

Higher Education Recodification

2025 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Val L. Peterson

LONG TITLE

General Description:

This bill reorganizes and renumbers certain provisions of the higher education code related to statewide administration of the higher education system.

Highlighted Provisions:

This bill:

- reorganizes and renumbers certain provisions of the higher education code related to statewide administration of the higher education system;
- defines terms;
- enacts provisions related to higher education for organizational purposes;
- amends provisions related to higher education for organizational purposes;
- repeals provisions related to higher education for organizational purposes; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

- 53H-1-301 (Effective upon governor's approval)**, Utah Code Annotated 1953
- 53H-1-401 (Effective upon governor's approval)**, Utah Code Annotated 1953
- 53H-1-403 (Effective upon governor's approval)**, Utah Code Annotated 1953
- 53H-1-501 (Effective upon governor's approval)**, Utah Code Annotated 1953
- 53H-1-601 (Effective upon governor's approval)**, Utah Code Annotated 1953
- 53H-1-701 (Effective upon governor's approval)**, Utah Code Annotated 1953

28 **53H-2-101 (Effective upon governor's approval), Utah Code Annotated 1953**
29 **53H-3-101 (Effective upon governor's approval), Utah Code Annotated 1953**
30 **53H-3-201 (Effective upon governor's approval), Utah Code Annotated 1953**
31 **53H-3-301 (Effective upon governor's approval), Utah Code Annotated 1953**
32 **53H-3-401 (Effective upon governor's approval), Utah Code Annotated 1953**
33 **53H-3-501 (Effective upon governor's approval), Utah Code Annotated 1953**
34 **53H-3-601 (Effective upon governor's approval), Utah Code Annotated 1953**
35 **53H-3-701 (Effective upon governor's approval), Utah Code Annotated 1953**
36 **53H-3-801 (Effective upon governor's approval), Utah Code Annotated 1953**
37 **53H-3-1101 (Effective upon governor's approval), Utah Code Annotated 1953**
38 **53H-3-1201 (Effective upon governor's approval), Utah Code Annotated 1953**
39 **53H-3-1301 (Effective upon governor's approval), Utah Code Annotated 1953**
40 **53H-4-101 (Effective upon governor's approval), Utah Code Annotated 1953**
41 **53H-4-201 (Effective upon governor's approval), Utah Code Annotated 1953**
42 **53H-4-301 (Effective upon governor's approval), Utah Code Annotated 1953**
43 **53H-4-501 (Effective upon governor's approval), Utah Code Annotated 1953**
44 **53H-4-601 (Effective upon governor's approval), Utah Code Annotated 1953**
45 **53H-4-801 (Effective upon governor's approval), Utah Code Annotated 1953**
46 **53H-4-901 (Effective upon governor's approval), Utah Code Annotated 1953**
47 **53H-4-1001 (Effective upon governor's approval), Utah Code Annotated 1953**
48 **53H-4-1101 (Effective upon governor's approval), Utah Code Annotated 1953**
49 **53H-4-1201 (Effective upon governor's approval), Utah Code Annotated 1953**
50 **53H-4-1301 (Effective upon governor's approval), Utah Code Annotated 1953**
51 **53H-4-1401 (Effective upon governor's approval), Utah Code Annotated 1953**
52 **53H-4-1501 (Effective upon governor's approval), Utah Code Annotated 1953**
53 **53H-4-1601 (Effective upon governor's approval), Utah Code Annotated 1953**
54 **53H-4-1701 (Effective upon governor's approval), Utah Code Annotated 1953**
55 **53H-5-101 (Effective upon governor's approval), Utah Code Annotated 1953**
56 **53H-5-301 (Effective upon governor's approval), Utah Code Annotated 1953**
57 **53H-5-401 (Effective upon governor's approval), Utah Code Annotated 1953**
58 **53H-6-101 (Effective upon governor's approval), Utah Code Annotated 1953**
59 **53H-6-301 (Effective upon governor's approval), Utah Code Annotated 1953**
60 **53H-7-101 (Effective upon governor's approval), Utah Code Annotated 1953**
61 **53H-7-601 (Effective upon governor's approval), Utah Code Annotated 1953**

62 **53H-7-901 (Effective upon governor's approval)**, Utah Code Annotated 1953
63 **53H-8-101 (Effective upon governor's approval)**, Utah Code Annotated 1953
64 **53H-8-201 (Effective upon governor's approval)**, Utah Code Annotated 1953
65 **53H-9-101 (Effective upon governor's approval)**, Utah Code Annotated 1953
66 **53H-9-201 (Effective upon governor's approval)**, Utah Code Annotated 1953
67 **53H-9-301 (Effective upon governor's approval)**, Utah Code Annotated 1953
68 **53H-9-401 (Effective upon governor's approval)**, Utah Code Annotated 1953
69 **53H-11-101 (Effective upon governor's approval)**, Utah Code Annotated 1953
70 **53H-11-201 (Effective upon governor's approval)**, Utah Code Annotated 1953
71 **53H-11-301 (Effective upon governor's approval)**, Utah Code Annotated 1953
72 **53H-11-401 (Effective upon governor's approval)**, Utah Code Annotated 1953
73 **53H-12-101 (Effective upon governor's approval)**, Utah Code Annotated 1953
74 **53H-12-201 (Effective upon governor's approval)**, Utah Code Annotated 1953
75 **53H-13-101 (Effective upon governor's approval)**, Utah Code Annotated 1953
76 **53H-14-101 (Effective upon governor's approval)**, Utah Code Annotated 1953
77 **53H-15-201 (Effective upon governor's approval)**, Utah Code Annotated 1953
78 **53H-15-301 (Effective upon governor's approval)**, Utah Code Annotated 1953
79 **53H-16-101 (Effective upon governor's approval)**, Utah Code Annotated 1953
80 **53H-16-301 (Effective upon governor's approval)**, Utah Code Annotated 1953
81 **53H-16-401 (Effective upon governor's approval)**, Utah Code Annotated 1953

82 RENUMBERS AND AMENDS:

83 **53H-1-101 (Effective upon governor's approval)**, (Renumbered from 53B-1-101.5,
84 as last amended by Laws of Utah 2023, Chapter 254)
85 **53H-1-102 (Effective upon governor's approval)**, (Renumbered from 53B-1-102, as
86 last amended by Laws of Utah 2021, Second Special Session, Chapter 1)
87 **53H-1-201 (Effective upon governor's approval)**, (Renumbered from 53B-1-401, as
88 last amended by Laws of Utah 2024, Chapter 378)
89 **53H-1-202 (Effective upon governor's approval)**, (Renumbered from 53B-1-501, as
90 last amended by Laws of Utah 2023, Chapters 250, 254)
91 **53H-1-203 (Effective upon governor's approval)**, (Renumbered from 53B-1-402, as
92 last amended by Laws of Utah 2025, Chapter 390)
93 **53H-1-204 (Effective upon governor's approval)**, (Renumbered from 53B-1-404, as
94 last amended by Laws of Utah 2023, Chapter 254)
95 **53H-1-205 (Effective upon governor's approval)**, (Renumbered from 53B-1-405, as

enacted by Laws of Utah 2020, Chapter 365)

53H-1-206 (Effective upon governor's approval), (Renumbered from 53B-1-403, as last amended by Laws of Utah 2023, Chapter 254)

53H-1-207 (Effective upon governor's approval), (Renumbered from 53B-1-109, as last amended by Laws of Utah 2022, Chapter 461)

53H-1-208 (Effective upon governor's approval), (Renumbered from 53B-1-411, as enacted by Laws of Utah 2025, Chapter 11)

53H-1-209 (Effective upon governor's approval), (Renumbered from 53B-6-102, as enacted by Laws of Utah 1987, Chapter 167)

53H-1-210 (Effective upon governor's approval), (Renumbered from 53B-1-410, as enacted by Laws of Utah 2020, Chapter 365)

53H-1-302 (Effective upon governor's approval), (Renumbered from 53B-1-408, as last amended by Laws of Utah 2024, Chapter 378)

53H-1-303 (Effective upon governor's approval), (Renumbered from 53B-1-409, as enacted by Laws of Utah 2020, Chapter 365)

53H-1-402 (Effective upon governor's approval) (Partially Repealed 07/01/27), (Renumbered from 53B-1-301, as last amended by Laws of Utah 2025, Chapters 390, 488)

53H-1-404 (Effective upon governor's approval), (Renumbered from 53B-1-120, as enacted by Laws of Utah 2024, Chapter 378)

53H-1-502 (Effective upon governor's approval), (Renumbered from 53B-1-116, as enacted by Laws of Utah 2024, Chapter 3)

53H-1-503 (Effective upon governor's approval), (Renumbered from 53B-1-117, as enacted by Laws of Utah 2024, Chapter 3)

53H-1-504 (Effective upon governor's approval), (Renumbered from 53B-1-118, as last amended by Laws of Utah 2025, Chapter 11)

53H-1-602 (Effective upon governor's approval), (Renumbered from 53B-6-105, as last amended by Laws of Utah 2024, Chapter 378)

53H-1-603 (Effective upon governor's approval), (Renumbered from 53B-6-105.9, as last amended by Laws of Utah 2024, Chapters 378, 507)

53H-1-604 (Effective upon governor's approval) (Repealed 07/01/27), (Renumbered from 53B-35-101, as last amended by Laws of Utah 2024, Chapter 144)

53H-1-702 (Effective upon governor's approval), (Renumbered from 53B-4-101, as enacted by Laws of Utah 1987, Chapter 167)

53H-1-702.1 (Effective upon governor's approval), (Renumbered from 53B-4-103, as

last amended by Laws of Utah 1997, Chapter 74)

53H-1-703 (Effective upon governor's approval), (Renumbered from 53B-16-109, as enacted by Laws of Utah 2016, Chapter 60)

53H-2-102 (Effective upon governor's approval), (Renumbered from 53B-1-103, as enacted by Laws of Utah 2025, Chapter 384)

53H-3-102 (Effective upon governor's approval), (Renumbered from 53B-2-101, as last amended by Laws of Utah 2021, Second Special Session, Chapter 1)

53H-3-202 (Effective upon governor's approval), (Renumbered from 53B-2-103, as last amended by Laws of Utah 2021, Chapter 187)

53H-3-203 (Effective upon governor's approval), (Renumbered from 53B-2-104, as last amended by Laws of Utah 2024, Chapter 529)

53H-3-204 (Effective upon governor's approval), (Renumbered from 53B-2a-110, as last amended by Laws of Utah 2021, Chapters 187, 382)

53H-3-205 (Effective upon governor's approval), (Renumbered from 53B-2a-108, as last amended by Laws of Utah 2020, Chapters 352, 365 and 373)

53H-3-206 (Effective upon governor's approval), (Renumbered from 53B-2a-109, as last amended by Laws of Utah 2020, Chapter 365)

53H-3-302 (Effective upon governor's approval), (Renumbered from 53B-2-102, as last amended by Laws of Utah 2025, Chapter 35)

53H-3-303 (Effective upon governor's approval), (Renumbered from 53B-2-106, as repealed and reenacted by Laws of Utah 2024, Chapter 378)

53H-3-304 (Effective upon governor's approval), (Renumbered from 53B-20-107, as last amended by Laws of Utah 2025, Chapter 384)

53H-3-305 (Effective upon governor's approval), (Renumbered from 53B-2a-107, as last amended by Laws of Utah 2024, Chapter 378)

53H-3-402 (Effective upon governor's approval), (Renumbered from 53B-1-110, as last amended by Laws of Utah 2024, Chapter 378)

53H-3-403 (Effective upon governor's approval), (Renumbered from 53B-1-119, as last amended by Laws of Utah 2025, Chapter 426)

53H-3-404 (Effective upon governor's approval), (Renumbered from 53B-2-115, as enacted by Laws of Utah 2024, Chapter 402)

53H-3-405 (Effective upon governor's approval), (Renumbered from 53B-2-114, as enacted by Laws of Utah 2024, Chapter 378)

53H-3-406 (Effective upon governor's approval), (Renumbered from 53B-2-106.1,

as enacted by Laws of Utah 2024, Chapter 78)

53H-3-502 (Effective upon governor's approval), (Renumbered from 53B-1-111, as last amended by Laws of Utah 2023, Chapter 328)

53H-3-503 (Effective upon governor's approval), (Renumbered from 53B-1-113, as last amended by Laws of Utah 2025, Chapter 384)

53H-3-504 (Effective upon governor's approval), (Renumbered from 53B-1-112, as last amended by Laws of Utah 2024, Chapter 378)

53H-3-505 (Effective upon governor's approval), (Renumbered from 53B-1-101.8, as enacted by Laws of Utah 2012, Chapter 127)

53H-3-602 (Effective upon governor's approval), (Renumbered from 53B-16-101, as last amended by Laws of Utah 2023, Chapter 254)

53H-3-603 (Effective upon governor's approval), (Renumbered from 53B-16-102, as last amended by Laws of Utah 2025, Chapter 379)

53H-3-604 (Effective upon governor's approval), (Renumbered from 53B-16-105, as last amended by Laws of Utah 2025, Chapter 384)

53H-3-605 (Effective upon governor's approval), (Renumbered from 53B-16-103, as last amended by Laws of Utah 2017, Chapter 382)

53H-3-606 (Effective upon governor's approval), (Renumbered from 53B-10-106, as last amended by Laws of Utah 2025, Chapter 377)

53H-3-607 (Effective upon governor's approval), (Renumbered from 53B-16-108, as last amended by Laws of Utah 2018, Chapter 415)

53H-3-608 (Effective upon governor's approval), (Renumbered from 53B-2a-201, as enacted by Laws of Utah 2021, Chapter 187)

53H-3-609 (Effective upon governor's approval), (Renumbered from 53B-2a-202, as enacted by Laws of Utah 2021, Chapter 187)

53H-3-702 (Effective upon governor's approval), (Renumbered from 53B-16-110, as last amended by Laws of Utah 2023, Chapter 148)

53H-3-703 (Effective upon governor's approval), (Renumbered from 53B-16-107, as last amended by Laws of Utah 2020, Chapter 365)

53H-3-802 (Effective upon governor's approval), (Renumbered from 53B-2-112, as enacted by Laws of Utah 2021, Chapter 187)

53H-3-901 (Effective upon governor's approval), (Renumbered from 53B-3-101, as last amended by Laws of Utah 1991, Chapter 58)

53H-3-902 (Effective upon governor's approval), (Renumbered from 53B-3-103, as

last amended by Laws of Utah 2025, Chapter 208)

53H-3-903 (Effective upon governor's approval), (Renumbered from 53B-3-104, as last amended by Laws of Utah 2024, Chapter 378)

53H-3-904 (Effective upon governor's approval), (Renumbered from 53B-3-105, as last amended by Laws of Utah 2024, Chapter 378)

53H-3-905 (Effective upon governor's approval), (Renumbered from 53B-3-106, as last amended by Laws of Utah 2005, Chapter 2)

53H-3-906 (Effective upon governor's approval), (Renumbered from 53B-3-107, as last amended by Laws of Utah 2016, Chapter 303)

53H-3-907 (Effective upon governor's approval), (Renumbered from 53B-3-108, as last amended by Laws of Utah 2018, Chapter 148)

53H-3-908 (Effective upon governor's approval), (Renumbered from 53B-3-109, as last amended by Laws of Utah 1996, Chapter 198)

53H-3-909 (Effective upon governor's approval), (Renumbered from 53B-3-110, as last amended by Laws of Utah 1996, Chapter 198)

53H-3-1001 (Effective upon governor's approval), (Renumbered from 53B-16-401, as last amended by Laws of Utah 2025, Chapter 384)

53H-3-1002 (Effective upon governor's approval), (Renumbered from 53B-16-402, as last amended by Laws of Utah 2020, Chapter 365)

53H-3-1003 (Effective upon governor's approval), (Renumbered from 53B-16-403, as last amended by Laws of Utah 2023, Chapter 350)

53H-3-1004 (Effective upon governor's approval), (Renumbered from 53B-16-404, as last amended by Laws of Utah 2018, Chapter 415)

53H-3-1005 (Effective upon governor's approval), (Renumbered from 53B-16-405, as enacted by Laws of Utah 1996, Chapter 73)

53H-3-1102 (Effective upon governor's approval), (Renumbered from 53B-16-202, as last amended by Laws of Utah 2020, Chapter 365)

53H-3-1103 (Effective upon governor's approval), (Renumbered from 53B-16-203, as enacted by Laws of Utah 1988, Chapter 137)

53H-3-1202 (Effective upon governor's approval), (Renumbered from 53B-2a-105, as last amended by Laws of Utah 2020, Chapter 365)

53H-3-1203 (Effective upon governor's approval), (Renumbered from 53B-2a-106, as last amended by Laws of Utah 2020, Chapter 365)

53H-3-1204 (Effective upon governor's approval), (Renumbered from 53B-2a-115, as

last amended by Laws of Utah 2020, Chapter 365)

53H-3-1302 (Effective upon governor's approval), (Renumbered from 53B-2-113, as last amended by Laws of Utah 2024, Chapter 283)

53H-3-1303 (Effective upon governor's approval), (Renumbered from 53B-16-104, as last amended by Laws of Utah 2023, Chapter 16)

53H-4-202 (Effective upon governor's approval), (Renumbered from 53B-17-902, as last amended by Laws of Utah 2020, Chapter 431)

53H-4-203 (Effective upon governor's approval), (Renumbered from 53B-17-301, as last amended by Laws of Utah 2023, Chapter 328)

53H-4-204 (Effective upon governor's approval), (Renumbered from 53B-17-1302, as enacted by Laws of Utah 2022, Chapter 445)

53H-4-205 (Effective upon governor's approval), (Renumbered from 53B-17-504, as enacted by Laws of Utah 1987, Chapter 167)

53H-4-206 (Effective upon governor's approval), (Renumbered from 53B-17-1402, as enacted by Laws of Utah 2023, Chapter 281)

53H-4-207 (Effective upon governor's approval), (Renumbered from 53B-17-201, as last amended by Laws of Utah 2025, Chapter 390)

53H-4-208 (Effective upon governor's approval), (Renumbered from 53B-17-401, as last amended by Laws of Utah 1988, Chapter 32)

53H-4-209 (Effective upon governor's approval), (Renumbered from 53B-17-1001, as renumbered and amended by Laws of Utah 2018, Chapter 1)

53H-4-210 (Effective upon governor's approval), (Renumbered from 53B-17-1202, as last amended by Laws of Utah 2024, Chapter 21)

53H-4-211 (Effective upon governor's approval), (Renumbered from 53B-17-603, as last amended by Laws of Utah 2023, Chapters 160, 188)

53H-4-212 (Effective upon governor's approval), (Renumbered from 53B-17-701, as enacted by Laws of Utah 2005, Chapter 97)

53H-4-213.1 (Effective upon governor's approval), (Renumbered from 53B-17-101, as last amended by Laws of Utah 2020, Chapter 365)

53H-4-213.2 (Effective upon governor's approval), (Renumbered from 53B-17-103, as last amended by Laws of Utah 2020, Chapter 365)

53H-4-213.3 (Effective upon governor's approval), (Renumbered from 53B-17-104, as last amended by Laws of Utah 2020, Chapter 365)

53H-4-213.4 (Effective upon governor's approval), (Renumbered from 53B-17-105, as

last amended by Laws of Utah 2021, Chapter 344)

53H-4-213.5 (Effective upon governor's approval), (Renumbered from 53B-17-106, as enacted by Laws of Utah 2014, Chapter 63)

53H-4-213.6 (Effective upon governor's approval), (Renumbered from 53B-17-107, as enacted by Laws of Utah 2014, Chapter 63)

53H-4-213.7 (Effective upon governor's approval), (Renumbered from 53B-17-109, as enacted by Laws of Utah 2021, Chapter 86)

53H-4-302 (Effective upon governor's approval), (Renumbered from 53B-18-501, as last amended by Laws of Utah 2020, Chapter 365)

53H-4-303 (Effective upon governor's approval), (Renumbered from 53B-18-1201, as repealed and reenacted by Laws of Utah 2019, Chapter 357)

53H-4-304 (Effective upon governor's approval), (Renumbered from 53B-18-801, as last amended by Laws of Utah 2016, Chapter 144)

53H-4-305 (Effective upon governor's approval), (Renumbered from 53B-18-1002, as last amended by Laws of Utah 2023, Chapter 160)

53H-4-306.1 (Effective upon governor's approval) (Repealed 07/01/28), (Renumbered from 53B-18-1801, as enacted by Laws of Utah 2023, Chapter 494)

53H-4-306.2 (Effective upon governor's approval) (Repealed 07/01/28), (Renumbered from 53B-18-1802, as enacted by Laws of Utah 2023, Chapter 494)

53H-4-306.3 (Effective upon governor's approval) (Repealed 07/01/28), (Renumbered from 53B-18-1803, as enacted by Laws of Utah 2023, Chapter 494)

53H-4-306.4 (Effective upon governor's approval) (Repealed 07/01/28), (Renumbered from 53B-18-1804, as enacted by Laws of Utah 2023, Chapter 494)

53H-4-306.5 (Effective upon governor's approval) (Repealed 07/01/28), (Renumbered from 53B-18-1805, as last amended by Laws of Utah 2025, Chapter 271)

53H-4-306.6 (Effective upon governor's approval) (Repealed 07/01/28), (Renumbered from 53B-18-1806, as last amended by Laws of Utah 2025, Chapter 271)

53H-4-307.1 (Effective upon governor's approval), (Renumbered from 53B-18-1902, as enacted by Laws of Utah 2025, Chapter 163)

53H-4-307.2 (Effective upon governor's approval), (Renumbered from 53B-18-1903, as enacted by Laws of Utah 2025, Chapter 163)

53H-4-307.3 (Effective upon governor's approval), (Renumbered from 53B-18-1904, as enacted by Laws of Utah 2025, Chapter 163)

53H-4-307.4 (Effective upon governor's approval), (Renumbered from 53B-18-1905,

as enacted by Laws of Utah 2025, Chapter 163)

53H-4-307.5 (Effective upon governor's approval), (Renumbered from 53B-18-1906, as enacted by Laws of Utah 2025, Chapter 163)

53H-4-307.6 (Effective upon governor's approval), (Renumbered from 53B-18-1907, as enacted by Laws of Utah 2025, Chapter 163)

53H-4-308 (Effective upon governor's approval), (Renumbered from 53B-18-901, as last amended by Laws of Utah 2014, Chapter 63)

53H-4-309 (Effective upon governor's approval), (Renumbered from 53B-18-1301, as last amended by Laws of Utah 2020, Chapter 365)

53H-4-310 (Effective upon governor's approval), (Renumbered from 53B-18-602, as enacted by Laws of Utah 1998, Chapter 381)

53H-4-311 (Effective upon governor's approval), (Renumbered from 53B-18-701, as enacted by Laws of Utah 1998, Chapter 398)

53H-4-312 (Effective upon governor's approval), (Renumbered from 53B-18-1501, as last amended by Laws of Utah 2021, Chapter 14)

53H-4-313 (Effective upon governor's approval) (Repealed 07/01/27), (Renumbered from 53B-18-1702, as enacted by Laws of Utah 2022, Chapter 94)

53H-4-314 (Effective upon governor's approval), (Renumbered from 53B-18-104, as enacted by Laws of Utah 1987, Chapter 167)

53H-4-315 (Effective upon governor's approval), (Renumbered from 53B-18-204, as enacted by Laws of Utah 1987, Chapter 167)

53H-4-316 (Effective upon governor's approval), (Renumbered from 53B-18-1401, as enacted by Laws of Utah 2016, Chapter 128)

53H-4-401 (Effective upon governor's approval), (Renumbered from 53B-36-101, as enacted by Laws of Utah 2022, Chapter 368)

53H-4-402 (Effective upon governor's approval), (Renumbered from 53B-36-201, as enacted by Laws of Utah 2022, Chapter 368)

53H-4-502 (Effective upon governor's approval), (Renumbered from 53B-16-205, as last amended by Laws of Utah 2021, Chapter 187)

53H-4-503 (Effective upon governor's approval), (Renumbered from 53B-16-205.5, as last amended by Laws of Utah 2020, Chapter 365)

53H-4-504 (Effective upon governor's approval), (Renumbered from 53B-16-206, as last amended by Laws of Utah 2013, Chapter 374)

53H-4-602 (Effective upon governor's approval), (Renumbered from 53B-2-111, as

last amended by Laws of Utah 2021, Second Special Session, Chapter 1)

53H-4-603 (Effective upon governor's approval), (Renumbered from 53B-31-201, as last amended by Laws of Utah 2021, Second Special Session, Chapter 1)

53H-4-604 (Effective upon governor's approval), (Renumbered from 53B-31-301, as last amended by Laws of Utah 2023, Chapter 227)

53H-4-605 (Effective upon governor's approval), (Renumbered from 53B-31-401, as last amended by Laws of Utah 2021, Second Special Session, Chapter 1)

53H-4-701 (Effective upon governor's approval), (Renumbered from 53B-29-401, as enacted by Laws of Utah 2025, Chapter 497)

53H-4-702 (Effective upon governor's approval), (Renumbered from 53B-2-110, as enacted by Laws of Utah 2007, Chapter 356)

53H-4-703 (Effective upon governor's approval), (Renumbered from 53B-29-402, as enacted by Laws of Utah 2025, Chapter 497)

53H-4-704 (Effective upon governor's approval), (Renumbered from 53B-29-403, as enacted by Laws of Utah 2025, Chapter 497)

53H-4-705 (Effective upon governor's approval), (Renumbered from 53B-29-202, as last amended by Laws of Utah 2025, Chapter 184)

53H-4-706 (Effective upon governor's approval), (Renumbered from 53B-29-302, as enacted by Laws of Utah 2021, Chapter 270)

53H-4-707 (Effective upon governor's approval), (Renumbered from 53B-29-303, as enacted by Laws of Utah 2021, Chapter 270)

53H-5-201 (Effective upon governor's approval), (Renumbered from 53B-30-202, as renumbered and amended by Laws of Utah 2021, Chapter 425)

53H-5-202 (Effective upon governor's approval), (Renumbered from 53B-30-203, as renumbered and amended by Laws of Utah 2021, Chapter 425)

53H-5-203 (Effective upon governor's approval), (Renumbered from 53B-30-204, as renumbered and amended by Laws of Utah 2021, Chapter 425)

53H-5-204 (Effective upon governor's approval), (Renumbered from 53B-30-205, as renumbered and amended by Laws of Utah 2021, Chapter 425)

53H-5-205 (Effective upon governor's approval), (Renumbered from 53B-30-206, as last amended by Laws of Utah 2025, Chapter 390)

53H-5-302 (Effective upon governor's approval), (Renumbered from 53B-19-101, as enacted by Laws of Utah 1987, Chapter 167)

53H-5-402 (Effective upon governor's approval), (Renumbered from 53B-6-104, as

last amended by Laws of Utah 2020, Chapter 365)

53H-5-403 (Effective upon governor's approval), (Renumbered from 53B-18-1101, as enacted by Laws of Utah 2007, Chapter 336)

53H-6-201 (Effective upon governor's approval), (Renumbered from 53B-16-601, as last amended by Laws of Utah 2025, Chapters 173, 488)

53H-6-202 (Effective upon governor's approval), (Renumbered from 53B-16-602, as last amended by Laws of Utah 2025, Chapter 488)

53H-6-203 (Effective upon governor's approval), (Renumbered from 53B-16-701, as enacted by Laws of Utah 2025, Chapter 488)

53H-7-201 (Effective upon governor's approval), (Renumbered from 53B-27-202, as last amended by Laws of Utah 2025, Chapter 402)

53H-7-202 (Effective upon governor's approval), (Renumbered from 53B-27-203, as enacted by Laws of Utah 2017, Chapter 440)

53H-7-203 (Effective upon governor's approval), (Renumbered from 53B-27-203.5, as enacted by Laws of Utah 2025, Chapter 402)

53H-7-204 (Effective upon governor's approval), (Renumbered from 53B-27-204, as last amended by Laws of Utah 2025, Chapter 402)

53H-7-205 (Effective upon governor's approval), (Renumbered from 53B-27-205, as enacted by Laws of Utah 2017, Chapter 440)

53H-7-301 (Effective upon governor's approval), (Renumbered from 53B-27-301, as last amended by Laws of Utah 2020, Chapter 365)

53H-7-302 (Effective upon governor's approval), (Renumbered from 53B-27-302, as enacted by Laws of Utah 2018, Chapter 325)

53H-7-303 (Effective upon governor's approval), (Renumbered from 53B-27-303, as last amended by Laws of Utah 2024, Chapter 178)

53H-7-401 (Effective upon governor's approval), (Renumbered from 53B-27-401, as enacted by Laws of Utah 2021, Chapter 125)

53H-7-402 (Effective upon governor's approval), (Renumbered from 53B-27-402, as enacted by Laws of Utah 2021, Chapter 125)

53H-7-403 (Effective upon governor's approval), (Renumbered from 53B-27-403, as enacted by Laws of Utah 2021, Chapter 125)

53H-7-404 (Effective upon governor's approval), (Renumbered from 53B-27-404, as enacted by Laws of Utah 2021, Chapter 125)

53H-7-501 (Effective upon governor's approval), (Renumbered from 53B-28-301, as

enacted by Laws of Utah 2019, Chapter 307)

53H-7-502 (Effective upon governor's approval), (Renumbered from 53B-28-302, as enacted by Laws of Utah 2019, Chapter 307)

53H-7-503 (Effective upon governor's approval), (Renumbered from 53B-28-303, as last amended by Laws of Utah 2023, Chapter 328)

53H-7-504 (Effective upon governor's approval), (Renumbered from 53B-28-304, as last amended by Laws of Utah 2022, Chapter 430)

53H-7-602 (Effective upon governor's approval), (Renumbered from 53B-28-401, as last amended by Laws of Utah 2025, Chapter 388)

53H-7-603 (Effective upon governor's approval), (Renumbered from 53B-28-403, as last amended by Laws of Utah 2025, Chapter 388)

53H-7-701 (Effective upon governor's approval), (Renumbered from 53B-27-602, as enacted by Laws of Utah 2024, Chapter 74)

53H-7-702 (Effective upon governor's approval), (Renumbered from 53B-27-601, as enacted by Laws of Utah 2024, Chapter 74)

53H-7-703 (Effective upon governor's approval), (Renumbered from 53B-27-603, as enacted by Laws of Utah 2024, Chapter 74)

53H-7-704 (Effective upon governor's approval), (Renumbered from 53B-27-604, as enacted by Laws of Utah 2024, Chapter 74)

53H-7-705 (Effective upon governor's approval), (Renumbered from 53B-27-605, as enacted by Laws of Utah 2024, Chapter 74)

53H-7-706 (Effective upon governor's approval), (Renumbered from 53B-27-606, as enacted by Laws of Utah 2024, Chapter 74)

53H-7-707 (Effective upon governor's approval), (Renumbered from 53B-27-607, as enacted by Laws of Utah 2024, Chapter 74)

53H-7-708 (Effective upon governor's approval), (Renumbered from 53B-27-608, as enacted by Laws of Utah 2024, Chapter 74)

53H-7-709 (Effective upon governor's approval), (Renumbered from 53B-27-609, as enacted by Laws of Utah 2024, Chapter 74)

53H-7-801 (Effective upon governor's approval), (Renumbered from 53B-23-102, as enacted by Laws of Utah 2006, Chapter 301)

53H-7-802 (Effective upon governor's approval), (Renumbered from 53B-23-103, as enacted by Laws of Utah 2006, Chapter 301)

53H-7-803 (Effective upon governor's approval), (Renumbered from 53B-23-104, as

last amended by Laws of Utah 2020, Chapter 365)

53H-7-804 (Effective upon governor's approval), (Renumbered from 53B-23-105, as enacted by Laws of Utah 2006, Chapter 301)

53H-7-805 (Effective upon governor's approval), (Renumbered from 53B-23-106, as last amended by Laws of Utah 2024, Chapter 378)

53H-7-902 (Effective upon governor's approval), (Renumbered from 53B-27-501, as last amended by Laws of Utah 2025, Chapter 402)

53H-7-903 (Effective upon governor's approval), (Renumbered from 53B-27-405, as last amended by Laws of Utah 2024, Chapter 378)

53H-8-202 (Effective upon governor's approval), (Renumbered from 53B-7-101, as last amended by Laws of Utah 2024, Chapter 527)

53H-8-203 (Effective upon governor's approval), (Renumbered from 53B-7-101.5, as last amended by Laws of Utah 2023, Chapter 435)

53H-8-204 (Effective upon governor's approval), (Renumbered from 53B-7-105, as last amended by Laws of Utah 2021, Chapter 187)

53H-8-205 (Effective upon governor's approval), (Renumbered from 53B-7-102, as enacted by Laws of Utah 1987, Chapter 167)

53H-8-206 (Effective upon governor's approval), (Renumbered from 53B-7-103.5, as enacted by Laws of Utah 1998, Chapter 318)

53H-8-207 (Effective upon governor's approval), (Renumbered from 53B-7-104, as last amended by Laws of Utah 2020, Chapter 365)

