leads to the
1718 completion of a degree, diploma, certificate, or other credential.

1719 (2) (a) Under procedures and policies approved by the board and developed in
1720 consultation with each institution of higher education, each institution of higher education may
1721 make such changes in the institution of higher education's curriculum as necessary to better
1722 effectuate the institution of higher education's primary role[-]; and

1723 (b) subject to Subsection (2)(a), an institution of higher education's faculty shall
1724 establish and have primary responsibility for the curriculum of a course within a program of
1725 instruction at the institution.

1726 (3) The board shall establish criteria for whether an institution of higher education may
1727 approve a new program of instruction, including criteria related to whether:

1728 (a) the program of instruction meets identified workforce needs;

1729 (b) the institution of higher education is maximizing collaboration with other
1730 institutions of higher education to provide for efficiency in offering the program of instruction;

1731 (c) the new program of instruction is within the institution of higher education's
1732 mission and role; and

1733 (d) the new program of instruction meets other criteria determined by the board.

1734 (4) (a) Except as [~~provided in Subsection (4)(b), without the approval of the board]~~
1735 permitted by board policy, an institution of higher education may not[:]

1736 [(i)] establish a branch, extension center, college, or professional school[; ~~or~~].

1737 [~~(ii) establish a new program of instruction.~~]

1738 (b) [~~At~~] The president of an institution of higher education may, with the approval of
1739 the institution of higher education's board of trustees, establish a new program of instruction
1740 that meets the criteria described in Subsection (3), subject to board review for pathway
1741 articulation.

1742 (5) (a) An institution of higher education shall notify the board of a proposed new
1743 program of instruction, including how the proposed new program of instruction meets the
1744 criteria described in Subsection (3).

1745 (b) The board shall establish procedures and guidelines for institutional boards of
1746 trustees to consider an institutional proposal for a new program of instruction described in
1747 Subsection (4)(b).

1748 (6) The president of an institution of higher education may discontinue a program of
1749 instruction in accordance with criteria established by the president and the institution of higher
1750 education's board of trustees.

1751 [~~(6)~~] (7) (a) The board shall conduct a periodic review of all new programs of
1752 instruction, including those funded by gifts, grants, and contracts, no later than two years after
1753 the first cohort to begin the program of instruction completes the program of instruction.

1754 (b) The board may conduct a periodic review of any program of instruction at an
1755 institution of higher education, including a program of instruction funded by a gift, grant, or
1756 contract.

1757 (c) The board shall conduct:

1758 (i) at least once every seven years, at least one review described in Subsection [~~(6)(b)~~]
1759 (7)(b) of each program of instruction at each institution; and

1760 (ii) annually, a qualitative and quantitative review of academic disciplines across the
1761 system, including enrollment, graduation rates, and workforce placement, ensuring that the

1762 board conducts a review of all disciplines within the system at least once every seven years.

1763 (d) Following a review described in this Subsection [~~(6)~~] (7) and after providing the
1764 relevant institution of higher education an opportunity to respond to the board's review of a
1765 given program of instruction, the board may modify, consolidate, or terminate the program of
1766 instruction.

1767 [~~(7)~~] (8) In making decisions related to career and technical education curriculum
1768 changes, the board shall coordinate on behalf of the boards of trustees of higher education
1769 institutions a review of the proposed changes by the State Board of Education to ensure an
1770 orderly and systematic career and technical education curriculum that eliminates overlap and
1771 duplication of course work with high schools and technical colleges.

1772 (9) The board shall demonstrate compliance with Subsection (7) by:

1773 (a) creating a list of programs and corresponding review schedules;

1774 (b) upon request of the Higher Education Appropriations Subcommittee, providing the
1775 list described in Subsection (9)(a); and

1776 (c) providing a written report by October 1 of each year regarding relevant findings
1777 from the reviews conducted under Subsection (7).

1778 (10) By October 1, 2026, if the board is found by the Higher Education Appropriations
1779 Subcommittee to be out of compliance with Subsection (9), the Legislature shall:

1780 (a) deduct 10% of the appropriation described in Section 53B-7-703 for the following
1781 fiscal year; and

1782 (b) deduct an additional 10% of the appropriation described in Section 53B-7-703 for
1783 each subsequent year of noncompliance up to a maximum deduction of 30%.

1784 Section 32. Section **53B-17-1203** is amended to read:

1785 **53B-17-1203. SafeUT and School Safety Commission established -- Members.**

1786 (1) There is created the SafeUT and School Safety Commission composed of the
1787 following members:

1788 (a) one member who represents the Office of the Attorney General, appointed by the
1789 attorney general;

1790 (b) one member who represents the Utah public education system, appointed by the
1791 State Board of Education;

1792 (c) [~~one member who represents the Utah system of higher education, appointed by] a~~

1793 designee of the Utah Board of Higher Education, selected by the commissioner under direction
1794 of the board;

1795 (d) one member who represents the Department of Health and Human Services,
1796 appointed by the executive director of the Department of Health and Human Services;

1797 (e) one member of the House of Representatives, appointed by the speaker of the
1798 House of Representatives;

1799 (f) one member of the Senate, appointed by the president of the Senate;

1800 (g) one member who represents the University Neuropsychiatric Institute, appointed by
1801 the chair of the commission;

1802 (h) one member who represents law enforcement who has extensive experience in
1803 emergency response, appointed by the chair of the commission;

1804 (i) one member who represents the Department of Health and Human Services who has
1805 experience in youth services or treatment services, appointed by the executive director of the
1806 Department of Health and Human Services; and

1807 (j) two members of the public, appointed by the chair of the commission.

