

Senator Ann Millner proposes the following substitute bill:

**HIGHER EDUCATION AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: \_\_\_\_\_

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**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:**

This bill provides a coordination clause.

**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-7-703](#), as last amended by Laws of Utah 2022, Chapter 456
- 47 [53B-7-705](#), as last amended by Laws of Utah 2023, Chapter 254
- 48 [53B-7-706](#), as last amended by Laws of Utah 2023, Chapter 254
- 49 [53B-8-102](#), as last amended by Laws of Utah 2023, Chapters 44, 50
- 50 [53B-8-201](#), as last amended by Laws of Utah 2022, Chapter 370
- 51 [53B-8a-105](#), as last amended by Laws of Utah 2023, Chapter 374
- 52 [53B-13-103](#), as enacted by Laws of Utah 1987, Chapter 167
- 53 [53B-16-102](#), as last amended by Laws of Utah 2023, Chapter 254
- 54 [53B-17-1203](#), as last amended by Laws of Utah 2023, Chapter 328
- 55 [53B-22-102](#), as last amended by Laws of Utah 1995, Chapter 332
- 56 [53B-22-103](#), as enacted by Laws of Utah 1991, Chapter 32

- 57 [53B-22-104](#), as last amended by Laws of Utah 1992, Chapter 177
- 58 [53B-22-105](#), as enacted by Laws of Utah 1991, Chapter 32
- 59 [53B-22-106](#), as last amended by Laws of Utah 2000, Chapter 143
- 60 [53B-22-107](#), as enacted by Laws of Utah 1991, Chapter 32
- 61 [53B-22-109](#), as last amended by Laws of Utah 1994, Chapter 209
- 62 [53B-22-111](#), as enacted by Laws of Utah 1994, Chapter 209
- 63 [53B-22-112](#), as enacted by Laws of Utah 1995, Chapter 332
- 64 [53B-22-113](#), as enacted by Laws of Utah 1995, Chapter 332
- 65 [53B-22-114](#), as enacted by Laws of Utah 1995, Chapter 332
- 66 [53B-22-204](#), as last amended by Laws of Utah 2022, Chapter 421
- 67 [53B-23-106](#), as last amended by Laws of Utah 2020, Chapter 365
- 68 [53B-27-405](#), as enacted by Laws of Utah 2021, Chapter 364
- 69 [53B-28-401](#), as last amended by Laws of Utah 2021, Chapter 332
- 70 [53B-28-502](#), as enacted by Laws of Utah 2022, Chapter 461
- 71 [53B-33-202](#), as last amended by Laws of Utah 2023, Chapter 84
- 72 [53E-3-505](#), as last amended by Laws of Utah 2020, Chapters 365, 408
- 73 [63G-6a-202](#), as last amended by Laws of Utah 2023, Chapter 16

74 ENACTS:

- 75 [53B-1-116](#), Utah Code Annotated 1953
- 76 [53B-1-117](#), Utah Code Annotated 1953
- 77 [53B-2-114](#), Utah Code Annotated 1953
- 78 [53B-34-110](#), Utah Code Annotated 1953

79 REPEALS AND REENACTS:

- 80 [53B-2-106](#), as last amended by Laws of Utah 2021, Chapter 187
- 81 [53B-7-704](#), as last amended by Laws of Utah 2021, Chapter 282

82 REPEALS:

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

88 **53B-26-303**, as last amended by Laws of Utah 2021, Chapter 282

89 **Utah Code Sections Affected By Coordination Clause:**

90 **53B-2-106**, as last amended by Laws of Utah 2021, Chapter 187

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

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

94 **35A-13-603. Board.**

95 (1) There is created to assist the director of the office the Interpreter Certification

96 Board consisting of the following 11 members:

97 (a) a designee of the assistant director;

98 (b) a designee of the Utah Board of Higher Education, selected by the commissioner of

99 higher education, under the direction of the board;

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

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

102 (e) four individuals who are deaf or hard of hearing, recommended by the assistant

103 director.

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

105 (b) In making appointments under Subsections (1)(d) and (e), the director shall give

106 consideration to recommendations by certified interpreters and members of the deaf and hard

107 of hearing community.

108 (3) (a) Board members shall serve three-year terms, except that for the initial terms of

109 board members, three shall serve one-year terms, four shall serve two-year terms, and four shall

110 serve three-year terms.

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

112 (c) If a vacancy occurs on the board for a reason other than the expiration of a term, the

113 director shall appoint a replacement for the remainder of the term in accordance with

114 Subsections (1) and (2).

115 (4) The director may remove a board member for cause, which may include

116 misconduct, incompetence, or neglect of duty.

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

118 (6) The board shall meet as often as necessary to accomplish the purposes of this part,

119 but not less than quarterly.

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

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

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

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

125 **36-28-102. Veterans and Military Affairs Commission -- Creation -- Membership**  
126 **-- Chairs -- Terms -- Per diem and expenses.**

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

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

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

131 (i) three members from the House of Representatives, appointed by the speaker of the  
132 House of Representatives, no more than two of whom may be from the same political party;  
133 and

134 (ii) two members from the Senate, appointed by the president of the Senate, no more  
135 than one of whom may be from the same political party;

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

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

139 (d) the executive director of the Department of Workforce Services or the director's  
140 designee;

141 (e) the executive director of the Department of Health or the director's designee;

142 (f) the executive director of the Department of Human Services or the director's  
143 designee;

144 (g) the adjutant general of the Utah National Guard or the adjutant general's designee;

145 (h) the Guard and Reserve Transition Assistance Advisor;

146 (i) a ~~[member]~~ designee of the Utah Board of Higher Education ~~[or that member's~~  
147 ~~designee], selected by the commissioner of higher education, under the direction of the board;~~

148 (j) three representatives of veteran service organizations recommended by the Veterans  
149 Advisory Council and confirmed by the commission;

- 150 (k) one member of the Executive Committee of the Utah Defense Alliance;
- 151 (l) one military affairs representative from a chamber of commerce member, appointed  
152 by the Utah State Chamber of Commerce; and
- 153 (m) a representative from the Veterans Health Administration.
- 154 (3) The commission may appoint by majority vote of the entire commission up to five  
155 pro tempore members, representing:
- 156 (a) state or local government agencies;
- 157 (b) interest groups concerned with veterans issues; or
- 158 (c) the general public.
- 159 (4) (a) The president of the Senate shall designate a member of the Senate appointed  
160 under Subsection (2)(a) as a cochair of the commission.
- 161 (b) The speaker of the House of Representatives shall designate a member of the House  
162 of Representatives appointed under Subsection (2)(a) as a cochair of the commission.
- 163 (5) A majority of the members of the commission shall constitute a quorum. The  
164 action of a majority of a quorum constitutes the action of the commission.
- 165 (6) The term for each pro tempore member appointed in accordance with Subsection  
166 (3) shall be two years from July 1 of the year of appointment. A pro tempore member may not  
167 serve more than three terms.
- 168 (7) If a member leaves office or is unable to serve, the vacancy shall be filled as it was  
169 originally appointed. A person appointed to fill a vacancy under Subsection (6) serves the  
170 remaining unexpired term of the member being replaced. If the remaining unexpired term is  
171 less than six months, the newly appointed member shall be reappointed on July 1. The time  
172 served until July 1 is not counted in the restriction set forth in Subsection (6).
- 173 (8) A member may not receive compensation or benefits for the member's service but  
174 may receive per diem and travel expenses in accordance with:
- 175 (a) Section [63A-3-106](#);
- 176 (b) Section [63A-3-107](#); and
- 177 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
178 [63A-3-107](#).
- 179 (9) Salaries and expenses of the members of the commission who are legislators shall  
180 be paid in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3,

181 Legislator Compensation.

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

183 **49-12-204. Higher education employees' eligibility requirements -- Election**  
 184 **between different retirement plans -- Classification requirements -- Transfer between**  
 185 **systems -- One-time election window -- Rulemaking.**

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

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

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

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

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

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

206 (i) this system; or

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

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

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

212 (c) Notwithstanding a person's employment classification assignment under Subsection  
213 (2)(b), a regular full-time employee who begins employment with an institution of higher  
214 education on or after May 11, 2010, has a one-time irrevocable election to continue  
215 participation in this system, if the employee has service credit in this system before the date of  
216 employment.

217 (3) Notwithstanding an employment classification assignment change made under  
218 Subsection (2)(b), 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 may  
220 elect to continue participation in this system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

246 **49-13-204. Higher education employees' eligibility requirements -- Election**  
247 **between different retirement plans -- Classification requirements -- Transfer between**  
248 **systems -- One-time election window -- Rulemaking.**

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

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

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

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

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

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

269 (i) this system; or

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

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

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

274 ~~full-time employees of each technical college.]~~

275 (c) Notwithstanding a person's employment classification assignment under Subsection  
276 (2)(b), a regular full-time employee who begins employment with an institution of higher  
277 education on or after May 11, 2010, has a one-time irrevocable election to continue  
278 participation in this system, if the employee has service credit in this system before the date of  
279 employment.

280 (3) Notwithstanding an employment classification assignment change made under  
281 Subsection (2)(b), 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 may  
283 elect to continue participation in this system.

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

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

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

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

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

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

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

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

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

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

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

306 **49-22-204. Higher education employees' eligibility requirements -- Election**  
 307 **between different retirement plans -- Classification requirements -- Transfer between**  
 308 **systems.**

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

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

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

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

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

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

329 (i) this system; or

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

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

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

335 (c) Notwithstanding a person's employment classification assignment under Subsection

336 (2)(b), a regular full-time employee who begins employment with an institution of higher  
337 education has a one-time irrevocable election to continue participation in this system if the  
338 employee:

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

341 (ii) makes the election before participating in the system described in Subsection  
342 (2)(b)(ii).

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

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

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

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

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

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

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

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

357 **51-8-303. Requirements of member institutions of the state system of higher**  
358 **education.**

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

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

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

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

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

367 of trustees.

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

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

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

376 (ii) a conflict of interest policy.

377 (b) The investment policy shall:

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

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

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

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

385 (v) establish allocation ranges for asset classes considered suitable for the institutional  
386 funds;

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

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

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

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

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

395 (b) the Utah Board of Higher Education.

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

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

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

402 **53B-1-110. Criminal background checks of prospective and existing employees of**  
403 **higher education institutions -- Institutions to adopt policy.**

404 (1) As used in this section:

405 (a) "Institution" means an institution listed in Section [53B-1-102](#).

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

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

409 (a) prospective employees of institutions; and

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

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

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

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

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

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

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

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

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

426 (a) be fingerprinted; and

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

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

429 (ii) the Federal Bureau of Investigation.

430 (6) (a) Institutions may request the Utah Bureau of Criminal Identification to conduct  
431 criminal background checks of prospective employees and, where reasonable cause exists,  
432 existing employees pursuant to ~~[board]~~ an institution's policy.

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

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

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

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

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

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

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

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

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

454 **53B-1-112. Disclosure requirements for institution programs.**

455 (1) As used in this section:

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

457 (b) "Institution" means an institution of higher education described in Section  
458 [53B-1-102](#).

459 (c) "Job placement data" means information collected by the board, and based on

460 information from the department, that reflects the job placement rate and industry employment  
461 information for a student who graduates from a program.

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

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

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

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

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

- 475 (A) the Federal Perkins Loan Program;
- 476 (B) the Federal Family Education Loan Program; or
- 477 (C) the William D. Ford Direct Loan Program; and

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

479 (f) "Total costs" means:

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

- 481 (A) tuition and fees; and
- 482 (B) books, supplies, and equipment; and

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

- 486 (A) tuition and fees; and
- 487 (B) other applicable expenses subsidized by taxpayer contribution for program  
488 completion.

489 (g) "Wage data" means information collected by the board, and based on information  
490 from the department, that reflects a student's wage the first year and fifth year after a student

491 has successfully completed a program.

492 (2) (a) Except as provided in Subsection (4), for each program listed in an institution's  
493 course catalog or each program otherwise offered by the institution, the institution shall  
494 provide a conspicuous and direct link on the institution's website, subject to Subsection (2)(b),  
495 to the following information maintained by the board in accordance with Subsection (3):

496 (i) job placement data;

497 (ii) to the extent supporting data is available, student loan information;

498 (iii) total costs; and

499 (iv) wage data.

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

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

505 (a) collect the information described in Subsection (2)(a);

506 (b) develop through user testing a format for the display of information described in  
507 Subsection (2)(a) that is easily accessible and informative; and

508 (c) maintain the information described in Subsection (2)(a) so that it is current.

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

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

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

514 **53B-1-116. Bereavement leave for miscarriage and stillbirth.**

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

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

521 (a) the employee is the individual's spouse or partner;

522 (b) the employee is the individual's former spouse or partner and the employee would  
523 have been a biological parent of a child born as a result of the pregnancy;

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

527 (d) under a valid gestational agreement in accordance with Title 78B, Chapter 15, Part  
528 8, Gestational Agreement, the employee would have been a parent of a child born as a result of  
529 the pregnancy.

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

531 **53B-1-117. Oaths of office.**

532 Notwithstanding Section [52-1-2](#), except as otherwise provided in this title, an  
533 individual who is appointed or employed by one of the following is not required to take an  
534 official oath of office:

535 (1) the board;

536 (2) the commissioner;

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

538 (4) an institution board of trustees; or

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

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

541 **53B-1-401. Definitions.**

542 As used in this part:

543 (1) "Board" means the Utah Board of Higher Education described in Section  
544 [53B-1-402](#).

545 (2) "Institution of higher education" or "institution" means an institution of higher  
546 education described in Section [53B-1-102](#).