53H-8-208 (Effective upon governor's approval), (Renumbered from 53B-7-103, as last amended by Laws of Utah 2022, Chapter 421)

53H-8-209 (Effective upon governor's approval), (Renumbered from 53B-7-106, as last amended by Laws of Utah 2019, Chapter 211)

53H-8-210 (Effective upon governor's approval), (Renumbered from 53B-7-107, as enacted by Laws of Utah 2025, Chapter 379)

53H-8-301 (Effective upon governor's approval), (Renumbered from 53B-7-702, as last amended by Laws of Utah 2024, Chapters 159, 378)

53H-8-302 (Effective upon governor's approval), (Renumbered from 53B-7-703, as repealed and reenacted by Laws of Utah 2024, Chapter 378)

53H-8-303 (Effective upon governor's approval), (Renumbered from 53B-7-705, as last amended by Laws of Utah 2024, Chapter 378)

53H-8-304 (Effective upon governor's approval), (Renumbered from 53B-7-706, as

last amended by Laws of Utah 2024, Chapter 378)

53H-8-305 (Effective upon governor's approval) (Repealed 07/01/27), (Renumbered from 53B-7-709, as enacted by Laws of Utah 2022, Chapter 254)

53H-8-306 (Effective upon governor's approval), (Renumbered from 53B-7-704, as repealed and reenacted by Laws of Utah 2024, Chapter 378)

53H-8-307 (Effective upon governor's approval), (Renumbered from 53B-7-708, as last amended by Laws of Utah 2023, Chapter 21)

53H-8-401 (Effective upon governor's approval), (Renumbered from 53B-7-801, as last amended by Laws of Utah 2023, Chapter 374)

53H-8-402 (Effective upon governor's approval), (Renumbered from 53B-7-802, as last amended by Laws of Utah 2023, Chapter 374)

53H-8-403 (Effective upon governor's approval), (Renumbered from 53B-7-803, as enacted by Laws of Utah 2022, Chapter 186)

53H-8-404 (Effective upon governor's approval), (Renumbered from 53B-7-804, as enacted by Laws of Utah 2023, Chapter 374)

53H-8-501 (Effective upon governor's approval), (Renumbered from 53B-1-201, as last amended by Laws of Utah 2022, Chapter 368)

53H-8-502 (Effective upon governor's approval), (Renumbered from 53B-7-601, as enacted by Laws of Utah 2013, Chapter 388)

53H-8-503 (Effective upon governor's approval), (Renumbered from 53B-1-202, as last amended by Laws of Utah 2022, Chapter 368)

53H-8-601 (Effective upon governor's approval), (Renumbered from 53B-13-102, as last amended by Laws of Utah 2025, Chapter 302)

53H-8-602 (Effective upon governor's approval), (Renumbered from 53B-13-103, as last amended by Laws of Utah 2024, Chapter 378)

53H-8-603 (Effective upon governor's approval), (Renumbered from 53B-13-104, as last amended by Laws of Utah 1992, Chapter 271)

53H-8-604 (Effective upon governor's approval), (Renumbered from 53B-13-105, as enacted by Laws of Utah 1987, Chapter 167)

53H-8-605 (Effective upon governor's approval), (Renumbered from 53B-13-106, as enacted by Laws of Utah 1987, Chapter 167)

53H-8-606 (Effective upon governor's approval), (Renumbered from 53B-13-107, as last amended by Laws of Utah 2011, Chapter 342)

53H-8-607 (Effective upon governor's approval), (Renumbered from 53B-13-108, as

enacted by Laws of Utah 1987, Chapter 167)

53H-8-608 (Effective upon governor's approval), (Renumbered from 53B-13-113, as enacted by Laws of Utah 1987, Chapter 167)

53H-8-609 (Effective upon governor's approval), (Renumbered from 53B-13-109, as enacted by Laws of Utah 1987, Chapter 167)

53H-8-610 (Effective upon governor's approval), (Renumbered from 53B-13-110, as last amended by Laws of Utah 2025, Chapter 302)

53H-8-611 (Effective upon governor's approval), (Renumbered from 53B-13-111, as last amended by Laws of Utah 2025, Chapter 384)

53H-8-612 (Effective upon governor's approval), (Renumbered from 53B-13-112, as enacted by Laws of Utah 1987, Chapter 167)

53H-8-613 (Effective upon governor's approval), (Renumbered from 53B-13-114, as last amended by Laws of Utah 2025, Chapter 302)

53H-9-202 (Effective upon governor's approval), (Renumbered from 53B-20-101, as last amended by Laws of Utah 2023, Chapter 254)

53H-9-203 (Effective upon governor's approval), (Renumbered from 53B-20-102, as enacted by Laws of Utah 1987, Chapter 167)

53H-9-204 (Effective upon governor's approval), (Renumbered from 53B-20-105, as enacted by Laws of Utah 1987, Chapter 167)

53H-9-205 (Effective upon governor's approval), (Renumbered from 53B-20-106, as enacted by Laws of Utah 1987, Chapter 167)

53H-9-206 (Effective upon governor's approval), (Renumbered from 53B-20-108, as enacted by Laws of Utah 2025, Chapter 317)

53H-9-302 (Effective upon governor's approval), (Renumbered from 53B-21-101, as last amended by Laws of Utah 2017, Chapter 382)

53H-9-303 (Effective upon governor's approval), (Renumbered from 53B-21-102, as last amended by Laws of Utah 2010, Chapter 324)

53H-9-304 (Effective upon governor's approval), (Renumbered from 53B-21-103, as enacted by Laws of Utah 1987, Chapter 167)

53H-9-305 (Effective upon governor's approval), (Renumbered from 53B-21-104, as last amended by Laws of Utah 2022, Chapter 421)

53H-9-306 (Effective upon governor's approval), (Renumbered from 53B-21-105, as last amended by Laws of Utah 2020, Chapter 365)

53H-9-307 (Effective upon governor's approval), (Renumbered from 53B-21-106, as

enacted by Laws of Utah 1987, Chapter 167)

53H-9-308 (Effective upon governor's approval), (Renumbered from 53B-21-107, as last amended by Laws of Utah 2024, Chapter 438)

53H-9-309 (Effective upon governor's approval), (Renumbered from 53B-21-108, as last amended by Laws of Utah 2023, Chapter 254)

53H-9-310 (Effective upon governor's approval), (Renumbered from 53B-21-109, as enacted by Laws of Utah 1987, Chapter 167)

53H-9-311 (Effective upon governor's approval), (Renumbered from 53B-21-110, as enacted by Laws of Utah 1987, Chapter 167)

53H-9-312 (Effective upon governor's approval), (Renumbered from 53B-21-111, as enacted by Laws of Utah 1987, Chapter 167)

53H-9-313 (Effective upon governor's approval), (Renumbered from 53B-21-112, as enacted by Laws of Utah 1987, Chapter 167)

53H-9-314 (Effective upon governor's approval), (Renumbered from 53B-21-113, as last amended by Laws of Utah 2020, Chapter 365)

53H-9-315 (Effective upon governor's approval), (Renumbered from 53B-22-102, as last amended by Laws of Utah 2024, Chapter 378)

53H-9-402 (Effective upon governor's approval), (Renumbered from 53B-20-104, as last amended by Laws of Utah 2025, Chapter 271)

53H-9-403 (Effective upon governor's approval), (Renumbered from 53B-20-103, as last amended by Laws of Utah 1998, Chapter 342)

53H-9-404 (Effective upon governor's approval), (Renumbered from 53B-2-109, as last amended by Laws of Utah 2020, Chapter 152)

53H-9-501 (Effective upon governor's approval), (Renumbered from 53B-22-201, as last amended by Laws of Utah 2020, Chapters 152, 365)

53H-9-502 (Effective upon governor's approval), (Renumbered from 53B-22-202, as enacted by Laws of Utah 2019, Chapter 482)

53H-9-503 (Effective upon governor's approval), (Renumbered from 53B-22-203, as enacted by Laws of Utah 2019, Chapter 482)

53H-9-504 (Effective upon governor's approval), (Renumbered from 53B-22-204, as last amended by Laws of Utah 2025, Chapter 271)

53H-9-601 (Effective upon governor's approval), (Renumbered from 53B-2a-101, as last amended by Laws of Utah 2023, Chapter 254)

53H-9-602 (Effective upon governor's approval), (Renumbered from 53B-2a-113, as

572 last amended by Laws of Utah 2022, Chapter 421)
573 **53H-9-603 (Effective upon governor's approval)**, (Renumbered from 53B-2a-112, as
574 last amended by Laws of Utah 2025, Chapter 405)
575 **53H-9-604 (Effective upon governor's approval)**, (Renumbered from 53B-2a-117, as
576 last amended by Laws of Utah 2025, Chapter 271)
577 **53H-9-605 (Effective upon governor's approval)**, (Renumbered from 53B-2a-118, as
578 enacted by Laws of Utah 2019, Chapter 482)
579 **53H-10-101 (Effective upon governor's approval)**, (Renumbered from 53B-8a-101, as
580 last amended by Laws of Utah 2010, Chapter 6)
581 **53H-10-201 (Effective upon governor's approval)**, (Renumbered from
582 53B-8a-102.5, as last amended by Laws of Utah 2025, Chapter 384)
583 **53H-10-202 (Effective upon governor's approval)**, (Renumbered from 53B-8a-103, as
584 last amended by Laws of Utah 2025, Chapter 384)
585 **53H-10-203 (Effective upon governor's approval)**, (Renumbered from 53B-8a-104, as
586 last amended by Laws of Utah 2023, Chapter 374)
587 **53H-10-204 (Effective upon governor's approval)**, (Renumbered from 53B-8a-105, as
588 last amended by Laws of Utah 2024, Chapter 378)
589 **53H-10-205 (Effective upon governor's approval)**, (Renumbered from 53B-8a-106, as
590 last amended by Laws of Utah 2025, Chapter 384)
591 **53H-10-206 (Effective upon governor's approval)**, (Renumbered from 53B-8a-107, as
592 last amended by Laws of Utah 2025, Chapters 310, 384)
593 **53H-10-207 (Effective upon governor's approval)**, (Renumbered from 53B-8a-108, as
594 last amended by Laws of Utah 2010, Chapter 6)
595 **53H-10-208 (Effective upon governor's approval)**, (Renumbered from 53B-8a-109, as
596 last amended by Laws of Utah 2010, Chapter 6)
597 **53H-10-209 (Effective upon governor's approval)**, (Renumbered from 53B-8a-110, as
598 last amended by Laws of Utah 2010, Chapter 6)
599 **53H-10-210 (Effective upon governor's approval)**, (Renumbered from 53B-8a-111, as
600 last amended by Laws of Utah 2025, Chapter 390)
601 **53H-10-211 (Effective upon governor's approval)**, (Renumbered from 53B-8a-112, as
602 last amended by Laws of Utah 2010, Chapter 6)
603 **53H-10-212 (Effective upon governor's approval)**, (Renumbered from 53B-8a-113, as
604 last amended by Laws of Utah 2010, Chapter 6)
605 **53H-10-301 (Effective upon governor's approval)**, (Renumbered from 53B-8a-201, as

last amended by Laws of Utah 2025, Chapter 384)

53H-10-302 (Effective upon governor's approval), (Renumbered from 53B-8a-202, as enacted by Laws of Utah 2017, Chapter 389)

53H-10-303 (Effective upon governor's approval), (Renumbered from 53B-8a-203, as last amended by Laws of Utah 2021, Chapter 370)

53H-10-304 (Effective upon governor's approval), (Renumbered from 53B-8a-204, as last amended by Laws of Utah 2025, Chapter 384)

53H-10-305 (Effective upon governor's approval), (Renumbered from 53B-8a-205, as enacted by Laws of Utah 2017, Chapter 389)

53H-10-401 (Effective upon governor's approval) (Repealed 07/01/28), (Renumbered from 53B-8a-301, as enacted by Laws of Utah 2023, Chapter 52)

53H-10-402 (Effective upon governor's approval) (Repealed 07/01/28), (Renumbered from 53B-8a-302, as enacted by Laws of Utah 2023, Chapter 52)

53H-10-403 (Effective upon governor's approval) (Repealed 07/01/28), (Renumbered from 53B-8a-303, as enacted by Laws of Utah 2023, Chapter 52)

53H-11-202 (Effective upon governor's approval), (Renumbered from 53B-8-102, as last amended by Laws of Utah 2025, Chapters 71, 420 and 438)

53H-11-203 (Effective upon governor's approval), (Renumbered from 53B-8-106, as last amended by Laws of Utah 2020, Chapter 365)

53H-11-302 (Effective upon governor's approval), (Renumbered from 53B-8d-102, as last amended by Laws of Utah 2022, Chapter 335)

53H-11-303 (Effective upon governor's approval), (Renumbered from 53B-8e-102, as enacted by Laws of Utah 2004, Chapter 181)

53H-11-304 (Effective upon governor's approval), (Renumbered from 53B-9-101, as last amended by Laws of Utah 2025, Chapter 261)

53H-11-305 (Effective upon governor's approval), (Renumbered from 53B-8-101, as last amended by Laws of Utah 2020, Chapter 365)

53H-11-306 (Effective upon governor's approval), (Renumbered from 53B-8c-102, as last amended by Laws of Utah 2015, Chapter 225)

53H-11-307 (Effective upon governor's approval), (Renumbered from 53B-8-103, as last amended by Laws of Utah 2021, Second Special Session, Chapter 1)

53H-11-308 (Effective upon governor's approval), (Renumbered from 53B-8-107, as last amended by Laws of Utah 2020, Chapter 365)

53H-11-402 (Effective upon governor's approval), (Renumbered from 53B-8-201, as

last amended by Laws of Utah 2025, Chapter 384)

53H-11-403 (Effective upon governor's approval), (Renumbered from 53B-8-112.5, as last amended by Laws of Utah 2025, Chapter 384)

53H-11-404 (Effective upon governor's approval), (Renumbered from 53B-8-103.5, as last amended by Laws of Utah 2024, Chapter 57)

53H-11-405 (Effective upon governor's approval), (Renumbered from 53B-8-104.5, as last amended by Laws of Utah 2006, Chapter 272)

53H-11-406 (Effective upon governor's approval), (Renumbered from 53B-8-104, as last amended by Laws of Utah 2020, Chapter 365)

53H-11-407 (Effective upon governor's approval), (Renumbered from 53B-8-105, as last amended by Laws of Utah 2025, Chapter 384)

53H-11-408 (Effective upon governor's approval), (Renumbered from 53B-8-115, as last amended by Laws of Utah 2021, Chapters 187, 402 and last amended by Coordination Clause, Laws of Utah 2021, Chapters 187, 120)

53H-11-409 (Effective upon governor's approval), (Renumbered from 53B-8-116, as last amended by Laws of Utah 2025, Chapter 384)

53H-11-410 (Effective upon governor's approval), (Renumbered from 53B-8-112, as last amended by Laws of Utah 2023, Chapter 453)

53H-11-411 (Effective upon governor's approval), (Renumbered from 53B-8-117, as last amended by Laws of Utah 2025, Chapter 384)

53H-11-412 (Effective upon governor's approval), (Renumbered from 53B-13c-102, as enacted by Laws of Utah 2021, Chapter 271)

53H-11-413 (Effective upon governor's approval), (Renumbered from 53B-13b-103, as last amended by Laws of Utah 2017, Chapter 143)

53H-11-414 (Effective upon governor's approval), (Renumbered from 53B-13a-103, as last amended by Laws of Utah 2022, Chapter 370)

53H-11-415 (Effective upon governor's approval), (Renumbered from 53B-10-202, as last amended by Laws of Utah 2022, Chapter 370)

53H-12-202 (Effective upon governor's approval), (Renumbered from 53B-14-101, as enacted by Laws of Utah 1987, Chapter 167)

53H-12-203 (Effective upon governor's approval), (Renumbered from 53B-14-102, as enacted by Laws of Utah 1987, Chapter 167)

53H-12-204 (Effective upon governor's approval), (Renumbered from 53B-14-103, as enacted by Laws of Utah 1987, Chapter 167)

674 **53H-12-205 (Effective upon governor's approval)**, (Renumbered from 53B-14-104, as
675 enacted by Laws of Utah 1987, Chapter 167)

676 **53H-12-206 (Effective upon governor's approval)**, (Renumbered from 53B-14-105, as
677 enacted by Laws of Utah 1987, Chapter 167)

678 **53H-12-207 (Effective upon governor's approval)**, (Renumbered from 53B-14-106, as
679 enacted by Laws of Utah 1987, Chapter 167)

680 **53H-12-208 (Effective upon governor's approval)**, (Renumbered from 53B-14-107, as
681 enacted by Laws of Utah 1987, Chapter 167)

682 **53H-12-209 (Effective upon governor's approval)**, (Renumbered from 53B-14-108, as
683 enacted by Laws of Utah 1987, Chapter 167)

684 **53H-12-210 (Effective upon governor's approval)**, (Renumbered from 53B-14-109, as
685 enacted by Laws of Utah 1987, Chapter 167)

686 **53H-12-301 (Effective upon governor's approval)**, (Renumbered from 53B-15-101, as
687 enacted by Laws of Utah 1987, Chapter 167)

688 **53H-12-302 (Effective upon governor's approval)**, (Renumbered from 53B-15-102, as
689 enacted by Laws of Utah 1987, Chapter 167)

690 **53H-12-303 (Effective upon governor's approval)**, (Renumbered from 53B-15-103, as
691 enacted by Laws of Utah 1987, Chapter 167)

692 **53H-12-304 (Effective upon governor's approval)**, (Renumbered from 53B-15-104, as
693 enacted by Laws of Utah 1987, Chapter 167)

694 **53H-12-305 (Effective upon governor's approval)**, (Renumbered from 53B-15-105, as
695 enacted by Laws of Utah 1987, Chapter 167)

696 **53H-12-306 (Effective upon governor's approval)**, (Renumbered from 53B-15-106, as
697 enacted by Laws of Utah 1987, Chapter 167)

698 **53H-12-307 (Effective upon governor's approval)**, (Renumbered from 53B-15-107, as
699 enacted by Laws of Utah 1987, Chapter 167)

700 **53H-13-201 (Effective upon governor's approval)**, (Renumbered from 53B-32-102, as
701 enacted by Laws of Utah 2021, Chapter 282)

702 **53H-13-202 (Effective upon governor's approval)**, (Renumbered from 53B-32-201, as
703 renumbered and amended by Laws of Utah 2021, Chapter 282)

704 **53H-13-301 (Effective upon governor's approval)**, (Renumbered from 53B-34-101, as
705 last amended by Laws of Utah 2025, Chapter 512)

706 **53H-13-302 (Effective upon governor's approval)**, (Renumbered from 53B-34-102, as
707 last amended by Laws of Utah 2025, Chapter 512)

708 **53H-13-303 (Effective upon governor's approval)**, (Renumbered from 53B-34-103, as
709 last amended by Laws of Utah 2023, Chapter 350)

710 **53H-13-304 (Effective upon governor's approval)**, (Renumbered from 53B-34-104, as
711 renumbered and amended by Laws of Utah 2022, Chapter 362)

712 **53H-13-305 (Effective upon governor's approval)**, (Renumbered from 53B-34-105, as
713 renumbered and amended by Laws of Utah 2022, Chapter 362)

714 **53H-13-306 (Effective upon governor's approval)**, (Renumbered from 53B-34-106, as
715 renumbered and amended by Laws of Utah 2022, Chapter 362)

716 **53H-13-307 (Effective upon governor's approval)**, (Renumbered from 53B-34-108, as
717 renumbered and amended by Laws of Utah 2022, Chapter 362)

718 **53H-13-308 (Effective upon governor's approval)**, (Renumbered from 53B-34-109, as
719 enacted by Laws of Utah 2022, Chapter 362)

720 **53H-13-309 (Effective upon governor's approval)**, (Renumbered from 53B-34-110, as
721 last amended by Laws of Utah 2025, Chapters 57, 416)

722 **53H-13-310 (Effective upon governor's approval)**, (Renumbered from 53B-34-107, as
723 renumbered and amended by Laws of Utah 2022, Chapter 362)

724 **53H-13-311 (Effective upon governor's approval)**, (Renumbered from 53B-34-111, as
725 last amended by Laws of Utah 2025, Chapter 512)

726 **53H-13-401 (Effective upon governor's approval)**, (Renumbered from 53B-38-102, as
727 enacted by Laws of Utah 2025, Chapter 325)

728 **53H-13-402 (Effective upon governor's approval)**, (Renumbered from 53B-38-103, as
729 enacted by Laws of Utah 2025, Chapter 325)

730 **53H-13-403 (Effective upon governor's approval)**, (Renumbered from 53B-38-104, as
731 enacted by Laws of Utah 2025, Chapter 325)

732 **53H-13-404 (Effective upon governor's approval)**, (Renumbered from 53B-38-105, as
733 enacted by Laws of Utah 2025, Chapter 325)

734 **53H-13-405 (Effective upon governor's approval)**, (Renumbered from 53B-38-106, as
735 enacted by Laws of Utah 2025, Chapter 325)

736 **53H-13-406 (Effective upon governor's approval)**, (Renumbered from 53B-38-107, as
737 enacted by Laws of Utah 2025, Chapter 325)

738 **53H-13-407 (Effective upon governor's approval)**, (Renumbered from 53B-38-108, as
739 enacted by Laws of Utah 2025, Chapter 325)

740 **53H-14-201 (Effective upon governor's approval)**, (Renumbered from 53B-16-301, as
741 last amended by Laws of Utah 2005, Chapter 201)

742 **53H-14-202 (Effective upon governor's approval)**, (Renumbered from 53B-16-302, as
743 last amended by Laws of Utah 2008, Chapter 382)

744 **53H-14-203 (Effective upon governor's approval)**, (Renumbered from 53B-16-303, as
745 last amended by Laws of Utah 2025, Chapter 476)

746 **53H-14-204 (Effective upon governor's approval)**, (Renumbered from 53B-16-304, as
747 last amended by Laws of Utah 2008, Chapter 382)

748 **53H-14-205 (Effective upon governor's approval)**, (Renumbered from 53B-16-305, as
749 last amended by Laws of Utah 2008, Chapter 382)

750 **53H-14-301 (Effective upon governor's approval)**, (Renumbered from 53B-25-102, as
751 enacted by Laws of Utah 2013, Chapter 94)

752 **53H-14-302 (Effective upon governor's approval)**, (Renumbered from 53B-25-201, as
753 enacted by Laws of Utah 2013, Chapter 94)

754 **53H-14-303 (Effective upon governor's approval)**, (Renumbered from 53B-25-202, as
755 enacted by Laws of Utah 2013, Chapter 94)

756 **53H-14-304 (Effective upon governor's approval)**, (Renumbered from 53B-25-203, as
757 enacted by Laws of Utah 2013, Chapter 94)

758 **53H-14-305 (Effective upon governor's approval)**, (Renumbered from 53B-25-301, as
759 enacted by Laws of Utah 2013, Chapter 94)

760 **53H-14-401 (Effective upon governor's approval)**, (Renumbered from 53B-28-201, as
761 enacted by Laws of Utah 2017, Chapter 188)

762 **53H-14-402 (Effective upon governor's approval)**, (Renumbered from 53B-28-202, as
763 last amended by Laws of Utah 2023, Chapter 328)

764 **53H-14-501 (Effective upon governor's approval)**, (Renumbered from 53B-28-501, as
765 enacted by Laws of Utah 2022, Chapter 461)

766 **53H-14-502 (Effective upon governor's approval)**, (Renumbered from 53B-28-502, as
767 last amended by Laws of Utah 2024, Chapter 378)

768 **53H-14-503 (Effective upon governor's approval)**, (Renumbered from 53B-28-503, as
769 enacted by Laws of Utah 2022, Chapter 461)

770 **53H-14-504 (Effective upon governor's approval)**, (Renumbered from 53B-28-504, as
771 enacted by Laws of Utah 2022, Chapter 461)

772 **53H-14-505 (Effective upon governor's approval)**, (Renumbered from 53B-28-505, as
773 last amended by Laws of Utah 2023, Chapter 381)

774 **53H-14-506 (Effective upon governor's approval)**, (Renumbered from 53B-28-506, as
775 last amended by Laws of Utah 2024, Chapter 158)

776 **53H-15-101 (Effective upon governor's approval)**, (Renumbered from 53B-33-101, as
777 last amended by Laws of Utah 2024, Chapter 403)

778 **53H-15-202 (Effective upon governor's approval)**, (Renumbered from 53B-33-201, as
779 renumbered and amended by Laws of Utah 2022, Chapter 461)

780 **53H-15-203 (Effective upon governor's approval)**, (Renumbered from 53B-33-202, as
781 last amended by Laws of Utah 2024, Chapter 378)

782 **53H-15-204 (Effective upon governor's approval)**, (Renumbered from 53B-33-203, as
783 renumbered and amended by Laws of Utah 2022, Chapter 461)

784 **53H-15-302 (Effective upon governor's approval)**, (Renumbered from 53B-33-301, as
785 last amended by Laws of Utah 2024, Chapter 403)

786 **53H-15-303 (Effective upon governor's approval)**, (Renumbered from 53B-33-302, as
787 renumbered and amended by Laws of Utah 2022, Chapter 461)

788 **53H-15-304 (Effective upon governor's approval)**, (Renumbered from 53B-33-303, as
789 renumbered and amended by Laws of Utah 2022, Chapter 461)

790 **53H-15-305 (Effective upon governor's approval)**, (Renumbered from 53B-33-304, as
791 last amended by Laws of Utah 2023, Chapter 84)

792 **53H-16-201 (Effective upon governor's approval)**, (Renumbered from 53B-37-101, as
793 renumbered and amended by Laws of Utah 2025, Chapter 506)

794 **53H-16-202 (Effective upon governor's approval)**, (Renumbered from 53B-37-102, as
795 renumbered and amended by Laws of Utah 2025, Chapter 506)

796 **53H-16-203 (Effective upon governor's approval)**, (Renumbered from 53B-37-103, as
797 enacted by Laws of Utah 2025, Chapter 506)

798 **53H-16-302 (Effective upon governor's approval)**, (Renumbered from 53B-37-201, as
799 renumbered and amended by Laws of Utah 2025, Chapter 506)

800 **53H-16-303 (Effective upon governor's approval)**, (Renumbered from 53B-37-202, as
801 renumbered and amended by Laws of Utah 2025, Chapter 506)

802 **53H-16-304 (Effective upon governor's approval)**, (Renumbered from 53B-37-203, as
803 enacted by Laws of Utah 2025, Chapter 506)

804 **53H-16-402 (Effective upon governor's approval)**, (Renumbered from 53B-37-301, as
805 renumbered and amended by Laws of Utah 2025, Chapter 506)

806 **53H-16-403 (Effective upon governor's approval)**, (Renumbered from 53B-37-302, as
807 enacted by Laws of Utah 2025, Chapter 506)

808 **53H-16-404 (Effective upon governor's approval)**, (Renumbered from 53B-37-303, as
809 enacted by Laws of Utah 2025, Chapter 506)

810 **53H-16-405 (Effective upon governor's approval)**, (Renumbered from 53B-37-304, as
811 enacted by Laws of Utah 2025, Chapter 506)

812 **53H-16-406 (Effective upon governor's approval)**, (Renumbered from 53B-37-305, as
813 renumbered and amended by Laws of Utah 2025, Chapter 506)

814 **53H-16-407 (Effective upon governor's approval)**, (Renumbered from 53B-37-306, as
815 renumbered and amended by Laws of Utah 2025, Chapter 506)

816 REPEALS:

817 **53B-1-108 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
818 Chapter 167

819 **53B-2a-100.5 (Effective upon governor's approval)**, as last amended by Laws of Utah
820 2021, Chapter 187

821 **53B-2a-119 (Effective upon governor's approval)**, as enacted by Laws of Utah 2024,
822 Chapter 402

823 **53B-3-102 (Effective upon governor's approval)**, as last amended by Laws of Utah 2017,
824 Chapter 382

825 **53B-7-501 (Effective upon governor's approval)**, as enacted by Laws of Utah 1998,
826 Chapter 103

827 **53B-7-701 (Effective upon governor's approval)**, as enacted by Laws of Utah 2017,
828 Chapter 365

829 **53B-7-805 (Effective upon governor's approval)**, as enacted by Laws of Utah 2023,
830 Chapter 374

831 **53B-8a-102 (Effective upon governor's approval)**, as last amended by Laws of Utah
832 2017, Chapter 389

833 **53B-8c-101 (Effective upon governor's approval)**, as enacted by Laws of Utah 1997,
834 Chapter 333

835 **53B-8c-103 (Effective upon governor's approval)**, as last amended by Laws of Utah
836 2015, Chapter 225

837 **53B-8c-104 (Effective upon governor's approval)**, as last amended by Laws of Utah
838 2019, Chapter 324

839 **53B-8d-101 (Effective upon governor's approval)**, as enacted by Laws of Utah 2001,
840 Chapter 279

841 **53B-8d-103 (Effective upon governor's approval)**, as enacted by Laws of Utah 2001,
842 Chapter 279

843 **53B-8d-104 (Effective upon governor's approval)**, as last amended by Laws of Utah

844 2025, Chapter 390
845 **53B-8e-101 (Effective upon governor's approval)**, as enacted by Laws of Utah 2004,
846 Chapter 181
847 **53B-8e-103 (Effective upon governor's approval)**, as last amended by Laws of Utah
848 2020, Chapter 365
849 **53B-9-102 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
850 Chapter 167
851 **53B-9-103 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
852 Chapter 167
853 **53B-10-101 (Effective upon governor's approval) (Repealed 07/01/27)**, as last amended
854 by Laws of Utah 2025, Chapter 384
855 **53B-10-201 (Effective upon governor's approval)**, as last amended by Laws of Utah
856 2024, Chapter 159
857 **53B-10-203 (Effective upon governor's approval)**, as last amended by Laws of Utah
858 2024, Chapter 159
859 **53B-10-205 (Effective upon governor's approval)**, as last amended by Laws of Utah
860 2022, Chapter 370
861 **53B-13-101 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
862 Chapter 167
863 **53B-13a-102 (Effective upon governor's approval)**, as last amended by Laws of Utah
864 2025, Chapter 384
865 **53B-13a-104 (Effective upon governor's approval)**, as last amended by Laws of Utah
866 2023, Chapter 137
867 **53B-13a-106 (Effective upon governor's approval)**, as last amended by Laws of Utah
868 2023, Chapter 137
869 **53B-13b-101 (Effective upon governor's approval)**, as enacted by Laws of Utah 2014,
870 Chapter 87
871 **53B-13b-102 (Effective upon governor's approval)**, as last amended by Laws of Utah
872 2025, Chapter 384
873 **53B-13b-104 (Effective upon governor's approval)**, as last amended by Laws of Utah
874 2023, Chapter 137
875 **53B-13c-101 (Effective upon governor's approval)**, as last amended by Laws of Utah
876 2025, Chapter 384
877 **53B-16-111 (Effective upon governor's approval)**, as enacted by Laws of Utah 2021,

878 Chapter 435
879 **53B-16-207 (Effective upon governor's approval)**, as last amended by Laws of Utah
880 2021, Chapter 187
881 **53B-16-208 (Effective upon governor's approval)**, as last amended by Laws of Utah
882 2019, Chapter 357
883 **53B-17-101.5 (Effective upon governor's approval)**, as last amended by Laws of Utah
884 2021, Chapter 86
885 **53B-17-202 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
886 Chapter 167
887 **53B-17-302 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
888 Chapter 167
889 **53B-17-303 (Effective upon governor's approval)**, as last amended by Laws of Utah
890 1989, Chapter 22
891 **53B-17-304 (Effective upon governor's approval)**, as last amended by Laws of Utah
892 2018, Chapter 148
893 **53B-17-402 (Effective upon governor's approval)**, as last amended by Laws of Utah
894 1989, Chapter 22
895 **53B-17-403 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
896 Chapter 167
897 **53B-17-501 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
898 Chapter 167
899 **53B-17-502 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
900 Chapter 167
901 **53B-17-503 (Effective upon governor's approval)**, as last amended by Laws of Utah
902 2020, Chapter 365
903 **53B-17-505 (Effective upon governor's approval)**, as last amended by Laws of Utah
904 2020, Chapter 365
905 **53B-17-506 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
906 Chapter 167
907 **53B-17-601 (Effective upon governor's approval)**, as last amended by Laws of Utah
908 1997, Chapter 318
909 **53B-17-602 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
910 Chapter 167
911 **53B-17-702 (Effective upon governor's approval)**, as enacted by Laws of Utah 2005,