1808 (2) (a) Except as provided in Subsection (2)(b), members of the commission shall be
1809 appointed to four-year terms.

1810 (b) The length of the terms of the members shall be staggered so that approximately
1811 half of the committee is appointed every two years.

1812 (c) When a vacancy occurs in the membership of the commission, the replacement
1813 shall be appointed for the unexpired term.

1814 (3) (a) The attorney general's designee shall serve as chair of the commission.

1815 (b) The chair shall set the agenda for commission meetings.

1816 (4) Attendance of a simple majority of the members constitutes a quorum for the
1817 transaction of official commission business.

1818 (5) Formal action by the commission requires a majority vote of a quorum.

1819 (6) (a) Except as provided in Subsection (6)(b), a member may not receive
1820 compensation, benefits, per diem, or travel expenses for the member's service.

1821 (b) Compensation and expenses of a member who is a legislator are governed by
1822 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

1823 (7) The Office of the Attorney General shall provide staff support to the commission.

1824 Section 33. Section **53B-22-102** is amended to read:

1825 **53B-22-102. Utah State University revenue bonds -- Student family housing and**
1826 **Human Resource Research Center.**

1827 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on
1828 behalf of Utah State University, may issue, sell, and deliver revenue bonds or other evidences
1829 of indebtedness of Utah State University to borrow money on the credit of the income and
1830 revenues of Utah State University, other than appropriations of the Legislature, to finance the
1831 cost of constructing, furnishing, and equipping a student family housing project and a Human
1832 Resource Research Center.

1833 (2) The bonds or other evidences of indebtedness authorized by this section may not
1834 exceed \$6,600,000 for the student family housing project and \$6,000,000 for the Human
1835 Resource Research Center, and shall be issued in accordance with Title 53B, Chapter 21,
1836 Revenue Bonds, under such terms and conditions and in such amounts as the board, by
1837 resolution, determines are reasonable and necessary.

1838 Section 34. Section **53B-22-103** is amended to read:

1839 **53B-22-103. Weber State University revenue bonds -- Student services building.**

1840 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on
1841 behalf of Weber State University, may issue, sell, and deliver revenue bonds or other evidences
1842 of indebtedness of Weber State University to borrow money on the credit of the income and
1843 revenues of Weber State University, other than appropriations of the Legislature, to finance the
1844 partial cost of constructing, furnishing, and equipping a student services building.

1845 (2) The bonds or other evidences of indebtedness authorized by this section may not
1846 exceed \$5,800,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue
1847 Bonds, under such terms and conditions and in such amounts as the board, by resolution,
1848 determines are reasonable and necessary.

1849 Section 35. Section **53B-22-104** is amended to read:

1850 **53B-22-104. Southern Utah University revenue bonds -- Student housing and**
1851 **student center addition.**

1852 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on
1853 behalf of Southern Utah University, may issue, sell, and deliver revenue bonds or other
1854 evidences of indebtedness of Southern Utah University to borrow money on the credit of the

1855 income and revenues of Southern Utah University, other than appropriations of the Legislature,
1856 to finance the cost of constructing, furnishing, and equipping a student housing project and a
1857 student center addition.

1858 (2) The bonds or other evidences of indebtedness authorized by this section may not
1859 exceed \$6,000,000 for the student housing project and \$5,500,000 for the student center
1860 addition and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under
1861 terms and conditions and in amounts that the board, by resolution, determines are reasonable
1862 and necessary.

1863 Section 36. Section **53B-22-105** is amended to read:

1864 **53B-22-105. Utah Tech University revenue bonds -- Student center building.**

1865 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on
1866 behalf of [~~Dixie College~~] Utah Tech University, may issue, sell, and deliver revenue bonds or
1867 other evidences of indebtedness of [~~Dixie College~~] Utah Tech University to borrow money on
1868 the credit of the income and revenues of [~~Dixie College~~] Utah Tech University, other than
1869 appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and
1870 equipping a student center building.

1871 (2) The bonds or other evidences of indebtedness authorized by this section may not
1872 exceed \$3,100,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue
1873 Bonds, under such terms and conditions and in such amounts as the board, by resolution,
1874 determines are reasonable and necessary.

1875 Section 37. Section **53B-22-106** is amended to read:

1876 **53B-22-106. Utah Valley University revenue bonds -- Student center addition.**

1877 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on
1878 behalf of Utah Valley [~~State College~~] University, may issue, sell, and deliver revenue bonds or
1879 other evidences of indebtedness of Utah Valley State College to borrow money on the credit of
1880 the income and revenues of Utah Valley State College, other than appropriations of the
1881 Legislature, to finance the cost of constructing, furnishing, and equipping a student center
1882 addition.

1883 (2) The bonds or other evidences of indebtedness authorized by this section may not
1884 exceed \$13,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue
1885 Bonds, under such terms and conditions and in such amounts as the board, by resolution,

1886 determines are reasonable and necessary.

1887 Section 38. Section **53B-22-107** is amended to read:

1888 **53B-22-107. Salt Lake Community College revenue bonds -- Classroom/physical**
1889 **education facility.**

1890 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on
1891 behalf of Salt Lake Community College, may issue, sell, and deliver revenue bonds or other
1892 evidences of indebtedness of Salt Lake Community College to borrow money on the credit of
1893 the income and revenues of Salt Lake Community College, other than appropriations of the
1894 Legislature, to finance the partial cost of constructing, furnishing, and equipping a
1895 classroom/physical education facility.