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

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

550 **53B-1-402. Establishment of board -- Powers, duties, and authority -- Reports.**

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

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

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

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

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

559 (2) The board shall:

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

562 (i) quality;

563 (ii) affordability;

564 (iii) access and equity;

565 (iv) completion;

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

567 (vi) economic growth;

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

569 (c) establish metrics to demonstrate and monitor:

570 (i) performance related to the goals; and

571 (ii) performance on measures of operational efficiency;

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

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

575 (f) establish, approve, and oversee each institution's mission and role in accordance  
576 with Section [53B-16-101](#);

577 (g) assess an institution's performance in accomplishing the institution's mission and  
578 role;

579 (h) participate in the establishment and review of programs of instruction in accordance  
580 with Section [53B-16-102](#);

581 (i) perform the following duties related to an institution of higher education president,  
582 including:

583 (i) [~~appointing~~] hiring an institution of higher education president in accordance with

584 Section [53B-2-102](#);

585 (ii) through the commissioner and the board's executive committee:

586 (A) providing support and guidance to an institution of higher education president; and

587 (B) evaluating an institution of higher education president based on institution

588 performance and progress toward systemwide priorities;

589 (iii) setting the terms of employment for an institution of higher education president,

590 including performance-based compensation, through an employment contract or another

591 method of establishing employment; and

592 (iv) establishing, through a public process, a statewide succession plan to develop

593 potential institution presidents from within the system;

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

595 (i) establishing comprehensive budget and finance priorities for academic education

596 and technical education;

597 (ii) allocating statewide resources to institutions;

598 (iii) setting tuition for each institution;

599 (iv) administering state financial aid programs;

600 (v) administering performance funding in accordance with Chapter 7, Part 7,

601 Performance Funding; and

602 (vi) developing a strategic capital facility plan and prioritization process in accordance

603 with Chapter 22, Part 2, Capital Developments, and Sections [53B-2a-117](#) and [53B-2a-118](#);

604 (k) create and annually report to the Higher Education Appropriations Subcommittee

605 on a seamless articulated education system for Utah students that responds to changing

606 demographics and workforce, including by:

607 (i) providing for statewide prior learning assessment, in accordance with Section

608 [53B-16-110](#);

609 (ii) establishing and maintaining clear pathways for articulation and transfer, in

610 accordance with Section [53B-16-105](#);

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

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

613 (v) coordinating and incentivizing collaboration and partnerships between institutions

614 in delivering programs;

- 615 (vi) coordinating distance delivery of programs;
- 616 (vii) coordinating work-based learning; and
- 617 (viii) emphasizing the system priorities and metrics described in Subsections (2)(a) and
- 618 (c);
- 619 (l) coordinate with the public education system:
- 620 (i) regarding public education programs that provide postsecondary credit or
- 621 certificates; and
- 622 (ii) to ensure that an institution of higher education providing technical education
- 623 serves secondary students in the public education system;
- 624 (m) delegate to an institution board of trustees certain duties related to institution
- 625 governance including:
- 626 (i) guidance and support for the institution president;
- 627 (ii) effective administration;
- 628 (iii) the institution's responsibility for contributing to progress toward achieving
- 629 systemwide goals; and
- 630 (iv) other responsibilities determined by the board;
- 631 (n) delegate to an institution of higher education president management of the
- 632 institution of higher education;
- 633 (o) consult with an institution of higher education board of trustees or institution of
- 634 higher education president before acting on matters pertaining to the institution of higher
- 635 education;
- 636 (p) maximize efficiency throughout the Utah [~~system of higher education~~] System of
- 637 Higher Education by identifying and establishing shared administrative services, beginning
- 638 with:
- 639 (i) commercialization;
- 640 (ii) services for compliance with Title IX of the Education Amendments of 1972, 20
- 641 U.S.C. Sec. 1681 et seq.;
- 642 (iii) information technology services; and
- 643 (iv) human resources, payroll, and benefits administration;
- 644 (q) develop strategies for providing higher education, including career and technical
- 645 education, in rural areas;

646 (r) manage and facilitate a process for initiating, prioritizing, and implementing  
647 education reform initiatives, beginning with common applications and direct admissions;  
648 (s) provide ongoing quality review of programs; and  
649 (t) before each annual legislative general session, provide to the Higher Education  
650 Appropriations Subcommittee a prioritization of all projects and proposals for which the board  
651 or an institution of higher education seeks an appropriation.

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

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

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

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

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

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

676 (7) This section does not affect the power and authority vested in the State Board of

677 Education to apply for, accept, and manage federal appropriations for the establishment and  
678 maintenance of career and technical education.

679 (8) The board shall ensure that any training or certification that an employee of the  
680 higher education system is required to complete under this title or by board rule complies with  
681 Title 63G, Chapter 22, State Training and Certification Requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

708 as a result of the pregnancy, or]  
709 [~~(iv) under a valid gestational agreement in accordance with Title 78B, Chapter 15,~~  
710 ~~Part 8, Gestational Agreement, the employee would have been a parent of a child born as a~~  
711 ~~result of the pregnancy.]~~

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

713 **53B-1-408. Appointment of commissioner of higher education -- Qualifications --**  
714 **Associate commissioners -- Duties -- Office.**

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

718 (b) The following may terminate the commissioner:

719 (i) the board; or

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

721 (c) The board shall:

722 (i) set the salary of the commissioner;

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

724 and

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

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

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

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

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

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

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

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

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

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

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

744 (b) inform the governor of significant issues impacting the Utah System of Higher  
745 Education; and

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

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

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

749 **53B-2-106. Duties and responsibilities of the president of an institution of higher**  
750 **education -- Approval by board of trustees.**

751 (1) As used in this section:

752 (a) "Institution" means:

753 (i) a degree-granting institution; or

754 (ii) a technical college.

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

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

761 (3) A president may:

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

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

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

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

770 (i) policies governing personnel;  
771 (ii) furloughs;  
772 (iii) reductions in force;  
773 (iv) program reductions or discontinuance;  
774 (v) early retirement incentives that provide cost savings to the institution; or  
775 (vi) other measures that provide cost savings, facilitate efficiencies, or otherwise  
776 enable the institution to meet the institution's mission and role.

777 (5) A president shall:

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

780 (i) establishing the institution's budget; and  
781 (ii) establishing or adjusting administrative or academic unit budgets; and  
782 (b) subject to Section 53B-7-101, establish:

783 (i) tuition for the institution, including both resident and nonresident tuition if the  
784 institution is degree granting, subject to the approval of the board as described in Section  
785 53B-1-402; and

786 (ii) fees and other charges for the institution; and  
787 (c) establish the organization and structure of the institution, including by, as  
788 determined by the president, creating, merging, or eliminating a college, department, or other  
789 administrative or academic unit of the institution;

790 (6) Subject to the approval of the institution's board of trustees, a president:

791 (a) shall establish a budgetary policy, such as policy regarding benefits and endowment  
792 investments;

793 (b) shall provide for the constitution, government, and organization of the faculty and  
794 administration, and may enact implementing rules, including the establishment of a prescribed  
795 system of tenure if the institution is degree granting; and

796 (c) may authorize the faculty to determine the general initiation and direction of  
797 instruction and of the examination, admission, and classification of students.

798 (7) A president may establish policies for the administration and operation of the  
799 institution that:

800 (a) are consistent with the institution's role established by the board, rules enacted by

801 the board, or the laws of the state; and

802 (b) may provide for:

803 (i) administrative, faculty, student, and joint committees with jurisdiction over  
804 specified institutional matters;

805 (ii) student government and student affairs organizations;

806 (iii) the establishment of institutional standards in furtherance of the ideals of higher  
807 education fostered and subscribed to by the institution and the institution's administration,  
808 faculty, and students; and

809 (iv) the holding of classes on legal holidays, other than Sunday.

810 (8) A president shall manage the president's institution as a part of the Utah System of  
811 Higher Education.

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

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

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

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

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

823 **53B-2-114. Degree-granting institution attorneys -- Appointment -- Duties.**

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

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

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

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

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

- 832 (4) An attorney described in Subsection (1):
- 833 (a) may not:
- 834 (i) conduct litigation;
- 835 (ii) settle a claim covered by the State Risk Management Fund; or
- 836 (iii) issue a formal legal opinion; and
- 837 (b) shall cooperate with the Office of the Attorney General in providing legal
- 838 representation to a degree-granting institution.

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

840 **53B-2a-107. Technical college presidents.**

841 (1) The board shall appoint a president for each technical college in accordance with  
842 Section [53B-2-102](#).

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

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

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

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

848 ~~[(3)]~~ (4) ~~[(A)]~~ In addition to the duties described in Section [53B-2-106](#), a technical  
849 college president shall:

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

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

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

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

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

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

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

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

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

872           ~~[(j)]~~ ~~manage the technical college president's institution as part of the Utah system of~~  
873 ~~higher education].~~

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

875           **53B-2a-117. Legislative approval -- Capital development projects --**  
876 **Prioritization.**

877           (1) As used in this section:

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

880           (b) "Fund" means the Technical Colleges Capital Projects Fund created in Section  
881 [53B-2a-118](#).

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

884           (3) In accordance with Section [53B-2a-112](#), a technical college shall submit to the  
885 board a proposal for a funding request for each dedicated project or nondedicated project for  
886 which the technical college seeks legislative approval.

887           (4) The board shall:

888           (a) review each proposal submitted under Subsection (3) to ensure that the proposal  
889 complies with Section [53B-2a-112](#);

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

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

892 and

893           (ii) a list of approved nondedicated projects, prioritized in accordance with Subsection

894 (6); and

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

896 (i) the governor;

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

898 (iii) the Higher Education Appropriations Subcommittee; and

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

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

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

902 (5) A dedicated project:

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

904 Management as described in Section [63A-5b-403](#); and

905 (b) is not subject to the prioritization of the Division of Facilities Construction and

906 Management as described in Section [63A-5b-403](#).

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

909 (i) growth and capacity;

910 (ii) effectiveness and support of critical programs;

911 (iii) cost effectiveness;

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

913 (v) alternative funding sources.

914 (b) The board shall establish:

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

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

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

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

922 (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least  
923 \$7,000,000 but less than \$14,000,000; or

924 (iii) one nondedicated project if the ongoing appropriation to the fund is at least

925 \$14,000,000.

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

- 929 (i) the Consumer Price Index for the 2019 calendar year; and
- 930 (ii) the Consumer Price Index for the previous calendar year.

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

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

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

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

938 **53B-3-103. Power of board and institutions to adopt rules and enact regulations.**

939 (1) As used in this section, "institution" means an institution listed in Section  
940 [53B-1-102](#).

941 ~~[(1)]~~ (2) (a) The board may enact regulations governing the conduct of university and  
942 college students, faculty, and employees.

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

945 ~~[(2)]~~ (3) (a) ~~[The board]~~ An institution may[:]

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

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

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

955 ~~[(B) authorize a higher education institution to make a rule that allows a resident of a~~

956 dormitory located at the institution to request only roommates who are not licensed to carry a  
957 concealed firearm under Section ~~53-5-704~~ or ~~53-5-705~~.]

958 [~~(b)~~ In addition to the requirements and penalty prescribed in Subsections  
959 ~~76-8-311.1~~(3), (4), (5), and (6), the board shall make rules to ensure that:]

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

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

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

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

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

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

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

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

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

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

986 [~~(d)~~ (c) (i) For purposes of this Subsection [~~(2)(d)~~] ~~(2)(c)~~, "face covering" means the

987 same as that term is defined in Section [53G-9-210](#).

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

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

995 [~~(3)~~] (4) The board shall enact regulations that require all testimony be given under  
996 oath during an employee grievance hearing for a non-faculty employee of an institution of  
997 higher education if the grievance hearing relates to the non-faculty employee's:

998 (a) demotion; or

999 (b) termination.

1000 (5) Acknowledging that the Legislature has the authority to regulate, by law, firearms  
1001 at higher education institutions, the board may:

1002 (a) authorize higher education institutions to establish no more than one secure area at  
1003 each institution as a hearing room as prescribed in Section [76-8-311.1](#), but not otherwise  
1004 restrict the lawful possession or carrying of firearms; and

1005 (b) authorize a higher education institution to make a policy that allows a resident of a  
1006 dormitory located at the institution to request only roommates who are not licensed to carry a  
1007 concealed firearm under Section [53-5-704](#) or [53-5-705](#).

1008 (6) In addition to the requirements and penalty prescribed in Subsections  
1009 [76-8-311.1\(3\)](#), (4), (5), and (6), the board shall make rules to ensure that:

1010 (a) reasonable means such as mechanical, electronic, x-ray, or similar devices are used  
1011 to detect firearms, ammunition, or dangerous weapons contained in the personal property of or  
1012 on the person of any individual attempting to enter a secure area hearing room;

1013 (b) an individual required or requested to attend a hearing in a secure area hearing  
1014 room is notified in writing of the requirements related to entering a secure area hearing room  
1015 under this Subsection (6)(b) and Section [76-8-311.1](#);

1016 (c) the restriction of firearms, ammunition, or dangerous weapons in the secure area  
1017 hearing room is in effect only during the time the secure area hearing room is in use for

1018 hearings and for a reasonable time before and after its use; and

1019 (d) reasonable space limitations are applied to the secure area hearing room as  
1020 warranted by the number of individuals involved in a typical hearing.

1021 [~~(4)~~] (7) The board and institutions may enforce these rules [~~and~~], regulations, and  
1022 policies in any reasonable manner, including the assessment of fees, fines, and forfeitures, the  
1023 collection of which may be by withholding from money owed the violator, the imposition of  
1024 probation, suspension, or expulsion from the institution, the revocation of privileges, the  
1025 refusal to issue certificates, degrees, and diplomas, through judicial process or any reasonable  
1026 combination of these alternatives.

1027 Section 19. Section **53B-3-104** is amended to read:

1028 **53B-3-104. Establishment of police or security departments.**

1029 (1) As used in this section, "institution" means an institution listed in Section  
1030 53B-1-102.

1031 (2) [~~The board~~] An institution's president may establish and maintain police or security  
1032 departments for the purpose of enforcing the regulations of each institution of higher education  
1033 and the laws of the state.

1034 Section 20. Section **53B-3-105** is amended to read:

1035 **53B-3-105. Appointment of police or security personnel -- Powers.**

1036 (1) As used in this section, "institution" means an institution listed in Section  
1037 53B-1-102.

1038 (2) Members of the police or security department of any [~~college or university~~]  
1039 institution are appointed by the [~~board~~] president.

1040 [~~(2)~~] (3) Upon appointment, they are peace officers and have all the powers possessed  
1041 by policemen in cities and by sheriffs, including the power to make arrests on view or on  
1042 warrant of violation of state statutes and city or county ordinances.

1043 [~~(3)~~] (4) Members of the police or security department of any [~~college or university~~]  
1044 institution also have the power to enforce all rules and regulations promulgated by the board or  
1045 institution as related to the institution.

1046 Section 21. Section **53B-6-105** is amended to read:

1047 **53B-6-105. Engineering and Computer Technology Initiative.**

1048 (1) (a) (i) The commissioner of higher education, under the direction of the board shall

1049 develop, establish, and maintain an Engineering and Computer Science Initiative within the  
1050 state system of higher education to increase the number of graduates in engineering, computer  
1051 science, and related technology.

1052 (ii) The commissioner of higher education, under the direction of the board shall make  
1053 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing  
1054 the criteria for those fields of study that qualify as "related technology" under this section and  
1055 Section [53B-6-105.9](#).

1056 (b) The initiative shall include components that:

1057 (i) improve the quality of instructional programs in engineering, computer science, and  
1058 related technology by providing supplemental money for equipment purchases; and

1059 (ii) provide incentives to institutions to hire and retain faculty under Section  
1060 [53B-6-105.9](#).

1061 (2) The increase in program capacity under Subsection (1)(a) shall include funding for  
1062 new and renovated capital facilities and funding for new engineering and computer science  
1063 programs.

1064 (3) The Legislature shall provide an annual appropriation to the board to fund the  
1065 initiative.

1066 Section 22. Section [53B-6-105.9](#) is amended to read:

1067 **[53B-6-105.9. Incentive program for engineering, computer science, and related](#)**  
1068 **[technology faculty.](#)**

1069 (1) The Legislature shall provide an annual appropriation to help fund the faculty  
1070 incentive component of the Engineering and Computer Science Initiative established under  
1071 Section [53B-6-105](#).

1072 (2) The appropriation shall be used to hire, recruit, and retain outstanding faculty in  
1073 engineering, computer science, and related technology fields under guidelines established by  
1074 the commissioner of higher education, under the direction of the board.

1075 (3) (a) State institutions of higher education shall match the appropriation on a  
1076 one-to-one basis in order to qualify for state money appropriated under Subsection (1).

1077 (b) (i) Qualifying institutions shall annually report their matching dollars to the board.

1078 (ii) The [~~board~~] commissioner of higher education shall make a summary report of the  
1079 institutional matches.

1080 (iii) The annual report of the Technology Initiative Advisory Board required by Section  
1081 [53B-6-105.5](#) shall include the summary report of the institutional matches.