912 Chapter 97
913 **53B-17-901 (Effective upon governor's approval)**, as last amended by Laws of Utah
914 2025, Chapter 384
915 **53B-17-903 (Effective upon governor's approval)**, as last amended by Laws of Utah
916 2025, Chapter 392
917 **53B-17-904 (Effective upon governor's approval)**, as enacted by Laws of Utah 2025,
918 Chapter 384
919 **53B-17-1101 (Effective upon governor's approval) (Repealed 07/01/28)**, as last amended
920 by Laws of Utah 2020, Chapter 360
921 **53B-17-1201 (Effective upon governor's approval)**, as last amended by Laws of Utah
922 2024, Chapter 21
923 **53B-17-1203 (Effective upon governor's approval) (Repealed 01/01/30)**, as last amended
924 by Laws of Utah 2024, Chapters 21, 378
925 **53B-17-1204 (Effective upon governor's approval)**, as last amended by Laws of Utah
926 2024, Chapter 21
927 **53B-17-1301 (Effective upon governor's approval)**, as enacted by Laws of Utah 2022,
928 Chapter 445
929 **53B-17-1401 (Effective upon governor's approval)**, as enacted by Laws of Utah 2023,
930 Chapter 281
931 **53B-18-101 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
932 Chapter 167
933 **53B-18-102 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
934 Chapter 167
935 **53B-18-103 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
936 Chapter 167
937 **53B-18-105 (Effective upon governor's approval)**, as enacted by Laws of Utah 2003,
938 Chapter 139
939 **53B-18-201 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
940 Chapter 167
941 **53B-18-202 (Effective upon governor's approval)**, as last amended by Laws of Utah
942 1994, Chapter 12
943 **53B-18-203 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
944 Chapter 167
945 **53B-18-205 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,

946 Chapter 167
947 **53B-18-206 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
948 Chapter 167
949 **53B-18-301 (Effective upon governor's approval)**, as last amended by Laws of Utah
950 2019, Chapter 357
951 **53B-18-302 (Effective upon governor's approval)**, as last amended by Laws of Utah
952 2019, Chapter 357
953 **53B-18-401 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
954 Chapter 167
955 **53B-18-601 (Effective upon governor's approval)**, as enacted by Laws of Utah 1998,
956 Chapter 381
957 **53B-18-1001 (Effective upon governor's approval)**, as enacted by Laws of Utah 2004,
958 Chapter 23
959 **53B-18-1202 (Effective upon governor's approval)**, as enacted by Laws of Utah 2019,
960 Chapter 357
961 **53B-18-1601 (Effective upon governor's approval) (Repealed 07/01/28)**, as last amended
962 by Laws of Utah 2020, Chapter 360
963 **53B-18-1701 (Effective upon governor's approval) (Repealed 07/01/27)**, as enacted by
964 Laws of Utah 2022, Chapter 94
965 **53B-18-1703 (Effective upon governor's approval) (Repealed 07/01/27)**, as enacted by
966 Laws of Utah 2022, Chapter 94
967 **53B-18-1901 (Effective upon governor's approval)**, as enacted by Laws of Utah 2025,
968 Chapter 163
969 **53B-19-102 (Effective upon governor's approval)**, as last amended by Laws of Utah
970 1993, Chapter 4
971 **53B-19-103 (Effective upon governor's approval)**, as enacted by Laws of Utah 1987,
972 Chapter 167
973 **53B-22-103 (Effective upon governor's approval)**, as last amended by Laws of Utah
974 2024, Chapter 378
975 **53B-22-104 (Effective upon governor's approval)**, as last amended by Laws of Utah
976 2024, Chapter 378
977 **53B-22-105 (Effective upon governor's approval)**, as last amended by Laws of Utah
978 2024, Chapter 378
979 **53B-22-106 (Effective upon governor's approval)**, as last amended by Laws of Utah

980 2024, Chapter 378
981 **53B-22-107 (Effective upon governor's approval)**, as last amended by Laws of Utah
982 2024, Chapter 378
983 **53B-22-109 (Effective upon governor's approval)**, as last amended by Laws of Utah
984 2024, Chapter 378
985 **53B-22-111 (Effective upon governor's approval)**, as last amended by Laws of Utah
986 2024, Chapter 378
987 **53B-22-112 (Effective upon governor's approval)**, as last amended by Laws of Utah
988 2024, Chapter 378
989 **53B-22-113 (Effective upon governor's approval)**, as last amended by Laws of Utah
990 2024, Chapter 378
991 **53B-22-114 (Effective upon governor's approval)**, as last amended by Laws of Utah
992 2024, Chapter 378
993 **53B-23-101 (Effective upon governor's approval)**, as last amended by Laws of Utah
994 2011, Chapter 366
995 **53B-25-101 (Effective upon governor's approval)**, as enacted by Laws of Utah 2013,
996 Chapter 94
997 **53B-27-101 (Effective upon governor's approval)**, as enacted by Laws of Utah 2017,
998 Chapter 440
999 **53B-27-102 (Effective upon governor's approval)**, as enacted by Laws of Utah 2017,
1000 Chapter 440
1001 **53B-27-201 (Effective upon governor's approval)**, as enacted by Laws of Utah 2017,
1002 Chapter 440
1003 **53B-28-101 (Effective upon governor's approval)**, as enacted by Laws of Utah 2017,
1004 Chapter 188
1005 **53B-28-102 (Effective upon governor's approval)**, as last amended by Laws of Utah
1006 2025, Chapter 384
1007 **53B-29-101 (Effective upon governor's approval)**, as enacted by Laws of Utah 2020,
1008 Chapter 403
1009 **53B-29-201 (Effective upon governor's approval)**, as enacted by Laws of Utah 2020,
1010 Chapter 403
1011 **53B-29-301 (Effective upon governor's approval)**, as enacted by Laws of Utah 2021,
1012 Chapter 270
1013 **53B-30-101 (Effective upon governor's approval)**, as enacted by Laws of Utah 2021,

Chapter 425

53B-30-201 (Effective upon governor's approval), as enacted by Laws of Utah 2021,
Chapter 425

53B-31-101 (Effective upon governor's approval), as last amended by Laws of Utah
2021, Second Special Session, Chapter 1

53B-32-101 (Effective upon governor's approval), as enacted by Laws of Utah 2021,
Chapter 282

53B-35-201 (Effective upon governor's approval) (Repealed 07/01/27), as last amended
by Laws of Utah 2023, Chapter 254

53B-35-202 (Effective upon governor's approval) (Repealed 07/01/27), as last amended
by Laws of Utah 2025, Chapter 214

53B-35-301 (Effective upon governor's approval) (Repealed 07/01/27), as enacted by
Laws of Utah 2024, Chapter 144

53B-38-101 (Effective upon governor's approval), as enacted by Laws of Utah 2025,
Chapter 325

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

Section 1. Section **53H-1-101**, which is renumbered from Section 53B-1-101.5 is renumbered
and amended to read:

TITLE 53H. Higher Education

CHAPTER 1. System of Higher Education

Part 1. General Provisions

**[53B-1-101.5] 53H-1-101 (Effective upon governor's approval). Title 53H
Definitions.**

As used in this title:

(1)(a) "Academic education" means an educational program that:

(i) is offered by ~~[a degree-granting]~~ an institution ~~[]~~ of higher education described in
Subsection 53H-1-102(1)(a); and

(ii) leads to academic certificates or associate, bachelor's, graduate, or professional
degrees as the board defines.

(b) "Academic education" does not include technical education.

(2) "Board" means the Utah Board of Higher Education described in Section ~~[53B-1-402]~~
53H-1-203.

- (3) "Career and technical education" means an educational program that:
- (a) is designed to meet industry needs;
 - (b) leads to:
 - (i) a certificate offered by an institution described in Subsection 53H-1-102(1)(b) or Section 53H-3-609; or
 - (ii) a degree; and
 - (c) may qualify for funding under the Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. 2301 et seq.
- (4) "Commissioner" means the commissioner of higher education appointed in accordance with Section ~~[53B-1-408]~~ 53H-1-302.
- (5) "Degree-granting institution of higher education" or "degree-granting institution" means an institution of higher education described in Subsection ~~[53B-1-102(1)(a)]~~ 53H-1-102(1)(a).
- (6) "Institution board of trustees" or "board of trustees" means:
- (a) ~~[a]~~ a degree-granting institution of higher education board of trustees described in Section [53B-2-103] 53H-3-202; or
 - (b) a technical college board of trustees described in Section ~~[53B-2a-108]~~ 53H-3-205.
- (7) "Institution of higher education" or "institution" means an institution of higher education listed in Subsection 53H-1-102(1)(a) and (b) and includes:
- (a) a branch or affiliated institution; or
 - (b) a campus or facilities owned, operated, or controlled by the board of trustees of the institution of higher education.
- (8)(a) "Private postsecondary educational institution" means an institution that:
- (i) does not receive direct funding through state appropriations; and
 - (ii) provides higher education programs.
- (b) "Private postsecondary educational institution" includes:
- (i) a private nonprofit college or university; and
 - (ii) a private for-profit college or university.
- ~~[(7)]~~ (9) "Technical college" means an institution of higher education described in Subsection ~~[53B-1-102(1)(b)]~~ 53H-1-102(1)(b).
- ~~[(8)]~~ (10)(a) "Technical education" means an educational program that:
- (i) is offered by an institution of higher education described in Subsection 53H-1-102(1)(a) and (b), or a degree-granting institution acting in the degree-granting institution's technical education role described in Section

1081 53H-3-609;

1082 (ii) prepares students for employment in occupations that do not require a degree; and

1083 (iii) meets the needs of Utah's employers for technically skilled workers.[career and
1084 technical education that:]

1085 [(i) leads to a certificate; or]

1086 [(ii) is short-term training.]

1087 (b) "Technical education" does not include general education.

1088 Section 2. Section **53H-1-102**, which is renumbered from Section 53B-1-102 is renumbered
1089 and amended to read:

1090 **[~~53B-1-102~~] 53H-1-102 (Effective upon governor's approval). Utah system of**
1091 **higher education.**

1092 (1) The Utah system of higher education consists of the following~~[-institutions]~~:

1093 (a) degree-granting institutions, which are:

1094 (i) the University of Utah;

1095 (ii) Utah State University;

1096 (iii) Weber State University;

1097 (iv) Southern Utah University;

1098 (v) Snow College;

1099 (vi) Utah Tech University;

1100 (vii) Utah Valley University; and

1101 (viii) Salt Lake Community College;

1102 (b) technical colleges, which are:

1103 (i) Bridgerland Technical College;

1104 (ii) Davis Technical College;

1105 (iii) Dixie Technical College;

1106 (iv) Mountainland Technical College;

1107 (v) Ogden-Weber Technical College;

1108 (vi) Southwest Technical College;

1109 (vii) Tooele Technical College; and

1110 (viii) Uintah Basin Technical College;

1111 (c) the Utah Board of Higher Education; and

1112 (d) other public post-high school educational institutions as the Legislature may
1113 designate.

1114 (2) A change in the name of an institution within the Utah system of higher education is not

a change in the role or mission of the institution, unless otherwise authorized by the board.

(3) It is not the intent of the Legislature to increase the number of research universities in the state beyond the University of Utah and Utah State University.

(4) An institution or board described in Subsection (1) is empowered to sue and be sued and to contract and be contracted with.

Section 3. Section **53H-1-201**, which is renumbered from Section 53B-1-401 is renumbered and amended to read:

Part 2. Utah Board of Higher Education

~~[53B-1-401]~~ 53H-1-201 (Effective upon governor's approval). General Provisions -- Definitions.

[As used in this part:] Reserved.

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

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

Section 4. Section **53H-1-202**, which is renumbered from Section 53B-1-501 is renumbered and amended to read:

~~[53B-1-501]~~ 53H-1-202 (Effective upon governor's approval). Establishment of initial board membership in 2023.

(1) The governor shall appoint, with the advice and consent of the Senate, individuals to the board, to ensure that ~~[beginning July 1, 2023,]~~ the board consists of 10 members with new terms in accordance with this section.

(2) Except for the appointment of the student member described in ~~[Subsection 53B-1-404(3)(c)]~~ Section 53H-1-204(3)(c), the governor shall appoint each individual to a two-year, four-year, or six-year term to ensure that one-third of the members complete the members' terms on June 30 of each odd number year.

(3) Following the appointments described in this section, the governor shall fill a vacancy on the board in accordance with Section ~~[53B-1-404]~~ 53H-1-204.

(4) Notwithstanding Section 67-1-2, for an appointment described in this section:

(a) a majority of the president of the Senate, the Senate majority leader, and the Senate minority leader may waive the 30-day requirement described in Subsection 67-1-2(2); and

(b) the Senate is not required to hold a confirmation hearing.

Section 5. Section **53H-1-203**, which is renumbered from Section 53B-1-402 is renumbered

and amended to read:

[~~53B-1-402~~] 53H-1-203 (Effective upon governor's approval). Establishment of board -- Powers, duties, and authority -- Reports.

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

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

(ii) controls, oversees, and regulates the Utah System of Higher Education in a manner consistent with the purpose of this title and the specific powers and responsibilities granted to the board.

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

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

(2) The board shall:

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

(i) quality;

(ii) affordability;

(iii) access and equity;

(iv) completion;

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

(vi) economic growth;

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

(c) establish metrics to demonstrate and monitor:

(i) performance related to the goals; and

(ii) performance on measures of operational efficiency;

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

(e) govern data quality and collection across institutions;

(f) establish, approve, and oversee each institution's mission and role in accordance with Section [~~53B-16-101~~] 53H-3-602;

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

(h) participate in the establishment and review of programs of instruction in accordance with Section [~~53B-16-102~~] 53H-3-603;

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

including:

- (i) hiring an institution of higher education president in accordance with Section [~~53B-2-102~~] 53H-3-302;
- (ii) through the commissioner and the board's executive committee:
 - (A) providing support and guidance to an institution of higher education president;
 - and
 - (B) evaluating an institution of higher education president based on institution performance and progress toward systemwide priorities;
- (iii) setting the terms of employment for an institution of higher education president, including performance-based compensation, through an employment contract or another method of establishing employment; and
- (iv) establishing, through a confidential process, a statewide succession plan to develop potential institution presidents from within the system;
- (j) create and implement a strategic finance plan for higher education, including by:
 - (i) establishing comprehensive budget and finance priorities for academic education and technical education;
 - (ii) allocating statewide resources to institutions;
 - (iii) setting tuition for each institution;
 - (iv) administering state financial aid programs;
 - (v) administering performance funding in accordance with [~~Chapter 7, Part 7, Performance Funding~~] Chapter 8, Part 3, Performance Funding; and
 - (vi) developing a strategic capital facility plan and prioritization process in accordance with [~~Chapter 22, Part 2, Capital Developments~~] Chapter 9, Part 5, General Capital Developments, and Sections [~~53B-2a-117~~] 53H-9-604 and [~~53B-2a-118~~] 53H-9-605;
- (k) create and annually report to the Higher Education Appropriations Subcommittee on a seamless articulated education system for Utah students that responds to changing demographics and workforce, including by:
 - (i) providing for statewide prior learning assessment, in accordance with Section [~~53B-16-110~~] 53H-3-702;
 - (ii) establishing and maintaining clear pathways for articulation and transfer, in accordance with Section [~~53B-16-105~~] 53H-3-604;
 - (iii) establishing degree program requirement guidelines, including credit hour limits;
 - (iv) aligning general education requirements across degree-granting institutions;

- 1217 (v) coordinating and incentivizing collaboration and partnerships between institutions
1218 in delivering programs;
- 1219 (vi) coordinating distance delivery of programs;
- 1220 (vii) coordinating work-based learning; and
- 1221 (viii) emphasizing the system priorities and metrics described in Subsections (2)(a)
1222 and (c);
- 1223 (l) coordinate with the public education system:
- 1224 (i) regarding public education programs that provide postsecondary credit or
1225 certificates; and
- 1226 (ii) to ensure that an institution of higher education providing technical education
1227 serves secondary students in the public education system;
- 1228 (m) delegate to an institution board of trustees certain duties related to institution
1229 governance including:
- 1230 (i) guidance and support for the institution president;
- 1231 (ii) effective administration;
- 1232 (iii) the institution's responsibility for contributing to progress toward achieving
1233 systemwide goals; and
- 1234 (iv) other responsibilities determined by the board;
- 1235 (n) delegate to an institution of higher education president management of the institution
1236 of higher education;
- 1237 (o) consult with an institution of higher education board of trustees or institution of
1238 higher education president before acting on matters pertaining to the institution of
1239 higher education;
- 1240 (p) maximize efficiency throughout the Utah System of Higher Education by identifying
1241 and establishing shared administrative services, beginning with:
- 1242 (i) commercialization;
- 1243 (ii) services for compliance with Title IX of the Education Amendments of 1972, 20
1244 U.S.C. Sec. 1681 et seq.;
- 1245 (iii) information technology services; and
- 1246 (iv) human resources, payroll, and benefits administration;
- 1247 (q) develop strategies for providing higher education, including career and technical
1248 education, in rural areas;
- 1249 (r) manage and facilitate a process for initiating, prioritizing, and implementing
1250 education reform initiatives, beginning with common applications and direct

- 1251 admissions;
- 1252 (s) provide ongoing quality review of programs;
- 1253 (t) before each annual legislative general session, provide to the Higher Education
- 1254 Appropriations Subcommittee a prioritization of all projects and proposals for which
- 1255 the board or an institution of higher education seeks an appropriation; and
- 1256 (u) coordinate with the Department of Corrections to establish educational programs for
- 1257 inmates as described in Section 64-13-6.
- 1258 (3) The board shall submit an annual report of the board's activities and performance
- 1259 against the board's goals and metrics to:
- 1260 (a) the Education Interim Committee;
- 1261 (b) the Higher Education Appropriations Subcommittee;
- 1262 (c) the governor; and
- 1263 (d) each institution of higher education.
- 1264 (4) The board shall prepare and submit an annual report detailing the board's progress and
- 1265 recommendations on workforce related issues, including career and technical education,
- 1266 to the governor and to the Education Interim Committee by December 1 of each year,
- 1267 including information detailing:
- 1268 (a) how institutions of higher education are meeting the career and technical education
- 1269 needs of secondary students;
- 1270 (b) how the system emphasized high demand, high wage, and high skill jobs in business
- 1271 and industry;
- 1272 (c) performance outcomes, including:
- 1273 (i) entered employment;
- 1274 (ii) job retention; and
- 1275 (iii) earnings;
- 1276 (d) an analysis of workforce needs and efforts to meet workforce needs; and
- 1277 (e) student tuition and fees.
- 1278 (5) The board may modify the name of an institution of higher education to reflect the role
- 1279 and general course of study of the institution.
- 1280 (6) The board may not take action relating to merging a technical college with another
- 1281 institution of higher education without legislative approval.
- 1282 (7) This section does not affect the power and authority vested in the State Board of
- 1283 Education to apply for, accept, and manage federal appropriations for the establishment
- 1284 and maintenance of career and technical education.

- (8) The board shall ensure that any training or certification that an employee of the higher education system is required to complete under this title or by board rule complies with Title 63G, Chapter 22, State Training and Certification Requirements.
- (9) The board shall demonstrate compliance with Subsection (2)(p) by providing to the Higher Education Appropriations Subcommittee:
- (a) on or before October 1, 2024, evidence of implementation of at least one shared administrative service;
 - (b) on or before October 1, 2025, evidence of implementation of at least two shared administrative services; and
 - (c) on or before October 1, 2026, evidence of implementation of at least three shared administrative services.
- (10) If the Higher Education Appropriations Subcommittee finds the board to be out of compliance with Subsection (9), the Legislature shall:
- (a) deduct 10% of the appropriation described in Section ~~[53B-7-703]~~ 53H-8-302 for the following fiscal year; and
 - (b) deduct an additional 10% of the appropriation described in Section ~~[53B-7-703]~~ 53H-8-302 for each subsequent year of noncompliance up to a maximum deduction of 30%.
- Section 6. Section **53H-1-204**, which is renumbered from Section 53B-1-404 is renumbered and amended to read:
- ~~[53B-1-404]~~ 53H-1-204 (Effective upon governor's approval). Membership of the board -- Student appointee -- Terms -- Oath -- Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation -- Training.**
- (1) The board consists of 10 residents of the state whom the governor appoints with the advice and consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies, and this section.
- (2)(a) For an appointment effective July 1, 2023, the governor shall appoint the member in accordance with Section ~~[53B-1-501]~~ 53H-1-202.
- (b) Except for an individual whom the governor appoints as described in Section ~~[53B-1-501]~~ 53H-1-202, the term of each member of the Utah Board of Higher Education expires on July 1, 2023.
- (3)(a) The governor shall make all appointments to the board on a nonpartisan basis.
- (b) An individual may not serve simultaneously on the board and an institution board of trustees.

- (c) The governor shall appoint at least one student member to the board.
- (d) Notwithstanding Subsection (1), the governor's appointment of a student member described in Subsection (3)(c) is not subject to the advice and consent of the Senate.
- (e) The governor shall ensure that the membership of the board includes:
- (i) members with various experience, including in degree-granting institution governance, technical college governance, and representation from various industry sectors; and
 - (ii) at least one member who resides in:
 - (A) a county of the third through sixth class; or
 - (B) a county of the second class with a national park and two or more state parks.
- (4)(a)(i) Except as provided in Subsection [~~(6)(a)(ii)~~] (4)(a)(ii) and Section [~~53B-1-501~~] 53H-1-202, the governor shall appoint board members to [-]six-year staggered terms beginning on July 1 of the year of appointment.
- (ii) The governor shall appoint the student member described in Subsection (3)(c) to a one-year term.
- (b)(i) A board member other than the student member described in Subsection (3)(c) may serve up to two consecutive full terms.
- (ii) The student member described in Subsection (3)(c) may not serve more than one full term.
- (5) The governor may, after consulting with the president of the Senate, remove a member for cause.
- (6)(a) A board member shall take the official oath of office before entering upon the duties of office.
- (b) The board shall file the oath described in Subsection (6)(a) with the Division of Archives and Records Services.
- (7) The board shall elect a chair and vice chair from among the board's members to serve terms of two years and until the board chooses and qualifies successors.
- (8)(a) The board shall appoint a secretary from the commissioner's staff to serve at the board's discretion.
- (b) The board's secretary is a full-time employee.
 - (c) The secretary shall record and maintain a record of all board meetings and perform other duties as the board directs.
- (9)(a) The board may establish advisory committees, including a faculty and staff advisory committee.

(b) The board shall address all matters requiring board determination in a properly convened meeting of the board or the board's executive committee.

(10)(a) The board shall enact bylaws for the board's own government not inconsistent with the constitution or the laws of this state.

(b) The board shall provide for an executive committee in the bylaws that:

(i) has the full authority of the board to act upon routine matters during the interim between board meetings;

(ii) may not act on nonroutine matters except under extraordinary and emergency circumstances; and

(iii) shall report to the board at the board's next meeting following an action undertaken by the executive committee.

(11)(a) The board shall meet regularly upon the board's own determination.

(b) The board may also meet, in full or executive session, at the request of the chair, the commissioner, or at least five members of the board.

(12) The board may not conduct the board's business without the agreement of a majority of the board.

(13)(a) The governor shall immediately fill a vacancy in the board occurring before the expiration of a member's full term in accordance with this section.

(b) An individual whom the governor appoints under Subsection (13)(a) shall serve for the remainder of the unexpired term.

(14)(a)(i) Subject to Subsection (14)(a)(ii), a member shall receive a daily salary for each calendar day that the member attends a board meeting that is the same as the daily salary for a member of the Legislature described in Section 36-2-3.

(ii) A member may receive a salary for up to 10 calendar days per calendar year.

(b) A member may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(15) The commissioner shall provide to each member:

(a) initial training when the member joins the board; and

(b) ongoing annual training.

(16) A board member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

Section 7. Section **53H-1-205**, which is renumbered from Section 53B-1-405 is renumbered and amended to read:

[53B-1-405] 53H-1-205 (Effective upon governor's approval). Board Member Qualifications.

(1) The board shall develop qualifications for the composition of the board to ensure that combined, the board members have:

- (a) a range of experience, including experience in industry;
- (b) varied areas of expertise; and
- (c) varied geographic representation.

(2) In developing the qualifications, the board shall consider:

- (a) expertise in:
 - (i) business or industry;
 - (ii) technical education;
 - (iii) general education; and
 - (iv) advanced education and research;
- (b) geographic representation; and
- (c) knowledge or experience in a field including:
 - (i) finance;
 - (ii) accounting or auditing;
 - (iii) law;
 - (iv) facilities or real estate;
 - (v) educational delivery models;
 - (vi) workforce development;
 - (vii) economic development;
 - (viii) kindergarten through grade 12 education; and
 - (ix) educational quality assessment.

(3) The board shall consult with the governor to develop the qualifications described in this section.

Section 8. Section **53H-1-206**, which is renumbered from Section 53B-1-403 is renumbered and amended to read:

[53B-1-403] 53H-1-206 (Effective upon governor's approval). Committees.

The board may form committees to support the board in fulfilling the board's duties.

Section 9. Section **53H-1-207**, which is renumbered from Section 53B-1-109 is renumbered and amended to read:

[53B-1-109] 53H-1-207 (Effective upon governor's approval). Coordination of higher education and public education information technology systems -- Use of unique student identifier.

(1) As used in this section:

(a) "Center" means the Utah Data Research Center created in Section ~~[53B-33-201]~~ 53H-15-202.

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

~~[(e)] (b)~~ "Unique student identifier" means the same as that term is defined in Section 53E-4-308.

(2) The board and State Board of Education, in collaboration with the center, shall:

(a) coordinate public education and higher education information technology systems to allow individual student academic achievement to be tracked through both education systems in accordance with this section and Section 53E-4-308; and

(b) coordinate access to the unique student identifier of a public education student who later attends an institution of higher education.

(3) Information technology systems used at an institution of higher education shall use the unique student identifier of all students who have previously been assigned a unique student identifier.

Section 10. Section **53H-1-208**, which is renumbered from Section 53B-1-411 is renumbered and amended to read:

[53B-1-411] 53H-1-208 (Effective upon governor's approval). Board guidance to degree-granting institutions on student housing.

The board shall make policies or otherwise provide to each degree-granting institution guidance regarding the degree-granting institution's student housing, including:

(1) compliance with the requirements for sex-designated dwelling units within the degree-granting institution's student housing, as those terms are defined in Section 63G-31-305, and the provision of dwelling units that are not sex-designated; and

(2) practices to ensure individual privacy within the degree-granting institution's student housing.

Section 11. Section **53H-1-209**, which is renumbered from Section 53B-6-102 is renumbered and amended to read:

[53B-6-102] 53H-1-209 (Effective upon governor's approval). Standardized systems prescribed by the board.

The board shall prescribe for all institutions under its jurisdiction standardized systems of accounts, records, and reports covering in sufficient detail the operations of the [educational-] institutions under its control.

Section 12. Section **53H-1-210**, which is renumbered from Section 53B-1-410 is renumbered and amended to read:

[53B-1-410] 53H-1-210 (Effective upon governor's approval). Utah Board of Higher Education successor to rights and duties.

(1) The board is the successor to and is vested with all rights, duties, obligations, and liabilities to which its predecessor governing boards, the Utah System of Technical Colleges Board of Trustees, and the Coordinating Council of Higher Education were subject, except as otherwise provided by law.

(2) For the Utah System of Technical Colleges Board of Trustees, the board:

- (a) is vested with all rights, titles, privileges, powers, obligations, liabilities, immunities, franchises, endowments, assets, property, and claims;
- (b) shall fulfill and perform all obligations, including obligations relating to outstanding bonds and notes; and
- (c) may continue an administrative rule.

Section 13. Section **53H-1-301** is enacted to read:

Part 3. Commissioner of Higher Education

53H-1-301 (Effective upon governor's approval). General Provisions -- Definitions.

Reserved.

Section 14. Section **53H-1-302**, which is renumbered from Section 53B-1-408 is renumbered and amended to read:

[53B-1-408] 53H-1-302 (Effective upon governor's approval). Appointment of commissioner of higher education -- Qualifications -- Associate commissioners -- Duties -- Office.

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

(b) The following may terminate the commissioner:

- (i) the board; or
- (ii) the governor, after consultation with the board.

(c) The board shall:

- 1489 (i) set the salary of the commissioner;
- 1490 (ii) subject to Subsection (3), prescribe the duties and functions of the commissioner;
- 1491 and
- 1492 (iii) select a commissioner on the basis of outstanding professional qualifications.
- 1493 (2)(a) The commissioner may appoint associate commissioners.
- 1494 (b) An associate commissioner described in Subsection (2)(a) is not subject to the
- 1495 approval of the board.
- 1496 (3) The commissioner is responsible to the board to:
- 1497 (a) ensure the proper execution of the policies, programs, and strategic plan of the board;
- 1498 (b) furnish information about the Utah System of Higher Education and make
- 1499 recommendations regarding that information to the board;
- 1500 (c) provide state-level leadership in any activity affecting an institution of higher
- 1501 education;
- 1502 (d) in consultation with the board's executive committee and in accordance with
- 1503 Subsection [53B-1-402(2)] 53H-1-203(2), evaluate and provide support and guidance
- 1504 to an institution of higher education president; and
- 1505 (e) perform other duties the board assigns in carrying out the board's duties and
- 1506 responsibilities.
- 1507 (4) The commissioner is responsible to the governor to:
- 1508 (a) inform the governor about the board's strategic plan and progress on accomplishing
- 1509 the strategic plan;
- 1510 (b) inform the governor of significant issues impacting the Utah System of Higher
- 1511 Education; and
- 1512 (c) provide other information and updates as requested by the governor.
- 1513 Section 15. Section **53H-1-303**, which is renumbered from Section 53B-1-409 is renumbered
- 1514 and amended to read:
- 1515 **[53B-1-409] 53H-1-303 (Effective upon governor's approval). Appointment and**
- 1516 **hiring of staff.**
- 1517 (1) The commissioner may appoint and hire a staff of professional, legal, and administrative
- 1518 personnel.
- 1519 (2) The commissioner shall determine salaries, retirement provisions, and other benefits for
- 1520 the staff described in this section.
- 1521 Section 16. Section **53H-1-401** is enacted to read:
- 1522 **Part 4. Reports and Oaths of Office.**

53H-1-401 (Effective upon governor's approval). General Provisions --

Definitions.

Reserved.

Section 17. Section **53H-1-402**, which is renumbered from Section 53B-1-301 is renumbered and amended to read:

[53B-1-301] 53H-1-402 (Effective upon governor's approval) (Partially Repealed 07/01/27).

Reports to and actions of the Higher Education Appropriations Subcommittee.

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

(a) the reports described in Sections [53B-1-116, 53B-1-117, and 53B-1-118] 53H-1-502, 53H-1-503, and 53H-1-504;

(b) the reports described in Section 53H-1-203 by the board on:

(i) system wide responses to changing demographics and workforce; and

(ii) the board's activities and performance against the board's goals and metrics;

~~(b)~~ (c) the report described in Section [53B-30-206] 53H-5-205;

~~(c)~~ (d) the report described in Section [53B-7-101] 53H-8-202 by the board on recommended appropriations for higher education institutions and the board, including the report described in Section [53B-8-104] 53H-11-406 by the board on the effects of offering nonresident partial tuition scholarships;

~~(d)~~ (e) the report described in Section [53B-7-704] 53H-8-306 by the Department of Workforce Services and the Governor's Office of Economic Opportunity on targeted jobs;

~~(e)~~ (f) the reports described in Section [53B-7-705] 53H-8-303 by the board on performance;

~~(f)~~ (g) the report described in Section [53B-8-201] 53H-11-402 by the board on the Opportunity Scholarship Program;

(h) the report described in 53H-13-309 regarding the talent advisory councils;

~~(g)~~ (i) the report described in Section [53B-13a-103] 53H-11-414 by the board on the Utah Promise Program;

~~(i)~~ (j) the report described in Section [53B-16-602] 53H-6-202 by the board on [a-state] an institution compensating a student athlete for the use of the student athlete's name, image, or likeness;

~~(h)~~ (k) the report described in Section [53B-35-202] 53H-1-604 regarding the Higher Education and Corrections Council; and

(~~(f)~~) (l) the report described in Section 53E-10-308 by the State Board of Education and board on student participation in the concurrent enrollment program.

(2) In accordance with applicable provisions and Section 68-3-14, the following occasional report is due to the Higher Education Appropriations Subcommittee: the board's report regarding each institution's strategic reinvestment plan described in Section [53B-7-107] 53H-8-210.

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

- (a) an appropriation recommendation described in Section [53B-1-118] 53H-1-504 regarding compliance with Subsections [53B-1-118(5)] 53H-1-504(5) and (14); and
- (b) as required by Section [53B-7-706] 53H-8-304, the review of performance funding described in Section [53B-7-706] 53H-8-304.

(4) [~~Beginning in the 2025 legislative interim, in~~] In consultation with the board, the Higher Education Appropriations Subcommittee shall study a re-design of:

- (a) the performance funding model described in [~~Chapter 7, Part 7~~] Chapter 8, Part 3, Performance Funding, to better ensure:
 - (i) institutional alignment with the statewide system of higher education and the institution's mission within the statewide system; and
 - (ii) investment in meeting localized and statewide workforce demands and securing post-graduation employment outcomes; and
- (b) enrollment-based funding, including, for technical colleges, funding distribution models that:
 - (i) include equivalent funding value for secondary and adult students; and
 - (ii) reflect the full responsibility of the technical college's statutorily-required services.