1896 (2) The bonds or other evidences of indebtedness authorized by this section may not
1897 exceed \$5,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue
1898 Bonds, under such terms and conditions and in such amounts as the board, by resolution,
1899 determines are reasonable and necessary.

1900 Section 39. Section **53B-22-109** is amended to read:

1901 **53B-22-109. Salt Lake Community College revenue bonds -- Science/major**
1902 **industry building.**

1903 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on
1904 behalf of Salt Lake Community College, may issue, sell, and deliver revenue bonds or other
1905 evidences of indebtedness of Salt Lake Community College to borrow money on the credit of
1906 the income and revenues of Salt Lake Community College, other than appropriations of the
1907 Legislature, to finance the partial cost of constructing, furnishing, and equipping a
1908 science/major industry building.

1909 (2) The bonds or other evidences of indebtedness authorized by this section may not
1910 exceed \$5,150,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue
1911 Bonds, under terms and conditions and in amounts that the board, by resolution, determines are
1912 reasonable and necessary.

1913 Section 40. Section **53B-22-111** is amended to read:

1914 **53B-22-111. Southern Utah University revenue bonds -- Stadium expansion.**

1915 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on
1916 behalf of Southern Utah University, may issue, sell, and deliver revenue bonds or other

1917 evidences of indebtedness of Southern Utah University to borrow money on the credit of the
1918 income and revenues of Southern Utah University, other than appropriations of the Legislature,
1919 to finance the phased expansion of the stadium at the university.

1920 (2) The bonds or other evidences of indebtedness authorized by this section may not
1921 exceed \$5,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue
1922 Bonds, under terms and conditions and in amounts that the board, by resolution, determines are
1923 reasonable and necessary.

1924 Section 41. Section **53B-22-112** is amended to read:

1925 **53B-22-112. University of Utah revenue bonds -- Biology research building.**

1926 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on
1927 behalf of the University of Utah, may issue, sell, and deliver revenue bonds or other evidences
1928 of indebtedness of the University of Utah to borrow money on the credit of the income and
1929 revenues of the University of Utah, other than appropriations of the Legislature, to finance the
1930 partial cost of constructing, furnishing, and equipping a biology research building.

1931 (2) The bonds or other evidences of indebtedness authorized by this section may not
1932 exceed \$21,050,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue
1933 Bonds, under terms and conditions and in amounts that the board, by resolution, determines are
1934 reasonable and necessary.

1935 Section 42. Section **53B-22-113** is amended to read:

1936 **53B-22-113. University of Utah revenue bonds -- Robert L. Rice Stadium**
1937 **renovation and expansion.**

1938 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on
1939 behalf of the University of Utah, may issue, sell, and deliver revenue bonds or other evidences
1940 of indebtedness of the University of Utah to borrow money on the credit of the income and
1941 revenues of the University of Utah, other than appropriations of the Legislature, to finance the
1942 partial cost of constructing, furnishing, and equipping a renovation and expansion of the Robert
1943 L. Rice Stadium.

1944 (2) The bonds or other evidences of indebtedness authorized by this section may not
1945 exceed \$12,000,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue
1946 Bonds, under terms and conditions and in amounts that the board, by resolution, determines are
1947 reasonable and necessary.

1948 Section 43. Section **53B-22-114** is amended to read:

1949 **53B-22-114. Utah State University Eastern revenue bonds -- Student center.**

1950 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on
1951 behalf of the [~~College of Eastern~~] Utah State University Eastern, may issue, sell, and deliver
1952 revenue bonds or other evidences of indebtedness of the College of Eastern Utah to borrow
1953 money on the credit of the income and revenues of the College of Eastern Utah, other than
1954 appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and
1955 equipping a student center.

1956 (2) The bonds or other evidences of indebtedness authorized by this section may not
1957 exceed \$3,300,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue
1958 Bonds, under terms and conditions and in amounts that the board, by resolution, determines are
1959 reasonable and necessary.

1960 Section 44. Section **53B-22-204** is amended to read:

1961 **53B-22-204. Funding request for capital development project -- Legislative**
1962 **approval -- Board prioritization, approval, and review.**

1963 (1) In accordance with this section, an institution is required to receive legislative
1964 approval in an appropriations act for a dedicated project or a nondedicated project.

1965 (2) An institution shall submit to the board a proposal for a funding request for each
1966 dedicated project or nondedicated project for which the institution seeks legislative approval.

1967 (3) The board shall:

1968 (a) review each proposal submitted under Subsection (2) to ensure the proposal:

1969 (i) is cost effective and an efficient use of resources;

1970 (ii) is consistent with the institution's mission and master plan; and

1971 (iii) fulfills a critical institutional facility need;

1972 (b) based on the results of the board's review under Subsection (3)(a), create:

1973 (i) a list of approved dedicated projects; and

1974 (ii) a list of approved nondedicated projects, prioritized in accordance with Subsection
1975 (5); and

1976 (c) submit the lists described in Subsection (3)(b) to:

1977 (i) the governor;

1978 (ii) the Infrastructure and General Government Appropriations Subcommittee;