1082 (4) The commissioner of higher education, under the direction of the board shall make  
1083 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1084 establishing policies and procedures to apply for and distribute the state appropriation to  
1085 qualifying institutions.

1086 Section 23. Section **53B-7-702** is amended to read:

1087 **53B-7-702. Definitions.**

1088 As used in this part:

1089 (1) "Account" means the Performance Funding Restricted Account created in Section  
1090 [53B-7-703](#).

1091 (2) "Estimated revenue growth from targeted jobs" means the estimated increase in  
1092 individual income tax revenue generated by individuals employed in targeted jobs, determined  
1093 [~~by the Department of Workforce Services~~] in accordance with [~~Section~~] Sections [53B-7-703](#)  
1094 and [53B-7-704](#).

1095 (3) "Full new performance funding amount" means the maximum amount of new  
1096 performance funding that a degree-granting institution or technical college may qualify for in a  
1097 fiscal year, determined by the Legislature in accordance with Section [53B-7-705](#).

1098 (4) "Full-time" means the number of credit hours the board determines is full-time  
1099 enrollment for a student.

1100 [~~(5) "GO Utah office" means the Governor's Office of Economic Opportunity created~~  
1101 ~~in Section [63N-1a-301](#).~~]

1102 [~~(6) "Job" means an occupation determined by the Department of Workforce Services.~~]

1103 [~~(7) "Membership hour" means 60 minutes of scheduled instruction provided by a~~  
1104 ~~technical college to a student enrolled in the technical college.~~]

1105 [~~(8)~~ (5) "New performance funding" means the difference between the total amount of  
1106 money in the account and the amount of money appropriated from the account for performance  
1107 funding in the current fiscal year.

1108 [~~(9)~~ (6) "Performance" means total performance across the metrics described in  
1109 Sections [53B-7-706](#) and [53B-7-707](#).

1110 [~~(10) "Research university" means the University of Utah or Utah State University.~~]

1111 ~~[(H)]~~ (7) "Targeted job" means a four- and five-star job that requires postsecondary  
 1112 training as designated by the Department of Workforce Services ~~[or the GO Utah office in~~  
 1113 ~~accordance with Section 53B-7-704].~~

1114 ~~[(I)]~~ (8) "Technical college" means:

1115 (a) the same as that term is defined in Section 53B-1-101.5; and

1116 (b) a degree-granting institution acting in the degree-granting institution's technical  
 1117 education role described in Section 53B-2a-201.

1118 ~~[(J)] "Technical college graduate" means an individual who:~~

1119 ~~[(a) has earned a certificate from an accredited program at a technical college; and]~~

1120 ~~[(b) is no longer enrolled in the technical college.]~~

1121 Section 24. Section 53B-7-703 is amended to read:

1122 **53B-7-703. Performance Funding Restricted Account -- Creation -- Deposits into**  
 1123 **account -- Legislative review.**

1124 (1) There is created within the Income Tax Fund a restricted account known as the  
 1125 "Performance Funding Restricted Account."

1126 (2) Money in the account shall be:

1127 (a) used for performance funding for:

1128 (i) degree-granting institutions; and

1129 (ii) technical colleges; and

1130 (b) appropriated by the Legislature in accordance with Section 53B-7-705.

1131 (3) (a) Money in the account shall earn interest.

1132 (b) All interest earned on account money shall be deposited into the account.

1133 (c) The Legislature may appropriate money to the account.

1134 ~~[(4) (a) Except as provided in Subsection (4)(b), the Division of Finance shall deposit~~  
 1135 ~~into the account an amount equal to 20% of the estimated revenue growth from targeted jobs~~  
 1136 ~~upon appropriation by the Legislature for a fiscal year beginning on or after July 1, 2019.]~~

1137 ~~[(b) (i) As used in this Subsection (4)(b), "total higher education appropriations"~~  
 1138 ~~means, for the current fiscal year, the total state funded appropriations to:]~~

1139 ~~[(A) the board;]~~

1140 ~~[(B) degree-granting institutions; and]~~

1141 ~~[(C) technical colleges.]~~

1142 ~~[(ii) If a deposit described in Subsection (4)(a) would exceed 10% of total higher~~  
1143 ~~education appropriations, upon appropriation by the Legislature, the Division of Finance shall~~  
1144 ~~deposit into the account an amount equal to 10% of total higher education appropriations.]~~

1145 ~~[(c) The Legislature may appropriate money to the account.]~~

1146 ~~[(5)] (4) (a) As used in this Subsection [(5)] (4):~~

1147 (i) "Base budget" means the same as that term is defined in legislative rule.

1148 (ii) "Remaining available ongoing Income Tax Fund revenue" means the difference  
1149 between:

1150 (A) the estimated ongoing Income Tax Fund and Uniform School Fund revenue  
1151 available for the Legislature to appropriate in the next fiscal year; and

1152 (B) the amount of ongoing appropriations from the Income Tax Fund and Uniform  
1153 School Fund for the current year plus ongoing appropriations required under Sections  
1154 [53F-9-201](#) and [53F-9-204](#) for the next fiscal year.

1155 (b) Except as described in Subsection ~~[(5)(c)] (4)(c)~~, for a fiscal year beginning on or  
1156 after July 1, 2023, when preparing the Higher Education Base Budget, the Office of the  
1157 Legislative Fiscal Analyst shall:

1158 (i) include in the base budget the lesser of the amount described in Subsection ~~[(4)] (6)~~  
1159 or the remaining available ongoing Income Tax Fund revenue; and

1160 (ii) appropriate the funds described in Subsection ~~[(5)(b)(i)] (4)(b)(i)~~ to the ~~[Utah~~  
1161 ~~Board of Higher Education to distribute]~~ account for distribution to institutions as described in  
1162 Section [53B-7-705](#).

1163 (c) In a fiscal year beginning on or after July 1, 2023, in which the remaining available  
1164 ongoing Income Tax Fund revenue is less than zero, when preparing the base budget, the  
1165 Office of the Legislative Fiscal Analyst shall include in the base budget an amount equal to the  
1166 difference in the amount described in Subsection ~~[(4)] (6)~~ for the current year and the amount  
1167 described in Subsection ~~[(4)] (6)~~ for the prior year, adjusted for any base budget reductions as  
1168 directed by the Executive Appropriations Committee.

1169 ~~[(6)] (5)~~ During the interim following a legislative general session in which an amount  
1170 described in Subsection ~~[(4)(b)] (6)(c)~~ is deposited into the account, the Higher Education  
1171 Appropriations Subcommittee shall review performance funding described in this part and  
1172 make recommendations to the Legislature about:

1173 (a) the performance levels required for degree-granting institutions and technical  
1174 colleges to receive performance funding as described in Section [53B-7-705](#);

1175 (b) the performance metrics described in Sections [53B-7-706](#) and [53B-7-707](#); and

1176 (c) the amount of individual income tax revenue dedicated to higher education

1177 performance funding.

1178 (6) (a) In or before December each year, the Executive Appropriations Committee shall  
1179 determine estimated revenue growth from targeted jobs.

1180 (b) Except as provided in Subsection (6)(d), the Executive Appropriations Committee  
1181 shall allocate to the account an amount equal to 20% of the amount described in Subsection  
1182 (6)(a).

1183 (c) As used in this Subsection, "total higher education appropriations" means, for the  
1184 current fiscal year, the total state funded appropriations to:

1185 (i) the board;

1186 (ii) degree-granting institutions; and

1187 (iii) technical colleges.

1188 (d) If a deposit described in Subsection (6)(b) would exceed 10% of total higher  
1189 education appropriations, upon appropriation by the Legislature, the Legislature shall  
1190 appropriate into the account an amount equal to 10% of total higher education appropriations.

1191 (7) On or before December 31, 2030, and every subsequent five years, the Office of  
1192 Legislative Fiscal Analyst shall:

1193 (a) review the data reported by the commission described in Subsection [53B-7-704\(5\)](#);  
1194 and

1195 (b) recommend to the Executive Appropriations Subcommittee any changes based on  
1196 the review described in Subsection (7)(a).

1197 Section 25. Section [53B-7-704](#) is repealed and reenacted to read:

1198 **53B-7-704. Determination of estimated revenue growth from targeted jobs --**

1199 **Reporting.**

1200 (1) As used in this section, "baseline amount" means the simple five-year average of  
1201 total wages in Utah as captured by the Quarterly Census of Employment and Wages program  
1202 and reported by the Department of Workforce Services over calendar years 2018-2022  
1203 multiplied by 44.5%.

1204           (2) The Department of Workforce Services shall annually determine the estimated  
1205 revenue growth from targeted jobs by:  
1206           (a) determining the total estimated wages for targeted jobs by:  
1207           (i) calculating the simple five-year moving average of total wages in Utah as captured  
1208 by the Quarterly Census of Employment and Wages program using the most recent calendar  
1209 year for which data is available; and  
1210           (ii) multiplying the results of the calculation in Subsection (2)(a)(i) by 44.5%;  
1211           (b) determining the change in estimated wages for targeted jobs for the year by  
1212 subtracting the baseline amount from the total wages for targeted jobs as described in  
1213 Subsection (2)(a); and  
1214           (c) multiplying the change in estimated wages for targeted jobs described in Subsection  
1215 (2)(b) by 3.3%.  
1216           (3) Annually, by October 31, the Department of Workforce Services shall report the  
1217 estimated revenue growth from targeted jobs to:  
1218           (a) The Office of the Legislative Fiscal Analyst;  
1219           (b) The Governor's Office of Planning and Budget;  
1220           (c) The Division of Finance; and  
1221           (d) the commissioner.  
1222           (4) By October 1, 2030 and each subsequent fifth year, the Department of Workforce  
1223 Services shall report to the Higher Education Appropriations Subcommittee on:  
1224           (a) the total wages in Utah as captured by the Quarterly Census of Employment and  
1225 Wages program over the previous five years;  
1226           (b) total wages in Utah attributable to four- and five-star jobs that require  
1227 postsecondary training as captured by the Occupational Employment and Wage Statistics  
1228 program over the previous five years;  
1229           (c) total wages in Utah for all occupations as captured by the Occupational  
1230 Employment and Wage Statistics program over the previous five years;  
1231           (d) the quotient of total wages in Subsection (4)(a) and total wages in Subsection  
1232 (4)(b); and  
1233           (e) the quotient of total wages in Subsection (4)(c) and total wages in Subsection  
1234 (4)(b).

1235 (5) By October 1, 2030 and each subsequent fifth year, the commissioner shall report  
1236 to the Higher Education Appropriations Subcommittee on:

1237 (a) all institutions' high yield awards over the previous five years;

1238 (b) the estimated revenue growth from targeted jobs associated with high yield awards  
1239 over the previous five years;

1240 (c) the connection between the data described in Subsections (5)(a) and (5)(b); and

1241 (d) the estimated median effective income tax rate.

1242 Section 26. Section **53B-7-705** is amended to read:

1243 **53B-7-705. Determination of full new performance funding amount -- Role of**  
1244 **appropriations subcommittee -- Program review.**

1245 (1) In accordance with this section, and based on money deposited into the account, the  
1246 Legislature shall, as part of the higher education appropriations budget process, annually  
1247 determine the full new performance funding amount for each:

1248 (a) degree-granting institution; and

1249 (b) technical college.

1250 (2) [~~(a) Before January 1, 2024, the Legislature shall annually allocate:~~]

1251 [~~(i) 90% of the money in the account to degree-granting institutions; and]~~

1252 [~~(ii) 10% of the money in the account to technical colleges.]~~

1253 [~~(b) After January 1, 2024, the] The Legislature shall annually allocate:~~

1254 [~~(i)] (a) 80% of the money in the account to degree-granting institutions; and~~

1255 [~~(ii)] (b) 20% of the money in the account to technical colleges.~~

1256 (3) (a) The Legislature shall determine a degree-granting institution's full new  
1257 performance funding amount based on the degree-granting institution's prior year share of:

1258 (i) full-time equivalent enrollment in all degree-granting institutions; and

1259 (ii) the total state-funded appropriated budget for all degree-granting institutions.

1260 (b) In determining a degree-granting institution's full new performance funding  
1261 amount, the Legislature shall give equal weight to the factors described in Subsections (3)(a)(i)  
1262 and (ii).

1263 (4) (a) The Legislature shall determine a technical college's full new performance  
1264 funding amount based on the technical college's prior year share of:

1265 [~~(i) (A) before January 1, 2024, membership hours for all technical colleges; and]~~

1266 ~~[(B) after January 1, 2024,]~~

1267 (i) full-time equivalent enrollment for all technical colleges; and

1268 (ii) the total state-funded appropriated budget for all technical colleges.

1269 (b) In determining a technical college's full new performance funding amount, the  
1270 Legislature shall give equal weight to the factors described in Subsections (4)(a)(i) and (ii).

1271 (5) Annually, at least 30 days before the first day of the legislative general session the  
1272 board shall submit a report to the Higher Education Appropriations Subcommittee on each  
1273 degree-granting institution's and each technical college's performance.

1274 (6) (a) In accordance with this Subsection (6), and based on the report described in  
1275 Subsection (5), the Legislature shall determine for each degree-granting institution and each  
1276 technical college:

1277 (i) the portion of the full new performance funding amount earned; and

1278 (ii) the amount of new performance funding to recommend that the Legislature  
1279 appropriate, from the account, to the degree-granting institution or technical college.

1280 ~~[(b)(i) This Subsection (6)(b) applies before January 1, 2024.]~~

1281 ~~[(ii) A degree-granting institution earns the full new performance funding amount if the  
1282 degree-granting institution has a positive change in performance of at least 1% compared to the  
1283 degree-granting institution's average performance over the previous five years.]~~

1284 ~~[(iii) A technical college earns the full new performance funding amount if the  
1285 technical college has a positive change in the technical college's performance of at least 5%  
1286 compared to the technical college's average performance over the previous five years.]~~

1287 ~~[(e)]~~ (b) ~~[After January 1, 2024, a]~~ A degree-granting institution or technical college  
1288 earns the full new performance funding amount if the degree-granting institution or technical  
1289 college meets the annual performance goals the board sets under Subsection  
1290 [53B-7-706\(1\)\(a\)\(ii\)](#).

1291 ~~[(d) Before January 1, 2024, a degree-granting institution or technical college that has a  
1292 positive change in performance that is less than a change described in Subsection (6)(b) is  
1293 eligible to receive a prorated amount of the full new performance funding amount.]~~

1294 ~~[(e) Before January 1, 2024, a degree-granting or technical college that has a negative  
1295 change, or no change, in performance over a time period described in Subsection (6)(b) is not  
1296 eligible to receive new performance funding.]~~

1297            [(f)] (c) [~~After January 1, 2024, a~~] A degree-granting institution or technical college  
 1298 that does not meet the goals the board sets under Subsection 53B-7-706(1)(a)(ii):

1299            (i) is not eligible to receive the full new performance funding amount; and

1300            (ii) is eligible to receive a prorated amount of the full new performance funding  
 1301 amount for performance that is greater than zero as measured by the model the board  
 1302 establishes under Subsection 53B-7-706(1)(a)(i)(B).