Section 18. Section **53H-1-403** is enacted to read:

53H-1-403 (Effective upon governor's approval). Other required reports to the Legislature or state level entities.

(1) The following entities shall submit reports to the Education Interim Committee as described in each referenced section:

(a) the board shall submit:

- (i) an annual report regarding the board's activities and performance against the board's goals and metrics as described in Section 53H-1-203;
- (ii) an annual report detailing the board's progress and recommendations on

- workforce related issues as described in Section 53H-1-203;
- (iii) a report regarding an institution compensating a student athlete for the use of the student athlete's name, image, or likeness as described in Section 53H-6-202;
- (iv) an annual report regarding the talent advisory councils as described in Section 53H-13-309;
- (b) the Office of Legislative Research and General Counsel shall provide a summary regarding the data collected from campus expression climate surveys as described in Section 53H-1-504;
- (c) the Utah Education and Telehealth Network shall provide an annual report as described in Section 53H-4-213.7;
- (d) an institution with and without housing facilities shall provide an annual report regarding crime statistics as described in Section 53H-7-603;
- (e) the Center for Civic Excellence at Utah State University shall provide a report before July 1, 2029, regarding implementation as described in Section 53H-4-307.6;
- (f) the Rocky Mountain Center for Occupational and Environmental Health Advisory Board shall provide by July 1 each year a report as described in Section 53H-5-205;
- (g) the Utah Data Research Center shall provide an annual report as described in Section 53H-15-303;
- (h) the Higher Education and Corrections Council shall provide an annual report as described in Section 53H-1-604; and
- (i) the commissioner shall provide, in collaboration with the entities described in Subsection 53H-13-405(1), an annual report regarding the cooperative education program as described in Section 53H-13-407.
- (2) The following entities shall submit reports to the Executive Appropriations Committee as described in each referenced section:
- (a) the board shall submit:
- (i) in the September 2025 meeting, a report regarding institutions' strategic reinvestment plans as described in Section 53H-8-210; and
- (ii) in the September 2026 and 2027 meetings, a report regarding the progress of institutions in executing the institutions' strategic reinvestment plan as described in Section 53H-8-210; and
- (b) the Nucleus Institute shall provide an annual report as described in Section 53H-16-406.
- (3) The following entities shall submit reports to the Natural Resources, Agriculture, and

1625 Environment Interim Committee as described in each referenced section:

- 1626 (a) the Utah State University Bingham Entrepreneurship and Energy Research Center
1627 shall annually report as described in Section 53H-4-316; and
1628 (b) the Utah State University Food Security Council shall prepare and submit an annual
1629 written report as described in Section 53H-4-313.

- 1630 (4) The following entities shall submit reports to the Economic Development and
1631 Workforce Services Interim Committee as described in each referenced section:

- 1632 (a) the commissioner shall provide, in collaboration with the entities described in
1633 Subsection 53H-13-405(1), an annual report regarding the cooperative education
1634 program as described in Section 53H-13-407;
1635 (b) Utah State University shall provide a report every three years regarding the remote
1636 online opportunities program as described in Section 53H-4-312;
1637 (c) the Utah State University Food Security Council shall prepare and submit an annual
1638 written report as described in Section 53H-4-313; and
1639 (d) the Nucleus Institute shall provide an annual report as described in Section
1640 53H-16-406.

- 1641 (5) The ASPIRE Engineering Research Center at Utah State University shall provide an
1642 annual report to the Transportation and Infrastructure Appropriations Subcommittee as
1643 described in Section 53H-4-306.6.

- 1644 (6) The Utah Data Research Center shall provide an annual report to the Business and
1645 Labor Interim Committee as described in Section 53H-15-305.

- 1646 (7) The board shall provide the following reports to state agencies and departments as
1647 described in each referenced section:

- 1648 (a) to the Division of Facilities Construction and Management and others upon request,
1649 an annual technical college lease report as described in Section 53H-9-602;
1650 (b) to the Department of Veterans and Military Affairs, an annual report regarding
1651 number of credits awarded as described in Section 53H-3-703; and
1652 (c) to the Rules Review and General Oversight Committee, an annual report regarding
1653 civil liberties complaints as described in Section 53H-7-303.

- 1654 (8) The board shall provide to the general session of the Legislature for budget
1655 recommendation purposes an annual report regarding:

- 1656 (a) waivers of tuition as described in Section 53H-11-307; and
1657 (b) nonresident tuition scholarships as described in Section 53H-11-405.

- 1658 (9) An institution shall provide the following reports as described in each referenced

section:

(a) to the institution's governing board and published on the governing board's website, the institution's required prohibited submissions described in Section 53H-1-502;

(b) to the board, disclosures of foreign gifts received as described in Section 53H-8-503;

(c) for a qualifying institution, to the board annually regarding the faculty incentive component of the Engineering and Computer Science Initiative as described in Section 53H-1-603;

(d) for a degree-granting institution:

(i) to the board annually regarding post-tenured data as described in Section 53H-3-406;

(ii) to the board annually regarding technical education as described in Section 53H-3-609;

(e) for a technical college:

(i) to the board annually regarding secondary student needs and access to programs as described in Section 53H-3-1203;

(ii) to the board annually regarding annual leases as described in Section 53H-9-602;

(f) on a date the board determines for 2026 and 2027, regarding the institution's progress in executing the institution's strategic reinvestment plan as described in Section 53H-8-210;

(g) in accordance with rules the board establishes, to the board annually regarding the Opportunity scholarships awarded as described in Section 53H-11-402;

(h) in accordance with rules the board establishes, reports related to the promise grants as described in Section 53H-11-414;

(i) to the board annually regarding credit for prior learning as described in Section 53H-3-702; and

(j) for an institution with or without housing facilities, an annual report regarding crime statistics to the Law Enforcement and Criminal Justice Interim Committee as described in Section 53H-7-603.

(10) An institution's board of trustees shall provide to the board annually a report regarding any approved contracts or grants as described in Section 53H-8-208.

(11) The commissioner shall provide the following reports as described in each referenced section:

(a) an annual summary report regarding institutional matches for the faculty incentive component of the Engineering and Computer Science Initiative as described in

Section 53H-1-603; and

(b) in collaboration with the entities described in Subsection 53H-13-405(1), an annual report regarding the cooperative education program as described in Section 53H-13-407 to the Talent, Education, and Industry Alignment Board and the board.

(12) The Talent Ready Utah Program shall provide an annual report to the board as described in Section 53H-13-304.

(13) The Utah Works Program shall provide an annual report to the board as described in Section 53H-13-307.

(14) The University of Utah shall provide an annual report to the governor regarding the engineering experiment station as described in Section 53H-4-208.

(15) The Center for Civic Excellence at Utah State University vice provost shall annually report to the provost, the president of the institution, and the commissioner as described in Section 53H-4-307.6.

Section 19. Section **53H-1-404**, which is renumbered from Section 53B-1-120 is renumbered and amended to read:

[53B-1-120] 53H-1-404 (Effective upon governor's approval). Oaths of office.

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

(1) the board;

(2) the commissioner;

(3) ~~[a degree-granting institution or a technical college]~~ an institution;

(4) an institution board of trustees; or

(5) the president of ~~[a degree-granting institution or a technical college]~~ an institution.

Section 20. Section **53H-1-501** is enacted to read:

Part 5. Equal Opportunity Initiatives

53H-1-501 (Effective upon governor's approval). General Provisions --

Definitions.

Reserved.

Section 21. Section **53H-1-502**, which is renumbered from Section 53B-1-116 is renumbered and amended to read:

[53B-1-116] 53H-1-502 (Effective upon governor's approval). Prohibition on the use of certain submissions in higher education -- Exceptions.

(1) As used in this section, "prohibited submission" means the same as that term is defined

1727 in Section 67-27-107.

1728 (2) Except as provided in Subsections (4) and (6), an institution may not require, request,
1729 solicit, or compel a prohibited submission as a certification or condition before taking
1730 action with respect to:

1731 (a) employment, including decisions regarding:

1732 (i) hiring;

1733 (ii) terms of employment;

1734 (iii) benefits;

1735 (iv) compensation;

1736 (v) seniority status;

1737 (vi) tenure or continuing status;

1738 (vii) promotion;

1739 (viii) performance reviews;

1740 (ix) transfer;

1741 (x) termination; or

1742 (xi) appointment;

1743 (b) admission to, advancement in, or graduation from an institution or an academic
1744 program;

1745 (c) participation in an institution-sponsored program; or

1746 (d) qualification for or receipt of state financial aid or other state financial assistance.

1747 (3) An institution may not grant any form of preferential consideration to an individual
1748 who, with or without solicitation from the institution, provides a prohibited submission
1749 for consideration for any action described in Subsection (2).

1750 (4) If federal law requires an institution to accept or require a prohibited submission, the
1751 institution:

1752 (a) may accept the prohibited submission only to the extent required under federal law;
1753 and

1754 (b) shall limit consideration of the information contained in the prohibited submission to
1755 the extent necessary to satisfy the requirement under federal law.

1756 (5) For a required prohibited submission under Subsection (4), an institution shall:

1757 (a) prepare a report to the institution's governing board detailing the circumstances under
1758 which a prohibited submission is required; and

1759 (b) publish the report described in Subsection (5)(a) on the institution's governing board
1760 website in a conspicuous location.

- 1761 (6) Nothing in this section limits or prohibits an institution's authority to establish policies
1762 that:
- 1763 (a) are necessary to comply with state or federal law, including laws relating to
1764 prohibited discrimination or harassment;
- 1765 (b) require disclosure of an employee's academic research, classroom teaching, or
1766 coursework; or
- 1767 (c) require an applicant for employment, tenure, or promotion to disclose or discuss the
1768 applicant's:
- 1769 (i) research;
- 1770 (ii) teaching agenda;
- 1771 (iii) artistic creations; or
- 1772 (iv) pedagogical approaches or experiences with students of all learning abilities.
- 1773 (7)(a) ~~[Beginning on July 1, 2025, the]~~ The board shall conduct a biennial review of an
1774 institution of higher education's compliance with this section as follows:
- 1775 (i) for 2025, on each institution of higher education; and
- 1776 (ii) for 2026, and every year after, on one-half of the degree granting institutions of
1777 higher education and one-half of the technical colleges.
- 1778 (b) If the board identifies a violation of this section, the board shall:
- 1779 (i) on or before 30 days after the day on which the board identifies the violation,
1780 work with the institution to create a remediation plan; and
- 1781 (ii) provide the institution 180 days after the day of the creation of the remediation
1782 plan to cure the violation.
- 1783 (8) On or before November 1 of each year, the board shall prepare and submit a report to
1784 the Higher Education Appropriations Subcommittee on:
- 1785 (a) the review process and each institution's compliance determination; or
- 1786 (b) if a violation is identified, the remediation plan and progress under Subsection (7)(b).
- 1787 (9) The Legislature may withhold future state appropriations to an institution that fails to
1788 cure a violation of this section within the time provided under Subsection (7)(b).
- 1789 (10) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
1790 Administrative Rulemaking Act, to establish a procedure for accepting and processing
1791 an individual's complaint against an institution for an alleged violation of this section.
- 1792 Section 22. Section **53H-1-503**, which is renumbered from Section 53B-1-117 is renumbered
1793 and amended to read:
- 1794 **[53B-1-117] 53H-1-503 (Effective upon governor's approval). Prohibition on the**

use of certain training in higher education -- Exceptions.

(1) As used in this section:

(a) "Prohibited training" means a mandatory instructional program and related materials that an institution requires the institution's employees, prospective employees, students, or prospective students, to attend that promote prohibited discriminatory practices as that term is defined in Section ~~[53B-1-118]~~ 53H-1-504.

(b) "Prohibited training" includes an in-person or online seminar, discussion group, workshop, other program, or related materials.

(2) An institution may not require prohibited training.

(3) An institution shall annually train the institution's faculty and staff on academic freedom and freedom of speech in accordance with state or federal law.

(4) Nothing in this section limits or prohibits an institution's authority to establish policies that are necessary to comply with state or federal law, including laws relating to prohibited discrimination or harassment.

(5)(a) ~~[Beginning on July 1, 2025, the]~~ The board shall conduct a biennial review of an institution of higher education's compliance with this section as follows:

(i) for 2025, on each institution of higher education; and

(ii) for 2026, and every year after, on one-half of the institutions of higher education and one-half of the technical colleges.

(b) If the board identifies a violation of this section, the board shall:

(i) on or before 30 days after the day on which the board identifies the violation, work with the institution to create a remediation plan; and

(ii) provide the institution 180 days after the day of the creation of the remediation plan to cure the violation.

(6) On or before November 1 of each year, the board shall prepare and submit a report to the Higher Education Appropriations Subcommittee on:

(a) the review process and each institution's compliance determination; or

(b) if a violation is identified, the remediation plan and progress under Subsection (5)(b).

(7) The Legislature may withhold future state appropriations to an institution that fails to cure a violation of this section within the time provided under Subsection (5)(b).

(8) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a procedure for accepting and processing an individual's complaint against an institution for an alleged violation of this section.

Section 23. Section **53H-1-504**, which is renumbered from Section 53B-1-118 is renumbered

and amended to read:

[53B-1-118] 53H-1-504 (Effective upon governor's approval). Prohibited discriminatory practices -- Restrictions -- Campus climate survey -- Exceptions.

(1) As used in this section:

(a) "Important government interest" means a governmental purpose relating to:

(i) athletic competition or athletic safety in public education; or

(ii) privacy, including compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex.

(b) "Personal identity characteristics" means an individual's race, color, ethnicity, sex, sexual orientation, national origin, religion, or gender identity.

(c)(i) "Prohibited discriminatory practice" means engaging in or maintaining a policy, procedure, practice, program, office, initiative, or required training that, based on an individual's personal identity characteristics:

(A) promotes the differential treatment of an individual without an important government interest;

(B) influences the employment decisions of an individual other than through the use of neutral hiring processes with regard to personal identity characteristics and in accordance with federal law;

(C) influences an individual's admission to, advancement in, or graduation from an institution, the public education system, or an academic program; or

(D) influences an individual's participation in an institution-sponsored or public education system-sponsored program.

(ii) "Prohibited discriminatory practice" also means engaging in or maintaining a policy, procedure, practice, program, office, initiative, or required training that:

(A) asserts that one personal identity characteristic is inherently superior or inferior to another personal identity characteristic;

(B) asserts that an individual, by virtue of the individual's personal identity characteristics, is inherently privileged, oppressed, racist, sexist, oppressive, or a victim, whether consciously or unconsciously;

(C) asserts that an individual should be discriminated against in violation of Title VI, Title VII, and Title IX, receive adverse treatment, be advanced, or receive beneficial treatment because of the individual's personal identity characteristics;

(D) asserts that an individual's moral character is determined by the individual's personal identity characteristics;

- 1863 (E) asserts that an individual, by virtue of the individual's personal identity
1864 characteristics, bears responsibility for actions committed in the past by other
1865 individuals with the same personal identity characteristics;
- 1866 (F) asserts that an individual should feel discomfort, guilt, anguish, or other
1867 psychological distress solely because of the individual's personal identity
1868 characteristics;
- 1869 (G) asserts that meritocracy is inherently racist or sexist;
- 1870 (H) asserts that socio-political structures are inherently a series of power
1871 relationships and struggles among racial groups;
- 1872 (I) promotes resentment between, or resentment of, individuals by virtue of their
1873 personal identity characteristics;
- 1874 (J) ascribes values, morals, or ethical codes, privileges, or beliefs to an individual
1875 because of the individual's race, color, ethnicity, sex, sexual orientation,
1876 national origin, or gender identity;
- 1877 (K) considers an individual's personal identity characteristics in determining
1878 receipt of state financial aid or other state financial assistance, including a
1879 scholarship award or tuition waiver; or
- 1880 (L) is referred to or named diversity, equity, and inclusion.
- 1881 (iii) "Prohibited discriminatory practice" does not include policies or procedures
1882 required by state or federal law, including laws relating to prohibited
1883 discrimination or harassment.
- 1884 (d) "Student success and support" means an office, division, employment position, or
1885 other unit of an institution established or maintained to provide support, guidance,
1886 and resources that equip all students, including all students at higher risk of not
1887 completing a certificate or degree, with experiences and opportunities for success in
1888 each student's academic and career goals, and without excluding individuals on the
1889 basis of an individual's personal identity characteristics.
- 1890 (e) "Title VI" means Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et
1891 seq.
- 1892 (f) "Title VII" means Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e et
1893 seq.
- 1894 (g) "Title IX" means Title IX of the Education Amendments of 1972, 20 U.S.C. Sec.
1895 1681 et seq.
- 1896 (2) An institution may not:

- 1897 (a) engage in prohibited discriminatory practices;
- 1898 (b) take, express, or assert a position or opinion on subjects described in Subsection
- 1899 67-27-107(1)(b)(ii);
- 1900 (c) establish or maintain an office, division, employment position, or other unit of an
- 1901 institution established to implement, develop, plan, or promote campus policies,
- 1902 procedures, practices, programs, or initiatives, regarding prohibited discriminatory
- 1903 practices; or
- 1904 (d) employ or assign an employee or a third-party whose duties for an institution include
- 1905 coordinating, creating, developing, designing, implementing, organizing, planning, or
- 1906 promoting policies, programming, training, practices, activities, and procedures
- 1907 relating to prohibited discriminatory practices.
- 1908 (3) An institution shall:
- 1909 (a) ensure that all students have access to programs providing student success and
- 1910 support;
- 1911 (b) publish the titles and syllabi of all mandatory courses, seminars, classes, workshops,
- 1912 and training sessions on the institution's website in an online database readily
- 1913 searchable by the public;
- 1914 (c) annually train employees on the separation of personal political advocacy from an
- 1915 institution's business and employment activities;
- 1916 (d) develop strategies, including inviting speakers, to promote viewpoint diversity; and
- 1917 (e) establish policies and procedures to include opportunities for education and research
- 1918 on free speech and civic education.
- 1919 (4) ~~[Beginning on or before July 1, 2025, the]~~ The board shall report to the Higher
- 1920 Education Appropriations Subcommittee on the status and allocation of appropriated
- 1921 funds for student success and support.
- 1922 (5) The Legislature shall, in a line item appropriation, appropriate ongoing funding to
- 1923 support an institution's student success and support program in accordance with this
- 1924 section.
- 1925 (6)(a) On or before January 1, 2025, the board shall contract with a third-party
- 1926 contractor, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to
- 1927 conduct a campus expression climate survey of each institution:
- 1928 (i) to assess student, faculty, and staff perceptions of and experiences with an
- 1929 institution's campus environment that measures the student's, faculty member's,
- 1930 and staff member's perception of and experience with an institution's campus

- 1931 environment; and
- 1932 (ii) that measures the student's, faculty member's, and staff member's perception of
- 1933 and experience with campus policy and practice regarding freedom of speech and
- 1934 academic freedom at the institution.
- 1935 (b) The board shall collect the results of each campus expression climate survey under
- 1936 Subsection (6) and submit the results to the Office of Legislative Research and
- 1937 General Counsel beginning on or before July 1.
- 1938 (7)(a) The Office of Legislative Research and General Counsel shall provide a summary
- 1939 report on the data collected from the campus expression climate surveys to the
- 1940 Education Interim Committee on or before:
- 1941 (i) November 1, 2027, for reports received in years 2025, 2026, and 2027;
- 1942 (ii) November 1, 2030, for reports received in years 2028, 2029, and 2030; and
- 1943 (iii) November 1, 2033, for reports received in years 2031, 2032, and 2033.
- 1944 (b) On or before November 1, 2035, the Office of Legislative Research and General
- 1945 Counsel shall provide a comprehensive report of the campus expression climate
- 1946 surveys to the Education Interim Committee.
- 1947 (8) Nothing in this section requires an individual to respond to a campus expression climate
- 1948 survey.
- 1949 (9) Nothing in this section limits or prohibits an institution's authority to establish policies
- 1950 that:
- 1951 (a) are necessary to comply with state or federal law, including laws relating to
- 1952 prohibited discrimination or harassment;
- 1953 (b) require disclosure of an employee's academic research, classroom teaching, or
- 1954 coursework; or
- 1955 (c) require for employment, tenure, or promotion to disclose or discuss the applicant's:
- 1956 (i) research;
- 1957 (ii) teaching agenda;
- 1958 (iii) artistic creations; or
- 1959 (iv) pedagogical approaches or experiences with students of all learning abilities.
- 1960 (10) This section does not apply to:
- 1961 (a) requirements necessary for athletic and accreditation compliance;
- 1962 (b) academic research;
- 1963 (c) academic course teaching in the classroom;
- 1964 (d) a grant that would otherwise require:

- 1965 (i) a department, office, division, or other unit of an institution to engage in a
1966 prohibited discriminatory practice if the grant has been reviewed and approved by
1967 the institution's board of trustees; or
1968 (ii) an institution to engage in a prohibited discriminatory practice if the grant has
1969 been reviewed and approved by the board;
- 1970 (e) requirements necessary for an institution to establish or maintain eligibility for any
1971 federal program; or
1972 (f) private scholarships administered by an institution.
- 1973 (11) Notwithstanding any other provision of this ~~[part]~~ chapter or of Chapter 3, Institutions
1974 of Higher Education Generally, the University of Utah may take any action required for
1975 the University of Utah to comply with the terms of an agreement entered into between
1976 the University of Utah and the Ute Indian Tribe before July 1, 2024.
- 1977 (12)(a) ~~[Beginning on July 1, 2025, the]~~ The board shall conduct a biennial review of an
1978 institution of higher education's compliance with this section as follows:
- 1979 (i) for 2025, on each institution of higher education; and
1980 (ii) for 2026, and every year after, on one-half of the degree granting institutions of
1981 higher education and one-half of the technical colleges.
- 1982 (b) If the board identifies a violation of this section, the board shall:
- 1983 (i) on or before 30 days after the day on which the board identifies the violation,
1984 work with the institution to create a remediation plan; and
1985 (ii) provide the institution 180 days after the day of the creation of the remediation
1986 plan to cure the violation.
- 1987 (13) On or before November 1 of each year, the board shall prepare and submit a report to
1988 the Higher Education Appropriations Subcommittee on:
- 1989 (a) the review process and each institution's compliance determination; or
1990 (b) if a violation is identified, the remediation plan and progress under Subsection (12)(b).
- 1991 (14) On or before December 1 of each year, the Higher Education Appropriations
1992 Subcommittee shall:
- 1993 (a) report the findings under Subsections (4) and (13) to the Legislature; and
1994 (b) make appropriation recommendations about an institution's compliance with this
1995 section.
- 1996 (15) The Legislature may withhold future state appropriations to an institution that fails to
1997 cure a violation of this section within the time provided under Subsection (12)(b).
- 1998 (16) The board shall make rules in accordance with Title 63G, Chapter 3, Utah

1999 Administrative Rulemaking Act, to establish a procedure for accepting and processing
2000 an individual's complaint against an institution for an alleged violation of this section.

2001 Section 24. Section **53H-1-601** is enacted to read:

2002 **Part 6. Initiatives and Councils**

2003 **53H-1-601 (Effective upon governor's approval). General Provisions --**

2004 **Definitions.**

2005 Reserved.

2006 Section 25. Section **53H-1-602**, which is renumbered from Section 53B-6-105 is renumbered
2007 and amended to read:

2008 **[53B-6-105] 53H-1-602 (Effective upon governor's approval). Engineering and**
2009 **Computer Technology Initiative.**

2010 (1)(a)(i) The commissioner of higher education, under the direction of the board shall
2011 develop, establish, and maintain an Engineering and Computer Science Initiative
2012 within the state system of higher education to increase the number of graduates in
2013 engineering, computer science, and related technology.

2014 (ii) The commissioner of higher education, under the direction of the board shall
2015 make rules in accordance with Title 63G, Chapter 3, Utah Administrative
2016 Rulemaking Act, providing the criteria for those fields of study that qualify as
2017 "related technology" under this section and Section [53B-6-105.9] 53H-1-603.

2018 (b) The initiative shall include components that:

2019 (i) improve the quality of instructional programs in engineering, computer science,
2020 and related technology by providing supplemental money for equipment
2021 purchases; and

2022 (ii) provide incentives to institutions to hire and retain faculty under Section [
2023 53B-6-105.9] 53H-1-603.

2024 (2) The increase in program capacity under Subsection (1)(a) shall include funding for new
2025 and renovated capital facilities and funding for new engineering and computer science
2026 programs.

2027 (3) The Legislature shall provide an annual appropriation to the board to fund the initiative.

2028 Section 26. Section **53H-1-603**, which is renumbered from Section 53B-6-105.9 is renumbered
2029 and amended to read:

2030 **[53B-6-105.9] 53H-1-603 (Effective upon governor's approval). Incentive**
2031 **program for engineering, computer science, and related technology faculty.**

2032 (1) The Legislature shall provide an annual appropriation to help fund the faculty incentive

component of the Engineering and Computer Science Initiative established under
Section ~~[53B-6-105]~~ 53H-1-602.

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

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

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

(ii) The commissioner of higher education shall make a summary report of the
institutional matches.

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

Section 27. Section **53H-1-604**, which is renumbered from Section 53B-35-101 is renumbered
and amended to read:

~~[53B-35-101]~~ 53H-1-604 (Effective upon governor's approval) (Repealed 07/01/27).

Higher Education and Corrections Council.

(1) As used in this ~~[chapter]~~ section:

~~[(1)]~~ (a) "Correctional facility" means the same as that term is defined in Section 64-13-1.

~~[(2)]~~ (b) "Council" means the Higher Education and Corrections Council created in [
~~Section 53B-35-201]~~ this section.

~~[(3)]~~ (c) "Department" means the Department of Corrections created in Section 64-13-2.

~~[(4)]~~ (d) "Inmate" means the same as that term is defined in Section 64-13-1.

~~[(5)] "Institution of higher education" means an institution described in Section 53B-1-102.]~~

(2) There is created the Higher Education and Corrections Council to advise the board, the
Education Interim Committee, and the Higher Education Appropriations Subcommittee
regarding the development and delivery of accredited higher education curriculum to
incarcerated individuals in the state correctional system.

(3) The council consists of the following 11 members:

(a) a member of the House of Representatives whom the speaker of the House of
Representatives appoints;

(b) a member of the Senate whom the president of the Senate appoints;

- 2067 (c) the commissioner or the commissioner's designee;
2068 (d) the following two members whom the commissioner appoints and who are engaged
2069 in prison education and have expertise in transfer articulation:
2070 (i) one employee of a technical college; and
2071 (ii) one employee of a degree-granting institution;
2072 (e) the following two members whom the governor appoints:
2073 (i) an individual who actively researches higher education delivered in a corrections
2074 setting using evidence-based practices; and
2075 (ii) a formerly incarcerated individual who participated in postsecondary educational
2076 programs while incarcerated;
2077 (f) one member of the Board of Pardons and Parole whom the chair of the Board of
2078 Pardons and Parole appoints;
2079 (g) the executive director of the Department of Corrections or the executive director's
2080 designee;
2081 (h) one employee of the Department of Corrections with expertise in education whom
2082 the executive director of the Department of Corrections appoints; and
2083 (i) the executive director of the Department of Workforce Services or the executive
2084 director's designee.
2085 (4)(a) The members described in Subsections (3)(a) and (3)(b) shall serve as co-chairs of
2086 the council.
2087 (b)(i) Except as provided under Subsection (4)(b)(ii), an appointed member of the
2088 council shall serve a term of two years.
2089 (ii) A council member's term ends on the day on which the member's status that
2090 allows the member to serve on the council under Subsection (3) ends.
2091 (c) The individuals authorized to make appointments under Subsection (3) shall make
2092 the respective appointments:
2093 (i) before July 1 of each odd-numbered year, by:
2094 (A) reappointing the council member whose term expires under Subsection
2095 (4)(b)(i); or
2096 (B) appointing a new council member; and
2097 (ii) in the case of a vacancy created under Subsection (4)(b)(ii), for the remainder of
2098 the vacated term.
2099 (d) The individual authorized to make appointments under Subsection (3) may change
2100 the relevant appointment described in Subsection (3) at any time for the remainder of

- 2101 the existing term.
- 2102 (5)(a) The salary and expenses of a council member who is a legislator shall be paid in
- 2103 accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3,
- 2104 Legislator Compensation.
- 2105 (b) A council member who is not a legislator:
- 2106 (i) may not receive compensation or benefits for the member's service on the council;
- 2107 and
- 2108 (ii) may receive per diem and reimbursement for travel expenses that the council
- 2109 member incurs as a council member at the rates that the Division of Finance
- 2110 establishes under:
- 2111 (A) Sections 63A-3-106 and 63A-3-107; and
- 2112 (B) rules that the Division of Finance makes under Sections 63A-3-106 and
- 2113 63A-3-107.
- 2114 (6)(a) A majority of the council members constitutes a quorum.
- 2115 (b) The action of a majority of a quorum constitutes an action of the council.
- 2116 (7) The commissioner shall provide staff support to the council.
- 2117 (8) The council shall:
- 2118 (a) coordinate, facilitate, and support higher education delivered in the state's
- 2119 correctional facilities, including the county jails under contract with the Department
- 2120 of Corrections to house inmates, to prepare incarcerated individuals for integration
- 2121 and productive employment upon release;
- 2122 (b) explore and provide recommendations to the board and the Department of
- 2123 Corrections for the efficient and effective delivery of higher education programs to
- 2124 incarcerated individuals, including:
- 2125 (i) evidence-based practices and technologies;
- 2126 (ii) methods of maximizing and facilitating incarcerated individuals' access to
- 2127 educational programs;
- 2128 (iii) methods of supporting and facilitating timely completion of courses, certificates,
- 2129 and degrees;
- 2130 (iv) methods of emphasizing educational programs that:
- 2131 (A) align with current and future workforce demands of the state;
- 2132 (B) lead to occupations that are accessible to released incarcerated individuals;
- 2133 (C) provide sustainable wages following release; and
- 2134 (D) maximize accessibility and timely completion during incarceration;

- 2135 (v) use of cross-institutional application of coursework toward certificates and
2136 degrees;
- 2137 (vi) use of coursework that encourages personal and civic development; and
2138 (vii) methods of leveraging innovative course delivery, including technology
2139 resources;
- 2140 (c) explore methods and make recommendations for the collection and analysis of
2141 critical data regarding:
- 2142 (i) enrollment and completion of postsecondary education courses, certificate
2143 programs, credentials, and degree programs;
- 2144 (ii) federal and state student aid awarded to incarcerated individuals;
- 2145 (iii) costs of postsecondary education in prison, including any recommendations for
2146 continued improvement; and
- 2147 (iv) outcomes of formerly incarcerated individuals who participated in postsecondary
2148 programming during incarceration if the individual is under the supervision of the
2149 Division of Adult Probation and Parole created in Section 64-14-202, including
2150 recidivism, employment, and post-release postsecondary education engagement;
2151 and
- 2152 (d) recommend requests for legislative appropriations to the board to support the
2153 purposes and objectives of the council.
- 2154 (9) The council shall annually report regarding the council's plans and programs, the
2155 number of enrollees served, and the number of enrollees receiving degrees and
2156 certificates to:
- 2157 (a) the board;
- 2158 (b) before the committee's November interim committee meeting, the Education Interim
2159 Committee; and
- 2160 (c) at least 30 days before the beginning of the annual legislative session, the Higher
2161 Education Appropriations Subcommittee.
- 2162 (10) A degree-granting institution of higher education providing education to inmates in a
2163 correctional facility shall provide relevant academic and career advising services that are
2164 substantially similar to services provided to a student who is not a confined or
2165 incarcerated individual.
- 2166 (11) Each participating institution of higher education described in this section shall report
2167 annually to the council regarding the guidance and support provided.
- 2168 Section 28. Section **53H-1-701** is enacted to read:

2169 **Part 7. Interstate Agreements**

2170 **53H-1-701 (Effective upon governor's approval). General Provisions --**

2171 **Definitions.**

2172 Reserved.

2173 Section 29. Section **53H-1-702**, which is renumbered from Section 53B-4-101 is renumbered
2174 and amended to read:

2175 **[53B-4-101] 53H-1-702 (Effective upon governor's approval). WICHE compact.**

2176 As empowered by law, the governor of Utah has duly entered into a compact the text of
2177 which is as follows:

2178 Article I.

2179 Whereas, the future of this Nation and of the Western States is dependent upon the
2180 quality of the education of its youth; and

2181 Whereas, many of the Western States individually do not have sufficient numbers of
2182 potential students to warrant the establishment and maintenance within their borders of
2183 adequate facilities in all of the essential fields of technical, professional, and graduate training,
2184 nor do all of the States have the financial ability to furnish within their borders institutions
2185 capable of providing acceptable standards of training in all of the fields mentioned above; and

2186 Whereas, it is believed that the Western States, or groups of such states within the
2187 Region, cooperatively can provide acceptable and efficient educational facilities to meet the
2188 needs of the Region and of the students thereof:

2189 Now, therefore, the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho,
2190 Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming do hereby
2191 covenant and agree as follows:

2192 Article II.

2193 Each of the compacting states and territories pledges to each of the other compacting
2194 states and territories faithful cooperation in carrying out all the purposes of this compact.