- 1979 (iii) the Higher Education Appropriations Subcommittee; and
1980 (iv) the Division of Facilities Construction and Management for a:
1981 (A) recommendation, for the list described in Subsection (3)(b)(i); or
1982 (B) recommendation and prioritization, for the list described in Subsection (3)(b)(ii).
1983 (4) A dedicated project:
1984 (a) is subject to the recommendation of the Division of Facilities Construction and
1985 Management as described in Section 63A-5b-403; and
1986 (b) is not subject to the prioritization of the Division of Facilities Construction and
1987 Management as described in Section 63A-5b-403.
1988 (5) (a) Subject to Subsection (6), the board shall prioritize institution requests for
1989 funding for nondedicated projects based on:
1990 (i) capital facility need;
1991 (ii) utilization of facilities;
1992 (iii) maintenance and condition of facilities; and
1993 (iv) any other factor determined by the board.
1994 (b) On or before August 1, 2019, the board shall establish how the board will prioritize
1995 institution requests for funding for nondedicated projects, including:
1996 (i) how the board will measure each factor described in Subsection (5)(a); and
1997 (ii) procedures for prioritizing requests.
1998 (6) (a) Subject to Subsection (6)(b), and in accordance with Subsection (5), the board
1999 may annually prioritize:
2000 (i) up to three nondedicated projects if the ongoing appropriation to the fund is less
2001 than \$50,000,000;
2002 (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least
2003 \$50,000,000 but less than \$100,000,000; or
2004 (iii) one nondedicated project if the ongoing appropriation to the fund is at least
2005 \$100,000,000.
2006 (b) For each calendar year beginning on or after January 1, 2020, the dollar amounts
2007 described in Subsection (6)(a) shall be adjusted by an amount equal to the percentage
2008 difference between:
2009 (i) the Consumer Price Index for the 2019 calendar year; and

2010 (ii) the Consumer Price Index for the previous calendar year.

2011 (7) (a) An institution may request operations and maintenance funds for a capital
2012 development project approved under this section.

2013 (b) An institution shall make the request described in Subsection (7)(a) at the same
2014 time as the institution submits the proposal described in Subsection (2).

2015 ~~[(b)]~~ (c) The Legislature shall consider an institution's request described in Subsection
2016 (7)(a).

2017 (8) After an institution completes a capital development project described in this
2018 section, the board shall review the capital development project, including the costs and design
2019 of the capital development project.

2020 Section 45. Section **53B-23-106** is amended to read:

2021 **53B-23-106. Institution to make policy.**

2022 (1) As used in this section, "institution" means an institution listed in Section
2023 53B-1-102.

2024 (2) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
2025 ~~the board]~~ An institution shall make [rules] policy consistent with this section for its
2026 implementation and administration, including ~~[rules]~~ policy addressing:

2027 ~~[(1)]~~ (a) the designation of materials considered "required or essential to student
2028 success";

2029 ~~[(2)]~~ (b) the determination of the availability of technology for the conversion of
2030 nonprinted materials pursuant to Section 53B-23-103 and the conversion of mathematics and
2031 science materials pursuant to Section 53B-23-102; and

2032 ~~[(3)]~~ (c) the procedures and standards relating to distribution of files and materials
2033 pursuant to Section 53B-23-103.

2034 Section 46. Section **53B-27-405** is amended to read:

2035 **53B-27-405. Student religious accommodations.**

2036 (1) An institution shall:

2037 (a) reasonably accommodate a student's absence from an examination or other
2038 academic requirement under the circumstances described in Subsection (2) for reasons of:

2039 (i) the student's faith or conscience; or

2040 (ii) the student's participation in an organized activity conducted under the auspices of

2041 the student's religious tradition or religious organization; and
2042 (b) ensure that an accommodation described in Subsection (1)(a) does not adversely
2043 impact the student's academic opportunities.

2044 (2) An institution shall make an accommodation described in Subsection (1) if:
2045 (a) the time at which an examination or academic requirement is scheduled to occur
2046 creates an undue hardship for a student due to the student's sincerely held religious belief; and
2047 (b) the student provides a written notice to the instructor of the course for which the
2048 student seeks the accommodation regarding the date of the examination or academic
2049 requirement for which the student seeks the accommodation.

2050 (3) [~~The board~~] An institution shall establish policies related to the accommodation
2051 described in Subsection (1) that:
2052 (a) require [~~an~~] the institution to provide the accommodation with respect to when the
2053 student participates in examinations and other academic requirements;
2054 (b) allow an instructor who receives a notice described in Subsection (2)(b) to:
2055 (i) schedule an alternative examination time before or after the regularly scheduled
2056 examination; or
2057 (ii) make accommodations for other academic requirements related to the
2058 accommodation; and
2059 (c) require an instructor who receives a notice described in Subsection (2)(b) to keep
2060 confidential a student's request for the accommodation.

2061 (4) (a) The [~~board~~] commissioner shall annually:
2062 (i) create a list of the dates of religious holidays for the following two years; and
2063 (ii) distribute the list described in Subsection (4)(a) to an institution.
2064 (b) The creation and distribution of the list described in Subsection (4)(a) does not
2065 prohibit a student from seeking, or an institution from granting, an accommodation for a date
2066 of a religious holiday that is not included on that list.

2067 (5) An institution shall:
2068 (a) designate a point of contact for information about an accommodation described in
2069 Subsection (1);
2070 (b) establish a process by which a student may submit a grievance with regards to
2071 implementation of this section; and

2072 (c) publish the following information on the institution's website and update the
2073 information annually:

2074 (i) the [~~board's~~] institution's religious accommodation policies described in Subsection
2075 (3);

2076 (ii) the point of contact described in Subsection (5)(a);

2077 (iii) the list described in Subsection (4);

2078 (iv) a description of the general procedure to request an accommodation described in
2079 Subsection (1); and

2080 (v) the grievance process described in Subsection (5)(b).