1303            [(g)] (d) [~~After January 1, 2024, if~~] If a degree-granting institution or technical college  
 1304 does not earn the full new performance funding amount as described in Subsection [(6)(c)]

1305 (6)(b), the [~~board~~] Legislature:

1306            (i) shall set aside the unearned new performance funding; and

1307            (ii) may, at the end of an annual performance goal period within a five-year period for  
 1308 which the board sets goals under Subsection 53B-7-706(1)(a)(ii), reallocate the funds set aside  
 1309 under Subsection [(6)(g)(i)] (6)(d)(i) to a degree-granting institution or technical college that  
 1310 meets or exceeds the degree-granting institution's or technical college's:

1311            (A) previous year's annual performance goal; and

1312            (B) performance goal that the institution previously failed to meet which caused the  
 1313 funding to be set aside.

1314            (7) An appropriation described in this section is ongoing.

1315            (8) Notwithstanding Section 53B-7-703 and Subsections (6) and (7), the Legislature  
 1316 may, by majority vote, appropriate or refrain from appropriating money for performance  
 1317 funding as circumstances require in a particular year.

1318            Section 27. Section 53B-7-706 is amended to read:

1319            **53B-7-706. Performance metrics for institutions -- Determination of**  
 1320 **performance.**

1321            (1) (a) (i) [(A) ~~The board shall establish a model for determining a degree-granting~~  
 1322 ~~institution's performance.~~]

1323            [(B) ~~Beginning in March 2021, the~~] The board shall establish a model for determining  
 1324 a degree-granting institution's or technical college's performance.

1325            (ii) [~~Beginning in May 2021, the~~] The board shall:

1326            (A) set a five-year goal for the Utah System of Higher Education for each metric  
 1327 described in Subsection [(2)(a)(ii)] (2)(a);

1328 (B) adopt five-year goals for each degree-granting institution and technical college that  
1329 align with each goal described in Subsection (1)(a)(ii)(A)~~[-and]~~.

1330 (C) ensure the goals the board adopts for each degree-granting institution and technical  
1331 college described in Subsection (1)(a)(ii)(B) are sufficiently rigorous to meet the goals  
1332 described in Subsection (1)(a)(ii)(A); and

1333 (b) (i) The board shall submit a draft of the model described in this section to the  
1334 Higher Education Appropriations Subcommittee and the governor for comments and  
1335 recommendations.

1336 (ii) ~~[Beginning in 2021, and every]~~ Every five years ~~[thereafter]~~, the board shall:

1337 (A) submit the model described in Subsection (1)(a)(i) and the goals described in  
1338 Subsection (1)(a)(ii) to the Higher Education Appropriations Subcommittee and to the  
1339 governor for comments and recommendations; and

1340 (B) consider the comments and recommendations described in Subsection  
1341 (1)(b)(ii)(A), and make any necessary changes to the model described in Subsection (1)(a)(i)  
1342 and the goals described in Subsection (1)(a)(ii).

1343 (c) ~~[Beginning in 2021, and every]~~ Every five years ~~[thereafter]~~, the Executive  
1344 Appropriations Committee, the Higher Education Appropriations Subcommittee, and the  
1345 Education Interim Committee shall prepare and jointly meet to consider legislation for  
1346 introduction at the following general legislative session to adopt the goals described in  
1347 Subsection (1)(a)(ii).

1348 (2) (a) ~~[(i) The model described in Subsection (1)(a)(i)(A) shall include metrics,~~  
1349 ~~including:]~~

1350 ~~[(A) completion, measured by degrees and certificates awarded;]~~

1351 ~~[(B) completion by underserved students, measured by degrees and certificates~~  
1352 ~~awarded to underserved students;]~~

1353 ~~[(C) responsiveness to workforce needs, measured by degrees and certificates awarded~~  
1354 ~~in high market demand fields;]~~

1355 ~~[(D) institutional efficiency, measured by degrees and certificates awarded per~~  
1356 ~~full-time equivalent student; and]~~

1357 ~~[(E) for a research university, research, measured by total research expenditures.]~~

1358 ~~[(ii) Beginning in 2021, the]~~ The board shall set the goals and establish the

1359 performance model described in Subsection ~~[(1)(a)(i)(B)]~~ (1)(a)(i) for the following metrics:

1360 ~~[(A)]~~ (i) access;

1361 ~~[(B)]~~ (ii) timely completion; and

1362 ~~[(C)]~~ (iii) high-yield awards.

1363 (b) ~~[(i) Subject to Subsection (2)(b)(ii), the]~~ The board shall determine the relative  
1364 weights of the metrics described in Subsection ~~[(2)(a)(i)]~~ (2)(a).

1365 ~~[(ii) The board shall assign the responsiveness to workforce needs metric described in~~  
1366 ~~Subsection (2)(a)(i)(C) a weight of at least 25% when determining a degree-granting~~  
1367 ~~institution's performance.]~~

1368 (c) ~~[Beginning in 2021, the]~~ The board shall determine and establish in board policy,  
1369 the definitions, measures, and relative weights of the metrics described in Subsection  
1370 ~~[(2)(a)(ii)]~~ (2)(a) based on each degree-granting institution's and each technical college's  
1371 mission.

1372 (3) (a) For each degree-granting institution, the board shall annually determine the  
1373 degree-granting institution's:

1374 (i) performance; and

1375 (ii) change in performance compared to the degree-granting institution's average  
1376 performance over the previous five years.

1377 (b) For each degree-granting institution and technical college, the board shall annually:

1378 (i) adopt annual performance goals for each metric described in Subsection (2)(a)(ii)

1379 that will advance the degree-granting institution or technical college toward achievement of the  
1380 five-year goals described in Subsection (1)(a)(ii);

1381 (ii) evaluate performance in meeting the goals described in Subsection (3)(b)(i); and

1382 (iii) include a degree-granting institution's or technical college's performance under this  
1383 section in the evaluation described in Subsection [53B-1-402\(2\)\(i\)](#).

1384 (4) ~~[(a) The board shall use the model described in Subsection (1)(a)(i)(A) to make the~~  
1385 ~~report described in Section [53B-7-705](#) for determining a degree-granting institution's~~  
1386 ~~performance funding for a fiscal year beginning on or after July 1, 2018, but before July 1,~~  
1387 ~~2024.]~~

1388 ~~[(b) For a fiscal year beginning on or after July 1, 2024, the]~~ The board shall use the  
1389 model described in Subsection ~~[(1)(a)(i)(B)]~~ (1)(a)(i) to make the report described in Section

1390 53B-7-705 for determining a degree-granting institution's or technical college's performance  
1391 funding.

1392 (5) At the end of each five-year period for which the board sets goals under Subsection  
1393 (1)(a)(ii):

1394 (a) the board shall:

1395 (i) review the Utah System of Higher Education's performance in meeting the goals the  
1396 board sets under Subsection (1)(a)(ii)(A);

1397 (ii) review each degree-granting institution's and each technical college's performance  
1398 in meeting the goals the board sets under Subsection (1)(a)(ii)(B); and

1399 (iii) allocate any funds not allocated under Subsection 53B-7-705(6)(g) to each  
1400 degree-granting institution and each technical college that meets or exceeds the goals the board  
1401 sets under Subsection (1)(a)(ii)(B); and

1402 (b) the Legislature may appropriate additional funds for the board to allocate to each  
1403 degree-granting institution and each technical college that meets or exceeds goals as described  
1404 in Subsection (5)(a)(iii).

1405 (6) In year two or three of each five-year period for which the board sets goals under  
1406 Subsection (1)(a)(ii), the following committees and the governor shall hold a joint open  
1407 meeting to review the goals the board sets under Subsection (1)(a)(ii):

1408 (a) the Executive Appropriations Committee;

1409 (b) the Higher Education Appropriations Subcommittee; and

1410 (c) the Education Interim Committee.

1411 Section 28. Section 53B-8-102 is amended to read:

1412 **53B-8-102. Definitions -- Resident student status -- Exceptions.**

1413 (1) As used in this section:

1414 (a) "Eligible person" means an individual who is entitled to post-secondary educational  
1415 benefits under Title 38 U.S.C., Veterans' Benefits.

1416 (b) "Immediate family member" means an individual's spouse or dependent child.

1417 (c) "Military service member" means an individual who:

1418 (i) is serving on active duty in the United States Armed Forces within the state of Utah;

1419 (ii) is a member of a reserve component of the United States Armed Forces assigned in  
1420 Utah;

- 1421 (iii) is a member of the Utah National Guard; or
- 1422 (iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned  
1423 outside of Utah pursuant to federal permanent change of station orders.
- 1424 (d) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.
- 1425 (e) "Parent" means a student's biological or adoptive parent.
- 1426 (2) The meaning of "resident student" is determined by reference to the general law on  
1427 the subject of domicile, except as provided in this section.
- 1428 (3) (a) Institutions within the state system of higher education may grant resident  
1429 student status to any student who has come to Utah and established residency for the purpose of  
1430 attending an institution of higher education, and who, prior to registration as a resident student:
- 1431 (i) has maintained continuous Utah residency status for one full year;
- 1432 (ii) has signed a written declaration that the student has relinquished residency in any  
1433 other state; and
- 1434 (iii) has submitted objective evidence that the student has taken overt steps to establish  
1435 permanent residency in Utah and that the student does not maintain a residence elsewhere.
- 1436 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
- 1437 (i) a Utah high school transcript issued in the past year confirming attendance at a Utah  
1438 high school in the past 12 months;
- 1439 (ii) a Utah voter registration dated a reasonable period prior to application;
- 1440 (iii) a Utah driver license or identification card with an original date of issue or a  
1441 renewal date several months prior to application;
- 1442 (iv) a Utah vehicle registration dated a reasonable period prior to application;
- 1443 (v) evidence of employment in Utah for a reasonable period prior to application;
- 1444 (vi) proof of payment of Utah resident income taxes for the previous year;
- 1445 (vii) a rental agreement showing the student's name and Utah address for at least 12  
1446 months prior to application; and
- 1447 (viii) utility bills showing the student's name and Utah address for at least 12 months  
1448 prior to application.
- 1449 (c) A student who is claimed as a dependent on the tax returns of a person who is not a  
1450 resident of Utah is not eligible to apply for resident student status.
- 1451 (4) Except as provided in Subsection (8), an institution within the state system of

1452 higher education may establish stricter criteria for determining resident student status.

1453 (5) If an institution does not have a minimum credit-hour requirement, that institution  
1454 shall honor the decision of another institution within the state system of higher education to  
1455 grant a student resident student status, unless:

1456 (a) the student obtained resident student status under false pretenses; or

1457 (b) the facts existing at the time of the granting of resident student status have changed.

1458 (6) Within the limits established in Title 53B, Chapter 8, Tuition Waiver and  
1459 Scholarships, each institution within the state system of higher education may, regardless of its  
1460 policy on obtaining resident student status, waive nonresident tuition either in whole or in part,  
1461 but not other fees.

1462 (7) In addition to the waivers of nonresident tuition under Subsection (6), each  
1463 institution may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to  
1464 the maximum number allowed by the appropriate athletic conference as recommended by the  
1465 president of each institution.

1466 (8) Notwithstanding Subsection (3), an institution within the state system of higher  
1467 education shall grant resident student status for tuition purposes to:

1468 (a) a military service member, if the military service member provides:

1469 (i) the military service member's current United States military identification card; and

1470 (ii) (A) a statement from the military service member's current commander, or  
1471 equivalent, stating that the military service member is assigned in Utah; or

1472 (B) evidence that the military service member is domiciled in Utah, as described in  
1473 Subsection (9)(a);

1474 (b) a military service member's immediate family member, if the military service  
1475 member's immediate family member provides:

1476 (i) (A) the military service member's current United States military identification card;

1477 or

1478 (B) the immediate family member's current United States military identification card;

1479 and

1480 (ii) (A) a statement from the military service member's current commander, or  
1481 equivalent, stating that the military service member is assigned in Utah; or

1482 (B) evidence that the military service member is domiciled in Utah, as described in

1483 Subsection (9)(a);

1484 (c) a military veteran, regardless of whether the military veteran served in Utah, if the  
1485 military veteran provides:

1486 (i) evidence of an honorable or general discharge;

1487 (ii) a signed written declaration that the military veteran has relinquished residency in  
1488 any other state and does not maintain a residence elsewhere;

1489 (iii) objective evidence that the military veteran has demonstrated an intent to establish  
1490 residency in Utah, which may include any one of the following:

1491 (A) a Utah voter registration card;

1492 (B) a Utah driver license or identification card;

1493 (C) a Utah vehicle registration;

1494 (D) evidence of employment in Utah;

1495 (E) a rental agreement showing the military veteran's name and Utah address; or

1496 (F) utility bills showing the military veteran's name and Utah address;

1497 (d) a military veteran's immediate family member, regardless of whether the military  
1498 veteran served in Utah, if the military veteran's immediate family member provides:

1499 (i) evidence of the military veteran's honorable or general discharge;

1500 (ii) a signed written declaration that the military veteran's immediate family member  
1501 has relinquished residency in any other state and does not maintain a residence elsewhere; and

1502 (iii) objective evidence that the military veteran's immediate family member has  
1503 demonstrated an intent to establish residency in Utah, which may include any one of the items  
1504 described in Subsection (8)(c)(iii); [or]

1505 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who  
1506 is either:

1507 (i) domiciled in Utah, recognizing the individual may not be physically present in the  
1508 state due to an assignment; or

1509 (ii) assigned to a duty station in Utah if the foreign service member provides:

1510 (A) evidence of the foreign service member's status;

1511 (B) a statement from the foreign service member's current commander, or equivalent,  
1512 stating that the foreign service member is assigned in Utah; or

1513 (C) evidence that the foreign service member is domiciled in Utah;

1514 (f) a foreign service member's immediate family member if the foreign service member  
1515 is either:

1516 (i) domiciled in Utah, recognizing the individual may not be physically present in the  
1517 state due to an assignment; or

1518 (ii) assigned to a duty station in Utah if the foreign service member provides:

1519 (A) evidence of the foreign service member's status;  
1520 (B) a statement from the foreign service member's current commander, or equivalent,  
1521 stating that the foreign service member is assigned in Utah; or

1522 (C) evidence that the foreign service member is domiciled in Utah;

1523 ~~(e)~~ (g) an eligible person who provides:

1524 (i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits;  
1525 (ii) a signed written declaration that the eligible person will use the ~~[G.I. Bill benefits]~~  
1526 Veteran Benefits under Title 38 U.S.C.; and

1527 (iii) objective evidence that the eligible person has demonstrated an intent to establish  
1528 residency in Utah, which may include any one of the items described in Subsection  
1529 (8)(c)(iii)[-]; or

1530 ~~(f)~~ (h) an alien who provides:

1531 (i) evidence that the alien is a special immigrant visa recipient;  
1532 (ii) evidence that the alien has been granted refugee status, humanitarian parole,  
1533 temporary protected status, or asylum; or

1534 (iii) evidence that the alien has submitted in good faith an application for refugee  
1535 status, humanitarian parole, temporary protected status, or asylum under United States  
1536 immigration law.

1537 (9) (a) The evidence described in Subsection (8)(a)(ii)(B) or (8)(b)(ii)(B) includes:

1538 (i) a current Utah voter registration card;  
1539 (ii) a valid Utah driver license or identification card;  
1540 (iii) a current Utah vehicle registration;  
1541 (iv) a copy of a Utah income tax return, in the military service member's or military  
1542 service member's spouse's name, filed as a resident in accordance with Section 59-10-502; or  
1543 (v) proof that the military service member or military service member's spouse owns a  
1544 home in Utah, including a property tax notice for property owned in Utah.