2195 Article III.

2196 The compacting states and territories hereby create the Western Interstate Commission
2197 for Higher Education, hereinafter called the Commission. The Commission shall be a body
2198 corporate of each compacting state and territory and an agency thereof. The Commission shall
2199 have all the powers and duties set forth herein, including the power to sue and be sued, and
2200 such additional powers as may be conferred upon it by subsequent action of the respective
2201 legislatures of the compacting states and territories.

2202 Article IV.

2203 The Commission shall consist of three resident members from each compacting state or
2204 territory. At all times one commissioner from each compacting state or territory shall be an
2205 educator engaged in the field of higher education in the state or territory from which he is
2206 appointed.

2207 The commissioners from each state and territory shall be appointed by the governor as
2208 provided by law in the state or territory. Any commissioner may be removed or suspended
2209 from office as provided by the law of the state or territory from which he shall have been
2210 appointed.

2211 The terms of each commissioner shall be four years. Each commissioner shall hold
2212 office until his successor shall be appointed and qualified. If any office becomes vacant for
2213 any reason, the governor shall appoint a commissioner to fill the office for the remainder of the
2214 unexpired term.

2215 Article V.

2216 Any business transacted at any meeting of the Commission must be by affirmative vote
2217 of a majority of the whole number of compacting states and territories.

2218 One or more commissioners from a majority of the compacting states and territories
2219 shall constitute a quorum for the transaction of business.

2220 Each compacting state and territory represented at any meeting of the Commission is
2221 entitled to one vote.

2222 Article VI.

2223 The Commission shall elect from its number a chairman and a vice chairman, and may
2224 appoint, and at its pleasure dismiss or remove, such officers, agents, and employees as may be
2225 required to carry out the purpose of this Compact. The Commission shall fix and determine
2226 their duties, qualifications, and compensation, having due regard for the importance of the
2227 responsibilities involved.

2228 The commissioners shall serve without compensation, but shall be reimbursed for their
2229 actual and necessary expenses from the funds of the Commission.

2230 Article VII.

2231 The Commission shall adopt a seal and bylaws and shall adopt and promulgate rules and
2232 regulations for its management and control.

2233 The Commission may elect such committees as it deems necessary for the carrying out
2234 of its functions.

2235 The Commission shall establish and maintain an office within one of the compacting
2236 states for the transaction of its business and may meet at any time, but in any event must meet

at least once a year. The Chairman may call such additional meetings and upon the request of a majority of the commissioners of three or more compacting states or territories shall call additional meetings.

The Commission shall submit a budget to the governor of each compacting state and territory at such time and for such period as may be required.

The Commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the Region.

Prior to January 16 of each year, the Commission shall submit to the governors and legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

The Commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the governor of any compacting state or territory or his designated representative. The Commission shall not be subject to the audit in the accounting procedure of any of the compacting states or territories. The Commission shall provide for an independent annual audit.

Article VIII.

It is the duty of the Commission to enter in such contractual agreements with any institutions in the Region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the Commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The Commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health, and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

For this purpose the Commission may enter into contractual agreements:

(a) with the governing authority of any educational institution in the Region, or with any compacting state or territory, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties; and

(b) with the governing authority of an educational institution in the Region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the Region providing the desired service and facilities, upon such terms and conditions as the Commission may prescribe.

It is the duty of the Commission to undertake studies of needs for professional and graduate educational facilities in the Region, the resources for meeting those needs, and the long-range effects of the Compact on higher education; and from time to time to prepare comprehensive reports on such research for presentation to the Western Governors' Conference and to the legislatures of the compacting states and territories. In conducting the studies, the Commission may confer with any national or regional planning body which may be established. The Commission shall draft and recommend to the governors of the various compacting states and territories, uniform legislation dealing with problems of higher education in the Region.

For the purposes of this Compact, "Region" means the geographical limits of the several compacting states and territories.

Article IX.

The operating costs of the Commission shall be apportioned equally among the compacting states and territories.

Article X.

This Compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more of the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska, and Hawaii have duly adopted it. This Compact shall become effective as to any additional states or territories adopting thereafter at the time of such adoption.

Article XI.

This Compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing that consent by the Legislature and governor of the terminating state. Any state or territory may at any time withdraw from this Compact by means of appropriate legislation to that end. The withdrawal is not effective until two years after written notice by the governor of the withdrawing state or territory accompanied by a certified copy of the requisite legislative action is received by the Commission. The withdrawal shall not relieve the withdrawing state or territory from its obligations under the compact accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time within the two-year period. Thereafter, the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the Commission.

Article XII.

If any compacting state or territory at any time defaults in the performance of any of its obligations assumed or imposed in accordance with this Compact, all rights, privileges, and benefits conferred by this Compact or agreements under the Compact are suspended from the effective date of that default as fixed by the Commission.

Unless the default is remedied within a period of two years following the effective date of the default, this Compact may be terminated with respect to the defaulting state or territory by affirmative vote of 3/4 of the other member states or territories.

The defaulting state may be reinstated by: (a) performing all acts and obligations upon which it has defaulted; and (b) application to and the approval by a majority vote of the Commission.

Section 30. Section **53H-1-702.1**, which is renumbered from Section 53B-4-103 is renumbered and amended to read:

[53B-4-103] 53H-1-702.1 (Effective upon governor's approval). WICHE Compact -- Commissioners -- Duties -- Records of academic progress -- Cancellation of student registration.

(1) The commissioners are the three resident members from the state of Utah, required by Article IV of the compact, and are authorized to function as representatives of the state on the Western Interstate Commission for Higher Education.

(2) The commissioners' duties are as follows:

- (a) to study the need for professional and graduate educational facilities not available within this state;
- (b) to recommend appropriations to meet the needs of this act;
- (c) to provide for screening of all applicants for professional, graduate, or higher educational study not available within the state in accordance with established rules; and
- (d) to certify to out of state institutions under the compact all acceptable candidates.

(3) An applicant may not be certified unless the applicant has been a bona fide resident of the state for at least the five years prior to the date of application.

(4)(a) Students must maintain continuous Utah residency during ~~[their]~~ the students' attendance at an out of state institution in order to receive financial support under the compact.

(b) If Utah residency is terminated by a student during any academic year in which the student has received financial support under the compact, the support shall be relinquished and terminated at the end of that academic year.

(5)(a) The Commissioner of Higher Education shall maintain records of the academic progress of Utah students receiving financial support under the compact while attending out of state institutions.

(b) If the records reveal a student is not progressing satisfactorily, upon recommendation of the out of state institution, the commissioner shall cancel the student's registration and withhold future payments otherwise due.

Section 31. Section **53H-1-703**, which is renumbered from Section 53B-16-109 is renumbered and amended to read:

[53B-16-109] 53H-1-703 (Effective upon governor's approval). Interstate reciprocity agreement regarding postsecondary distance education courses.

(1) As used in this section:

(a) "Distance education" means instruction offered by a means where the student and faculty member are in separate physical locations.

(b) "Eligible Institution" means a degree-granting postsecondary education entity.

(c) "Postsecondary education" means education or educational services offered primarily to an individual who:

(i) has completed or terminated the individual's secondary or high school education; or

(ii) is beyond the age of compulsory school attendance.

(2) The board may execute an interstate reciprocity agreement for postsecondary distance education:

(a) for an eligible institution that offers a postsecondary distance education course or program; and

(b) that requires an eligible institution to meet certain standards to become authorized to operate under the interstate reciprocity agreement.

(3) If the board executes an interstate reciprocity agreement under Subsection (2), the board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:

(a) standards for granting an eligible institution authorization to operate under the interstate reciprocity agreement;

(b) a filing, document, or membership fee required for an eligible institution to obtain authorization under the interstate reciprocity agreement; and

(c) a process for administering the interstate reciprocity agreement.

Section 32. Section **53H-2-101** is enacted to read:

CHAPTER 2. Private Institutions

Part 1. General Provisions

53H-2-101 (Effective upon governor's approval). General Provisions --**Definitions.**Reserved.

Section 33. Section **53H-2-102**, which is renumbered from Section 53B-1-103 is renumbered and amended to read:

[53B-1-103] 53H-2-102 (Effective upon governor's approval). Application to private institutions.

[(1)(a) As used in this title, "private postsecondary educational institution" means an institution that:]

[(i) does not receive direct funding through state appropriations; and]

[(ii) provides higher education programs.]

[(b) "Private postsecondary educational institution" includes:]

[(i) a private nonprofit college or university; and]

[(ii) a private for-profit college or university.]

[(2)] (1) Except as expressly provided, the provisions of this title do not apply to a private postsecondary educational institution.

(2) The following sections of this title expressly provide for application to a private postsecondary educational institution:

(a) Section 53H-3-503;

(b) Section 53H-3-304;

(c) Section 53H-3-604;

(d) Section 53H-3-1001;

(e) Section 53H-4-202;

(f) Section 53H-6-201;

(g) Section 53H-8-611;

(h) Chapter 10, Part 3, Student Prosperity Savings Program;

(i) Section 53H-11-402

(j) Section 53H-11-403;

(k) Section 53H-11-407;

(l) Section 53H-11-409;

(m) Section 53H-11-411;

- 2406 (n) Section 53H-11-412;
 2407 (o) Section 53H-11-413;
 2408 (p) Section 53H-11-414;
 2409 (q) Chapter 14, Part 4, Confidential Communications for Institutional Advocacy
 2410 Services; and
 2411 (r) Chapter 16, Nucleus Institute.

2412 Section 34. Section **53H-3-101** is enacted to read:

2413 **CHAPTER 3. Institutions of Higher Education Generally**

2414 **Part 1. General Provisions**

2415 **53H-3-101 (Effective upon governor's approval). General provisions --**

2416 **Definitions.**

2417 Reserved.

2418 Section 35. Section **53H-3-102**, which is renumbered from Section 53B-2-101 is renumbered
 2419 and amended to read:

2420 **[53B-2-101] 53H-3-102 (Effective upon governor's approval). Institutions of**
 2421 **higher education -- Corporate bodies -- Powers.**

2422 (1) The ~~[following]~~ institutions of higher education and the board listed in Section
 2423 53H-1-102 are bodies politic and corporate with perpetual succession and with all rights,
 2424 immunities, and franchises necessary to function as such[;] .

2425 ~~[(a) the University of Utah;]~~

2426 ~~[(b) Utah State University;]~~

2427 ~~[(c) Weber State University;]~~

2428 ~~[(d) Southern Utah University;]~~

2429 ~~[(e) Snow College;]~~

2430 ~~[(f) Utah Tech University;]~~

2431 ~~[(g) Utah Valley University;]~~

2432 ~~[(h) Salt Lake Community College;]~~

2433 ~~[(i) Bridgerland Technical College;]~~

2434 ~~[(j) Davis Technical College;]~~

2435 ~~[(k) Dixie Technical College;]~~

2436 ~~[(l) Mountainland Technical College;]~~

2437 ~~[(m) Ogden-Weber Technical College;]~~

2438 ~~[(n) Southwest Technical College;]~~

2439 [(o) Tooele Technical College; and]

2440 [(p) Uintah Basin Technical College.]

2441 (2)(a) An institution of higher education and the board may have and use a corporate
2442 seal and may, subject to this title, take, hold, lease, sell, and convey real and personal
2443 property as the interest of the institution requires.

2444 (b) An institution of higher education and the board is vested with all the property,
2445 franchises, and endowments of, and is subject to, all the contracts, obligations, and
2446 liabilities of the institution's respective predecessor.

2447 (c)(i) An institution of higher education and the board may enter into business
2448 relationships or dealings with private seed or venture capital entities or
2449 partnerships consistent with Utah Constitution, Article VI, Section 29, Subsection
2450 (2).

(ii) A business dealing or relationship entered into under Subsection (2)(c)(i) does not preclude the private entity or partnership from participating in or receiving benefits from a venture capital program authorized or sanctioned by the laws of this state, unless otherwise precluded by the specific law that authorizes or sanctions the program.

2456 Section 36. Section **53H-3-201** is enacted to read:

2457 **Part 2. Boards of Trustees**

2458 **53H-3-201** (Effective upon governor's approval). General provisions --

2459 **Definitions.**

2460 Reserved.

2461 Section 37. Section **53H-3-202**, which is renumbered from Section 53B-2-103 is renumbered
2462 and amended to read:

2463 **[53B-2-103] 53H-3-202** (Effective upon governor's approval). Degree-granting
2464 **institution board of trustees -- Powers and duties.**

(1) A degree-granting institution has a board of trustees that may act on behalf of the degree-granting institution in performing duties, responsibilities, and functions as may be specifically authorized to the board of trustees by the board or by statute.

2468 (2) A board of trustees of a degree-granting institution has the following powers and duties:

2469 (a) to facilitate communication between the degree-granting institution and the
2470 community;

2471 (b) to assist in planning, implementing, and executing fund raising and development
2472 projects aimed at supplementing institutional appropriations;

- (c) to perpetuate and strengthen alumni and community identification with the degree-granting institution's tradition and goals;
- (d) to select recipients of honorary degrees; and
- (e) to approve changes to the degree-granting institution's programs, in accordance with Section ~~[53B-16-102]~~ 53H-3-603.

(3) A board of trustees of a degree-granting institution shall:

- (a) approve a strategic plan for the degree-granting institution~~[-of higher education]~~ that is aligned with:
 - (i) state attainment goals;
 - (ii) workforce needs;
 - (iii) board goals and metrics described in Section ~~[53B-1-402]~~ 53H-1-203; and
 - (iv) the ~~[institution of higher education's]~~ degree-granting institution's role, mission, and distinctiveness; and
- (b) monitor the ~~[institution of higher education's]~~ degree-granting institution's progress toward achieving the strategic plan.

Section 38. Section **53H-3-203**, which is renumbered from Section 53B-2-104 is renumbered and amended to read:

~~[53B-2-104]~~ 53H-3-203 (Effective upon governor's approval). Degree-granting institution board of trustees -- Membership -- Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees -- Compensation.

- (1) As used in this section, "board of trustees" means the board of trustees for a degree-granting institution.
- (2)(a) The board of trustees ~~[of a degree-granting institution]~~ consists of the following:
 - (i) except as provided in Subsection (2)(c), eight individuals appointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies; and
 - (ii) two ex officio members who are the president of the institution's alumni association, and the president of the associated students of the institution.
- (b) In making the appointments described in Subsections (2)(a)(i) and (2)(c)(i), the governor:
 - (i) shall ensure that the membership of a board of trustees includes representation of interests of business, industry, and labor; and
 - (ii) may not appoint an individual to more than two consecutive full terms.
- (c)(i) The board of trustees of Utah State University has nine individuals appointed

by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

(ii) One of the nine individuals described in Subsection (2)(c)(i) shall reside in the Utah State University Eastern service region or the Utah State University Blanding service region.

(3)(a) The governor shall appoint four members of each board of trustees during each odd-numbered year to four-year terms commencing on July 1 of the year of appointment.

(b) Except as provided in Subsection (3)(d), a member appointed under Subsection (2)(a)(i) or (2)(c)(i) holds office until a successor is appointed and qualified.

(c) The ex officio members serve for the same period as ~~[they]~~ each ex officio member serves as ~~[presidents]~~ president and until ~~[their]~~ the ex officio member's successors have qualified.

(d)(i) The governor may remove a member appointed under Subsection (2)(a)(i) or (2)(c)(i) for cause.

(ii) The governor shall consult with the president of the Senate before removing a member in accordance with Subsection (3)(d)(i).

(4) When a vacancy occurs in the membership of a board of trustees for any reason, the governor shall, with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, appoint a replacement for the unexpired term.

(5)(a) Each member of a board of trustees shall take the official oath of office prior to assuming the office.

(b) The oath shall be filed with the Division of Archives and Records Services.

(6) A board of trustees shall elect a chair and vice chair, who serve for two years and until ~~[their]~~ the chair and vice chair's successors are elected and qualified.

(7)(a) A board of trustees may enact bylaws for the board of trustees' own government, including provisions for regular meetings.

(b)(i) A board of trustees may provide for an executive committee in the board of trustees' bylaws.

(ii) If established, an executive committee shall have full authority of the board of trustees to act upon routine matters during the interim between board of trustees meetings.

(iii) An executive committee may act on nonroutine matters only under extraordinary and emergency circumstances.

(iv) An executive committee shall report the executive committee's activities to the board of trustees at the board of trustees' next regular meeting following the action.

(c) Copies of a board of trustees' bylaws shall be filed with the board.

(8) A quorum is required to conduct business and consists of six members.

(9) A board of trustees may establish advisory committees.

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

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

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

(11) A board of trustees member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

Section 39. Section **53H-3-204**, which is renumbered from Section 53B-2a-110 is renumbered and amended to read:

[53B-2a-110] 53H-3-204 (Effective upon governor's approval). Technical college board of trustees' powers and duties.

(1) A technical college board of trustees shall:

(a) assist the technical college president in preparing a budget request for the technical college's annual operations to the board;

(b) after consulting with the board, other higher education institutions, school districts, and charter schools within the technical college's region, assist the technical college president in preparing a comprehensive strategic plan for delivering technical education within the region;

(c) in accordance with Section [53B-16-102] 53H-3-603, approve programs, including expedited program approval and termination procedures to meet market needs;

(d) adopt an annual budget and fund balances;

(e) conduct annual program evaluations;

(f)(i) approve a strategic plan for the technical college that is aligned with:

(A) state attainment goals;

(B) workforce needs;

(C) the technical college's role, mission, and distinctiveness; and

(D) board goals and metrics described in Section [53B-1-402] 53H-1-203; and

(ii) monitor the technical college's progress toward achieving the strategic plan; and

(g) act on behalf of the technical college in performing other duties as authorized by the board or by statute.

- (2) A technical college board of trustees may not exercise jurisdiction over career and technical education provided by a school district or charter school or provided by a higher education institution independently of the technical college.

Section 40. Section **53H-3-205**, which is renumbered from Section 53B-2a-108 is renumbered and amended to read:

[53B-2a-108] 53H-3-205 (Effective upon governor's approval). Technical college boards of trustees -- Membership -- Appointments.

- (1) As used in this section[;] ,

(a) "Higher education institution" means the same as that term is defined in Section [53B-2a-112] 53H-9-603.

(b) "Technical college service area" means the geographic area served by each technical college as described in Section [~~53B-2a-105~~] 53H-3-1202.

- (2) A technical college board of trustees consists of:

(a) one member of the local school board for each school district in the technical college service area, appointed by the local school board to which the member belongs;

(b) except as provided in Subsection (3)(b), one individual who is a member of the higher education institution board of trustees, appointed by the higher education institution board of trustees; and

(c) a number of individuals, appointed by the governor with the advice and consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2, Vacancies, that is:

- (i) seven for:

(A) Tooele Technical College;

(B) Uintah Basin Technical College; and

(C) Dixie Technical College;

- (ii) eight for:

(A) Bridgerland Technical College;

(B) Ogden-Weber Technical College;

(C) Davis Technical College; and

(D) Southwest Technical College; or

- (iii) nine for Mountainland Technical College.

- (3)(a) In appointing the members described in Subsection (2)(c), the governor shall appoint individuals who represent the interests of business, industry, or labor in the

technical college service area.

(b) If no member of the institution of higher education board of trustees lives within the technical college service area, the institution of higher education board of trustees may nominate an individual to be appointed by the governor with the advice and consent of the Senate instead of appointing a member described in Subsection (2)(b).

(4)(a) The governor may remove a member appointed under Subsection (2)(c) or (3)(b) for cause.

(b) The governor shall consult with the president of the Senate before removing a member appointed under Subsection (2)(c) or (3)(b).

(5) A member described in Subsection (2)(c) shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

Section 41. Section **53H-3-206**, which is renumbered from Section 53B-2a-109 is renumbered and amended to read:

[53B-2a-109] 53H-3-206 (Effective upon governor's approval). Technical college boards of trustees -- Terms -- Quorum -- Chair -- Compensation.

(1)(a) Except as provided in this Subsection (1), a member of a technical college board of trustees is appointed to a four-year term.

(b) The governor may appoint a member described in Subsection [53B-2a-108(2)(e)] 53H-3-205(2)(c) to a two-year term to ensure that the terms of approximately half of the members described in Subsection [53B-2a-108(2)(e)] 53H-3-205(2)(c) expire every other year.

(c) When a vacancy occurs in the membership of a technical college board of trustees, the appointing authority for the vacant position described in Section [53B-2a-108] 53H-3-205 shall appoint a replacement for the remainder of the term.

(d) An appointed member holds office until a successor is appointed in accordance with Section [53B-2a-108] 53H-3-205.

(2) A member of a technical college board of trustees may not hold office for more than two consecutive full terms.

(3) A majority of a technical college board of trustees is a quorum.

(4) A technical college board of trustees shall elect a chair from the technical college board of trustees' membership.

(5) A member of a technical college board of trustees may not receive compensation or benefits for the member of the technical college board of trustees' service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

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

(6)(a) A technical college board of trustees may enact bylaws for the technical college board of trustees' own government, including provisions for regular meetings, that are in accordance with the policies of the board.

(b)(i) A technical college board of trustees may provide for an executive committee in the technical college board of trustees' bylaws.

(ii) If established, an executive committee shall have the full authority of the technical college board of trustees to act upon routine matters during the interim between board of trustees' meetings.

(iii) An executive committee may act on nonroutine matters only under extraordinary and emergency circumstances.

(iv) An executive committee shall report the executive committee's activities to the technical college board of trustees at the technical college board of trustees' next regular meeting following the activities.

(7) A technical college board of trustees may establish advisory committees.

Section 42. Section **53H-3-301** is enacted to read:

Part 3. Presidents

53H-3-301 (Effective upon governor's approval). General provisions --

Definitions.

Reserved.

Section 43. Section **53H-3-302**, which is renumbered from Section 53B-2-102 is renumbered and amended to read:

[~~53B-2-102~~] 53H-3-302 (Effective upon governor's approval). Appointment of institution of higher education presidents.

(1) As used in this section:

~~[(a) "Institution of higher education" means:]~~

~~[(i) a degree-granting institution; or]~~

~~[(ii) a technical college.]~~

~~[(b)]~~ (a) "President" means the president of an institution of higher education.

~~[(c)]~~ (b) "Search committee" means a committee that selects finalists for a position as an institution of higher education president.

- (2) The board shall appoint a president for each institution of higher education.
- (3) A president serves in accordance with the terms of employment that the board establishes as described in Section ~~[53B-1-402]~~ 53H-1-203.
- (4)(a)(i) Except as provided in Subsection (4)(a)(ii), to appoint a president, the board shall establish a search committee that includes representatives of faculty, staff, students, the institution of higher education board of trustees, alumni, the outgoing president's executive council or cabinet, and the board.
- (ii) The board may delegate the authority to appoint the search committee to an institution of higher education board of trustees.
- (iii) The commissioner shall provide staff support to a search committee.
- (b)(i) Except as provided in Subsection (4)(b)(ii), a member of the board and a member of the institution of higher education board of trustees shall cochair a search committee.
- (ii) The board may delegate the authority to chair a search committee to the institution of higher education board trustees.
- (c) A search committee shall:
- (i) respect and protect candidate confidentiality; and
- (ii) through closed executive sessions:
- (A) review prospective candidates; and
- (B) forward three prioritized finalists to the board to consider for a position as a president.
- (d) A search committee may not forward an individual to the board as a finalist unless a majority of the search committee members, as verified by the commissioner, find the individual to be qualified and likely to succeed as a president.
- (5)(a) The board shall select an institution of higher education president from among the finalists a search committee presents to the board under Subsections (4)(c) and (5)(b).
- (b) If the board is not satisfied with the finalists a search committee presents to the board, the board may direct the search committee to resume the search process and submit three additional prioritized finalists until the search committee presents a finalist whom the board approves.
- (6) The board, through the commissioner, shall:
- (a) create a comprehensive, active recruiting plan to ensure a strong, diverse pool of potential candidates for presidents; and
- (b) review, in a closed executive session, individuals from within the system whose

2711 candidacy may be considered for future applicant pools in relation to the succession
2712 plan described in Section ~~[53B-1-402]~~ 53H-1-203.

2713 (7) A record or information gathered or generated during the search process, including a
2714 candidate's application and the search committee's deliberations, is confidential and is a
2715 protected record under Section 63G-2-305.

2716 (8) The board shall take final hiring action of a president in an open and public board
2717 meeting.

2718 Section 44. Section **53H-3-303**, which is renumbered from Section 53B-2-106 is renumbered
2719 and amended to read:

2720 **~~[53B-2-106]~~ 53H-3-303 (Effective upon governor's approval). Duties and**
2721 **responsibilities of the president of an institution of higher education -- Approval by**
2722 **board of trustees.**

2723 (1) As used in this section[~~:~~] ,

2724 [(a) "Institution" means:]

2725 [(i) ~~a degree-granting institution; or~~]

2726 [(ii) ~~a technical college.~~]

2727 [(b) "President"] "president" means the president of an institution.

2728 (2) The president of each institution may exercise grants of power and authority as the
2729 board delegates, as well as the necessary and proper exercise of powers and authority
2730 not denied to the institution or the institution's administration, faculty, or students by the
2731 board or by law, to ensure the effective and efficient administration and operation of the
2732 institution consistent with the statewide strategic plan for higher education.

2733 (3) A president may:

2734 (a) appoint or employ administrative officers, deans, faculty members, professional
2735 personnel, and support personnel;

2736 (b) prescribe duties for a position described in Subsection (3)(a); and

2737 (c) determine the salary for an employed position described in Subsection (3)(a), in
2738 accordance with the institution's human resources policies.

2739 (4)(a) A president may, after consultation with the institution's board of trustees,
2740 exercise powers related to the institution's employees, including faculty and persons
2741 under contract with the institution, by implementing:

2742 (i) policies governing personnel;

2743 (ii) furloughs;

2744 (iii) reductions in force;

- (iv) program reductions or discontinuance;
- (v) early retirement incentives that provide cost savings to the institution; or
- (vi) other measures that provide cost savings, facilitate efficiencies, or otherwise enable the institution to meet the institution's mission and role.

(5) A president shall:

- (a) control and manage the budget and finances of the institution, including by, as determined by the president:
 - (i) establishing the institution's budget; and
 - (ii) establishing or adjusting administrative or academic unit budgets; and
- (b) subject to Section ~~[53B-7-101]~~ 53H-8-202, establish:
 - (i) tuition for the institution, including both resident and nonresident tuition if the institution is a degree-granting institution, subject to the approval of the board as described in Section ~~[53B-1-402]~~ 53H-1-203; and
 - (ii) fees and other charges for the institution; and
- (c) establish the organization and structure of the institution, including by, as determined by the president, creating, merging, or eliminating a college, department, or other administrative or academic unit of the institution[;] .

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

- (a) shall establish a budgetary policy, such as policy regarding benefits and endowment investments;
- (b) subject to Section ~~[53B-2-106.1]~~ 53H-3-406, shall provide for the constitution, government, and organization of the faculty and administration, including:
 - (i) enacting and implementing rules;
 - (ii) ensuring that the faculty may only have jurisdiction over:
 - (A) academic requirements for admission, degrees, and certificates; and
 - (B) course curriculum and instruction;
 - (iii) permitting faculty to have jurisdiction over a matter other than a matter described in Subsection (6)(b)(ii) only if the following entities expressly authorize or delegate such power:
 - (A) the Legislature;
 - (B) the board;
 - (C) institution's board of trustees; or
 - (D) the institution's president; and
 - (iv) if the institution is a degree-granting institution, the establishment of a prescribed

2779 system of tenure; and

2780 (c) may authorize the faculty to determine the general initiation and direction of
2781 instruction and of the examination, admission, and classification of students.

2782 (7) A president may establish policies for the administration and operation of the institution
2783 that:

2784 (a) are consistent with the institution's role that the board establishes, rules which the
2785 board enacts, and the laws of the state; and

2786 (b) may provide for:

2787 (i) administrative, faculty, student, and joint committees with jurisdiction over
2788 specified institutional matters;

2789 (ii) student government and student affairs organizations;

2790 (iii) the establishment of institutional standards in furtherance of the ideals of higher
2791 education to which the institution and the institution's administration, faculty, and
2792 students subscribe and foster; and

2793 (iv) the holding of classes on legal holidays, other than Sunday.

2794 (8) A president shall manage the president's institution as a part of the Utah System of
2795 Higher Education.

2796 (9) In performing any of the acts described in this section, a president may, in the
2797 president's sole discretion, seek input from the institution's faculty, staff, or students.

2798 (10) The board shall establish guidelines relating to the roles and relationships between
2799 presidents and boards of trustees, including those matters for which law requires the
2800 approval of a board of trustees before implementation by the president.

2801 (11)(a) A president is subject to regular review and evaluation that the board
2802 administers, in consultation with the institution's board of trustees, through a process
2803 the board approves.

2804 (b) Only the board may formally assess a president's performance, formally declare a
2805 president's standing, or take other formal action to evaluate a president.

2806 Section 45. Section **53H-3-304**, which is renumbered from Section 53B-20-107 is renumbered
2807 and amended to read:

2808 **[53B-20-107] 53H-3-304 (Effective upon governor's approval). Powers of chief**
2809 **administrative officer to order individuals off an institution of higher education's**
2810 **property.**

2811 (1) As used in this section:

2812 (a) "Chief administrative officer" means the president of an institution of higher

- 2813 education or an individual designated by the president.
- 2814 (b) "Institution of higher education" means:
- 2815 (i) ~~[a-state-]~~ an institution of higher education as defined in Section ~~[53B-3-102]~~
- 2816 53H-1-101; or
- 2817 (ii) a private postsecondary educational institution.
- 2818 (2) It is the purpose of this section to:
- 2819 (a) supplement and clarify the power vested in the governing board of each institution of
- 2820 higher education; and
- 2821 (b) regulate, conduct, and enforce law and order on property owned, operated, or
- 2822 controlled by each institution of higher education.
- 2823 (3) A chief administrative officer may order an individual to leave property that is owned,
- 2824 operated, or controlled by an institution of higher education if:
- 2825 (a) the individual acts, or if the chief administrative officer has reasonable cause to
- 2826 believe that the individual intends to act, to:
- 2827 (i) cause injury to an individual;
- 2828 (ii) cause damage to property;
- 2829 (iii) commit a crime;
- 2830 (iv) interfere with the peaceful conduct of the activities of the institution of higher
- 2831 education;
- 2832 (v) violate a rule or regulation of the institution of higher education if that rule or
- 2833 regulation is not in conflict with state law; or
- 2834 (vi) disrupt the institution of higher education, the institution's pupils, or the
- 2835 institution of higher education's activities; or
- 2836 (b) the individual is reckless as to whether the individual's actions will cause fear for the
- 2837 safety of another individual.
- 2838 (4)(a) If a law enforcement agency or security department of an institution of higher
- 2839 education lacks sufficient manpower to deal effectively with a condition of unrest
- 2840 existing or developing on a campus or related facility of the institution of higher
- 2841 education in the judgment of the chief administrative officer, the chief administrative
- 2842 officer may call for assistance from the county sheriff of the county, a city law
- 2843 enforcement agency, or the Department of Public Safety.
- 2844 (b) Upon receipt of the request under Subsection (4)(a), the county sheriff, a city law
- 2845 enforcement agency, or the Department of Public Safety must render all necessary
- 2846 assistance without expense to the institution of higher education.

(c) All personnel while rendering assistance to the institution of higher education shall serve under the general direction of the chief administrative officer.

(5) Nothing in this section shall limit:

(a) the right or duty of a local law enforcement agency to enforce the law which the local law enforcement agency had prior to this enactment; or

(b) the right of a state or local law enforcement agency to enforce the laws of this state.

Section 46. Section **53H-3-305**, which is renumbered from Section 53B-2a-107 is renumbered and amended to read:

[53B-2a-107] 53H-3-305 (Effective upon governor's approval). Technical college presidents.

(1) The board shall appoint a president for each technical college in accordance with Section [53B-2-102] 53H-3-302.

(2) A technical college president is the chief executive officer of the technical college.

(3) A technical college president:

(a) does not need to have a doctorate degree; and

(b) shall have extensive experience in career and technical education.

(4) In addition to the duties described in Section [53B-2-106] 53H-3-303, a technical college president shall:

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

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

(c) coordinate with local school boards, school districts, and charter schools to meet the technical education needs of secondary students; and

(d) develop policies and procedures for the admission, classification, instruction, and examination of students in accordance with the policies and accreditation guidelines of the board and the State Board of Education.

Section 47. Section **53H-3-401** is enacted to read:

Part 4. Employees

53H-3-401 (Effective upon governor's approval). General provisions -- Definitions.

Reserved.

Section 48. Section **53H-3-402**, which is renumbered from Section 53B-1-110 is renumbered and amended to read:

[53B-1-110] 53H-3-402 (Effective upon governor's approval). Criminal background checks of prospective and existing employees of higher education institutions -- Institutions to adopt policy.

(1) As used in this section[?],

(a) "Institution" means an institution and the board listed in [~~Section 53B-1-102~~]
Subsection 53H-1-102(1).