2081 Section 47. Section **53B-28-401** is amended to read:

2082 **53B-28-401. Campus safety plans and training -- Institution duties -- Governing**
2083 **board duties.**

2084 (1) As used in this section:

2085 (a) "Covered offense" means:

2086 (i) sexual assault;

2087 (ii) domestic violence;

2088 (iii) dating violence; or

2089 (iv) stalking.

2090 (b) "Institution" means an institution of higher education described in Section
2091 [53B-1-102](#).

2092 (c) "Student organization" means a club, group, sports team, fraternity or sorority, or
2093 other organization:

2094 (i) of which the majority of members is composed of students enrolled in an institution;
2095 and

2096 (ii) (A) that is officially recognized by the institution; or

2097 (B) seeks to be officially recognized by the institution.

2098 (2) An institution shall develop a campus safety plan that addresses:

2099 (a) where an individual can locate the institution's policies and publications related to a
2100 covered offense;

2101 (b) institution and community resources for a victim of a covered offense;

2102 (c) the rights of a victim of a covered offense, including the measures the institution

2103 takes to ensure, unless otherwise provided by law, victim confidentiality throughout all steps in
2104 the reporting and response to a covered offense;

2105 (d) how the institution informs the campus community of a crime that presents a threat
2106 to the campus community;

2107 (e) availability, locations, and methods for requesting assistance of security personnel
2108 on the institution's campus;

2109 (f) guidance on how a student may contact law enforcement for incidents that occur off
2110 campus;

2111 (g) institution efforts related to increasing campus safety, including efforts related to
2112 the institution's increased response in providing services to victims of a covered offense, that:

2113 (i) the institution made in the preceding 18 months; and

2114 (ii) the institution expects to make in the upcoming 24 months;

2115 (h) coordination and communication between institution resources and organizations,
2116 including campus law enforcement;

2117 (i) institution coordination with local law enforcement or community resources,
2118 including coordination related to a student's safety at an off-campus location; and

2119 (j) how the institution requires a student organization to provide the campus safety
2120 training as described in Subsection (5).

2121 (3) An institution shall:

2122 (a) prominently post the institution's campus safety plan on the institution's website and
2123 each of the institution's campuses; and

2124 (b) annually update the institution's campus safety plan.

2125 (4) An institution shall develop a campus safety training curriculum that addresses:

2126 (a) awareness and prevention of covered offenses, including information on institution
2127 and community resources for a victim of a covered offense;

2128 (b) bystander intervention; and

2129 (c) sexual consent.

2130 (5) An institution shall require a student organization, in order for the student
2131 organization to receive or maintain official recognition by the institution, to annually provide
2132 campus safety training, using the curriculum described in Subsection (4), to the student
2133 organization's members.

- 2134 (6) [~~The board shall:~~
2135 [~~(a) on or before July 1, 2019, establish minimum requirements for an institution's~~
2136 ~~campus safety plan described in Subsection (2);~~
2137 [~~(b) identify resources an institution may use to develop a campus safety training~~
2138 ~~curriculum as described in Subsection (4); and~~
2139 [(e)] An institution shall report annually to the Education Interim Committee and the
2140 Law Enforcement and Criminal Justice Interim Committee, at or before the committees'
2141 November meetings, on[:]
2142 [(i) the implementation of the requirements described in this section; and]
2143 [(ii) crime statistics aggregated by housing facility as described in Subsection
2144 53B-28-403(2).
- 2145 Section 48. Section **53B-28-502** is amended to read:
2146 **53B-28-502. State student data protection governance.**
2147 (1) The state privacy officer shall establish a higher education privacy advisory group
2148 to advise institutions and institution boards of trustees on student data protection.
2149 (2) The advisory group shall consist of:
2150 (a) the state privacy officer;
2151 (b) the higher education privacy officer; and
2152 (c) the following members, appointed by the commissioner [~~of higher education~~]:
2153 (i) at least one Utah [~~system of higher education~~] System of Higher Education
2154 employee; and
2155 (ii) at least one representative of the Utah Board of Higher Education.
2156 (3) The advisory group shall:
2157 (a) discuss and make recommendations to the board and institutions regarding:
2158 (i) existing and proposed:
2159 (A) board rules; or
2160 (B) board policies of the Utah Board of Higher Education or institutions; and
2161 (ii) training on protecting student data privacy; and
2162 (b) perform other tasks related to student data protection as designated by the Utah
2163 Board of Higher Education.
2164 (4) The higher education privacy officer shall:

- 2165 (a) provide training and support to institution boards and employees; and
2166 (b) produce:
2167 (i) resource materials;
2168 (ii) model data governance plans;
2169 (iii) model forms for institution student data protection governance; and
2170 (iv) a model data collection notice.
2171 (5) The board shall:
2172 (a) (i) create and maintain a data governance plan; and
2173 (ii) annually publish the data governance plan on the Utah System of Higher Education
2174 website; and
2175 (b) establish standards for:
2176 (i) institution policies to protect student data;
2177 (ii) institution data governance plans; and
2178 (iii) a third-party contractor's use of student data.
2179 Section 49. Section **53B-33-202** is amended to read:
2180 **53B-33-202. Utah Data Research Advisory Board -- Composition -- Appointment.**
2181 (1) There is created the Utah Data Research Advisory Board.
2182 (2) The advisory board is composed of the following members:
2183 (a) the state superintendent of the State Board of Education or the state superintendent's
2184 designee;
2185 (b) the commissioner or the commissioner's designee;
2186 (c) the executive director of the Department of Workforce Services or the executive
2187 director's designee;
2188 (d) the executive director of the Department of Health and Human Services or the
2189 executive director's designee; and
2190 (e) the executive director of the Department of Commerce or the executive director's
2191 designee.
2192 (3) The commissioner or the commissioner's designee shall serve as chair.
2193 (4) A member of the advisory board:
2194 (a) except to the extent a member's service on the advisory board is related to the
2195 member's duties outside of the advisory board, may not receive compensation or benefits for

2196 the member's service; and

2197 (b) may receive per diem and travel expenses in accordance with:

2198 (i) Section [63A-3-106](#);

2199 (ii) Section [63A-3-107](#); and

2200 (iii) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

2201 Section 50. Section **53B-34-110** is enacted to read:

2202 **53B-34-110. Talent advisory councils.**

2203 (1) As used in this section:

2204 (a) "Advisory council" means an advisory council the talent board creates under
2205 Subsection (10).