1545 (b) Aliens who are present in the United States on visitor, student, or other visas not  
1546 listed in Subsection [~~(8)(f)~~] (8)(h) or (9)(c), which authorize only temporary presence in this  
1547 country, do not have the capacity to intend to reside in Utah for an indefinite period and  
1548 therefore are classified as nonresidents.

1549 (c) Aliens who have been granted or have applied for permanent resident status in the  
1550 United States are classified for purposes of resident student status according to the same  
1551 criteria applicable to citizens.

1552 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose  
1553 reservation or trust lands lie partly or wholly within Utah or whose border is at any point  
1554 contiguous with the border of Utah, and any American Indian who is a member of a federally  
1555 recognized or known Utah tribe and who has graduated from a high school in Utah, is entitled  
1556 to resident student status.

1557 (11) A Job Corps student is entitled to resident student status if the student:

1558 (a) is admitted as a full-time, part-time, or summer school student in a program of  
1559 study leading to a degree or certificate; and

1560 (b) submits verification that the student is a current Job Corps student.

1561 (12) A person is entitled to resident student status and may immediately apply for  
1562 resident student status if the person:

1563 (a) marries a Utah resident eligible to be a resident student under this section; and

1564 (b) establishes his or her domicile in Utah as demonstrated by objective evidence as  
1565 provided in Subsection (3).

1566 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one  
1567 parent who has been domiciled in Utah for at least 12 months prior to the student's application  
1568 is entitled to resident student status.

1569 (14) (a) A person who has established domicile in Utah for full-time permanent  
1570 employment may rebut the presumption of a nonresident classification by providing substantial  
1571 evidence that the reason for the individual's move to Utah was, in good faith, based on an  
1572 employer requested transfer to Utah, recruitment by a Utah employer, or a comparable  
1573 work-related move for full-time permanent employment in Utah.

1574 (b) All relevant evidence concerning the motivation for the move shall be considered,  
1575 including:

1576 (i) the person's employment and educational history;  
1577 (ii) the dates when Utah employment was first considered, offered, and accepted;  
1578 (iii) when the person moved to Utah;  
1579 (iv) the dates when the person applied for admission, was admitted, and was enrolled  
1580 as a postsecondary student;

1581 (v) whether the person applied for admission to an institution of higher education  
1582 sooner than four months from the date of moving to Utah;

1583 (vi) evidence that the person is an independent person who is:

1584 (A) at least 24 years old; or

1585 (B) not claimed as a dependent on someone else's tax returns; and

1586 (vii) any other factors related to abandonment of a former domicile and establishment  
1587 of a new domicile in Utah for purposes other than to attend an institution of higher education.

1588 (15) (a) A person who is in residence in Utah to participate in a United States Olympic  
1589 athlete training program, at a facility in Utah, approved by the governing body for the athlete's  
1590 Olympic sport, shall be entitled to resident status for tuition purposes.

1591 (b) Upon the termination of the athlete's participation in the training program, the  
1592 athlete shall be subject to the same residency standards applicable to other persons under this  
1593 section.

1594 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah  
1595 counts for Utah residency for tuition purposes upon termination of the athlete's participation in  
1596 a Utah Olympic athlete training program.

1597 (16) (a) A person who has established domicile in Utah for reasons related to divorce,  
1598 the death of a spouse, or long-term health care responsibilities for an immediate family  
1599 member, including the person's spouse, parent, sibling, or child, may rebut the presumption of a  
1600 nonresident classification by providing substantial evidence that the reason for the individual's  
1601 move to Utah was, in good faith, based on the long-term health care responsibilities.

1602 (b) All relevant evidence concerning the motivation for the move shall be considered,  
1603 including:

1604 (i) the person's employment and educational history;

1605 (ii) the dates when the long-term health care responsibilities in Utah were first  
1606 considered, offered, and accepted;

- 1607 (iii) when the person moved to Utah;
- 1608 (iv) the dates when the person applied for admission, was admitted, and was enrolled
- 1609 as a postsecondary student;
- 1610 (v) whether the person applied for admission to an institution of higher education
- 1611 sooner than four months from the date of moving to Utah;
- 1612 (vi) evidence that the person is an independent person who is:
- 1613 (A) at least 24 years old; or
- 1614 (B) not claimed as a dependent on someone else's tax returns; and
- 1615 (vii) any other factors related to abandonment of a former domicile and establishment
- 1616 of a new domicile in Utah for purposes other than to attend an institution of higher education.

1617 (17) A foreign service member or their immediate family member deemed eligible for

1618 resident student status under Subsection (8)(e) or (f) shall retain their eligibility for resident

1619 student status provided they maintain continuous enrollment even if their domicile or duty

1620 station changes.

1621 [~~17~~] (18) The board, after consultation with the institutions, shall make rules not

1622 inconsistent with this section:

- 1623 (a) concerning the definition of resident and nonresident students;
- 1624 (b) establishing procedures for classifying and reclassifying students;
- 1625 (c) establishing criteria for determining and judging claims of residency or domicile;
- 1626 (d) establishing appeals procedures; and
- 1627 (e) other matters related to this section.

1628 [~~18~~] (19) A student shall be exempt from paying the nonresident portion of total

1629 tuition if the student:

- 1630 (a) is a foreign national legally admitted to the United States;
- 1631 (b) attended high school in this state for three or more years; and
- 1632 (c) graduated from a high school in this state or received the equivalent of a high
- 1633 school diploma in this state.

1634 Section 29. Section **53B-8-201** is amended to read:

**Part 2. Opportunity Scholarship Program**

1636 **53B-8-201. Opportunity Scholarship Program.**

1637 (1) As used in this section:

- 1638 (a) "Eligible institution" means:
- 1639 (i) a degree-granting institution of higher education within the state system of higher  
1640 education; or
- 1641 (ii) a private, nonprofit college or university in the state that is accredited by the  
1642 Northwest Commission on Colleges and Universities.
- 1643 (b) "Eligible student" means a student who:
- 1644 (i) applies to the board in accordance with the rules described in Subsection (5);
- 1645 (ii) is enrolled in an eligible institution; and
- 1646 (iii) meets the criteria established by the board in rules described in Subsection (5).
- 1647 (c) "Fee" means:
- 1648 (i) for an eligible institution that is a degree-granting institution, a fee approved by the  
1649 board; or
- 1650 (ii) for an eligible institution that is a technical college, a fee approved by the eligible  
1651 institution.
- 1652 (d) "Program" means the Opportunity Scholarship Program described in this section.
- 1653 (2) (a) Subject to legislative appropriations, the board shall annually distribute money  
1654 for the Opportunity Scholarship Program described in this section to each eligible institution to  
1655 award as Opportunity scholarships to eligible students.
- 1656 (b) The board shall annually determine the amount of an Opportunity scholarship based  
1657 on:
- 1658 (i) the number of eligible students in the state; and
- 1659 (ii) money available for the program.
- 1660 (c) The board may not use more than 3% of the money appropriated to the program for  
1661 administrative costs and overhead.
- 1662 (3) (a) Except as provided in this Subsection (3), an eligible institution shall provide to  
1663 an eligible student an Opportunity scholarship in the amount determined by the board described  
1664 in Subsection (2)(b).
- 1665 (b) For an Opportunity scholarship for which an eligible student applies on or before  
1666 July 1, 2019, an eligible institution may reduce the amount of the Opportunity scholarship  
1667 based on other state aid awarded to the eligible student for tuition and fees.
- 1668 (c) For an Opportunity scholarship for which an eligible student applies after July 1,

1669 2019:

1670 (i) an eligible institution shall reduce the amount of the Opportunity scholarship so that  
1671 the total amount of state aid awarded to the eligible student, including tuition or fee waivers  
1672 and the Opportunity scholarship, does not exceed the cost of the eligible student's tuition and  
1673 fees; and

1674 (ii) the eligible student may only use the Opportunity scholarship for tuition and fees.

1675 (d) An institution described in Subsection (1)(a)(ii) may not award an Opportunity  
1676 scholarship to an eligible student in an amount that exceeds the average total cost of tuition and  
1677 fees among the eligible institutions described in Subsection (1)(a)(i).

1678 (e) If the allocation for an eligible institution described in Subsection (1)(a)(ii) is  
1679 insufficient to provide the amount described in Subsection (2)(b) to each eligible student, the  
1680 eligible institution may reduce the amount of an Opportunity scholarship.

1681 (4) The board may:

1682 (a) audit an eligible institution's administration of Opportunity scholarships;

1683 (b) require an eligible institution to repay to the board money distributed to the eligible  
1684 institution under this section that is not provided to an eligible student as an Opportunity  
1685 scholarship; and

1686 (c) require an eligible institution to enter into a written agreement with the board in  
1687 which the eligible institution agrees to provide the board with access to information and data  
1688 necessary for the purposes of the program.

1689 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1690 board shall make rules that establish:

1691 (a) requirements related to an eligible institution's administration of Opportunity  
1692 scholarships;

1693 (b) a process for a student to apply to the board to determine the student's eligibility for  
1694 an Opportunity scholarship;

1695 (c) criteria to determine a student's eligibility for an Opportunity scholarship,  
1696 including:

1697 (i) minimum secondary education academic performance standards; and

1698 (ii) the completion of a Free Application for Federal Student Aid or a process approved  
1699 by the board in lieu of the Free Application for Federal Student Aid;

1700 (d) a requirement for each eligible institution to annually report to the board on all  
1701 Opportunity scholarships awarded by the eligible institution; and

1702 (e) a process for a student to apply to the board for an Opportunity scholarship who  
1703 would have likely received the scholarship but for an irreconcilable error in the application  
1704 process described in Subsection (5)(b).

1705 (6) The board shall annually report on the program to the Higher Education  
1706 Appropriations Subcommittee.

1707 (7) The State Board of Education, a school district, or a public high school shall  
1708 cooperate with the board and eligible institutions to facilitate the program, including by  
1709 exchanging relevant data where allowed by law.

1710 Section 30. Section **53B-8a-105** is amended to read:

1711 **53B-8a-105. Powers and duties of board.**

1712 (1) There is created the Utah Education Savings Board of Trustees.

1713 (2) The Utah Board of Higher Education shall:

1714 (a) appoint the members of the board as follows:

1715 (i) not more than three members from the Utah Board of Higher Education; and

1716 (ii) at least four public members, each of whom possesses skills in one or more of the  
1717 following:

1718 (A) investments;

1719 (B) accounting;

1720 (C) finance;

1721 (D) banking;

1722 (E) education;

1723 (F) technology; or

1724 (G) financial operations; and

1725 (b) designate a member appointed under Subsection (2)(a) as chair.

1726 (3) Each board member serves at the pleasure of the Utah Board of Higher Education.

1727 (4) The board has all powers necessary to carry out and effectuate the purposes,  
1728 objectives, and provisions of this chapter pertaining to the plan.

1729 (5) The board shall act as a fiduciary of the plan with:

1730 (a) a duty of care to act solely in the best interest of the plan's account owners and

1731 beneficiaries;

1732 (b) a duty of loyalty putting the plan's interest ahead of other interests; and

1733 (c) a duty to invest with care, skill, prudence, and diligence.

1734 (6) The duties, responsibilities, funds, liabilities, and expenses of the board in oversight

1735 and governance of the plan shall be maintained separate and apart from the Utah Board of

1736 Higher Education's other duties, responsibilities, funds, liabilities, and expenses.

1737 (7) The board shall:

1738 (a) make policies governing the administration of the plan; and

1739 (b) amend policies related to board governance.

1740 (8) (a) The board may appoint advisory committees to aid the board in fulfilling its

1741 duties and responsibilities.

1742 (b) An advisory committee member may receive compensation and be reimbursed for

1743 reasonable expenses incurred in the performance of the member's official duties as determined

1744 by the board.

1745 ~~[(9) The board may appoint a board of directors known as the Board of Directors of the~~

1746 ~~Utah Education Savings Plan to carry out the obligation of separation of functions required~~

1747 ~~under Subsection (6).]~~

1748 ~~[(10) If the board creates a board of directors under Subsection (9):]~~

1749 ~~[(a) the board of directors shall consist of at least five members; and]~~

1750 ~~[(b) no more than two-thirds of the members of the board of directors may~~

1751 ~~simultaneously serve as a member of the board.]~~

1752 Section 31. Section **53B-13-103** is amended to read:

1753 **53B-13-103. Powers of Utah Board of Higher Education.**

1754 The ~~[board]~~ Utah Board of Higher Education has the powers necessary to carry out the

1755 purposes of this chapter, including the following:

1756 (1) to accept gifts, grants, loans, and other aids or amounts from a person, corporation,

1757 or governmental agency;

1758 (2) to loan money to eligible borrowers to assist them in obtaining a post-high school

1759 education by attending an eligible institution, including refinancing or consolidating

1760 obligations previously incurred by eligible borrowers with other lending sources for this

1761 purpose and participating in loans to eligible borrowers for this purpose with other lending

1762 sources;

1763 (3) to acquire, purchase, or make commitments to purchase, and take assignments from  
1764 lenders of obligations. No obligation is eligible for acquisition, purchase, or commitment to  
1765 purchase by the board unless at or before the time of transfer to the board the lender certifies  
1766 either: (a) that, under and to the extent required by rules and regulations of the board, the  
1767 proceeds of sale or its equivalent shall be reinvested in other obligations under the student loan  
1768 program; or (b) that the obligation was made in anticipation of its sale to the board under rules  
1769 and regulations of the board promulgated under this chapter;

1770 (4) to enforce its rights under a contract or agreement including the commencement of  
1771 court action;

1772 (5) to acquire, hold, and dispose of real and personal property necessary for the  
1773 accomplishment of the purposes of this chapter;

1774 (6) to obtain insurance against losses which may be incurred in connection with its  
1775 property, assets, activities, or the exercise of the powers granted under this chapter;

1776 (7) to borrow money and to issue its bonds and provide for the rights of bondholders  
1777 and to secure the bonds by assignment, pledge, or granting a security interest in its property  
1778 including all or a part of an obligation. The state is not liable for the repayment of bonds  
1779 issued by the board. The bonds issued by the board are not a debt of the state, and each bond  
1780 shall contain on its face a statement to this effect;

1781 (8) to invest funds not required for immediate use or disbursement as provided in the  
1782 State Money Management Act;

1783 (9) subject to a contract with the holders of its bonds, an applicable bond resolution, or  
1784 a contract with the recipient of a loan, to consent to the modification, with respect to security,  
1785 rate of interest, time of payment of interest or principal, or other term of a bond contract or  
1786 agreement between the board and a recipient of a loan, bondholder, or agency or institution  
1787 guaranteeing the repayment of an obligation;

1788 (10) to engage and ~~appoint~~ employ officers, agents, employees, and other private  
1789 consultants to render and perform professional and technical duties, assistance, and advice in  
1790 carrying out the purposes of this chapter, to describe their duties, and to fix the amount and  
1791 source of their compensation;

1792 (11) to make rules and regulations governing the activities authorized under this

1793 chapter;

1794 (12) to solicit grants and contributions from the public or from any government or  
1795 governmental agency and to arrange for the guaranteeing of the repayment of obligations by  
1796 other agencies of this state or the United States;

1797 (13) to collect fees and charges in connection with its loans, commitments, and  
1798 servicing, including reimbursement of the costs of financing, service charges, and insurance  
1799 premiums which are determined as reasonable and are approved by the board;

1800 (14) to sell obligations held by the board at such prices and at such times as it may  
1801 determine, when that sale would not impair the rights or interests of holders of bonds issued by  
1802 the board; and

1803 (15) to participate in federal programs supporting loans to eligible borrowers and to  
1804 agree to, and comply with, the conditions of those programs.