(b) "Minor" means a person younger than 21 years old.

(2) An institution and the board listed in Subsection 53H-1-102(1) shall adopt a policy providing for criminal background checks of:

(a) prospective employees of institutions; and

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

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

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

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

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

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

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

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

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

(a) be fingerprinted; and

(b) consent to a fingerprint background check by:

(i) the Utah Bureau of Criminal Identification; and

- 2915 (ii) the Federal Bureau of Investigation.
- 2916 (6)(a) Institutions may request the Utah Bureau of Criminal Identification to conduct
- 2917 criminal background checks of prospective employees and, where reasonable cause
- 2918 exists, existing employees pursuant to an institution's policy.
- 2919 (b) At the request of an institution, the Utah Bureau of Criminal Identification shall:
- 2920 (i) release the individual's full record of criminal convictions to the administrator
- 2921 requesting the information; and
- 2922 (ii) seek additional information from regional or national criminal data files in
- 2923 responding to inquiries under this section.
- 2924 (c) Information received by the Utah Bureau of Criminal Identification from entities
- 2925 other than agencies or political subdivisions of the state may not be released to a
- 2926 private entity unless the release is permissible under applicable laws or regulations of
- 2927 the entity providing the information.
- 2928 (d) Except as provided in Subsection (7), the institution shall pay the cost of background
- 2929 checks conducted by the Utah Bureau of Criminal Identification, and the money
- 2930 collected shall be credited to the Utah Bureau of Criminal Identification to offset [its]
- 2931 the Utah Bureau of Criminal Identification's expenses.
- 2932 (7) An institution may by policy require an applicant to pay the costs of a criminal
- 2933 background check as a condition of employment.
- 2934 (8) The applicant or employee shall have an opportunity to respond to any information
- 2935 received as a result of the criminal background check.
- 2936 (9) If a person is denied employment or is dismissed from employment because of
- 2937 information obtained through a criminal background check, the person shall receive
- 2938 written notice of the reasons for denial or dismissal and have an opportunity to respond
- 2939 to the reasons under procedures established by an institution in policy.

2940 Section 49. Section **53H-3-403**, which is renumbered from Section 53B-1-119 is renumbered

2941 and amended to read:

2942 **[53B-1-119] 53H-3-403 (Effective upon governor's approval). Bereavement leave**

2943 **for miscarriage and stillbirth.**

- 2944 (1) As used in this section "miscarriage" means the spontaneous or accidental loss of a
- 2945 fetus, regardless of gestational age or the duration of the pregnancy.
- 2946 (2) An institution shall adopt policies providing at least three work days of paid
- 2947 bereavement leave for an employee following the end of the employee's pregnancy by
- 2948 way of miscarriage or stillbirth or following the end of another individual's pregnancy

by way of a miscarriage or stillbirth, if:

- (a) the employee is the individual's spouse or partner;
- (b) the employee is the individual's former spouse or partner and the employee would have been a biological parent of a child born as a result of the pregnancy;
- (c) the employee provides documentation to show that the individual intended for the employee to be an adoptive parent, as that term is defined in Section 81-13-101, of a child born as a result of the pregnancy; or
- (d) under a valid gestational agreement in accordance with Title 81, Chapter 5, Part 8, Gestational Agreement, the employee would have been a parent of a child born as a result of the pregnancy.

Section 50. Section **53H-3-404**, which is renumbered from Section 53B-2-115 is renumbered and amended to read:

[53B-2-115] 53H-3-404 (Effective upon governor's approval). Institution of higher education required to provide leave to a legislator on an authorized legislative day.

(1) As used in this section:

(a) "Authorized legislative day" means:

- (i) the day on which the Legislature convenes in annual general session, and each day after that day, until midnight of the 45th day of the annual general session;
- (ii) a special session day;
- (iii) a veto override session day;
- (iv) an interim day designated by the Legislative Management Committee;
- (v) an authorized legislative training day; or
- (vi) any other day on which a meeting of a committee, subcommittee, commission, task force, or other entity is held, if:
 - (A) the committee, subcommittee, commission, task force, or other entity is created by statute or joint resolution;
 - (B) the legislator's attendance at the meeting is approved by the Legislative Management Committee; and
 - (C) service and payment for service by the legislator is not in violation of the Utah Constitution, including Article V and Article VI, Sections 6 and 7.

- (b) "Authorized legislative training day" means a day that a Legislative Expenses Oversight Committee designates as an authorized legislative day for training or informational purposes, including:
- (i) chair training;

- 2983 (ii) an issue briefing;
2984 (iii) legislative leadership instruction;
2985 (iv) legislative process training;
2986 (v) legislative rules training;
2987 (vi) new legislator orientation; or
2988 (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the
2989 legislator's official duties.
- 2990 (c) "Legislator" means:
2991 (i) a member of the Utah Senate;
2992 (ii) a member of the Utah House of Representatives; or
2993 (iii) an individual who has been elected as a member described in Subsection (1)(c)(i)
2994 or (ii), but has not yet been sworn in or begun the individual's term of office.
- 2995 (d) "Retaliatory action" means to:
2996 (i) dismiss the employee;
2997 (ii) reduce the employee's compensation;
2998 (iii) fail to increase the employee's compensation by an amount that the employee is
2999 otherwise entitled to or was promised;
3000 (iv) fail to promote the employee if the employee would have otherwise been
3001 promoted; or
3002 (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).
- 3003 (2) Except as provided in Subsection (4), an institution of higher education and the board
3004 listed in Subsection 53H-1-102(1) that employs an individual who is a legislator:
3005 (a) shall grant leave to the individual on an authorized legislative day for the number of
3006 hours requested by the individual;
3007 (b) may not interfere with, or otherwise restrain the individual from, using the leave
3008 described in Subsection (2)(a); and
3009 (c) may not take retaliatory action against the individual for using the leave described in
3010 Subsection (2)(a).
- 3011 (3) The leave described in Subsection (2) is leave without pay unless the institution of
3012 higher education or the board and the individual described in Subsection (2) agree to
3013 terms that are more favorable to the individual.
- 3014 (4) An institution of higher education or the board is not required to comply with
3015 Subsection (2) if the institution board of trustees of the institution of higher education
3016 determines that complying with the requirement would cause the institution of higher

education significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the institution of higher education's operations.

Section 51. Section **53H-3-405**, which is renumbered from Section 53B-2-114 is renumbered and amended to read:

[53B-2-114] 53H-3-405 (Effective upon governor's approval). Degree-granting institution attorneys -- Appointment -- Duties.

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

- (a) provide legal advice to the degree-granting institution's administration; and
- (b) coordinate legal affairs within the degree-granting institution.

(2) ~~[An]~~ A degree-granting institution shall fund compensation costs and related office expenses for an attorney described in Subsection (1) within existing budgets.

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

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

(a) may not:

- (i) conduct litigation;
- (ii) settle a claim covered by the State Risk Management Fund; or
- (iii) issue a formal legal opinion; and

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

Section 52. Section **53H-3-406**, which is renumbered from Section 53B-2-106.1 is renumbered and amended to read:

[53B-2-106.1] 53H-3-406 (Effective upon governor's approval). Tenure -- Reporting.

(1) A president of a degree-granting institution, in consultation with the degree-granting institution's board of trustees, shall make policies:

- (a) related to tenure and post-tenure review; and
- (b) ensuring that the terms and conditions of tenured employment are stated in writing and provided to a faculty member.

(2) Tenure and post-tenure policies shall:

- (a) protect academic freedom in teaching, research, and in an individual's personal life;
- (b) require that a final award of tenure be approved by the president of the degree-granting institution offering the award of tenure, in consultation with the

board of trustees of the degree-granting institution; and

(c) comply with this section.

(3) ~~[Beginning July 1, 2024, a]~~ A tenured faculty member may be dismissed from employment at a degree-granting institution:

(a) for cause, including:

(i) professional incompetence;

(ii) serious misconduct or unethical behavior;

(iii) legal misconduct substantially related to the performance of duties;

(iv) serious violations of board or institution rules;

(v) the conviction of a crime affecting the fitness of the tenured faculty member to engage in teaching, research, service, outreach, administration, or other assigned duties;

(vi) falsified credentials or plagiarism; or

(vii) inability or unwillingness to meet institutional expectations, including failure to address deficiencies outlined in a remediation plan following post-tenure review;

(b) if the program in which the tenured faculty member works is discontinued by the degree-granting institution or modified to such a degree that the tenured faculty member's position is no longer needed; and

(c) in the event of financial exigency of the degree-granting institution.

(4) Policies governing dismissal of a tenured faculty member for cause shall include, at a minimum:

(a) notice to the tenured faculty member of the alleged cause, including any evidence supporting the allegation;

(b) providing reasonable time and opportunity for the tenured faculty member to respond;

(c) a hearing before an independent board of tenured faculty peers;

(d) a written determination on the issue, including a determination of termination or continued employment; and

(e) an appeals process ending with the final decision of the president of the degree-granting institution in consultation with the board of trustees of the degree-granting institution.

(5) A tenured faculty member who is being dismissed because the program in which the tenured faculty member works is discontinued or modified, as described in Subsection (3)(b), or in the event of financial exigency of the degree-granting institution, as

described in Subsection (3)(c), shall receive severance in accordance with the terms of the tenured faculty member's employment contract.

(6) Nothing in this section prohibits a president of a degree-granting institution from creating additional policies and processes regarding discipline of a tenured faculty member.

(7) ~~[Beginning July 1, 2024, a]~~ A degree-granting institution shall conduct, and a tenured faculty member shall receive:

(a) an annual performance review of the tenured faculty member's performance; and

(b) a post-tenure review, as described in Subsection (9).

(8) A president of a degree-granting institution shall ensure that each program or department at the degree-granting institution has policies describing the minimum performance of a tenured faculty member for use in a post-tenure review.

(9) A post-tenure review shall:

(a) be conducted by a committee of:

(i) tenured faculty member peers, appointed by the appropriate vice president at the degree-granting institution in consultation with the faculty member's department chair, including at least two individuals appointed from either a different department than the tenured faculty member going through post-tenure review, a different degree-granting institution than the tenured faculty member going through post-tenure review, or both; and

(ii) the provost or the provost's designee; and

(b) consist of a comprehensive review of the tenured faculty member's performance over the previous five years, including:

(i) teaching assessment, including student evaluations, for all courses taught;

(ii) the quality of the tenured faculty member's scholarly research;

(iii) service to the profession, school, or community;

(iv) annual performance reviews;

(v) intellectual property owned wholly or partly by, or commercialization efforts attributed to, the tenured faculty member;

(vi) the tenured faculty member's compliance with the degree-granting institution's policies regarding the responsibilities and ethical obligations of faculty members; and

(vii) any improvement plans for underperformance.

(10)(a) If, following a post-tenure review, a tenured faculty member is found to not meet

the standards established by the degree-granting institution, the degree-granting institution shall create a remediation plan to address deficiencies and a timeline by which the tenured faculty member is expected to address the deficiencies.

(b) A tenured faculty member who fails to address deficiencies as described in Subsection (10)(a) may be subject to disciplinary action from the degree-granting institution, including dismissal for cause, subject to the appeals process described in Subsection (4)(e).

(c) In consultation with the board of trustees, a president of a degree-granting institution who does not dismiss a tenured faculty member who fails to address deficiencies as described in Subsection (10)(a) shall justify in writing to the board why the tenured faculty member is not being dismissed.

(11) A president of a degree-granting institution shall provide an annual report to the board, no later than October 1 of each year, with the following information:

(a) the number of post-tenure reviews that took place at the degree-granting institution in the previous year;

(b) an analysis of scores from post-tenure reviews that took place in the previous year with personal information redacted;

(c) the number of post-tenure reviews from the previous year that resulted in a remediation plan;

(d) a qualitative summary of the types of remediation plans created in the previous year, including an average timeline by which tenured faculty members are expected to address deficiencies; and

(e) a summary of written justifications described in Subsection (10)(c), if any, with personal information redacted.

Section 53. Section **53H-3-501** is enacted to read:

Part 5. Notifications and Disclosures

53H-3-501 (Effective upon governor's approval). General provisions --

Definitions.

Reserved.

Section 54. Section **53H-3-502**, which is renumbered from Section 53B-1-111 is renumbered and amended to read:

[53B-1-111] 53H-3-502 (Effective upon governor's approval). Organ donation notification.

(1) As used in this section:

(a) "Donor" means the same as that term is defined in Section ~~[26B-4-137]~~ 26B-8-301.

(b) "Donor registry" means the same as that term is defined in Section ~~[26B-4-137]~~ 26B-8-301.

~~[(c) "Institution of higher education" means an institution as described in Section 53B-3-102.]~~

(2)(a) An institution of higher education shall distribute, twice each academic year to each enrolled student:

(i) an electronic message notifying each student of the option to register as a donor by selecting the Internet link described in Subsection (2)(a)(ii); and

(ii) through the electronic message described in Subsection (2)(a)(i) an Internet link to a website for a donor registry established under Section 26B-8-319.

(b) An institution of higher education may also provide to students information on donor registry by other electronic, printed, or in-person means.

Section 55. Section **53H-3-503**, which is renumbered from Section 53B-1-113 is renumbered and amended to read:

~~[53B-1-113]~~ 53H-3-503 (Effective upon governor's approval). Education loan notifications.

(1) As used in this section:

(a) "Borrower" means:

(i) an individual enrolled in an eligible postsecondary institution who receives an education loan; or

(ii) an individual, including a parent or legal guardian, who receives an education loan to fund education expenses of an individual enrolled in an eligible postsecondary institution.

(b) "Education loan" means a loan made to a borrower that is:

(i) made directly by a federal or state program; or

(ii) insured or guaranteed under a federal or state program.

(c) "Eligible postsecondary institution" means an entity that~~[a public or private postsecondary educational institution that]~~:

(i) ~~[is located in Utah]~~ is an institution of higher education or private postsecondary educational institution; and

(ii) participates in federal student assistance programs under the Higher Education Act of 1965, Title IV, 20 U.S.C. Sec. 1070 et seq.

(2) Annually, on or before July 1, an eligible postsecondary institution that receives

information about a borrower's education loan shall:

- (a) notify the borrower that the borrower has an education loan;
 - (b) direct the borrower to the National Student Loan Data System described in 20 U.S.C. Sec. 1092b to receive information about the borrower's education loan; and
 - (c) provide the borrower information on how the borrower can access an online repayment calculator.
- (3) An eligible postsecondary institution does not incur liability for information provided to a borrower in accordance with this section.

Section 56. Section **53H-3-504**, which is renumbered from Section 53B-1-112 is renumbered and amended to read:

[53B-1-112] 53H-3-504 (Effective upon governor's approval). Disclosure requirements for institution programs.

(1) As used in this section:

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

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

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

~~[(d)] (c)(i)~~ "Program" means a program of organized instruction or study at an institution that leads to:

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

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

~~[(e)] (d)~~ "Student loan information" means the percentage of students at an institution who:

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

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

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

~~[(f)]~~ (e) "Total costs" means:

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

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

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

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

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

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

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

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

(3) The commissioner, under the board's direction, shall:

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

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

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

Section 57. Section **53H-3-505**, which is renumbered from Section 53B-1-101.8 is renumbered and amended to read:

[53B-1-101.8] 53H-3-505 (Effective upon governor's approval). Health insurance mandates.

An institution of higher education shall include in a health plan it offers to [its] the institution of higher education's employees insurance mandates in accordance with Section 31A-22-605.5.

Section 58. Section **53H-3-601** is enacted to read:

Part 6. Institutional Programs and Courses of Study

53H-3-601 (Effective upon governor's approval). General provisions -- Definitions.

Reserved.

Section 59. Section **53H-3-602**, which is renumbered from Section 53B-16-101 is renumbered and amended to read:

[53B-16-101] 53H-3-602 (Effective upon governor's approval). Establishment of institutional roles and general courses of study.

(1) Except as institutional roles are specifically assigned by the Legislature, the board:

(a) shall establish and define the roles of the various institutions of higher education; and

(b) shall, within each institution of higher education's primary role, prescribe the general course of study to be offered at the institution of higher education, including for:

(i) research universities, which provide undergraduate, graduate, and research programs and include:

(A) the University of Utah; and

(B) Utah State University;

(ii) regional universities, which provide career and technical education, undergraduate associate and baccalaureate programs, and select master's degree programs to fill regional demands and include:

(A) Weber State University;

(B) Southern Utah University;

(C) Utah Tech University; and

- 3289 (D) Utah Valley University;
- 3290 (iii) comprehensive community colleges, which provide associate programs and
- 3291 include:
- 3292 (A) Salt Lake Community College; and
- 3293 (B) Snow College; and
- 3294 (iv) technical colleges and degree-granting institutions that provide technical
- 3295 education, and include:
- 3296 (A) each technical college; and
- 3297 (B) the degree-granting institutions described in Section ~~[53B-2a-204]~~ 53H-3-608.
- 3298 (2)(a) Except for the University of Utah, and subject to Subsection (2)(b), each
- 3299 institution of higher education described in Subsections (1)(b)(i) through (iii) has
- 3300 career and technical education included in the institution of higher education's
- 3301 primary role.
- 3302 (b) The board shall determine the extent to which an institution described in Subsection
- 3303 (2)(a) provides career and technical education within the institution's primary role.
- 3304 (3) The board shall further clarify each institution of higher education's primary role by
- 3305 clarifying:
- 3306 (a) the level of program that the institution of higher education generally offers, in
- 3307 accordance with Subsection ~~[53B-16-102(3)]~~ 53H-3-603(3);
- 3308 (b) broad fields that are within the institution of higher education's mission; and
- 3309 (c) any special characteristics of the institution of higher education, such as being a land
- 3310 grant university.
- 3311 Section 60. Section **53H-3-603**, which is renumbered from Section 53B-16-102 is renumbered
- 3312 and amended to read:
- 3313 **[53B-16-102] 53H-3-603 (Effective upon governor's approval). Changes in**
- 3314 **curriculum -- Substantial alterations in institutional operations -- Program approval --**
- 3315 **Periodic review of programs -- Career and technical education curriculum changes.**
- 3316 (1) As used in this section^[1],
- 3317 ~~[(a) "Institution of higher education" means an institution described in Section~~
- 3318 ~~53B-1-102.]~~
- 3319 ~~[(b) "Program"]~~ "program of instruction" means a program of curriculum that leads to the
- 3320 completion of a degree, diploma, certificate, or other credential.
- 3321 (2)(a) Under procedures and policies approved by the board and developed in
- 3322 consultation with each institution of higher education, each institution of higher

education may make such changes in the institution of higher education's curriculum as necessary to better effectuate the institution of higher education's primary role; and (b) subject to Subsection (2)(a), an institution of higher education's faculty shall establish and have primary responsibility for the curriculum of a course within a program of instruction at the institution.

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

- (a) the program of instruction meets identified workforce needs;
- (b) the institution of higher education is maximizing collaboration with other institutions of higher education to provide for efficiency in offering the program of instruction;
- (c) the new program of instruction is within the institution of higher education's mission and role; and
- (d) the new program of instruction meets other criteria determined by the board.

(4)(a) Except as board policy permits, an institution of higher education may not establish a branch, extension center, college, or professional school.

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

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

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

(5)(a)(i) Except as provided in Subsection (5)(a)(ii), a degree-granting institution may not offer a degree with a credit-hour requirement, comprising general education and degree-specific requirements, that exceeds 120 total credit hours.

(ii) The board may authorize a degree-granting institution to exceed the credit-hour limit described in Subsection (5)(a)(i) if the relevant degree:

- (A) is required for professional licensure; or
- (B) has a nationally recognized accreditation standard that mandates a higher credit-hour minimum, including circumstances where additional coursework is necessary to protect public health, safety, and welfare.

(b) The board shall develop a process to grant conditional approval of accelerated three-year degrees to allow for the implementation of an accelerated degree upon accreditation.

(6) The president of an institution of higher education may discontinue a program of instruction in accordance with criteria that the president and the institution of higher education's board of trustees establish.

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

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

(c) The board shall conduct:

(i) at least once every five years, at least one review described in Subsection (7)(b) of each program of instruction at each institution; and

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

(d) Following a review described in this Subsection (7) that finds that a program is underperforming, as the board defines, across the system of higher education or at an individual institution, and after providing the relevant institution of higher education an opportunity to respond to the board's review of a given program of instruction, the board:

(i) shall modify, consolidate, or terminate the program of instruction; and

(ii) may require an institution to develop a performance improvement plan and annually report back to the board regarding the plan.

(e) The board shall:

(i) develop qualitative and quantitative standards for program review under this Subsection (7); and

(ii) ensure the application of the standards the board develops under Subsection (7)(e)(i) in each program review.

(8) In making decisions related to career and technical education curriculum changes, the board shall coordinate on behalf of the boards of trustees of higher education institutions

a review of the proposed changes by the State Board of Education to ensure an orderly and systematic career and technical education curriculum that eliminates overlap and duplication of course work with high schools and technical colleges.

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

- (a) creating a list of programs and corresponding review schedules;
- (b) upon request of the Higher Education Appropriations Subcommittee, providing the list described in Subsection (9)(a); and
- (c) providing a written report on or before October 1 to the Higher Education Appropriations Subcommittee of each year regarding relevant findings from the reviews conducted under Subsection (7).

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

- (a) deduct 10% of the appropriation described in Section [~~53B-7-703~~] 53H-8-302 for the following fiscal year; and
- (b) deduct an additional 10% of the appropriation described in Section [~~53B-7-703~~] 53H-8-302 for each subsequent year of noncompliance up to a maximum deduction of 30%.

Section 61. Section **53H-3-604**, which is renumbered from Section 53B-16-105 is renumbered and amended to read:

[~~53B-16-105~~] 53H-3-604 (Effective upon governor's approval). Common course numbering -- Transferability of credits -- Agreement with competency-based general education provider -- Policies.

(1) As used in this section:

- (a) "Accredited institution" means an institution that:
 - (i) offers a competency-based postsecondary general education course online or in person; and
 - (ii) is accredited by an organization that the United States Department of Education recognizes.
- (b) "Articulation agreement" means an agreement between the board and a provider that allows a student to transfer credit awarded by the provider for a general education course to any institution of higher education.
- (c) "Competency-based" means a system where a student advances to higher levels of learning when the student demonstrates competency of concepts and skills regardless of time, place, or pace.

- (d) "Competency-based general education provider" or "provider" means a private postsecondary educational institution that:
- (i) offers a postsecondary competency-based general education course online or in person;
 - (ii) awards academic credit; and
 - (iii) does not award degrees, including associates degrees or baccalaureate degrees.
- (e) "Credit for prior learning" means the same as that term is defined in Section [~~53B-16-110~~ 53H-3-702.
- [~~(f) "Institution of higher education" means an institution described in Section 53B-1-102.~~]
- (2) The board shall:
- (a) facilitate articulation and the seamless transfer of courses, programs, and credit for prior learning within the Utah System of Higher Education;
 - (b) provide for the efficient and effective progression and transfer of students within the Utah System of Higher Education;
 - (c) avoid the unnecessary duplication of courses;
 - (d) communicate ways in which a student may earn credit for prior learning; and
 - (e) allow a student to proceed toward the student's educational objectives as rapidly as the student's circumstances permit.
- (3) The board shall develop, coordinate, and maintain a transfer and articulation system that:
- (a) maintains a course numbering system that assigns common numbers to specified courses of similar level with similar curricular content, rigor, and standards;
 - (b) allows a student to track courses that transfer among institutions of higher education;
 - (c) allows a student to transfer courses from a provider with which the board has an articulation agreement to any institution of higher education;
 - (d) allows a student to transfer competency-based general education courses from an accredited institution to an institution of higher education;
 - (e) improves program planning;
 - (f) increases communication and coordination between institutions of higher education;
 - (g) facilitates student acceleration and the transfer of students and credits between institutions of higher education; and
 - (h) if the system includes a software or data tool:
 - (i) provides predictive analysis that models probabilities of student success; and
 - (ii) develops tailored strategies to best support students.
- (4)(a) The board shall identify general education courses in the humanities, social

3459 sciences, arts, physical sciences, and life sciences with uniform prefixes and common
3460 course numbers.

3461 (b) A degree-granting institution shall annually identify institution courses that satisfy
3462 requirements of courses described in Subsection (4)(a).

3463 (c) A degree-granting institution shall accept a course described in Subsection (3)(c),
3464 (3)(d), or (4)(a) toward filling specific area requirements for general education or
3465 lower division courses that transfer to baccalaureate majors.

3466 (5)(a) The board shall:

3467 (i) identify technical education programs with common names, descriptions, lengths,
3468 and objectives; and

3469 (ii) within technical education programs, common course names, descriptions, length,
3470 and objectives allowing for customization of electives to meet regional industry
3471 demand.

3472 (b) The commissioner shall appoint committees of faculty members from technical
3473 education committees to recommend aligned programs and courses that will satisfy
3474 graduation requirements.

3475 (6)(a) The board shall identify common prerequisite courses and course substitutions for
3476 degree programs across degree-granting institutions.

3477 (b) The commissioner shall appoint committees of faculty members from the
3478 degree-granting institutions to recommend appropriate courses of similar content and
3479 numbering that will satisfy requirements for lower division courses that transfer to
3480 baccalaureate majors.

3481 (c) A degree-granting institution shall annually identify institution courses that satisfy
3482 requirements of courses described in Subsection (6)(a).

3483 (d) A degree-granting institution shall accept a course described in Subsection (3)(c),
3484 (3)(d), or (6)(a) toward filling graduation requirements.

3485 (7)(a)(i) The board shall seek proposals from providers to enter into articulation
3486 agreements.

3487 (ii) A proposal described in Subsection (7)(a)(i) shall include the general education
3488 courses that the provider intends to include in an articulation agreement.

3489 (b) The board shall:

3490 (i) evaluate each general education course included in a proposal described in
3491 Subsection (7)(a) to determine whether the course is equally rigorous and includes
3492 the same subject matter as the equivalent course offered by any institution of

higher education; and

- (ii) if the board determines that a course included in a provider's proposal is equally rigorous and includes the same subject matter as the equivalent course offered by any institution of higher education, enter into an articulation agreement with the provider.

(8) The board shall establish policies to administer the policies and requirements described in this section.

(9) The board shall include information demonstrating that institutions of higher education are complying with the provisions of this section and the policies established in accordance with Subsection (8) in the annual report described in Section ~~53B-1-402~~ 53H-1-203.

Section 62. Section **53H-3-605**, which is renumbered from Section 53B-16-103 is renumbered and amended to read:

[53B-16-103] 53H-3-605 (Effective upon governor's approval). Granting of degrees, diplomas, or certifications -- Board approval -- Termination of previous approval.

(1)(a) An institution of higher education may not issue a degree, diploma, or certificate outside of the institution of higher education's primary role, as described in Section ~~[53B-16-101]~~ 53H-3-602, unless the institution of higher education receives approval from the board of the adequacy of the study for which the degree, diploma, or certificate is offered.

(b) A student shall demonstrate a reasonable understanding of the history, principles, form of government, and economic system of the United States before receiving a bachelor's degree or teaching credential.

(2) Degrees, diplomas, and certificates issued prior to the effective date of this ~~[chapter]~~ section do not require board approval.

(3) The board may terminate the granting of previously approved degrees, diplomas, and certificates if ~~[they]~~ the degrees, diplomas, or certificates are inconsistent with the primary role prescribed by the board for the affected institution of higher education.

Section 63. Section **53H-3-606**, which is renumbered from Section 53B-10-106 is renumbered and amended to read:

[53B-10-106] 53H-3-606 (Effective upon governor's approval). Pathways development.

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

- 3527 (a) from a technical college [~~described in Subsection 53B-1-102(1)(b)~~] to a
3528 degree-granting institution;
- 3529 (b) in course work leading to a qualifying job or a qualifying degree as described in
3530 Section [~~53B-10-203~~] 53H-11-415; and
- 3531 (c) for high schools that offer criminal justice or protective services pathways programs,
3532 including information on:
- 3533 (i) available concurrent enrollment classes in subjects described in Section [
3534 ~~53B-8-112.5~~] 53H-11-403; and
- 3535 (ii) scholarship opportunities for careers as peace officers as defined in Section [
3536 ~~53B-8e-102~~] 53H-11-306.
- 3537 (2) The plan shall maximize efficiencies in transferring earned credit and help align
3538 academic programs with workforce needs.
- 3539 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3540 board may make rules necessary to establish:
- 3541 (a) a plan described in this section; and
- 3542 (b) the job requirements related to regional pathway coordinators funded by the
3543 Legislature related to this section and as described in Subsection (4).
- 3544 (4) Under the direction of the Office of the Commissioner of Higher Education, regional
3545 pathway coordinators shall:
- 3546 (a) collaborate with regional secondary and postsecondary professionals in:
- 3547 (i) concurrent enrollment;
- 3548 (ii) career and technical education; and
- 3549 (iii) workforce development;
- 3550 (b) coordinate regional responsibilities with the professionals described in Subsection
3551 (4)(a) for programming that aligns work between:
- 3552 (i) the statewide college and career mapping efforts;
- 3553 (ii) the Utah First Credential program described in Section 53E-10-310; and
- 3554 (iii) related pathway initiatives, including those described in this section;
- 3555 (c) support implementation of:
- 3556 (i) the Utah First Credential program described in Section 53E-10-310; and
- 3557 (ii) future programming aligned with updates related to and within the Utah First
3558 Credential program described in Section 53E-10-310;
- 3559 (d) as the Office of the Commissioner of Higher Education requests, contribute to the
3560 development of:

- 3561 (i) the Utah First Credential Master Plan described in Section 53E-10-310;
 3562 (ii) the master credential list described in Section 53E-10-310; and
 3563 (iii) related Utah First Credential program elements described in Section 53E-10-310,
 3564 including:
 3565 (A) alignment of the first credential framework with college and career mapping;
 3566 (B) regional needs assessments;
 3567 (C) landscape analyses;
 3568 (D) definitions and assessment tools; and
 3569 (E) statewide reporting frameworks; and
 3570 (e) provide required reporting on institutional and regional outcomes related to key
 3571 performance indicators the Office of the Commissioner of Higher Education
 3572 establishes.

3573 Section 64. Section **53H-3-607**, which is renumbered from Section 53B-16-108 is renumbered
 3574 and amended to read:

3575 **[53B-16-108] 53H-3-607 (Effective upon governor's approval). Courses offered**
 3576 **through the Statewide Online Education Program.**

3577 An institution of higher education listed in Section [53B-2-101] 53H-1-102 may offer a
 3578 secondary school level course through the Statewide Online Education Program in accordance
 3579 with Section 53F-4-504.

3580 Section 65. Section **53H-3-608**, which is renumbered from Section 53B-2a-201 is renumbered
 3581 and amended to read:

3582 **[53B-2a-201] 53H-3-608 (Effective upon governor's approval). Geographic**
 3583 **service areas for degree-granting institutions that provide technical education.**

3584 (1) A degree-granting institution of higher education provides technical education in the
 3585 geographic areas of the state described in this section.

3586 (2)(a) The Snow College Richfield campus, described in Section [53B-16-205]
 3587 53H-4-502, provides technical education for the geographic area encompassing:

- 3588 (i) the Juab School District;
 3589 (ii) the Millard School District;
 3590 (iii) the Tintic School District;
 3591 (iv) the North Sanpete School District;
 3592 (v) the South Sanpete School District;
 3593 (vi) the Wayne School District;
 3594 (vii) the Piute School District; and

- (viii) the Sevier School District.
- (b) A Utah State University regional institution, as defined in Section ~~[53B-16-207]~~ 53H-4-303, provides technical education for the geographic area encompassing:
- (i) for Utah State University Eastern, described in Section ~~[53B-18-1201]~~ 53H-4-303:
- (A) the Carbon School District; and
- (B) the Emery School District;
- (ii) for Utah State University Blanding, described in Section ~~[53B-18-1202]~~ 53H-4-303, the San Juan School District; and
- (iii) for Utah State University Moab, described in Section ~~[53B-18-301]~~ 53H-4-303, the Grand School District.
- (c) Salt Lake Community College provides technical education for the geographic area encompassing:
- (i) the Salt Lake City School District;
- (ii) the Granite School District;
- (iii) the Murray School District;
- (iv) the Canyons School District; and
- (v) the Jordan School District.

Section 66. Section **53H-3-609**, which is renumbered from Section 53B-2a-202 is renumbered and amended to read:

~~[53B-2a-202]~~ 53H-3-609 (Effective upon governor's approval). Degree-granting institutions that provide technical education -- Duties -- Board evaluation.

- (1) A degree-granting institution described in Section ~~[53B-2a-201]~~ 53H-3-608:
- (a) shall:
- (i) fulfill the technical college duties described in Subsections ~~[53B-2a-106(1) and (2)]~~ 53H-3-1203(1) and (2); and
- (ii) report annually to the board on:
- (A) the status of technical education in the degree-granting institution's service area; and
- (B) student tuition and fees for the technical education programs provided by the degree-granting institution; and
- (b) may not exercise any jurisdiction over career and technical education provided by a school district or charter school independently of the school district or charter school.
- (2) The board shall monitor and evaluate the impact of degree programs on technical education provided by a degree-granting institution described in Section ~~[53B-2a-201]~~

3629 53H-3-608.