2206 (b) "Institution of higher education" means the same as the term is defined in Section
2207 [53B-1-102](#).

2208 (c) "Talent initiative" means an initiative the board creates under Subsection (2).

2209 (2) (a) Subject to appropriations from the Legislature and in accordance with the
2210 proposal process and other provisions of this section, the board shall develop and oversee one
2211 or more talent initiatives that include providing funding for expanded programs at an institution
2212 of higher education related to the talent initiative.

2213 (b) (i) The board may create a talent initiative.

2214 (ii) A talent initiative the board creates shall:

2215 (A) have a name for the talent initiative that reflects the area the initiative is targeting;

2216 (B) contain an outline of the disciplines, industries, degrees, certifications, credentials,
2217 and types of skills the talent initiative will target; and

2218 (C) have a corresponding advisory council created in Subsection (10).

2219 (3) In creating a talent initiative, the board shall facilitate collaborations between an
2220 institution of higher education and participating employers that:

2221 (a) create expanded, multidisciplinary programs or stackable credential programs
2222 offered at a technical college, undergraduate, or graduate level of study; and

2223 (b) prepare students to be workforce participants in jobs requiring skills related to a
2224 talent initiative.

2225 (4) (a) An institution of higher education seeking to partner with one or more
2226 participating employers to create a program related to a talent initiative shall submit a proposal

- 2227 to the talent board through a process the talent board creates.
- 2228 (b) An institution of higher education shall submit a proposal that contains:
- 2229 (i) a description of the proposed program including:
- 2230 (A) implementation timelines for the program;
- 2231 (B) a demonstration of how the program will be responsive to the talent needs related
- 2232 to the talent initiative;
- 2233 (C) an outline of relevant industry involvement that includes at least one participating
- 2234 employer that is partnering with the institution of higher education; and
- 2235 (D) an explanation of how the program addresses an unmet regional workforce need
- 2236 related to a talent initiative;
- 2237 (ii) an estimate of:
- 2238 (A) projected student enrollment and completion rates for a program;
- 2239 (B) the academic credit or credentials that a program will provide; and
- 2240 (C) occupations a graduate will qualify for;
- 2241 (iii) evidence that each participating employer is committed to participating and
- 2242 contributing to the program by providing any combination of:
- 2243 (A) instruction;
- 2244 (B) curriculum review;
- 2245 (C) feedback regarding effectiveness of program graduates as employees;
- 2246 (D) work-based learning opportunities; or
- 2247 (E) mentoring;
- 2248 (iv) a description of any resources a participating employer will provide within the
- 2249 program; and
- 2250 (v) the amount of funding requested for the program, including:
- 2251 (A) the justification for the funding; and
- 2252 (B) the cost per student served as estimated under Subsection (4)(b)(ii).
- 2253 (5) In reviewing a proposal, the talent board shall provide a proposal to the relevant
- 2254 advisory council described in Subsections (10) and (11).
- 2255 (6) The relevant advisory council shall:
- 2256 (a) review and prioritize each proposal received; and
- 2257 (b) recommend to the talent board whether the proposal should be funded and the

2258 funding amount that shall be based on:

2259 (i) the quality and completeness of the elements of the proposal described in

2260 Subsection (4)(b);

2261 (ii) to what extent the proposed program:

2262 (A) would expand the capacity to meet state or regional workforce needs related to the
2263 talent initiative;

2264 (B) would integrate industry-relevant competencies with disciplinary expertise;

2265 (C) would incorporate internships or significant project experiences, including
2266 team-based experiences;

2267 (D) identifies how industry professionals would participate in elements described in

2268 Subsection (4)(b)(iii); and

2269 (E) would be cost effective; and

2270 (iii) other relevant criteria as determined by the relevant advisory council and the talent
2271 board.

2272 (7) The board shall review the recommendations of an advisory council and may
2273 provide funding for a program related to a talent initiative using the criteria described in

2274 Subsection (6)(b).

2275 (8) In a form approved by the board, each institution of higher education that receives
2276 funding shall annually provide written information to the board regarding the activities,
2277 successes, and challenges related to administering the program related to the talent initiative,
2278 including:

2279 (a) specific entities that received funding under this section;

2280 (b) the amount of funding provided to each entity;

2281 (c) the number of participating students in each program;

2282 (d) the number of graduates of the program;

2283 (e) the number of graduates of the program employed in jobs requiring skills related to
2284 the talent initiative; and

2285 (f) progress and achievements relevant to the implementation timeline submitted under
2286 Subsection (4)(b)(i)(A).