1805 Section 32. Section **53B-16-102** is amended to read:

1806 **53B-16-102. Changes in curriculum -- Substantial alterations in institutional**  
1807 **operations -- Program approval -- Periodic review of programs -- Career and technical**  
1808 **education curriculum changes.**

1809 (1) As used in this section:

1810 (a) "Institution of higher education" means an institution described in Section  
1811 [53B-1-102](#).

1812 (b) "Program of instruction" means a program of curriculum that leads to the  
1813 completion of a degree, diploma, certificate, or other credential.

1814 (2) (a) Under procedures and policies approved by the board and developed in  
1815 consultation with each institution of higher education, each institution of higher education may  
1816 make such changes in the institution of higher education's curriculum as necessary to better  
1817 effectuate the institution of higher education's primary role[-]; and

1818 (b) subject to Subsection (2)(a), an institution of higher education's faculty shall  
1819 establish and have primary responsibility for the curriculum of a course within a program of  
1820 instruction at the institution.

1821 (3) The board shall establish criteria for whether an institution of higher education may  
1822 approve a new program of instruction, including criteria related to whether:

1823 (a) the program of instruction meets identified workforce needs;

1824 (b) the institution of higher education is maximizing collaboration with other  
1825 institutions of higher education to provide for efficiency in offering the program of instruction;

1826 (c) the new program of instruction is within the institution of higher education's  
1827 mission and role; and

1828 (d) the new program of instruction meets other criteria determined by the board.

1829 (4) (a) Except as [~~provided in Subsection (4)(b), without the approval of the board]~~  
1830 permitted by board policy, an institution of higher education may not[:]

1831 [(i)] establish a branch, extension center, college, or professional school[; ~~or~~].

1832 [~~(ii) establish a new program of instruction.~~]

1833 (b) [~~An~~] The president of an institution of higher education may, with the approval of  
1834 the institution of higher education's board of trustees, establish a new program of instruction  
1835 that meets the criteria described in Subsection (3), subject to board review for pathway  
1836 articulation.

1837 (5) (a) An institution of higher education shall notify the board of a proposed new  
1838 program of instruction, including how the proposed new program of instruction meets the  
1839 criteria described in Subsection (3).

1840 (b) The board shall establish procedures and guidelines for institutional boards of  
1841 trustees to consider an institutional proposal for a new program of instruction described in  
1842 Subsection (4)(b).

1843 (6) The president of an institution of higher education may discontinue a program of  
1844 instruction in accordance with criteria established by the president and the institution of higher  
1845 education's board of trustees.

1846 [~~(6)~~] (7) (a) The board shall conduct a periodic review of all new programs of  
1847 instruction, including those funded by gifts, grants, and contracts, no later than two years after  
1848 the first cohort to begin the program of instruction completes the program of instruction.

1849 (b) The board may conduct a periodic review of any program of instruction at an  
1850 institution of higher education, including a program of instruction funded by a gift, grant, or  
1851 contract.

1852 (c) The board shall conduct:

1853 (i) at least once every seven years, at least one review described in Subsection [~~(6)(b)~~]  
1854 (7)(b) of each program of instruction at each institution; and

1855 (ii) annually, a qualitative and quantitative review of academic disciplines across the  
1856 system, including enrollment, graduation rates, and workforce placement, ensuring that the  
1857 board conducts a review of all disciplines within the system at least once every seven years.

1858 (d) Following a review described in this Subsection [~~(6)~~] (7) and after providing the  
1859 relevant institution of higher education an opportunity to respond to the board's review of a  
1860 given program of instruction, the board may modify, consolidate, or terminate the program of  
1861 instruction.

1862 [~~(7)~~] (8) In making decisions related to career and technical education curriculum  
1863 changes, the board shall coordinate on behalf of the boards of trustees of higher education  
1864 institutions a review of the proposed changes by the State Board of Education to ensure an  
1865 orderly and systematic career and technical education curriculum that eliminates overlap and  
1866 duplication of course work with high schools and technical colleges.

1867 (9) The board shall demonstrate compliance with Subsection (7) by:

1868 (a) creating a list of programs and corresponding review schedules;

1869 (b) upon request of the Higher Education Appropriations Subcommittee, providing the  
1870 list described in Subsection (9)(a); and

1871 (c) providing a written report by October 1 of each year regarding relevant findings  
1872 from the reviews conducted under Subsection (7).

1873 (10) By October 1, 2026, if the board is found by the Higher Education Appropriations  
1874 Subcommittee to be out of compliance with Subsection (9), the Legislature shall:

1875 (a) deduct 10% of the appropriation described in Section [53B-7-703](#) for the following  
1876 fiscal year; and

1877 (b) deduct an additional 10% of the appropriation described in Section [53B-7-703](#) for  
1878 each subsequent year of noncompliance up to a maximum deduction of 30%.

1879 Section 33. Section **53B-17-1203** is amended to read:

1880 **53B-17-1203. SafeUT and School Safety Commission established -- Members.**

1881 (1) There is created the SafeUT and School Safety Commission composed of the  
1882 following members:

1883 (a) one member who represents the Office of the Attorney General, appointed by the  
1884 attorney general;

1885 (b) one member who represents the Utah public education system, appointed by the

1886 State Board of Education;

1887 (c) [~~one member who represents the Utah system of higher education, appointed by~~] a  
1888 designee of the Utah Board of Higher Education, selected by the commissioner under direction  
1889 of the board;

1890 (d) one member who represents the Department of Health and Human Services,  
1891 appointed by the executive director of the Department of Health and Human Services;

1892 (e) one member of the House of Representatives, appointed by the speaker of the  
1893 House of Representatives;

1894 (f) one member of the Senate, appointed by the president of the Senate;

1895 (g) one member who represents the University Neuropsychiatric Institute, appointed by  
1896 the chair of the commission;

1897 (h) one member who represents law enforcement who has extensive experience in  
1898 emergency response, appointed by the chair of the commission;

1899 (i) one member who represents the Department of Health and Human Services who has  
1900 experience in youth services or treatment services, appointed by the executive director of the  
1901 Department of Health and Human Services; and

1902 (j) two members of the public, appointed by the chair of the commission.

1903 (2) (a) Except as provided in Subsection (2)(b), members of the commission shall be  
1904 appointed to four-year terms.

1905 (b) The length of the terms of the members shall be staggered so that approximately  
1906 half of the committee is appointed every two years.

1907 (c) When a vacancy occurs in the membership of the commission, the replacement  
1908 shall be appointed for the unexpired term.

1909 (3) (a) The attorney general's designee shall serve as chair of the commission.

1910 (b) The chair shall set the agenda for commission meetings.

1911 (4) Attendance of a simple majority of the members constitutes a quorum for the  
1912 transaction of official commission business.

1913 (5) Formal action by the commission requires a majority vote of a quorum.

1914 (6) (a) Except as provided in Subsection (6)(b), a member may not receive  
1915 compensation, benefits, per diem, or travel expenses for the member's service.

1916 (b) Compensation and expenses of a member who is a legislator are governed by

1917 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

1918 (7) The Office of the Attorney General shall provide staff support to the commission.

1919 Section 34. Section 53B-22-102 is amended to read:

1920 **53B-22-102. Utah State University revenue bonds -- Student family housing and**  
1921 **Human Resource Research Center.**

1922 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on  
1923 behalf of Utah State University, may issue, sell, and deliver revenue bonds or other evidences  
1924 of indebtedness of Utah State University to borrow money on the credit of the income and  
1925 revenues of Utah State University, other than appropriations of the Legislature, to finance the  
1926 cost of constructing, furnishing, and equipping a student family housing project and a Human  
1927 Resource Research Center.

1928 (2) The bonds or other evidences of indebtedness authorized by this section may not  
1929 exceed \$6,600,000 for the student family housing project and \$6,000,000 for the Human  
1930 Resource Research Center, and shall be issued in accordance with Title 53B, Chapter 21,  
1931 Revenue Bonds, under such terms and conditions and in such amounts as the board, by  
1932 resolution, determines are reasonable and necessary.

1933 Section 35. Section 53B-22-103 is amended to read:

1934 **53B-22-103. Weber State University revenue bonds -- Student services building.**

1935 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on  
1936 behalf of Weber State University, may issue, sell, and deliver revenue bonds or other evidences  
1937 of indebtedness of Weber State University to borrow money on the credit of the income and  
1938 revenues of Weber State University, other than appropriations of the Legislature, to finance the  
1939 partial cost of constructing, furnishing, and equipping a student services building.

1940 (2) The bonds or other evidences of indebtedness authorized by this section may not  
1941 exceed \$5,800,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue  
1942 Bonds, under such terms and conditions and in such amounts as the board, by resolution,  
1943 determines are reasonable and necessary.

1944 Section 36. Section 53B-22-104 is amended to read:

1945 **53B-22-104. Southern Utah University revenue bonds -- Student housing and**  
1946 **student center addition.**

1947 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on

1948 behalf of Southern Utah University, may issue, sell, and deliver revenue bonds or other  
1949 evidences of indebtedness of Southern Utah University to borrow money on the credit of the  
1950 income and revenues of Southern Utah University, other than appropriations of the Legislature,  
1951 to finance the cost of constructing, furnishing, and equipping a student housing project and a  
1952 student center addition.

1953 (2) The bonds or other evidences of indebtedness authorized by this section may not  
1954 exceed \$6,000,000 for the student housing project and \$5,500,000 for the student center  
1955 addition and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under  
1956 terms and conditions and in amounts that the board, by resolution, determines are reasonable  
1957 and necessary.

1958 Section 37. Section **53B-22-105** is amended to read:

1959 **53B-22-105. Utah Tech University revenue bonds -- Student center building.**

1960 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on  
1961 behalf of [~~Dixie College~~] Utah Tech University, may issue, sell, and deliver revenue bonds or  
1962 other evidences of indebtedness of [~~Dixie College~~] Utah Tech University to borrow money on  
1963 the credit of the income and revenues of [~~Dixie College~~] Utah Tech University, other than  
1964 appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and  
1965 equipping a student center building.

1966 (2) The bonds or other evidences of indebtedness authorized by this section may not  
1967 exceed \$3,100,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue  
1968 Bonds, under such terms and conditions and in such amounts as the board, by resolution,  
1969 determines are reasonable and necessary.

1970 Section 38. Section **53B-22-106** is amended to read:

1971 **53B-22-106. Utah Valley University revenue bonds -- Student center addition.**

1972 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on  
1973 behalf of Utah Valley [~~State College~~] University, may issue, sell, and deliver revenue bonds or  
1974 other evidences of indebtedness of Utah Valley State College to borrow money on the credit of  
1975 the income and revenues of Utah Valley State College, other than appropriations of the  
1976 Legislature, to finance the cost of constructing, furnishing, and equipping a student center  
1977 addition.

1978 (2) The bonds or other evidences of indebtedness authorized by this section may not

1979 exceed \$13,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue  
1980 Bonds, under such terms and conditions and in such amounts as the board, by resolution,  
1981 determines are reasonable and necessary.

1982 Section 39. Section **53B-22-107** is amended to read:

1983 **53B-22-107. Salt Lake Community College revenue bonds -- Classroom/physical**  
1984 **education facility.**

1985 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on  
1986 behalf of Salt Lake Community College, may issue, sell, and deliver revenue bonds or other  
1987 evidences of indebtedness of Salt Lake Community College to borrow money on the credit of  
1988 the income and revenues of Salt Lake Community College, other than appropriations of the  
1989 Legislature, to finance the partial cost of constructing, furnishing, and equipping a  
1990 classroom/physical education facility.

1991 (2) The bonds or other evidences of indebtedness authorized by this section may not  
1992 exceed \$5,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue  
1993 Bonds, under such terms and conditions and in such amounts as the board, by resolution,  
1994 determines are reasonable and necessary.

1995 Section 40. Section **53B-22-109** is amended to read:

1996 **53B-22-109. Salt Lake Community College revenue bonds -- Science/major**  
1997 **industry building.**

1998 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on  
1999 behalf of Salt Lake Community College, may issue, sell, and deliver revenue bonds or other  
2000 evidences of indebtedness of Salt Lake Community College to borrow money on the credit of  
2001 the income and revenues of Salt Lake Community College, other than appropriations of the  
2002 Legislature, to finance the partial cost of constructing, furnishing, and equipping a  
2003 science/major industry building.

2004 (2) The bonds or other evidences of indebtedness authorized by this section may not  
2005 exceed \$5,150,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue  
2006 Bonds, under terms and conditions and in amounts that the board, by resolution, determines are  
2007 reasonable and necessary.

2008 Section 41. Section **53B-22-111** is amended to read:

2009 **53B-22-111. Southern Utah University revenue bonds -- Stadium expansion.**

2010 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on  
2011 behalf of Southern Utah University, may issue, sell, and deliver revenue bonds or other  
2012 evidences of indebtedness of Southern Utah University to borrow money on the credit of the  
2013 income and revenues of Southern Utah University, other than appropriations of the Legislature,  
2014 to finance the phased expansion of the stadium at the university.

2015 (2) The bonds or other evidences of indebtedness authorized by this section may not  
2016 exceed \$5,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue  
2017 Bonds, under terms and conditions and in amounts that the board, by resolution, determines are  
2018 reasonable and necessary.

2019 Section 42. Section **53B-22-112** is amended to read:

2020 **53B-22-112. University of Utah revenue bonds -- Biology research building.**

2021 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on  
2022 behalf of the University of Utah, may issue, sell, and deliver revenue bonds or other evidences  
2023 of indebtedness of the University of Utah to borrow money on the credit of the income and  
2024 revenues of the University of Utah, other than appropriations of the Legislature, to finance the  
2025 partial cost of constructing, furnishing, and equipping a biology research building.

2026 (2) The bonds or other evidences of indebtedness authorized by this section may not  
2027 exceed \$21,050,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue  
2028 Bonds, under terms and conditions and in amounts that the board, by resolution, determines are  
2029 reasonable and necessary.

2030 Section 43. Section **53B-22-113** is amended to read:

2031 **53B-22-113. University of Utah revenue bonds -- Robert L. Rice Stadium**  
2032 **renovation and expansion.**

2033 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on  
2034 behalf of the University of Utah, may issue, sell, and deliver revenue bonds or other evidences  
2035 of indebtedness of the University of Utah to borrow money on the credit of the income and  
2036 revenues of the University of Utah, other than appropriations of the Legislature, to finance the  
2037 partial cost of constructing, furnishing, and equipping a renovation and expansion of the Robert  
2038 L. Rice Stadium.

2039 (2) The bonds or other evidences of indebtedness authorized by this section may not  
2040 exceed \$12,000,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue

2041 Bonds, under terms and conditions and in amounts that the board, by resolution, determines are  
2042 reasonable and necessary.