3630 Section 67. Section **53H-3-701** is enacted to read:

3631 **Part 7. Credit for Prior Learning and Military Service**

3632 **53H-3-701 (Effective upon governor's approval). General provisions --**

3633 **Definitions.**

3634 Reserved.

3635 Section 68. Section **53H-3-702**, which is renumbered from Section 53B-16-110 is renumbered
3636 and amended to read:

3637 **[53B-16-110] 53H-3-702 (Effective upon governor's approval). Credit for prior**
3638 **learning -- Board plan and policies -- Reporting.**

3639 (1) As used in this section:

3640 (a) "Credit for prior learning" means credit awarded by an institution to a student who
3641 demonstrates, through a prior learning assessment, that the student's prior learning
3642 meets college-level competencies.

3643 ~~[(b) "Institution" means an institution of higher education described in Section~~
3644 ~~53B-1-102.]~~

3645 ~~[(e)]~~ (b) "International Baccalaureate programme" means an International Baccalaureate
3646 Secondary Education programme course that:

3647 (i) the International Baccalaureate establishes; and

3648 (ii)(A) an International Baccalaureate diploma candidate takes;

3649 (B) an International Baccalaureate career candidate takes; or

3650 (C) an International Baccalaureate course student, who is not a candidate under

3651 Subsection (1)(c)(ii)(A) or (B), takes.

3652 ~~[(d)]~~ (c) "International Baccalaureate programme subject score" means the total points
3653 the International Baccalaureate awards to a student for an International Baccalaureate
3654 programme course based on fulfillment of all subject requirements, including the
3655 end-of-course examination and externally assessed coursework.

3656 ~~[(e)]~~ (d) "Prior learning" means knowledge, skills, or competencies acquired through
3657 formal or informal education outside the traditional postsecondary academic
3658 environment.

3659 ~~[(f)]~~ (e) "Prior learning assessment" means a method of evaluating or assessing an
3660 individual's prior learning.

3661 (2) The board shall develop a plan for advising and communicating with students and the
3662 public about credit for prior learning.

- 3663 (3)(a) The board shall establish policies that provide minimum standards for all
3664 institutions regarding:
- 3665 (i) accepted forms of prior learning assessments;
 - 3666 (ii) awarding credit for prior learning;
 - 3667 (iii) transferability of credit for prior learning between institutions;
 - 3668 (iv) transcription of credit for prior learning;
 - 3669 (v) institutional procedures for maintaining transparency and consistency in awarding
3670 credit for prior learning;
 - 3671 (vi) communication to faculty, advisors, current students, and prospective students
3672 regarding standards and costs related to credit for prior learning and prior learning
3673 assessments;
 - 3674 (vii) required training of faculty and advisors on prior learning assessment standards
3675 and processes; and
 - 3676 (viii) portfolio-specific prior learning assessments.
- 3677 (b) The board shall ensure that accepted forms of prior learning assessments described in
3678 Subsection (3)(a) include:
- 3679 (i) program evaluations, completed by an institution, of noncollegiate programs or
3680 training courses to recognize proficiencies;
 - 3681 (ii) nationally recognized, standardized examinations, including:
 - 3682 (A) Advanced Placement examinations;
 - 3683 (B) College Level Exam Program general examinations;
 - 3684 (C) College Level Exam Program subject examinations; and
 - 3685 (D) DANTES Subject Standardized Tests;
 - 3686 (iii) International Baccalaureate programme subject scores;
 - 3687 (iv) customized examinations offered by an institution to verify an individual's
3688 learning achievement that may include course final examinations or other
3689 examinations that assess general disciplinary knowledge or skill;
 - 3690 (v) evaluations of corporate or military training; and
 - 3691 (vi) assessments of individuals' portfolios.
- 3692 (4)(a) The board shall establish minimum scores and maximum credit for each
3693 standardized examination described in Subsection (3)(b)(ii).
- 3694 (b) An institution shall award credit to a student who demonstrates competency by
3695 passing a standardized examination described in Subsection (3)(b)(ii) unless the
3696 award of credit duplicates credit already awarded.

- (5) For purposes of Subsection (3)(b)(iii)[~~and beginning with the 2023-2024 school year~~], all institutions shall award credit to a student who receives an International Baccalaureate programme subject score of four or higher for an International Baccalaureate programme course unless the award of credit duplicates credit an institution already awarded.
- (6) The board shall, through committees that the board authorizes, consult with the Utah Association of IB World Schools and school International Baccalaureate program coordinators to align International Baccalaureate programme subject scores with commonly numbered institution of higher education courses to satisfy general education requirements or major requirements.
- (7) The board shall:
- (a) create and maintain a website that provides statewide information on prior learning assessments and credit for prior learning; and
 - (b) maintain software or data tools to support the board in:
 - (i) implementing the plan described in Subsection (2); and
 - (ii) fulfilling the board's requirements described in Section ~~[53B-16-105]~~ 53H-3-604.
- (8) An institution shall annually report to the board on:
- (a) each form of prior learning assessment for which the institution provides credit for prior learning; and
 - (b) the total amount of credit for prior learning the institution provides to students.
- Section 69. Section **53H-3-703**, which is renumbered from Section 53B-16-107 is renumbered and amended to read:
- ~~[53B-16-107]~~ 53H-3-703 (Effective upon governor's approval). Credit for military service and training -- Notification -- Transferability -- Reporting.**
- (1) As used in this section, "credit" includes proof of equivalent noncredit course completion awarded by a technical college.
- (2) An institution of higher education listed in Section ~~[53B-2-101]~~ 53H-1-102 shall provide written notification to each student applying for admission that the student is required to meet with a college counselor in order to receive credit for military service and training as recommended by a postsecondary accreditation agency or association designated by the board if:
- (a) credit for military service and training is requested by the student; and
 - (b) the student has met with an advisor at an institution of higher education listed in Section ~~[53B-2-101]~~ 53H-1-102 at which the student intends to enroll to discuss

- 3731 applicability of credit to program requirements, possible financial aid implications,
3732 and other factors that may impact attainment of the student's educational goals.
- 3733 (3) Upon transfer within the state system of higher education, a student may present a
3734 transcript to the receiving institution of higher education for evaluation and to determine
3735 the applicability of credit to the student's program of study, and the receiving institution
3736 of higher education shall evaluate the credit to be transferred in accordance with
3737 Subsection (2) and the policies described in Section [~~53B-16-110~~] 53H-3-702.
- 3738 (4) The board shall annually report the number of credits awarded under this section by
3739 each institution of higher education to the Department of Veterans and Military Affairs.
- 3740 Section 70. Section **53H-3-801** is enacted to read:

3741 **Part 8. Formation of Non-Profit Corporations and Foundations**

3742 **53H-3-801 (Effective upon governor's approval). General provisions --**

3743 **Definitions.**

3744 Reserved.

3745 Section 71. Section **53H-3-802**, which is renumbered from Section 53B-2-112 is renumbered
3746 and amended to read:

3747 **[~~53B-2-112~~] 53H-3-802 (Effective upon governor's approval). Formation of**
3748 **non-profit corporations or foundations.**

- 3749 (1) An institution of higher education described in Section [~~53B-2-101~~] 53H-1-102 may
3750 form a non-profit corporation or foundation to aid or assist the institution of higher
3751 education, within the institution of higher education's mission and role described in
3752 Section [~~53B-16-101~~] 53H-3-602, in meeting the institution of higher education's
3753 charitable, scientific, literary, research, educational, or other objectives.
- 3754 (2) The board and the president of the institution of higher education control a nonprofit
3755 corporation or foundation described in Subsection (1).
- 3756 (3) A nonprofit corporation or foundation described in Subsection (1) may receive and
3757 administer:
- 3758 (a) legislative appropriations;
3759 (b) government grants;
3760 (c) private contracts; or
3761 (d) private gifts.

3762 Section 72. Section **53H-3-901**, which is renumbered from Section 53B-3-101 is renumbered
3763 and amended to read:

Part 9. Enforcement of Regulations at Institutions

[53B-3-101] 53H-3-901 (Effective upon governor's approval). General provisions

-- Definitions.

- (1) It is the purpose of this ~~[chapter]~~ part to confirm and clarify the power vested in the board to pass rules and regulations governing parking and traffic on campuses and related facilities and to enforce the rules and regulations by all appropriate methods.
- (2) The board may delegate ~~[this-]authority[-and-other-authority]~~ granted under this ~~[chapter]~~ part to the president of each institution so long as the rules and regulations are approved by the institution's board of trustees.

Section 73. Section **53H-3-902**, which is renumbered from Section 53B-3-103 is renumbered and amended to read:

~~[53B-3-103] 53H-3-902 (Effective upon governor's approval). Power of board and institutions to adopt rules and enact regulations.~~

- (1) As used in this section~~[:]~~ ,
- ~~[(a) "Face]~~ "face covering" means the same as that term is defined in Section 53G-9-210.
- ~~[(b) "Institution" means an institution listed in Section 53B-1-102.]~~
- (2)(a) The board may enact regulations governing the conduct of university and college students, faculty, and employees.
- (b) A president in consultation with the board of trustees, may enact policies governing the conduct of university and college students, faculty, and employees.
- (3)(a) An institution may enact traffic, parking, and related policies governing all individuals on campus and facilities owned or controlled by the institution.
- (b)(i) The board and an institution may not require proof of vaccination as a condition for enrollment or attendance within the system of higher education unless the board or an institution allows for the following exemptions:
- (A) a medical exemption if the student provides to the institution a statement that the claimed exemption is for a medical reason; and
- (B) a personal exemption if the student provides to the institution a statement that the claimed exemption is for a personal or religious belief.
- (ii) An institution that offers both remote and in-person learning options may not deny a student who is exempt from a requirement to receive a vaccine under Subsection (3)(b)(i) to participate in an in-person learning option based upon the student's vaccination status.

- 3797 (iii) Subsections (3)(b)(i) and (ii) do not apply to a student studying in a medical
3798 setting at an institution of higher education.
- 3799 (iv) Nothing in this section restricts a state or local health department from acting
3800 under applicable law to contain the spread of an infectious disease.
- 3801 (c)(i) The board or an institution may not require an individual to wear a face
3802 covering as a condition of attendance for in-person instruction,
3803 institution-sponsored athletics, institution-sponsored extracurricular activities, in
3804 dormitories, or in any other place on a campus of an institution within the system
3805 of higher education at any time after the end of the spring semester in 2021.
- 3806 (ii) Subsection (3)(c)(i) does not apply to an individual in a medical setting at an
3807 institution of higher education.
- 3808 (4) The board shall enact regulations that require all testimony be given under oath during
3809 an employee grievance hearing for a non-faculty employee of an institution of higher
3810 education if the grievance hearing relates to the non-faculty employee's:
- 3811 (a) demotion; or
3812 (b) termination.
- 3813 (5) Acknowledging that the Legislature has the authority to regulate, by law, firearms at
3814 higher education institutions, the board may:
- 3815 (a) authorize higher education institutions to establish no more than one secure area at
3816 each institution as a hearing room in accordance with Section 76-8-311.1, but not
3817 otherwise restrict the lawful possession or carrying of firearms; and
- 3818 (b) authorize a higher education institution to make a policy that allows a resident of a
3819 dormitory located at the institution to request only roommates who are not licensed to
3820 carry a concealed firearm under Section 53-5a-303 or Section 53-5a-305.
- 3821 (6) In addition to the requirements and penalty prescribed in Sections 76-8-311.1 and
3822 76-8-311.2, the board shall make rules to ensure:
- 3823 (a) the use of reasonable means such as mechanical, electronic, x-ray, or similar devices,
3824 to detect firearms, ammunition, or dangerous weapons contained in the personal
3825 property of or on the person of any individual attempting to enter a secure area
3826 hearing room;
- 3827 (b) that an individual required or requested to attend a hearing in a secure area hearing
3828 room is notified in writing of the requirements related to entering a secure area
3829 hearing room under this Subsection (6)(b) and Section 76-8-311.1;
- 3830 (c) that the restriction of firearms, ammunition, or dangerous weapons in the secure area

hearing room is in effect only during the time the secure area hearing room is in use for hearings and for a reasonable time before and after the hearing; and

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

(7) The board and institutions may enforce the rules, regulations, and policies described in this section in any reasonable manner, including the assessment of fees, fines, and forfeitures, through:

(a) withholding from money owed the violator;

(b) the imposition of probation, suspension, or expulsion from the institution;

(c) the revocation of privileges;

(d) the refusal to issue certificates, degrees, and diplomas;

(e) judicial process; or

(f) any reasonable combination of the alternatives described in this Subsection (7).

Section 74. Section **53H-3-903**, which is renumbered from Section 53B-3-104 is renumbered and amended to read:

[53B-3-104] 53H-3-903 (Effective upon governor's approval). Establishment of police or security departments.

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

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

Section 75. Section **53H-3-904**, which is renumbered from Section 53B-3-105 is renumbered and amended to read:

[53B-3-105] 53H-3-904 (Effective upon governor's approval). Appointment of police or security personnel -- Powers.

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

~~[(2)]~~ (1) An institution shall appoint members of the police or security department of the institution.

~~[(3)]~~ (2) Upon appointment, members described in Subsection ~~[(2)]~~ (1) are peace officers and have all the powers of police in cities and of sheriffs, including the power to make arrests on view or on warrant of violation of state statutes and city or county ordinances.

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

Section 76. Section **53H-3-905**, which is renumbered from Section 53B-3-106 is renumbered and amended to read:

[53B-3-106] 53H-3-905 (Effective upon governor's approval). Criminal and traffic laws in full force and effect.

(1) All of the criminal laws of this state, including the traffic laws, are in full force and effect on the campuses of [state] institutions of higher education and upon all other property or facilities owned by the institutions or operated or controlled by the governing board of the institution.

(2)(a) [~~State institutions~~] An institution of higher education [are] is a "political [subdivisions"] subdivision" and the board of [~~the institutions~~] trustees is a "local authority."

(b) All streets, roadways, alleys, and parking lots on property owned or controlled by [~~state institutions~~] an institution of higher education are "streets or highways" as these terms are used in Title 41, Chapter 6a, Traffic Code.

Section 77. Section **53H-3-906**, which is renumbered from Section 53B-3-107 is renumbered and amended to read:

[53B-3-107] 53H-3-906 (Effective upon governor's approval). Traffic violations -- Notice of rule or regulation.

(1) It is a violation of this section for any person to operate or park a vehicle upon any property owned or controlled by [~~a state~~] an institution of higher education contrary to posted signs authorized by the published rules and regulations of the institution or to block or impede traffic through or on any of these properties.

(2) A violation of Subsection (1) is an infraction.

(3) Notice of a rule or regulation to all persons is sufficient if the rule or regulation is published in one issue of a newspaper of general circulation in the county or counties in which the institution and the campus or facility is located.

Section 78. Section **53H-3-907**, which is renumbered from Section 53B-3-108 is renumbered and amended to read:

[53B-3-108] 53H-3-907 (Effective upon governor's approval). Violation of part a misdemeanor.

A violation of this [~~chapter~~] part is a class B misdemeanor.

Section 79. Section **53H-3-908**, which is renumbered from Section 53B-3-109 is renumbered and amended to read:

[53B-3-109] 53H-3-908 (Effective upon governor's approval). Jurisdiction of

district and justice courts.

Any district court or any justice court of any city or county in which property owned or controlled by a state institution of higher education is located has jurisdiction to hear and determine cases involving an alleged violation of this ~~[chapter]~~ part.

Section 80. Section **53H-3-909**, which is renumbered from Section 53B-3-110 is renumbered and amended to read:

~~[53B-3-110]~~ 53H-3-909 (Effective upon governor's approval). Fines and forfeitures -- Disposition.

All fines and forfeitures collected by any justice court judge and one-half of all the fines and forfeitures collected by the clerk of any district court for a violation of any of this ~~[chapter]~~ part are remitted to the state treasurer to be credited to the general operating fund of the ~~[state]~~ institution of higher education complaining of the violation.

Section 81. Section **53H-3-1001**, which is renumbered from Section 53B-16-401 is renumbered and amended to read:

Part 10. Internships

~~[53B-16-401]~~ 53H-3-1001 (Effective upon governor's approval). General provisions -- Definitions.

As used in this part:

(1)(a) "Cooperating employer" means a public or private entity which, as part of a work experience and career exploration program offered through an institution of higher education, provides interns with training and work experience in activities related to the entity's ongoing business activities.

(b) "Cooperating employer" also means an institution of higher education that provides the work experience segment of an intern's work experience and career exploration program.

(2) "Institution of higher education" means any:

(a) component of the state system of higher education, ~~[as defined under]~~ described in Section ~~[53B-1-102]~~ 53H-1-102, that is authorized by the board to offer internship programs; and

(b) private postsecondary educational institution which offers internship programs under this part.

(3) "Intern" means a student enrolled in a work experience and career exploration program under Section ~~[53B-16-402]~~ 53H-3-1002:

(a) that an institution of higher education sponsors;

(b) involves both classroom instruction and work experience with a cooperating employer; and

(c) for which the student receives no compensation.

(4) "Internship" means the work experience segment of an intern's work experience and career exploration program that:

(a) an institution of higher education sponsors under a written agreement with a cooperating employer; and

(b) an intern performs under the direct supervision of a cooperating employer.

Section 82. Section **53H-3-1002**, which is renumbered from Section 53B-16-402 is renumbered and amended to read:

[53B-16-402] 53H-3-1002 (Effective upon governor's approval). Higher education internships.

An institution of higher education may offer internships in connection with work experience and career exploration programs operated in accordance with rules of the board.

Section 83. Section **53H-3-1003**, which is renumbered from Section 53B-16-403 is renumbered and amended to read:

[53B-16-403] 53H-3-1003 (Effective upon governor's approval). Interns -- Workers' compensation medical benefits -- Risk management.

(1) An intern participating in an internship under Section [53B-16-402] 53H-3-1002 is considered to be a volunteer worker of the sponsoring institution of higher education solely for purposes of:

(a) receiving workers' compensation medical benefits; and

(b) coverage by the Risk Management Fund created in Section 63A-4-201.

(2) Receipt of medical benefits under Subsection (1) shall be the exclusive remedy against the institution and the cooperating employer for all injuries and occupational diseases as provided under Title 34A, Chapter 2, Workers' Compensation Act, and Chapter 3, Utah Occupational Disease Act.

Section 84. Section **53H-3-1004**, which is renumbered from Section 53B-16-404 is renumbered and amended to read:

[53B-16-404] 53H-3-1004 (Effective upon governor's approval). Internship programs -- Criminal background checks.

An institution of higher education shall require an officer or employee of the institution or a cooperating employer, who will be given significant unsupervised access to a minor student in connection with the student's activities as an intern, to submit to a criminal

background check on the same basis as a volunteer under Section 53G-11-402.

Section 85. Section **53H-3-1005**, which is renumbered from Section 53B-16-405 is renumbered and amended to read:

[53B-16-405] 53H-3-1005 (Effective upon governor's approval). Recognition of participation in internship program.

A cooperating employer may:

- (1) be given appropriate recognition by an institution of higher education, including the posting of the employer's name and a short description of the employer's business in an appropriate location on the institution's property[;] ; or[-]
- (2) be given publication of that information in official publications of the institution.

Section 86. Section **53H-3-1101** is enacted to read:

Part 11. Community Colleges

53H-3-1101 (Effective upon governor's approval). General provisions -- Definitions.

Reserved.

Section 87. Section **53H-3-1102**, which is renumbered from Section 53B-16-202 is renumbered and amended to read:

[53B-16-202] 53H-3-1102 (Effective upon governor's approval). Curricula at the community colleges.

- (1) The curricula at the colleges shall include career and technical education, courses of a general nature which can be transferred to other higher education institutions, adult and continuing education, and developmental education.

- (2) The colleges also provide needed community service.

- (3)(a) Career and technical education continues as the highest priority role of the colleges[
; and to] .

- (b) To ensure continued emphasis of career and technical education, the board shall develop specific funding mechanisms which will maintain the high priority treatment of these programs and address the fact that many vocational programs are more costly than general [education/transfer] education or transfer programs.

Section 88. Section **53H-3-1103**, which is renumbered from Section 53B-16-203 is renumbered and amended to read:

[53B-16-203] 53H-3-1103 (Effective upon governor's approval). Qualifications for entrance to community colleges -- Preference to veterans.

- (1) [~~The colleges~~] A community college shall give enrollment preference to veterans who

4001 furnish proof of other than a dishonorable discharge from the armed forces of the United
4002 States.

4003 (2) Admission at ~~[the colleges]~~ a community college is based upon an individual's interest,
4004 ability, and potential for the desired occupational area and payment of the required
4005 tuition or fee.

4006 (3) ~~[The colleges]~~ A community college may not deny admission on the basis of an
4007 individual's previous schooling or training.

4008 Section 89. Section **53H-3-1201** is enacted to read:

4009 **Part 12. Technical Colleges**

4010 **53H-3-1201 (Effective upon governor's approval). General provisions --**

4011 **Definitions.**

4012 Reserved.

4013 Section 90. Section **53H-3-1202**, which is renumbered from Section 53B-2a-105 is renumbered
4014 and amended to read:

4015 **[53B-2a-105] 53H-3-1202 (Effective upon governor's approval). Technical**
4016 **colleges service areas.**

4017 ~~[Utah has the following]~~ The technical colleges described in Subsection 53H-1-102(1)(b)
4018 serve the geographic areas encompassing the following school districts:

4019 (1) for Bridgerland Technical College~~[- which serves the geographic area encompassing]:~~

4020 (a) the Box Elder School District;

4021 (b) the Cache School District;

4022 (c) the Logan School District; and

4023 (d) the Rich School District;

4024 (2) for Ogden-Weber Technical College~~[- which serves the geographic area encompassing]:~~

4025 (a) the Ogden City School District; and

4026 (b) the Weber School District;

4027 (3) for Davis Technical College~~[- which serves the geographic area encompassing]:~~

4028 (a) the Davis School District; and

4029 (b) the Morgan School District;

4030 (4) for Tooele Technical College~~[- which serves the geographic area encompassing]~~ the
4031 Tooele County School District;

4032 (5) for Mountainland Technical College~~[- which serves the geographic area encompassing]:~~

4033 (a) the Alpine School District and each new school district resulting from the division of
4034 Alpine School District;

- 4035 (b) the Nebo School District;
- 4036 (c) the Provo School District;
- 4037 (d) the South Summit School District;
- 4038 (e) the North Summit School District;
- 4039 (f) the Wasatch School District; and
- 4040 (g) the Park City School District;
- 4041 (6) for Uintah Basin Technical College~~[- which serves the geographic area encompassing]:~~
- 4042 (a) the Daggett School District;
- 4043 (b) the Duchesne School District; and
- 4044 (c) the Uintah School District;
- 4045 (7) for Southwest Technical College~~[- which serves the geographic area encompassing]:~~
- 4046 (a) the Beaver School District;
- 4047 (b) the Garfield School District;
- 4048 (c) the Iron School District; and
- 4049 (d) the Kane School District; and
- 4050 (8) for Dixie Technical College~~[- which serves the geographic area encompassing]~~ the
- 4051 Washington School District.

4052 Section 91. Section **53H-3-1203**, which is renumbered from Section 53B-2a-106 is renumbered
 4053 and amended to read:

4054 **[53B-2a-106] 53H-3-1203 (Effective upon governor's approval). Technical**
 4055 **colleges -- Duties.**

- 4056 (1) Each technical college shall, within the geographic area served by the technical college:
- 4057 (a) offer technical education programs;
- 4058 (b) offer a program described in Subsection (1)(a) at:
 - 4059 (i) low cost to adult students, as approved by the board; and
 - 4060 (ii) no tuition to secondary students;
- 4061 (c) develop cooperative agreements with school districts, charter schools, other higher
- 4062 education institutions, businesses, industries, and community and private agencies to
- 4063 maximize the availability of instructional facilities within the geographic area served
- 4064 by the technical college; and
- 4065 (d) after consulting with school districts and charter schools within the geographic area
- 4066 served by the technical college:
 - 4067 (i) ensure that secondary students in the public education system have access to
 - 4068 technical education at the technical college; and

- 4069 (ii) prepare and submit an annual report to the board detailing:
4070 (A) how the technical education needs of secondary students within the region are
4071 being met;
4072 (B) what access secondary students within the region have to programs offered at
4073 the technical college;
4074 (C) how the technical college emphasizes high demand, high wage, high skill jobs
4075 in business and industry; and
4076 (D) student tuition and fees.
- 4077 (2) A technical college may offer:
4078 (a) a competency-based high school diploma approved by the State Board of Education
4079 in accordance with Section 53E-3-501;
4080 (b) basic instruction in areas such as reading, language arts, and mathematics that are
4081 necessary for student success in a chosen technical education or job-related program;
4082 (c) courses of interest when similar offerings to the community are limited and courses
4083 are financially self-supporting; and
4084 (d) secondary school level courses through the Statewide Online Education Program in
4085 accordance with Section 53F-4-504.
- 4086 (3) Except as provided in Subsection (2)(d), a technical college may not:
4087 (a) offer courses other than technical education or the basic instruction described in
4088 Subsections (2)(b) and (c);
4089 (b) offer a degree;
4090 (c) offer technical education or basic instruction outside the geographic area served by
4091 the technical college without a cooperative agreement between an affected institution
4092 of higher education, except as provided in Subsection (5);
4093 (d) provide tenure or academic rank for [its] a technical college's instructors; or
4094 (e) participate in intercollegiate athletics.
- 4095 (4) The mission of a technical college is limited to technical education and may not expand
4096 to include academic programs that lead to a degree.
- 4097 (5)(a) A technical college may offer technical education or basic instruction outside the
4098 geographic area served by the technical college without a cooperative agreement, as
4099 required in Subsection (3)(c), if:
4100 (i) the technical education or basic instruction is specifically requested by:
4101 (A) an employer; or
4102 (B) a craft, trade, or apprenticeship program;

- (ii) the technical college notifies the affected institution about the request; and
- (iii) the affected institution is given an opportunity to make a proposal, prior to any contract being finalized or training being initiated by the technical college, to the employer, craft, trade, or apprenticeship program about offering the requested technical education or basic instruction, provided that the proposal shall be presented no later than one business week from the delivery of the notice described under Subsection (5)(a)(ii).

- (b) The requirements under Subsection (5)(a)(iii) do not apply if there is a prior training relationship.

Section 92. Section **53H-3-1204**, which is renumbered from Section 53B-2a-115 is renumbered and amended to read:

[53B-2a-115] 53H-3-1204 (Effective upon governor's approval). Utah System of Technical Colleges -- Institutional name changes.

(1) Beginning July 1, 2017:

- (a) Bridgerland Applied Technology College shall be known as Bridgerland Technical College;
- (b) Ogden-Weber Applied Technology College shall be known as Ogden-Weber Technical College;
- (c) Davis Applied Technology College shall be known as Davis Technical College;
- (d) Tooele Applied Technology College shall be known as Tooele Technical College;
- (e) Mountainland Applied Technology College shall be known as Mountainland Technical College;
- (f) Uintah Basin Applied Technology College shall be known as Uintah Basin Technical College;
- (g) Southwest Applied Technology College shall be known as Southwest Technical College; and
- (h) Dixie Applied Technology College shall be known as Dixie Technical College.

(2)(a) As described in Subsection (1), each technical college is a continuation of the applied technology college that preceded the technical college.

(b) An institution described in Subsection (1):

- (i) possess all rights, title, privileges, powers, immunities, franchises, endowments, property, and claims of the institution that preceded the institution; and
- (ii) shall fulfill and perform all obligations of the institution that preceded the institution, including obligations relating to outstanding bonds and notes.

Section 93. Section **53H-3-1301** is enacted to read:

Part 13. Other Requirements and Restrictions

53H-3-1301 (Effective upon governor's approval). General provisions -- Definitions.

Reserved.

Section 94. Section **53H-3-1302**, which is renumbered from Section 53B-2-113 is renumbered and amended to read:

[~~53B-2-113~~] 53H-3-1302 (Effective upon governor's approval). Vaccination requirements -- Exemptions -- Face covering requirements.

- (1) An institution of higher education and the board described in Section [~~53B-2-101~~] 53H-1-102 may not require proof of vaccination as a condition for enrollment or attendance unless the institution allows for the following exemptions:
 - (a) a medical exemption if the student provides to the institution a statement that the claimed exemption is for a medical reason; and
 - (b) a personal exemption if the student provides to the institution a statement that the claimed exemption is for a personal or religious belief.
- (2) An institution that offers both remote and in-person learning options may not deny a student who is exempt from a requirement to receive a vaccine under Subsection (1) to participate in an in-person learning option based upon the student's vaccination status.
- (3)(a) For purposes of this Subsection (3), "face covering" means the same as that term is defined in Section 53G-9-210.
- (b) An institution of higher education and the board described in Section [~~53B-2-101~~] 53H-1-102 may not require an individual to wear a face covering to attend or participate in in-person instruction, institution-sponsored athletics, institution-sponsored extracurricular activities, in dormitories, or in any other place on a campus of an institution within the system of higher education at any time after the end of the spring semester in 2021.
- (4) Subsections (1), (2), and (3) do not apply to a student studying in a medical setting at an institution of higher education if the institution of higher education provides the student the same rights under Title VII of the Civil Rights Act to seek an exemption from a vaccination mandate or face covering mandate as the institution of higher education provides to a health care professional employed by the institution of higher education.
- (5) Nothing in this section restricts a state or local health department from acting under applicable law to contain the spread of an infectious disease.

Section 95. Section **53H-3-1303**, which is renumbered from Section 53B-16-104 is renumbered and amended to read:

[53B-16-104] 53H-3-1303 (Effective upon governor's approval). Restrictions on higher education entities bidding on architect or engineering services in public procurement projects.

(1) As used in this section:

(a) "Architect-engineer services" means those professional services within the scope of the practice of architecture as defined in Section 58-3a-102, or professional engineering as defined in Section 58-22-102.

(b) "Government entity" means a state agency, an institution of higher education, a county, a municipality, a local school district, a special district, or a special service district.

(2) When a government entity elects to obtain architect or engineering services by using a competitive procurement process and has provided public notice of [its] the government entity's competitive procurement process:

(a) a higher education entity, or any part of one, may not submit a proposal in response to the government entity's competitive procurement process; and

(b) the government entity may not award a contract to perform the architect or engineering services solicited in the competitive procurement process to a higher education entity or any part of one.

(3)(a) Subject to the prohibition contained in Subsection (3)(b), an employee of a higher education entity may, in a private capacity, submit a proposal in response to the competitive procurement process.

(b) An employee of a higher education entity may not use any supplies, materials, or other resources owned by, or any persons matriculating at, attending, or employed by, the higher education entity in:

(i) preparing a response to the competitive procurement process; or

(ii) completing any work, assignment, or contract awarded to the employee resulting from that competitive procurement process.

Section 96. Section **53H-4-101** is enacted to read:

CHAPTER 4. Individual Institutions

Part 1. General Provisions

53H-4-101 (Effective upon governor's approval). General provisions --

Definitions.

Reserved.

Section 97. Section **53H-4-201** is enacted to read:

Part 2. University of Utah

53H-4-201 (Effective upon governor's approval). General provisions --

Definitions.

Reserved.

Section 98. Section **53H-4-202**, which is renumbered from Section 53B-17-902 is renumbered and amended to read:

[53B-17-902] 53H-4-202 (Effective upon governor's approval). Health Sciences and School of Medicine.

(1) As used in this section:

(a) "Psychiatry resident" means a medical resident practicing in any type of psychiatry specialty or subspecialty, as determined by the university.

(b) "University" means the University of Utah Health Sciences.

(2)(a) Subject to legislative appropriations~~[, beginning with the 2020-21 academic year]~~, the university shall annually select up to four more first-year psychiatry residents than the number of first-year psychiatry residents the university selected for the 2018-19 academic year.

(b) Subject to legislative appropriations~~[, beginning with the 2021-22 academic year]~~, the university shall annually select up to two more first-year psychiatry residents than the number of first-year psychiatry residents the university selected for the 2019-2020 academic year.

(c) Nothing in this section prohibits the university from using money from a source other than legislative appropriations to select more than the total number of psychiatry residents described in Subsection (2)(a) or (b).

(d) The university may not use money appropriated for the purposes described in this Subsection (2) to supplant existing money used for psychiatry residents.

(3)(a) Subject to legislative appropriations, the university shall award a grant to produce a certification in child and adolescent behavioral health primary care for primary care physicians and medical professionals, school counselors, social workers, and other professionals who work with children and adolescents.

(b) The university shall ensure that the amount of the grant awarded under Subsection (3)(a) is matched, at a minimum, by private gifts, grants, and bequests of personal

property made to the grant.