2287 (9) On or before October 1 of each year, the board shall provide an annual written
2288 report containing the information described in Subsection (8) to the:

- 2289 (a) Education Interim Committee; and
2290 (b) Higher Education Appropriations Subcommittee.
- 2291 (10) The talent board shall create a talent advisory council for each talent initiative
2292 created under Subsection (2) to make recommendations to the board regarding the
2293 administration of a talent initiative including:
- 2294 (a) a deep technology initiative;
2295 (b) a life sciences workforce initiative; and
2296 (c) health professions initiatives including a nursing initiative.
- 2297 (11) An advisory council shall consist of the following members:
- 2298 (a) four members who have extensive experience in the talent initiative's subject matter
2299 from the private sector that the chair of the talent board appoints and the board approves;
- 2300 (b) a representative of the board described in Section [53B-1-402](#) that the chair of the
2301 board appoints;
- 2302 (c) a representative of the Governor's Office of Economic Opportunity that the
2303 executive director of the Governor's Office of Economic Opportunity appoints;
- 2304 (d) a representative from Talent Ready Utah;
2305 (e) one member of the Senate that the president of the Senate appoints;
2306 (f) one member of the House of Representatives that the speaker of the House of
2307 Representatives appoints; and
- 2308 (g) any other specialized industry experts whom a majority of the advisory council may
2309 invite to participate as needed as nonvoting members.
- 2310 (12) Talent Ready Utah shall provide staff support for an advisory council.
- 2311 (13) (a) Two advisory council members appointed under Subsection (11)(a) shall serve
2312 an initial term of two years.
- 2313 (b) Except as described in Subsection (13)(a), all other advisory council members shall
2314 serve an initial term of four years.
- 2315 (c) Successor advisory council members upon appointment or reappointment shall each
2316 serve a term of four years.
- 2317 (d) When a vacancy occurs in the membership for any reason, the initial appointing
2318 authority shall appoint a replacement for the unexpired term.
- 2319 (e) An advisory council member may not serve more than two consecutive terms.

2320 (14) A vote of a majority of the advisory council members constitutes an action of the
2321 advisory council.

2322 (15) The duties of the advisory council include reviewing, prioritizing, and making
2323 recommendations to the board regarding proposals for funding under the talent initiative
2324 created in accordance with Subsection (2) for which the council was created.

2325 (16) An advisory council member may not receive compensation or benefits for the
2326 member's service, but an advisory council member who is not a legislator may receive per diem
2327 and travel expenses in accordance with:

2328 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

2329 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2330 [63A-3-107](#).

2331 (17) The board may discontinue a talent initiative and the related talent advisory
2332 council by majority vote.

2333 Section 51. Section **53E-3-505** is amended to read:

2334 **53E-3-505. Financial and economic literacy education.**

2335 (1) As used in this section:

2336 (a) "Financial and economic activities" include activities related to the topics listed in
2337 Subsection (1)(b).

2338 (b) "Financial and economic literacy concepts" include concepts related to the
2339 following topics:

2340 (i) basic budgeting;

2341 (ii) saving and financial investments;

2342 (iii) banking and financial services, including balancing a checkbook or a bank account
2343 and online banking services;

2344 (iv) career management, including earning an income;

2345 (v) rights and responsibilities of renting or buying a home;

2346 (vi) retirement planning;

2347 (vii) loans and borrowing money, including interest, credit card debt, predatory
2348 lending, and payday loans;

2349 (viii) insurance;

2350 (ix) federal, state, and local taxes;

- 2351 (x) charitable giving;
- 2352 (xi) identity fraud and theft;
- 2353 (xii) negative financial consequences of gambling;
- 2354 (xiii) bankruptcy;
- 2355 (xiv) economic systems, including a description of:
- 2356 (A) a command system such as socialism or communism, a market system such as
- 2357 capitalism, and a mixed system; and
- 2358 (B) historic and current examples of the effects of each economic system on economic
- 2359 growth;
- 2360 (xv) supply and demand;
- 2361 (xvi) monetary and fiscal policy;
- 2362 (xvii) effective business plan creation, including using economic analysis in creating a
- 2363 plan;
- 2364 (xviii) scarcity and choices;
- 2365 (xix) opportunity cost and tradeoffs;
- 2366 (xx) productivity;
- 2367 (xxi) entrepreneurship; and
- 2368 (xxii) economic reasoning.
- 2369 (c) "General financial literacy course" means the course of instruction administered by
- 2370 the state board under Subsection (3).
- 2371 (2) The state board shall:
- 2372 (a) more fully integrate existing and new financial and economic literacy education into
- 2373 instruction in kindergarten through grade 12 by:
- 2374 (i) coordinating financial and economic literacy instruction with existing instruction in
- 2375 other areas of the core standards for Utah public schools, such as mathematics and social
- 2376 studies;
- 2377 (ii) using curriculum mapping;
- 2378 (iii) creating training materials and staff development programs that:
- 2379 (A) highlight areas of potential coordination between financial and economic literacy
- 2380 education and other core standards for Utah public schools concepts; and
- 2381 (B) demonstrate specific examples of financial and economic literacy concepts as a