2043 Section 44. Section **53B-22-114** is amended to read:

2044 **53B-22-114. Utah State University Eastern revenue bonds -- Student center.**

2045 (1) The [~~State~~] Utah Board of Higher Education, formerly the Board of Regents, on  
2046 behalf of the [~~College of Eastern~~] Utah State University Eastern, may issue, sell, and deliver  
2047 revenue bonds or other evidences of indebtedness of the College of Eastern Utah to borrow  
2048 money on the credit of the income and revenues of the College of Eastern Utah, other than  
2049 appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and  
2050 equipping a student center.

2051 (2) The bonds or other evidences of indebtedness authorized by this section may not  
2052 exceed \$3,300,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue  
2053 Bonds, under terms and conditions and in amounts that the board, by resolution, determines are  
2054 reasonable and necessary.

2055 Section 45. Section **53B-22-204** is amended to read:

2056 **53B-22-204. Funding request for capital development project -- Legislative**  
2057 **approval -- Board prioritization, approval, and review.**

2058 (1) In accordance with this section, an institution is required to receive legislative  
2059 approval in an appropriations act for a dedicated project or a nondedicated project.

2060 (2) An institution shall submit to the board a proposal for a funding request for each  
2061 dedicated project or nondedicated project for which the institution seeks legislative approval.

2062 (3) The board shall:

2063 (a) review each proposal submitted under Subsection (2) to ensure the proposal:

2064 (i) is cost effective and an efficient use of resources;

2065 (ii) is consistent with the institution's mission and master plan; and

2066 (iii) fulfills a critical institutional facility need;

2067 (b) based on the results of the board's review under Subsection (3)(a), create:

2068 (i) a list of approved dedicated projects; and

2069 (ii) a list of approved nondedicated projects, prioritized in accordance with Subsection

2070 (5); and

2071 (c) submit the lists described in Subsection (3)(b) to:

- 2072 (i) the governor;
- 2073 (ii) the Infrastructure and General Government Appropriations Subcommittee;
- 2074 (iii) the Higher Education Appropriations Subcommittee; and
- 2075 (iv) the Division of Facilities Construction and Management for a:
- 2076 (A) recommendation, for the list described in Subsection (3)(b)(i); or
- 2077 (B) recommendation and prioritization, for the list described in Subsection (3)(b)(ii).
- 2078 (4) A dedicated project:
- 2079 (a) is subject to the recommendation of the Division of Facilities Construction and
- 2080 Management as described in Section 63A-5b-403; and
- 2081 (b) is not subject to the prioritization of the Division of Facilities Construction and
- 2082 Management as described in Section 63A-5b-403.
- 2083 (5) (a) Subject to Subsection (6), the board shall prioritize institution requests for
- 2084 funding for nondedicated projects based on:
- 2085 (i) capital facility need;
- 2086 (ii) utilization of facilities;
- 2087 (iii) maintenance and condition of facilities; and
- 2088 (iv) any other factor determined by the board.
- 2089 (b) On or before August 1, 2019, the board shall establish how the board will prioritize
- 2090 institution requests for funding for nondedicated projects, including:
- 2091 (i) how the board will measure each factor described in Subsection (5)(a); and
- 2092 (ii) procedures for prioritizing requests.
- 2093 (6) (a) Subject to Subsection (6)(b), and in accordance with Subsection (5), the board
- 2094 may annually prioritize:
- 2095 (i) up to three nondedicated projects if the ongoing appropriation to the fund is less
- 2096 than \$50,000,000;
- 2097 (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least
- 2098 \$50,000,000 but less than \$100,000,000; or
- 2099 (iii) one nondedicated project if the ongoing appropriation to the fund is at least
- 2100 \$100,000,000.
- 2101 (b) For each calendar year beginning on or after January 1, 2020, the dollar amounts
- 2102 described in Subsection (6)(a) shall be adjusted by an amount equal to the percentage

2103 difference between:

2104 (i) the Consumer Price Index for the 2019 calendar year; and

2105 (ii) the Consumer Price Index for the previous calendar year.

2106 (7) (a) An institution may request operations and maintenance funds for a capital

2107 development project approved under this section.

2108 (b) An institution shall make the request described in Subsection (7)(a) at the same

2109 time as the institution submits the proposal described in Subsection (2).

2110 ~~[(b)]~~ (c) The Legislature shall consider an institution's request described in Subsection

2111 (7)(a).

2112 (8) After an institution completes a capital development project described in this

2113 section, the board shall review the capital development project, including the costs and design

2114 of the capital development project.

2115 Section 46. Section **53B-23-106** is amended to read:

2116 **53B-23-106. Institution to make policy.**

2117 (1) As used in this section, "institution" means an institution listed in Section

2118 [53B-1-102](#).

2119 (2) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~

2120 ~~the board]~~ An institution shall make [rules] policy consistent with this section for its

2121 implementation and administration, including [rules] policy addressing:

2122 ~~[(1)]~~ (a) the designation of materials considered "required or essential to student

2123 success";

2124 ~~[(2)]~~ (b) the determination of the availability of technology for the conversion of

2125 nonprinted materials pursuant to Section [53B-23-103](#) and the conversion of mathematics and

2126 science materials pursuant to Section [53B-23-102](#); and

2127 ~~[(3)]~~ (c) the procedures and standards relating to distribution of files and materials

2128 pursuant to Section [53B-23-103](#).

2129 Section 47. Section **53B-27-405** is amended to read:

2130 **53B-27-405. Student religious accommodations.**

2131 (1) An institution shall:

2132 (a) reasonably accommodate a student's absence from an examination or other

2133 academic requirement under the circumstances described in Subsection (2) for reasons of:

- 2134 (i) the student's faith or conscience; or  
2135 (ii) the student's participation in an organized activity conducted under the auspices of  
2136 the student's religious tradition or religious organization; and  
2137 (b) ensure that an accommodation described in Subsection (1)(a) does not adversely  
2138 impact the student's academic opportunities.
- 2139 (2) An institution shall make an accommodation described in Subsection (1) if:  
2140 (a) the time at which an examination or academic requirement is scheduled to occur  
2141 creates an undue hardship for a student due to the student's sincerely held religious belief; and  
2142 (b) the student provides a written notice to the instructor of the course for which the  
2143 student seeks the accommodation regarding the date of the examination or academic  
2144 requirement for which the student seeks the accommodation.
- 2145 (3) [~~The board~~] An institution shall establish policies related to the accommodation  
2146 described in Subsection (1) that:  
2147 (a) require [~~an~~] the institution to provide the accommodation with respect to when the  
2148 student participates in examinations and other academic requirements;  
2149 (b) allow an instructor who receives a notice described in Subsection (2)(b) to:  
2150 (i) schedule an alternative examination time before or after the regularly scheduled  
2151 examination; or  
2152 (ii) make accommodations for other academic requirements related to the  
2153 accommodation; and  
2154 (c) require an instructor who receives a notice described in Subsection (2)(b) to keep  
2155 confidential a student's request for the accommodation.
- 2156 (4) (a) The [~~board~~] commissioner shall annually:  
2157 (i) create a list of the dates of religious holidays for the following two years; and  
2158 (ii) distribute the list described in Subsection (4)(a) to an institution.  
2159 (b) The creation and distribution of the list described in Subsection (4)(a) does not  
2160 prohibit a student from seeking, or an institution from granting, an accommodation for a date  
2161 of a religious holiday that is not included on that list.
- 2162 (5) An institution shall:  
2163 (a) designate a point of contact for information about an accommodation described in  
2164 Subsection (1);

2165 (b) establish a process by which a student may submit a grievance with regards to  
2166 implementation of this section; and

2167 (c) publish the following information on the institution's website and update the  
2168 information annually:

2169 (i) the ~~[board's]~~ institution's religious accommodation policies described in Subsection  
2170 (3);

2171 (ii) the point of contact described in Subsection (5)(a);

2172 (iii) the list described in Subsection (4);

2173 (iv) a description of the general procedure to request an accommodation described in  
2174 Subsection (1); and

2175 (v) the grievance process described in Subsection (5)(b).

2176 Section 48. Section **53B-28-401** is amended to read:

2177 **53B-28-401. Campus safety plans and training -- Institution duties -- Governing**  
2178 **board duties.**

2179 (1) As used in this section:

2180 (a) "Covered offense" means:

2181 (i) sexual assault;

2182 (ii) domestic violence;

2183 (iii) dating violence; or

2184 (iv) stalking.

2185 (b) "Institution" means an institution of higher education described in Section  
2186 [53B-1-102](#).

2187 (c) "Student organization" means a club, group, sports team, fraternity or sorority, or  
2188 other organization:

2189 (i) of which the majority of members is composed of students enrolled in an institution;  
2190 and

2191 (ii) (A) that is officially recognized by the institution; or

2192 (B) seeks to be officially recognized by the institution.

2193 (2) An institution shall develop a campus safety plan that addresses:

2194 (a) where an individual can locate the institution's policies and publications related to a  
2195 covered offense;

- 2196 (b) institution and community resources for a victim of a covered offense;
- 2197 (c) the rights of a victim of a covered offense, including the measures the institution
- 2198 takes to ensure, unless otherwise provided by law, victim confidentiality throughout all steps in
- 2199 the reporting and response to a covered offense;
- 2200 (d) how the institution informs the campus community of a crime that presents a threat
- 2201 to the campus community;
- 2202 (e) availability, locations, and methods for requesting assistance of security personnel
- 2203 on the institution's campus;
- 2204 (f) guidance on how a student may contact law enforcement for incidents that occur off
- 2205 campus;
- 2206 (g) institution efforts related to increasing campus safety, including efforts related to
- 2207 the institution's increased response in providing services to victims of a covered offense, that:
- 2208 (i) the institution made in the preceding 18 months; and
- 2209 (ii) the institution expects to make in the upcoming 24 months;
- 2210 (h) coordination and communication between institution resources and organizations,
- 2211 including campus law enforcement;
- 2212 (i) institution coordination with local law enforcement or community resources,
- 2213 including coordination related to a student's safety at an off-campus location; and
- 2214 (j) how the institution requires a student organization to provide the campus safety
- 2215 training as described in Subsection (5).
- 2216 (3) An institution shall:
- 2217 (a) prominently post the institution's campus safety plan on the institution's website and
- 2218 each of the institution's campuses; and
- 2219 (b) annually update the institution's campus safety plan.
- 2220 (4) An institution shall develop a campus safety training curriculum that addresses:
- 2221 (a) awareness and prevention of covered offenses, including information on institution
- 2222 and community resources for a victim of a covered offense;
- 2223 (b) bystander intervention; and
- 2224 (c) sexual consent.
- 2225 (5) An institution shall require a student organization, in order for the student
- 2226 organization to receive or maintain official recognition by the institution, to annually provide

2227 campus safety training, using the curriculum described in Subsection (4), to the student  
2228 organization's members.

2229 ~~[The board shall:]~~

2230 ~~[(a) on or before July 1, 2019, establish minimum requirements for an institution's  
2231 campus safety plan described in Subsection (2);]~~

2232 ~~[(b) identify resources an institution may use to develop a campus safety training  
2233 curriculum as described in Subsection (4); and]~~

2234 ~~[(c)]~~ An institution shall report annually to the Education Interim Committee and the  
2235 Law Enforcement and Criminal Justice Interim Committee, at or before the committees'  
2236 November meetings, on[+]

2237 ~~[(i) the implementation of the requirements described in this section; and]~~

2238 ~~[(ii)]~~ (6) crime statistics aggregated by housing facility as described in Subsection  
2239 53B-28-403(2).

2240 Section 49. Section **53B-28-502** is amended to read:

2241 **53B-28-502. State student data protection governance.**

2242 (1) The state privacy officer shall establish a higher education privacy advisory group  
2243 to advise institutions and institution boards of trustees on student data protection.

2244 (2) The advisory group shall consist of:

2245 (a) the state privacy officer;

2246 (b) the higher education privacy officer; and

2247 (c) the following members, appointed by the commissioner ~~[of higher education]:~~

2248 (i) at least one Utah ~~[system of higher education]~~ System of Higher Education  
2249 employee; and

2250 (ii) at least one representative of the Utah Board of Higher Education.

2251 (3) The advisory group shall:

2252 (a) discuss and make recommendations to the board and institutions regarding:

2253 (i) existing and proposed:

2254 (A) board rules; or

2255 (B) board policies of the Utah Board of Higher Education or institutions; and

2256 (ii) training on protecting student data privacy; and

2257 (b) perform other tasks related to student data protection as designated by the Utah

2258 Board of Higher Education.

2259 (4) The higher education privacy officer shall:

2260 (a) provide training and support to institution boards and employees; and

2261 (b) produce:

2262 (i) resource materials;

2263 (ii) model data governance plans;

2264 (iii) model forms for institution student data protection governance; and

2265 (iv) a model data collection notice.

2266 (5) The board shall:

2267 (a) (i) create and maintain a data governance plan; and

2268 (ii) annually publish the data governance plan on the Utah System of Higher Education  
2269 website; and

2270 (b) establish standards for:

2271 (i) institution policies to protect student data;

2272 (ii) institution data governance plans; and

2273 (iii) a third-party contractor's use of student data.

2274 Section 50. Section **53B-33-202** is amended to read:

2275 **53B-33-202. Utah Data Research Advisory Board -- Composition -- Appointment.**

2276 (1) There is created the Utah Data Research Advisory Board.

2277 (2) The advisory board is composed of the following members:

2278 (a) the state superintendent of the State Board of Education or the state superintendent's  
2279 designee;

2280 (b) the commissioner or the commissioner's designee;

2281 (c) the executive director of the Department of Workforce Services or the executive  
2282 director's designee;

2283 (d) the executive director of the Department of Health and Human Services or the  
2284 executive director's designee; and

2285 (e) the executive director of the Department of Commerce or the executive director's  
2286 designee.

2287 (3) The commissioner or the commissioner's designee shall serve as chair.

2288 (4) A member of the advisory board:

2289 (a) except to the extent a member's service on the advisory board is related to the  
2290 member's duties outside of the advisory board, may not receive compensation or benefits for  
2291 the member's service; and

2292 (b) may receive per diem and travel expenses in accordance with:

2293 (i) Section [63A-3-106](#);

2294 (ii) Section [63A-3-107](#); and

2295 (iii) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

2296 Section 51. Section **53B-34-110** is enacted to read:

2297 **53B-34-110. Talent advisory councils.**

2298 (1) As used in this section:

2299 (a) "Advisory council" means an advisory council the talent board creates under  
2300 Subsection (10).

2301 (b) "Institution of higher education" means the same as the term is defined in Section  
2302 [53B-1-102](#).

2303 (c) "Talent initiative" means an initiative the board creates under Subsection (2).

2304 (2) (a) Subject to appropriations from the Legislature and in accordance with the  
2305 proposal process and other provisions of this section, the board shall develop and oversee one  
2306 or more talent initiatives that include providing funding for expanded programs at an institution  
2307 of higher education related to the talent initiative.

2308 (b) (i) The board may create a talent initiative.

2309 (ii) A talent initiative the board creates shall:

2310 (A) have a name for the talent initiative that reflects the area the initiative is targeting;

2311 (B) contain an outline of the disciplines, industries, degrees, certifications, credentials,  
2312 and types of skills the talent initiative will target; and

2313 (C) have a corresponding advisory council created in Subsection (10).

2314 (3) In creating a talent initiative, the board shall facilitate collaborations between an  
2315 institution of higher education and participating employers that:

2316 (a) create expanded, multidisciplinary programs or stackable credential programs  
2317 offered at a technical college, undergraduate, or graduate level of study; and

2318 (b) prepare students to be workforce participants in jobs requiring skills related to a  
2319 talent initiative.

2320 (4) (a) An institution of higher education seeking to partner with one or more  
2321 participating employers to create a program related to a talent initiative shall submit a proposal  
2322 to the talent board through a process the talent board creates.

2323 (b) An institution of higher education shall submit a proposal that contains:

2324 (i) a description of the proposed program including:

2325 (A) implementation timelines for the program;

2326 (B) a demonstration of how the program will be responsive to the talent needs related  
2327 to the talent initiative;

2328 (C) an outline of relevant industry involvement that includes at least one participating  
2329 employer that is partnering with the institution of higher education; and

2330 (D) an explanation of how the program addresses an unmet regional workforce need  
2331 related to a talent initiative;

2332 (ii) an estimate of:

2333 (A) projected student enrollment and completion rates for a program;

2334 (B) the academic credit or credentials that a program will provide; and

2335 (C) occupations a graduate will qualify for;

2336 (iii) evidence that each participating employer is committed to participating and  
2337 contributing to the program by providing any combination of:

2338 (A) instruction;

2339 (B) curriculum review;

2340 (C) feedback regarding effectiveness of program graduates as employees;

2341 (D) work-based learning opportunities; or

2342 (E) mentoring;

2343 (iv) a description of any resources a participating employer will provide within the  
2344 program; and

2345 (v) the amount of funding requested for the program, including:

2346 (A) the justification for the funding; and

2347 (B) the cost per student served as estimated under Subsection (4)(b)(ii).

2348 (5) In reviewing a proposal, the talent board shall provide a proposal to the relevant  
2349 advisory council described in Subsections (10) and (11).

2350 (6) The relevant advisory council shall:

2351 (a) review and prioritize each proposal received; and  
2352 (b) recommend to the talent board whether the proposal should be funded and the  
2353 funding amount that shall be based on:  
2354 (i) the quality and completeness of the elements of the proposal described in  
2355 Subsection (4)(b);  
2356 (ii) to what extent the proposed program:  
2357 (A) would expand the capacity to meet state or regional workforce needs related to the  
2358 talent initiative;  
2359 (B) would integrate industry-relevant competencies with disciplinary expertise;  
2360 (C) would incorporate internships or significant project experiences, including  
2361 team-based experiences;  
2362 (D) identifies how industry professionals would participate in elements described in  
2363 Subsection (4)(b)(iii); and  
2364 (E) would be cost effective; and  
2365 (iii) other relevant criteria as determined by the relevant advisory council and the talent  
2366 board.  
2367 (7) The board shall review the recommendations of an advisory council and may  
2368 provide funding for a program related to a talent initiative using the criteria described in  
2369 Subsection (6)(b).  
2370 (8) In a form approved by the board, each institution of higher education that receives  
2371 funding shall annually provide written information to the board regarding the activities,  
2372 successes, and challenges related to administering the program related to the talent initiative,  
2373 including:  
2374 (a) specific entities that received funding under this section;  
2375 (b) the amount of funding provided to each entity;  
2376 (c) the number of participating students in each program;  
2377 (d) the number of graduates of the program;  
2378 (e) the number of graduates of the program employed in jobs requiring skills related to  
2379 the talent initiative; and  
2380 (f) progress and achievements relevant to the implementation timeline submitted under  
2381 Subsection (4)(b)(i)(A).

2382 (9) On or before October 1 of each year, the board shall provide an annual written  
2383 report containing the information described in Subsection (8) to the:

2384 (a) Education Interim Committee; and

2385 (b) Higher Education Appropriations Subcommittee.

2386 (10) The talent board shall create a talent advisory council for each talent initiative  
2387 created under Subsection (2) to make recommendations to the board regarding the  
2388 administration of a talent initiative including:

2389 (a) a deep technology initiative;

2390 (b) a life sciences workforce initiative; and

2391 (c) health professions initiatives including a nursing initiative.

2392 (11) An advisory council shall consist of the following members:

2393 (a) four members who have extensive experience in the talent initiative's subject matter  
2394 from the private sector that the chair of the talent board appoints and the board approves;

2395 (b) a representative of the board described in Section [53B-1-402](#) that the chair of the  
2396 board appoints;

2397 (c) a representative of the Governor's Office of Economic Opportunity that the  
2398 executive director of the Governor's Office of Economic Opportunity appoints;

2399 (d) a representative from Talent Ready Utah;

2400 (e) one member of the Senate that the president of the Senate appoints;

2401 (f) one member of the House of Representatives that the speaker of the House of  
2402 Representatives appoints; and

2403 (g) any other specialized industry experts whom a majority of the advisory council may  
2404 invite to participate as needed as nonvoting members.

2405 (12) Talent Ready Utah shall provide staff support for an advisory council.

2406 (13) (a) Two advisory council members appointed under Subsection (11)(a) shall serve  
2407 an initial term of two years.

2408 (b) Except as described in Subsection (13)(a), all other advisory council members shall  
2409 serve an initial term of four years.

2410 (c) Successor advisory council members upon appointment or reappointment shall each  
2411 serve a term of four years.

2412 (d) When a vacancy occurs in the membership for any reason, the initial appointing

2413 authority shall appoint a replacement for the unexpired term.

2414 (e) An advisory council member may not serve more than two consecutive terms.

2415 (14) A vote of a majority of the advisory council members constitutes an action of the  
2416 advisory council.

2417 (15) The duties of the advisory council include reviewing, prioritizing, and making  
2418 recommendations to the board regarding proposals for funding under the talent initiative  
2419 created in accordance with Subsection (2) for which the council was created.

2420 (16) An advisory council member may not receive compensation or benefits for the  
2421 member's service, but an advisory council member who is not a legislator may receive per diem  
2422 and travel expenses in accordance with:

2423 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

2424 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
2425 [63A-3-107](#).

2426 (17) The board may discontinue a talent initiative and the related talent advisory  
2427 council by majority vote.

2428 Section 52. Section **53E-3-505** is amended to read:

2429 **53E-3-505. Financial and economic literacy education.**

2430 (1) As used in this section:

2431 (a) "Financial and economic activities" include activities related to the topics listed in  
2432 Subsection (1)(b).

2433 (b) "Financial and economic literacy concepts" include concepts related to the  
2434 following topics:

2435 (i) basic budgeting;

2436 (ii) saving and financial investments;

2437 (iii) banking and financial services, including balancing a checkbook or a bank account  
2438 and online banking services;

2439 (iv) career management, including earning an income;

2440 (v) rights and responsibilities of renting or buying a home;

2441 (vi) retirement planning;

2442 (vii) loans and borrowing money, including interest, credit card debt, predatory  
2443 lending, and payday loans;

- 2444 (viii) insurance;
- 2445 (ix) federal, state, and local taxes;
- 2446 (x) charitable giving;
- 2447 (xi) identity fraud and theft;
- 2448 (xii) negative financial consequences of gambling;
- 2449 (xiii) bankruptcy;
- 2450 (xiv) economic systems, including a description of:
  - 2451 (A) a command system such as socialism or communism, a market system such as
  - 2452 capitalism, and a mixed system; and
  - 2453 (B) historic and current examples of the effects of each economic system on economic
  - 2454 growth;
  - 2455 (xv) supply and demand;
  - 2456 (xvi) monetary and fiscal policy;
  - 2457 (xvii) effective business plan creation, including using economic analysis in creating a
  - 2458 plan;
  - 2459 (xviii) scarcity and choices;
  - 2460 (xix) opportunity cost and tradeoffs;
  - 2461 (xx) productivity;
  - 2462 (xxi) entrepreneurship; and
  - 2463 (xxii) economic reasoning.
- 2464 (c) "General financial literacy course" means the course of instruction administered by
- 2465 the state board under Subsection (3).
  - 2466 (2) The state board shall:
    - 2467 (a) more fully integrate existing and new financial and economic literacy education into
    - 2468 instruction in kindergarten through grade 12 by:
      - 2469 (i) coordinating financial and economic literacy instruction with existing instruction in
      - 2470 other areas of the core standards for Utah public schools, such as mathematics and social
      - 2471 studies;
      - 2472 (ii) using curriculum mapping;
      - 2473 (iii) creating training materials and staff development programs that:
      - 2474 (A) highlight areas of potential coordination between financial and economic literacy

2475 education and other core standards for Utah public schools concepts; and  
2476 (B) demonstrate specific examples of financial and economic literacy concepts as a  
2477 way of teaching other core standards for Utah public schools concepts; and  
2478 (iv) using appropriate financial and economic literacy assessments to improve financial  
2479 and economic literacy education and, if necessary, developing assessments;  
2480 (b) work with interested public, private, and nonprofit entities to:  
2481 (i) identify, and make available to teachers, online resources for financial and  
2482 economic literacy education, including modules with interactive activities and turnkey  
2483 instructor resources;  
2484 (ii) coordinate school use of existing financial and economic literacy education  
2485 resources;  
2486 (iii) develop simple, clear, and consistent messaging to reinforce and link existing  
2487 financial literacy resources;  
2488 (iv) coordinate the efforts of school, work, private, nonprofit, and other financial  
2489 education providers in implementing methods of appropriately communicating to teachers,  
2490 students, and parents key financial and economic literacy messages; and  
2491 (v) encourage parents and students to establish higher education savings, including a  
2492 Utah Educational Savings Plan account;  
2493 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2494 make rules to develop guidelines and methods for school districts and charter schools to more  
2495 fully integrate financial and economic literacy education into other core standards for Utah  
2496 public schools courses; and  
2497 (d) in cooperation with school districts, charter schools, and interested private and  
2498 nonprofit entities, provide opportunities for professional development in financial and  
2499 economic literacy concepts to teachers, including:  
2500 (i) a statewide learning community for financial and economic literacy;  
2501 (ii) summer workshops; and  
2502 (iii) online videos of experts in the field of financial and economic literacy education.  
2503 (3) The state board shall:  
2504 (a) administer a general financial literacy course in the same manner that the state  
2505 board administers other core standards for Utah public school courses for grades 9 through 12;

- 2506 (b) adopt standards and objectives for the general financial literacy course that address:  
2507 (i) financial and economic literacy concepts;  
2508 (ii) the costs of going to college, student loans, scholarships, and the Free Application  
2509 for Federal Student Aid;  
2510 (iii) financial benefits of pursuing concurrent enrollment as defined in Section  
2511 [53E-10-301](#); and  
2512 (iv) technology that relates to banking, savings, and financial products; and  
2513 (c) (i) contract with a provider, through a request for proposals process, to develop an  
2514 online, end-of-course assessment for the general financial literacy course;  
2515 (ii) require a school district or charter school to administer an online, end-of-course  
2516 assessment to a student who takes the general financial literacy course; and  
2517 (iii) develop a plan, through the state superintendent, to analyze the results of an  
2518 online, end-of-course assessment in general financial literacy that includes:  
2519 (A) an analysis of assessment results by standard; and  
2520 (B) average scores statewide and by school district and school.  
2521 (4) (a) The state board shall establish a task force to study and make recommendations  
2522 to the state board on how to improve financial and economic literacy education in the public  
2523 school system.  
2524 (b) The task force membership shall include representatives of:  
2525 (i) the state board;  
2526 (ii) school districts and charter schools;  
2527 (iii) the Utah [~~Board~~] System of Higher Education; and  
2528 (iv) private or public entities that teach financial education and share a commitment to  
2529 empower individuals and families to achieve economic stability, opportunity, and upward  
2530 mobility.  
2531 (c) The state board shall convene the task force at least once every three years to  
2532 review and recommend adjustments to the standards and objectives of the general financial  
2533 literacy course.  
2534 Section 53. Section **63G-6a-202** is amended to read:  
2535 **63G-6a-202. Creation of Utah State Procurement Policy Board.**  
2536 (1) There is created the Utah State Procurement Policy Board.

- 2537 (2) The board consists of up to 15 members as follows:
- 2538 (a) two representatives of state institutions of higher education, appointed by the
- 2539 commissioner of higher education, under the direction of the Utah Board of Higher Education;
- 2540 (b) a representative of the Department of Human Services, appointed by the executive
- 2541 director of that department;
- 2542 (c) a representative of the Department of Transportation, appointed by the executive
- 2543 director of that department;
- 2544 (d) two representatives of school districts, appointed by the State Board of Education;
- 2545 (e) a representative of the Division of Facilities Construction and Management,
- 2546 appointed by the director of that division;
- 2547 (f) one representative of a county, appointed by the Utah Association of Counties;
- 2548 (g) one representative of a city or town, appointed by the Utah League of Cities and
- 2549 Towns;
- 2550 (h) two representatives of special districts or special service districts, appointed by the
- 2551 Utah Association of Special Districts;
- 2552 (i) the director of the Division of Technology Services or the executive director's
- 2553 designee;
- 2554 (j) the chief procurement officer or the chief procurement officer's designee; and
- 2555 (k) two representatives of state agencies, other than a state agency already represented
- 2556 on the board, appointed by the executive director of the Department of Government
- 2557 Operations, with the approval of the executive director of the state agency that employs the
- 2558 employee.
- 2559 (3) Members of the board shall be knowledgeable and experienced in, and have
- 2560 supervisory responsibility for, procurement in their official positions.
- 2561 (4) A board member may serve as long as the member meets the description in
- 2562 Subsection (2) unless removed by the person or entity with the authority to appoint the board
- 2563 member.
- 2564 (5) (a) The board shall:
- 2565 (i) adopt rules of procedure for conducting its business; and
- 2566 (ii) elect a chair to serve for one year.
- 2567 (b) The chair of the board shall be selected by a majority of the members of the board

2568 and may be elected to succeeding terms.

2569 (c) The chief procurement officer shall designate an employee of the division to serve  
2570 as the nonvoting secretary to the policy board.

2571 (6) A member of the board may not receive compensation or benefits for the member's  
2572 service, but may receive per diem and travel expenses in accordance with:

2573 (a) Section 63A-3-106;

2574 (b) Section 63A-3-107; and

2575 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2576 63A-3-107.

2577 Section 54. **Repealer.**

2578 This bill repeals:

2579 Section 53B-6-105.7, **Initiative student scholarship program.**

2580 Section 53B-26-201, **Definitions.**

2581 Section 53B-26-202, **Nursing initiative -- Reporting requirements -- Proposals --**

2582 **Funding.**

2583 Section 53B-26-301, **Definitions.**

2584 Section 53B-26-302, **Deep technology initiative.**

2585 Section 53B-26-303, **Deep Technology Talent Advisory Council.**

2586 Section 55. **Effective date.**

2587 This bill takes effect on May 1, 2024.

2588 Section 56. **Coordinating S.B. 192 with H.B. 438**

2589 If S.B. 192, Higher Education Amendments, and H.B. 438, Higher Education

2590 Revisions, both pass and become law, the Legislature intends that, on May 1, 2024, Subsection

2591 53B-2-106(6)(b) in S.B. 192 be amended to read:

2592 "(b) subject to Section 53B-2-106.1, shall provide for the constitution, government, and  
2593 organization of the faculty and administration, and may enact implementing rules, including the  
2594 establishment of a prescribed system of tenure if the institution is degree granting; and".