2382 way of teaching other core standards for Utah public schools concepts; and
2383 (iv) using appropriate financial and economic literacy assessments to improve financial
2384 and economic literacy education and, if necessary, developing assessments;
2385 (b) work with interested public, private, and nonprofit entities to:
2386 (i) identify, and make available to teachers, online resources for financial and
2387 economic literacy education, including modules with interactive activities and turnkey
2388 instructor resources;
2389 (ii) coordinate school use of existing financial and economic literacy education
2390 resources;
2391 (iii) develop simple, clear, and consistent messaging to reinforce and link existing
2392 financial literacy resources;
2393 (iv) coordinate the efforts of school, work, private, nonprofit, and other financial
2394 education providers in implementing methods of appropriately communicating to teachers,
2395 students, and parents key financial and economic literacy messages; and
2396 (v) encourage parents and students to establish higher education savings, including a
2397 Utah Educational Savings Plan account;
2398 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2399 make rules to develop guidelines and methods for school districts and charter schools to more
2400 fully integrate financial and economic literacy education into other core standards for Utah
2401 public schools courses; and
2402 (d) in cooperation with school districts, charter schools, and interested private and
2403 nonprofit entities, provide opportunities for professional development in financial and
2404 economic literacy concepts to teachers, including:
2405 (i) a statewide learning community for financial and economic literacy;
2406 (ii) summer workshops; and
2407 (iii) online videos of experts in the field of financial and economic literacy education.
2408 (3) The state board shall:
2409 (a) administer a general financial literacy course in the same manner that the state
2410 board administers other core standards for Utah public school courses for grades 9 through 12;
2411 (b) adopt standards and objectives for the general financial literacy course that address:
2412 (i) financial and economic literacy concepts;

- 2413 (ii) the costs of going to college, student loans, scholarships, and the Free Application
2414 for Federal Student Aid;
- 2415 (iii) financial benefits of pursuing concurrent enrollment as defined in Section
2416 [53E-10-301](#); and
- 2417 (iv) technology that relates to banking, savings, and financial products; and
- 2418 (c) (i) contract with a provider, through a request for proposals process, to develop an
2419 online, end-of-course assessment for the general financial literacy course;
- 2420 (ii) require a school district or charter school to administer an online, end-of-course
2421 assessment to a student who takes the general financial literacy course; and
- 2422 (iii) develop a plan, through the state superintendent, to analyze the results of an
2423 online, end-of-course assessment in general financial literacy that includes:
- 2424 (A) an analysis of assessment results by standard; and
- 2425 (B) average scores statewide and by school district and school.
- 2426 (4) (a) The state board shall establish a task force to study and make recommendations
2427 to the state board on how to improve financial and economic literacy education in the public
2428 school system.
- 2429 (b) The task force membership shall include representatives of:
- 2430 (i) the state board;
- 2431 (ii) school districts and charter schools;
- 2432 (iii) the Utah [~~Board~~] System of Higher Education; and
- 2433 (iv) private or public entities that teach financial education and share a commitment to
2434 empower individuals and families to achieve economic stability, opportunity, and upward
2435 mobility.
- 2436 (c) The state board shall convene the task force at least once every three years to
2437 review and recommend adjustments to the standards and objectives of the general financial
2438 literacy course.

2439 Section 52. Section **63G-6a-202** is amended to read:

2440 **63G-6a-202. Creation of Utah State Procurement Policy Board.**

- 2441 (1) There is created the Utah State Procurement Policy Board.
- 2442 (2) The board consists of up to 15 members as follows:
- 2443 (a) two representatives of state institutions of higher education, appointed by the

2444 commissioner of higher education, under the direction of the Utah Board of Higher Education;

2445 (b) a representative of the Department of Human Services, appointed by the executive
2446 director of that department;

2447 (c) a representative of the Department of Transportation, appointed by the executive
2448 director of that department;

2449 (d) two representatives of school districts, appointed by the State Board of Education;

2450 (e) a representative of the Division of Facilities Construction and Management,
2451 appointed by the director of that division;

2452 (f) one representative of a county, appointed by the Utah Association of Counties;

2453 (g) one representative of a city or town, appointed by the Utah League of Cities and
2454 Towns;

2455 (h) two representatives of special districts or special service districts, appointed by the
2456 Utah Association of Special Districts;

2457 (i) the director of the Division of Technology Services or the executive director's
2458 designee;

2459 (j) the chief procurement officer or the chief procurement officer's designee; and

2460 (k) two representatives of state agencies, other than a state agency already represented
2461 on the board, appointed by the executive director of the Department of Government
2462 Operations, with the approval of the executive director of the state agency that employs the
2463 employee.

2464 (3) Members of the board shall be knowledgeable and experienced in, and have
2465 supervisory responsibility for, procurement in their official positions.

2466 (4) A board member may serve as long as the member meets the description in
2467 Subsection (2) unless removed by the person or entity with the authority to appoint the board
2468 member.

2469 (5) (a) The board shall:

2470 (i) adopt rules of procedure for conducting its business; and

2471 (ii) elect a chair to serve for one year.

2472 (b) The chair of the board shall be selected by a majority of the members of the board
2473 and may be elected to succeeding terms.

2474 (c) The chief procurement officer shall designate an employee of the division to serve

2475 as the nonvoting secretary to the policy board.

2476 (6) A member of the board may not receive compensation or benefits for the member's
2477 service, but may receive per diem and travel expenses in accordance with:

2478 (a) Section 63A-3-106;

2479 (b) Section 63A-3-107; and

2480 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

2481 63A-3-107.

2482 Section 53. **Repealer.**

2483 This bill repeals:

2484 Section 53B-6-105.7, **Initiative student scholarship program.**

2485 Section 53B-26-201, **Definitions.**

2486 Section 53B-26-202, **Nursing initiative -- Reporting requirements -- Proposals --**

2487 **Funding.**

2488 Section 53B-26-301, **Definitions.**

2489 Section 53B-26-302, **Deep technology initiative.**

2490 Section 53B-26-303, **Deep Technology Talent Advisory Council.**

2491 Section 54. **Effective date.**

2492 This bill takes effect on May 1, 2024.