- (4) Beginning with the 2013-14 school year and subject to Subsection (5), the University of Utah School of Medicine may increase the number of students admitted by 40 students for a total of 122 students admitted annually.
- (5) No fewer than 82% of the students admitted annually shall:
- (a) meet the qualifications of a resident student for the purpose of tuition in accordance with:
 - (i) Section 53H-11-202;
 - (ii) board policy on determining resident status; and
 - (iii) University of Utah policy on determining resident status;
 - (b) have graduated from a public or private postsecondary educational institution located in Utah; or
 - (c) have graduated from a public or private high school located in Utah.
- (6) The University of Utah School of Medicine shall ensure that any licensed physicians who oversee fellowship training to specialize in pain treatment are recommending medical providers, as that term is defined in Section 26B-4-201.
- (7) Notwithstanding any other provision of this section, the University of Utah School of Medicine may, to teach a medical student from another state or an institution outside the state, enter into an agreement with:
- (a) a state entity from the other state; or
 - (b) the institution of higher education outside the state.

Section 99. Section **53H-4-203**, which is renumbered from Section 53B-17-301 is renumbered and amended to read:

[53B-17-301] 53H-4-203 (Effective upon governor's approval). Use of dead bodies for medical purposes.

- (1) A county shall, within 24 hours after assuming custody of an unclaimed body for which the county is required to provide burial under Section 26B-8-225, provide notice of the county's custody of the body to the dean of [~~the school of medicine at the~~]University of Utah School of Medicine.
- (2) The notice described in Subsection (1) shall specify the body's probable cause of death.
- (3) Subject to Section 26B-8-225, the county shall, at the request of the dean of [~~the school of medicine at~~]the University of Utah School of Medicine, forward the body to the university, at the university's expense, within 24 hours of receiving the dean's request.
- (4) The [~~school of medicine at the~~]University of Utah School of Medicine shall, for a body

it receives under Subsection (3):

(a) properly embalm and preserve the body for at least 60 days; and

(b) upon request, release the body to a person with priority to control the disposition of the body under Section 58-9-602.

(5)(a) A person delivering a body to the University of Utah shall receive a receipt for the body.

(b) The University of Utah School of Medicine is responsible for records kept on any body received under this section.

(c) The records shall include all facts necessary for proper identification of the body.

(6) A body unclaimed after 60 days under this section may be used for the following purposes:

(a) to promote medical and surgical science; and

(b) for instruction and study by physicians and students of anatomy and embalming.

(7) The University of Utah School of Medicine shall, upon completion of the purposes outlined in Subsection (6), ensure the remains:

(a) are properly cremated; or

(b) receive a decent burial.

(8) A person who commits the following violations is guilty of a class B misdemeanor:

(a) failure or neglect to give notice required under Subsection (1); or

(b) failure or neglect to forward a body upon request under Subsection (3).

Section 100. Section **53H-4-204**, which is renumbered from Section 53B-17-1302 is renumbered and amended to read:

[53B-17-1302] 53H-4-204 (Effective upon governor's approval). Health services -- Huntsman Mental Health Institute -- Behavioral health curriculum.

(1) As used in this section, "Huntsman Mental Health Institute" means the mental health and substance use treatment institute within the University of Utah.

[(1)] (2) The Huntsman Mental Health Institute shall coordinate with the State Board of Education to develop a youth curriculum to increase awareness about behavioral health challenges facing youth in the state.

[(2)] (3) The curriculum described in Subsection [(1)] (2) shall include age-appropriate information on:

(a) the connection and importance of mental health to overall health;

(b) tools for maintaining mental health wellness, including evidence-based practices used to overcome behavioral health challenges;

- (c) signs and symptoms of common behavioral health challenges and ways to respond to the signs and symptoms;
- (d) the prevalence of behavioral health challenges across all populations;
- (e) common behavioral health conditions and evidence-based treatments for common behavioral health conditions; and
- (f) how to seek assistance or find support for a behavioral health challenge in a school and the community.

~~[(3)]~~ (4) The Huntsman Mental Health Institute shall annually:

- (a) update the curriculum in coordination with the State Board of Education;
- (b) publish the curriculum on the Huntsman Mental Health Institute's website in a conspicuous location; and
- (c) distribute the curriculum as a resource to:
 - (i) parents and guardians of elementary and secondary school students;
 - (ii) elementary and secondary schools; and
 - (iii) other organizations that serve youth in the state.

~~[(4)]~~ (5) The Huntsman Mental Health Institute shall consider feedback provided to the Huntsman Mental Health Institute about the curriculum when annually updating the curriculum under Subsection ~~[(3)(a)]~~ (4)(a).

Section 101. Section **53H-4-205**, which is renumbered from Section 53B-17-504 is renumbered and amended to read:

~~[53B-17-504]~~ 53H-4-205 (Effective upon governor's approval). Research park.

(1) As used in this section:

(a) "Patent" means the patent covering the land acquired by the University of Utah from the United States of America dated October 18, 1968.

(b)(i) "Research park" means:

- (A) research and development facilities;
- (B) research institutes;
- (C) testing laboratories;
- (D) related business and government installations; and
- (E) similar facilities, together with land.

(ii) "Research park" includes all necessary appurtenances, rights, and franchises acquired and developed by the University of Utah which are suitable or necessary to promote the social welfare of the state through the advancement of education, science, research, economic development, and related purposes.

- 4340 (2) The acquisition and provision of any one or more of the following facilities may be
4341 included as part of the development of land for the research park but only to the extent
4342 that the facilities are incidental to the use of the land as a research park:
- 4343 (a) water;
4344 (b) sewage;
4345 (c) drainage;
4346 (d) street;
4347 (e) road;
4348 (f) sidewalk;
4349 (g) curb;
4350 (h) gutter;
4351 (i) street lighting;
4352 (j) electrical distribution; and
4353 (k) docking.
- 4354 (3) The Legislature determines that it is in the public interest of the state, Utah's citizens,
4355 and commerce to develop a research park in Salt Lake County upon property conveyed
4356 to the University of Utah under patent from the United States of America dated October
4357 18, 1968.
- 4358 (4) The University of Utah has the following powers:
- 4359 (a) to establish, develop, and administer, through nonprofit corporations or foundations
4360 controlled by the president and the board of trustees, a research park upon the land
4361 acquired by the university under the patent;
- 4362 ~~[(1)]~~ (b) to establish, acquire, develop, maintain, and operate a research park, including
4363 the acquisition of all necessary or suitable buildings, facilities, and improvements,
4364 and to acquire, purchase, construct, reconstruct, improve, remodel, add to, extend,
4365 maintain, equip, and furnish the research park or any building or facility, including
4366 research and service facilities and areas intended for the common use of the research
4367 park tenants;
- 4368 ~~[(2)]~~ (c) to form nonprofit corporations or foundations to aid and assist the University of
4369 Utah to attain ~~[its]~~ the University of Utah's charitable, scientific, literary, and
4370 educational objectives, including the acquisition, construction, financing, operation,
4371 and management of a research park;
- 4372 ~~[(3)]~~ (d) to lease to the nonprofit corporation or foundation all or part of the land and
4373 facilities included in the research park upon terms and conditions established by the

University of Utah, and to enter into any other contract or agreement with the nonprofit corporation or foundation as necessary for the construction, financing, operation, and management of the research park;

~~[(4)]~~ (e) to lease, either directly or through a nonprofit corporation or foundation, to any person, firm, partnership, or corporation engaged in business for a profit any part or all of the land, buildings, or facilities of the research park under guidelines established by the university;

~~[(5)]~~ (f) to allow a lessee to acquire or construct necessary or suitable buildings, facilities, and improvements upon the leased property~~[- Any]~~ , with any improvements acquired or constructed upon the premises during the term of the lease [reverts to and becomes] reverting to and becoming the property of the university at the lease's termination, [of the lease, its] renewal, or extension; and

~~[(6)]~~ (g) to finance all or part of the cost of the research park including the purchase, construction, reconstruction, improvement, remodeling, addition to, extension, maintenance, equipment, and furnishing as permitted by law for the financing of self-liquidating projects by institutions of higher education.

(5)(a) The nonprofit corporations or foundations may receive and administer legislative appropriations, government grants, contracts, and private gifts to carry out the nonprofit corporation or foundation's public purposes.

(b) For the purpose of employee benefits, all salaried employees, agents, officers, faculty, and staff of the nonprofit corporation or foundation are considered employees, agents, officers, faculty, and staff of the University of Utah.

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

(7)(a) The services and facilities are to be furnished and provided as needed and determined by the board subject to connection fees, use charges, and other service fees customarily assessed against similar persons, companies, or properties within the territorial limits of Salt Lake City.

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

(c) The Department of Transportation may enter into agreements with the University of

4408 Utah between regular sessions of the Legislature designating all or part of the roads
4409 within or adjacent to the research park as part of the state highway system.

4410 Section 102. Section **53H-4-206**, which is renumbered from Section 53B-17-1402 is renumbered
4411 and amended to read:

4412 **[53B-17-1402] 53H-4-206 (Effective upon governor's approval). Center for**
4413 **Medical Cannabis Research.**

4414 (1) As used in this section:

4415 (a) "Academic research cannabis license" means the license described in Title 4, Chapter
4416 41a, Part 9, Academic Medical Cannabis Research.

4417 (b) "Cannabis" means the same as that term is defined in Section 26B-4-201.

4418 (c) "Cannabis cultivation facility" means the same as that term is defined in Section
4419 4-41a-102.

4420 (d) "Cannabis product" means the same as that term is defined in Section 26B-4-201.

4421 (e) "Center" means the Center for the Medical Cannabis Research created in this section.

4422 (f) "Eligible institution" means an institution of higher education that:

4423 (i) is located in Utah; and

4424 (ii) has or will obtain an academic research cannabis license.

4425 (g) "Medical cannabis patient card" means the same as that term is defined in Section
4426 26B-4-201.

4427 [(4)] (2) There is created the Center for Medical Cannabis Research within the University of
4428 Utah.

4429 [(2)] (3) The center:

4430 (a) shall seek state, federal, and private funds to award grants for medical cannabis
4431 research;

4432 (b) shall facilitate and support funding for research related to the health effects,
4433 including the potential risks or side effects, of the use of cannabis products;

4434 (c) shall facilitate and support funding for research related to the efficacy and potential
4435 health effects of various cannabis delivery methods, including vaporizing, ingesting,
4436 topical application, and combustion;

4437 (d) shall support researchers in applying for and securing federal and private research
4438 grant funding for expanding medical cannabis research;

4439 (e) shall review current and future cannabis research literature, clinical studies, and
4440 clinical trials;

4441 (f) shall educate medical providers, lawmakers, and the public about medical cannabis

research advances;

- (g) shall, if requested, consult with researchers and eligible institutions seeking to conduct medical cannabis research regarding legal implications of the research under state and federal law;
- (h) shall monitor, to the extent that appropriate and sufficient data are available, patient outcomes in any state with a medicinal cannabis program;
- (i) may coordinate, share knowledge, and share best practices with a state:
 - (i) that has a medical cannabis program; and
 - (ii) is conducting cannabis research;
- (j) may award or facilitate funding for grants to an eligible institution for medical cannabis research, including research regarding the growing of a medical-grade cannabis plant that is used for a cannabis product;
- (k) shall support a licensed cannabis cultivation facility to provide medical-grade cannabis products for research;
- (l) shall make, for research conducted by the center, the research outcomes publicly available;
- (m) shall maintain a catalog of all published scientific reports based on projects funded or managed by the center;
- (n) shall ensure that an individual who agrees to use a cannabis product as part of a research project conducted by the center or a grantee has:
 - (i) a valid medical cannabis patient card from the state; or
 - (ii) if included in the research project as a resident of another state, the equivalent of a medical cannabis patient card under the laws of another state, district, territory, commonwealth, or insular possession of the United States;
- (o) shall obtain an academic research cannabis license;
- (p) may apply for, or assist an eligible institution to apply for, a federal cannabis cultivation registration to locate a cannabis cultivation site in Utah; and
- (q) for the report described in Section 26B-4-222, shall provide information to the Department of Health and Human Services describing:
 - (i) all research projects that are funded by a grant awarded by the center, including which institution received the grant;
 - (ii) all research projects conducted by the center; and
 - (iii) the adequacy of funding for the center's duties.

[(3)] (4) For research funded, conducted, or facilitated by the center, the center shall ensure

the research:

(a) includes appropriate research development, testing, and evaluation; and

(b) if the research involves human subjects, is reviewed, approved, and overseen by an institutional review board as defined in Section ~~[26-61-102]~~ 26B-4-212.

~~[(4)]~~ (5) The University of Utah shall provide staff for the center.

Section 103. Section **53H-4-207**, which is renumbered from Section 53B-17-201 is renumbered and amended to read:

[53B-17-201] 53H-4-207 (Effective upon governor's approval). Rehabilitation Building -- Proceeds from federal land grants for a Miners Hospital for disabled miners.

(1) There is appropriated to the University of Utah all funds, assets, and revenues which have been, or will be, derived from the sale or other disposition of those lands conveyed to the state of Utah by those federal grants for a Miners['] Hospital for [Disabled Miners] disabled miners contained in Section 12 of the Enabling Act and in Chapter 280, Public Laws of the Seventieth Congress, 2nd Session (Act of February 20, 1929) which funds, assets, and revenues now are, or in the future will be, in the custody and control of the School and Institutional Trust Lands Board of Trustees.

(2) The funds, assets, and revenues described in Subsection (1) shall be used for the construction, equipment, furnishings, and operation, or either or any of the same, on the campus of the university of a rehabilitation building, either as a separate structure or as an integrated unit in the University of Utah Medical Center.

Section 104. Section **53H-4-208**, which is renumbered from Section 53B-17-401 is renumbered and amended to read:

[53B-17-401] 53H-4-208 (Effective upon governor's approval). College of Mines and Earth Sciences.

(1) There is established a College of Mines and Earth Sciences at the University of Utah.

(2) The college is the beneficiary of all land grants and appropriations made or to be made by the United States to the state for the establishment and maintenance of a school of mines.

(3) The college may offer courses in and related to mining, metallurgical and electrical engineering, and other branches of engineering that pertain to mining.

(4)(a) There is established the Utah Engineering Experiment Station in conjunction with the College of Mines and Earth Sciences.

(b) The Utah Engineering Experiment Station is controlled and managed by the University of Utah.

- 4510 (5) The Utah Engineering Experiment Station has the following functions:
4511 (a) to conduct experiments and investigations on matters that have the potential to
4512 benefit the state's industrial interests or would be for the public good; and
4513 (b) to inform the public of the results of the experiments and investigations conducted by
4514 the Utah Engineering Experiment Station.
- 4515 (6) The Utah Engineering Experiment Station is not to conduct experiments or
4516 investigations on those matters that more properly relate to the functions of Utah State
4517 University's experiment station.
- 4518 (7) The University of Utah makes an annual report on the Utah Engineering Experiment
4519 Station to the governor at a time designated by the governor.

4520 Section 105. Section **53H-4-209**, which is renumbered from Section 53B-17-1001 is renumbered
4521 and amended to read:

4522 **[53B-17-1001] 53H-4-209 (Effective upon governor's approval). Reading clinic.**

- 4523 (1) The Legislature recognizes the critical importance of identifying, assessing, and
4524 assisting students with reading difficulties at an early age in order for ~~[them]~~ the students
4525 to have successful and productive school and life experiences.
- 4526 (2) ~~[In order to]~~ To help accomplish this, there is established a reading clinic, hereafter
4527 referred to as the "clinic," based at the University of Utah, College of Education, to
4528 assist educators and parents of students statewide in:
- 4529 (a) assessing elementary school students who do not demonstrate satisfactory progress in
4530 reading;
- 4531 (b) providing instructional intervention to enable the students to overcome reading
4532 difficulties; and
- 4533 (c) becoming better prepared to help all students become successful readers by providing [
4534 ~~them~~] the students with professional development programs in reading that are based
4535 on best practices and the most current, scientific research available through nationally
4536 and internationally recognized reading researchers and instructional specialists.
- 4537 (3)(a) The clinic shall focus primarily on students in grades 1 through 3 since research
4538 shows the need for students to become successful readers by the end of grade 3.
- 4539 (b) The clinic shall make assessment and instructional intervention services available to
4540 public education students of all ages.
- 4541 (4) The clinic shall provide these services at a base site in Salt Lake County and through
4542 remote access interactive technology to reach educators, parents, and students
4543 throughout the state.

(5) The clinic shall provide:

(a) instruction to teachers in the use of technology and blended learning in providing individualized reading instruction and reading remediation; and

(b) access to students for reading remediation and instruction services through distance learning technology if a student is unable to regularly access a reading clinic location.

(6) The clinic shall integrate both the usage of and instruction on the use of

technology-based reading assessment tools as part of the clinic's services.

Section 106. Section **53H-4-210**, which is renumbered from Section 53B-17-1202 is renumbered and amended to read:

[53B-17-1202] 53H-4-210 (Effective upon governor's approval). SafeUT Crisis Line.

(1) As used in this section:

(a) "Commission" means the SafeUT and School Safety Commission established in this section.

(b) "Huntsman Mental Health Institute" means the mental health and substance abuse treatment institute within the University of Utah Hospitals and Clinics.

(2) The Huntsman Mental Health Institute shall:

[(+)] (a) establish [a] the SafeUT Crisis Line to provide:

[(a)] (i) a means for an individual to anonymously report:

[(+)] (A) unsafe, violent, or criminal activities, or the threat of such activities at or near a public school;

[(+)] (B) incidents of bullying, cyber-bullying, harassment, or hazing; and

[(+)] (C) incidents of physical or sexual abuse committed by a school employee or school volunteer; and

[(b)] (ii) crisis intervention, including suicide prevention, to individuals experiencing emotional distress or psychiatric crisis;

[(2)] (b) provide the services described in Subsection [(+)] (2)(a) 24 hours a day, seven days a week;

[(3)] (c) when necessary, or as required by law, promptly forward a report received under Subsection [(+)] (2)(a) to appropriate:

[(a)] (i) school officials; and

[(b)] (ii) law enforcement officials;

[(4)] (d) in accordance with Subsection [(5)] (2)(e), report the uses of the SafeUT Crisis Line described in Subsection [(+)] (2) to the State Bureau of Investigation's systems

described in Subsections 53-10-302(7) and (8);

~~[(5)]~~ (e) coordinate with the state security chief to determine the appropriate

circumstances necessitating a report described in Subsection ~~[(4)]~~ (2)(d); and

~~[(6)]~~ (f) subject to legislative appropriations and in consultation with the School Security

Task Force described in Section 53-22-104.1, state security chief described in Section

53-22-102, and School Safety Center described in Section 53G-8-802, develop and

deploy additional supports and enhancements for school safety efforts.

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

(a) one member who represents the Office of the Attorney General, whom the attorney general appoints;

(b) one member who represents the Utah public education system, whom the State Board of Education appoints;

(c) a designee of the Utah Board of Higher Education, whom the commissioner selects under direction of the board;

(d) one member who represents the Department of Health and Human Services, whom the executive director of the Department of Health and Human Services appoints;

(e) one member of the House of Representatives, whom the speaker of the House of Representatives appoints;

(f) one member of the Senate, whom the president of the Senate appoints;

(g) one member who represents the Huntsman Mental Health Institute, whom the chair of the commission appoints;

(h) one member who represents law enforcement who has extensive experience in emergency response, whom the chair of the commission appoints;

(i) one member who represents the Department of Health and Human Services who has experience in youth services or treatment services, whom the executive director of the Department of Health and Human Services appoints; and

(j) two members of the public, whom the chair of the commission appoints.

(4)(a) Except as provided in Subsection (4)(b), members of the commission shall be appointed to four-year terms.

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

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

- 4612 (5)(a) The attorney general's designee shall serve as chair of the commission.
4613 (b) The chair shall set the agenda for commission meetings.
4614 (6) Attendance of a simple majority of the members constitutes a quorum for the
4615 transaction of official commission business.
4616 (7) Formal action by the commission requires a majority vote of a quorum.
4617 (8)(a) Except as provided in Subsection (8)(b), a member may not receive compensation,
4618 benefits, per diem, or travel expenses for the member's service.
4619 (b) Compensation and expenses of a member who is a legislator are governed by Section
4620 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
4621 (9) The Office of the Attorney General shall provide staff support to the commission.
4622 (10) The commission shall coordinate:
4623 (a) statewide efforts related to the SafeUT Crisis Line;
4624 (b) with the State Board of Education and the board to promote awareness of the
4625 services available through the SafeUT Crisis Line; and
4626 (c) with the state security chief appointed under Section 53-22-102 to ensure appropriate
4627 reporting described in Subsections and (2)(d) and (e).
4628 (11) An local education agency governing board shall inform students, parents, and school
4629 personnel about the SafeUT Crisis Line.
4630 (12)(a) Except as provided in Subsection (12)(b), the Huntsman Mental Health Institute
4631 may charge a fee to an institution of higher education or other entity for the use of the
4632 SafeUT Crisis Line in accordance with the method described in Subsection (12)(c).
4633 (b) The Huntsman Mental Health Institute may not charge a fee to the State Board of
4634 Education or a local education agency for the use of the SafeUT Crisis Line.
4635 (c) The commission shall establish a standard method for charging a fee described in
4636 Subsection (12)(a).

4637 Section 107. Section **53H-4-211**, which is renumbered from Section 53B-17-603 is renumbered
4638 and amended to read:

4639 **[53B-17-603] 53H-4-211 (Effective upon governor's approval). Utah Museum of**
4640 **Natural History.**

- 4641 (1) For purposes of this section:
4642 (a) "Collections" means the same as that term is defined in Section 9-8a-302.
4643 (b) "Curation facility" means:
4644 (i) the museum;
4645 (ii) an accredited facility meeting federal curation standards;

(iii) for the purposes described in Subsection ~~[(3)(e)]~~ (7)(c), a paleontology museum;
or

(iv) an appropriate state park.

(c) "Museum" means the Utah Museum of Natural History.

(d) "Paleontology museum" means a museum owned or established by a city of the first or second class, that:

(i) is designed for the curation and display of specimens and paleontological resources;

(ii) has a designated paleontologist responsible for the care and preservation of the specimens, collections, and paleontological resources; and

(iii) is an approved repository, as that term is defined in 43 C.F.R. Sec. 49.5, or has a detailed plan to become an approved repository.

(e) "Repository" means:

(i) a facility designated by the museum through memoranda of agreement;

(ii) for the purposes described in Subsection ~~[(3)(e)]~~ (7)(c), a paleontology museum; or

(iii) a place of reburial.

(f) "School and institutional trust lands" are those properties defined in Section 53C-1-103.

(2) There is established at the University of Utah the Utah Museum of Natural History, where tangible objects reflecting the past, present, and continuing development of our natural history may be collected and displayed for educational and cultural purposes.

(3)(a) The museum shall make available to people throughout the state, through traveling exhibits and outreach programs, archeological and paleontological objects retrieved from the state.

(b) The museum shall provide professional expertise and assistance in the proper care of the archeological and paleontological collections from state lands as the collections are housed throughout the state.

(4) The museum shall submit an annual request to the Legislature to fund the ongoing costs of the programs authorized under Subsection (3) as part of the museum's base budget.

(5) The University of Utah is authorized to receive gifts, contributions, and donations of all kinds, including tangible objects and specimens for the development of or display in the museum.

~~[(2)]~~ (6) The museum shall make rules to ensure the adequate curation of all collections from lands owned or controlled by the state or [its] the state's subdivisions.

- 4680 (a) The rules shall:
- 4681 ~~[(a)]~~ (i) conform to, but not be limited by, federal curation policy;
- 4682 ~~[(b)]~~ (ii) recognize that collections recovered from school and institutional trust lands
- 4683 are owned by the respective trust, and shall be made available for exhibition as the
- 4684 beneficiaries of the respective trust may request, subject to museum curation
- 4685 policy and the curation facility's budgetary priorities;
- 4686 ~~[(c)]~~ (iii) recognize that any collections obtained in exchange for collections found on
- 4687 school and institutional trust lands shall be owned by the respective trust; and
- 4688 ~~[(d)]~~ (iv) recognize that if, at ~~[its]~~ the museum's discretion, the curation facility makes
- 4689 and sells reproductions derived from collections found on school or institutional
- 4690 trust lands, any money obtained from these sales shall be given to the respective
- 4691 trust, but the curation facility may retain money sufficient to recover the direct
- 4692 costs of preparation for sale and a reasonable fee for handling the sale.
- 4693 ~~[(3)]~~ (7)(a) Subject to ~~[Subsection (3)(c)]~~ Subsection (7)(c), the museum may enter into
- 4694 memoranda of agreement with other repositories located in and outside the state to
- 4695 act as ~~[its]~~ the museum's designee for the curation of collections.
- 4696 (b) In these memoranda, the museum may delegate some or all of ~~[its]~~ the museum's
- 4697 authority to curate.
- 4698 (c) A city that has a paleontology museum may retain, curate, and manage
- 4699 paleontological specimens, paleontological collections, and paleontological resources
- 4700 recovered on lands owned or controlled by the city.
- 4701 ~~[(4)]~~ (8)(a) All collections recovered from lands owned or controlled by the state or ~~[its]~~
- 4702 the state's subdivisions shall be deposited at the museum, a curation facility, or at a
- 4703 repository within a reasonable time after the completion of field work.
- 4704 (b) The museum shall make rules establishing procedures for selection of the appropriate
- 4705 curation facility or repository.
- 4706 (c) The rules shall consider:
- 4707 (i) whether the permittee, authorized pursuant to Section 9-8a-305, is a curation
- 4708 facility;
- 4709 (ii) the appropriateness of reburial;
- 4710 (iii) the proximity of the curation facility or repository to the point of origin of the
- 4711 collection;
- 4712 (iv) the preference of the owner of the land on which the collection was found;
- 4713 (v) the nature of the collection and the repository's or curation facility's ability and

desire to curate the collection in question, and ability to maximize the scientific, educational, and cultural benefits for the people of the state and the school and institutional trusts;

(vi) selection of a second curation facility or repository, if the original repository or curation facility becomes unable to curate the collections under [its] the original repository or curation facility's care; and

(vii) establishment of an arbitration process for the resolution of disputes over the location of a curation facility or repository, which shall include an ultimate arbitration authority consisting of the landowner, the state archaeologist or paleontologist, and a representative from the governor's office.

(d) The repository or curation facility may charge a curation fee commensurate with the costs of maintaining those collections, except that a fee may not be charged to the respective trust for collections found on school or institutional trust lands.

~~[(5)]~~ (9) The repository or curation facility shall make specimens available through loans to museums and research institutions in and out of the state when, in the opinion of the repository or curation facility:

(a) the use of the specimens is appropriate; and

(b) arrangements are made for safe custodianship of the specimens.

~~[(6)]~~ (10) The museum shall comply with the procedures of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding publication of [its] the museum's rules in the Utah State Bulletin and the Utah Administrative Code.

Section 108. Section **53H-4-212**, which is renumbered from Section 53B-17-701 is renumbered and amended to read:

~~[53B-17-701]~~ 53H-4-212 (Effective upon governor's approval). Utah Museum of Fine Arts.

(1) There is established at the University of Utah the Utah Museum of Fine Arts as:

(a) a state general and multicultural art museum; and

(b) a state institution charged with the broad responsibility of collecting and exhibiting, for the education and enrichment of [its] Utah's citizens, art and related objects from around the world from prehistoric times to the present.

(2) The museum shall:

(a) serve as a repository in Utah of the objects referred to in Subsection (1);

(b) collect and display tangible art objects that reflect the past, present, and continuing development of the visual arts in America and throughout the rest of the world;

- 4748 (c) provide professional expertise and assistance in the proper care of the tangible art
4749 objects displayed at the museum; and
- 4750 (d) engage visitors to the museum in discovering meaningful connections with the
4751 artistic expressions of the world's cultures by:
- 4752 (i) acting as a responsible steward of the material legacy of the visual arts located at
4753 the Utah Museum of Fine Arts for the people of Utah;
- 4754 (ii) serving as a teaching, learning, and research resource for the University of Utah,
4755 the state's greater educational community, and the general public;
- 4756 (iii) promoting an open dialogue with visitors and the community about the role of
4757 visual arts in our society;
- 4758 (iv) fostering and celebrating the diverse artistic expressions and accomplishments of
4759 the people of Utah and around the world;
- 4760 (v) cultivating community partnerships and collaborations to ensure that the visual
4761 arts reach a broad spectrum of the general public; and
- 4762 (vi) offering a wide range of experiences that will enable visitors to the museum to
4763 explore the variety of ways the arts can inform and enhance the human experience.
- 4764 (3) The University of Utah may receive gifts, contributions, and donations of all kinds,
4765 including tangible objects for the development of or display in the museum.

4766 Section 109. Section **53H-4-213.1**, which is renumbered from Section 53B-17-101 is
renumbered

4767 and amended to read:

4768 **[53B-17-101] 53H-4-213.1 (Effective upon governor's approval). Educational**
4769 **telecommunications -- Definitions.**

- 4770 (1) As used in Sections 53H-4-213.1 through 53H-4-213.7:
- 4771 (a) "Digital resource" means a digital or online library resource, including a database.
- 4772 (b) "Digital resource provider" means an entity that offers a digital resource to customers
4773 for license or sale.
- 4774 (c) "Education Advisory Council" means the Utah Education Advisory Council created
4775 in Section 53H-4-213.6.
- 4776 (d) "Obscene or pornographic material" means material that:
- 4777 (i) an average person, applying contemporary community standards, finds that, taken
4778 as a whole, appeals to prurient interest in sex;
- 4779 (ii) is patently offensive in the description or depiction of nudity, sexual conduct,
4780 sexual excitement, sadomasochistic abuse, or excretion; and

4781 (iii) taken as a whole does not have serious literary, artistic, political, or scientific
 4782 value.

4783 (e) "Telehealth" means the electronic transfer, exchange, or management of related data
 4784 for diagnosis, treatment, and consultation, and educational, public health, or other
 4785 related purposes.

4786 (f) "Telehealth Advisory Council" means the Utah Telehealth Advisory Council created
 4787 in Section 53H-4-213.5.

4788 (g) "Utah Education and Telehealth Network," or "UETN," means a consortium and
 4789 partnership between public and higher education, the Department of Health and
 4790 Human Services, and health care providers, that is created in Section 53H-4-213.4.

4791 (2) The Legislature finds and determines the following:

4792 [(1)] (a) [The] the University of Utah's Dolores Dore' Eccles Broadcast Center is the
 4793 statewide public broadcasting and telecommunications facility for education in Utah[:];

4794 [(2)] (b) [The] the center shall provide services to citizens of the state in cooperation with
 4795 higher and public education, state and local government, and private industry[:];

4796 [(3)] (c) [~~Distribution~~] distribution services provided through the center shall include
 4797 KUED - TV, KUER - FM, and KUEN - TV[:];

4798 [(4)] (d) KUED - TV and KUER - FM are licensed to the University of Utah[:];

4799 [(5)] (e) [The] the Utah Education and Telehealth Network's broadcast entity, KUEN -
 4800 TV, is licensed to the Utah Board of Higher Education and, together with UETN, is
 4801 operated on behalf of the state's systems of public and higher education[:];

4802 [(6)] (f) [All] all the entities referred to in [~~Subsection (3)] Subsection (2)(c)~~ are under the
 4803 administrative supervision of the University of Utah, subject to the authority and
 4804 governance of the Utah Board of Higher Education[:] and

4805 [(7)] (g) [This] this section neither regulates nor restricts a privately owned company in
 4806 the distribution or dissemination of educational programs.

4807 Section 110. Section **53H-4-213.2**, which is renumbered from Section 53B-17-103 is
 renumbered

4808 and amended to read:

4809 **[53B-17-103] 53H-4-213.2 (Effective upon governor's approval). Educational**
 4810 **telecommunications -- General powers of University of Utah related to public**
 4811 **broadcasting and telecommunication for education.**

4812 (1) Subject to applicable rules of the Federal Communications Commission and the Utah
 4813 Board of Higher Education, the University of Utah shall:

- 4814 (a) serve as the state's provider of public television services, with programming from the
4815 Public Broadcasting Service and other syndicated and locally produced programs;
4816 (b) serve as the state's primary provider of public radio services, with programming from
4817 National Public Radio and other syndicated and locally produced programs; and
4818 (c) subject to Section [53B-7-103] 53H-8-208, accept and use gifts and apply for and
4819 receive funds from federal and other sources to carry out the purposes of this part.

4820 (2) Subject to future budget constraints, the Legislature shall provide an annual
4821 appropriation to operate KUED - TV.

4822 (3) This section neither regulates nor restricts a privately owned company in the distribution
4823 or dissemination of educational programs.

4824 Section 111. Section **53H-4-213.3**, which is renumbered from Section 53B-17-104 is
renumbered

4825 and amended to read:

4826 **[53B-17-104] 53H-4-213.3 (Effective upon governor's approval). Educational**
4827 **telecommunications -- Responsibilities of the Utah Board of Higher Education, the State**
4828 **Board of Education, the University of Utah, KUED - TV, KUER - FM, and UETN**
4829 **related to public broadcasting and telecommunication for education and government.**

4830 (1) Subject to applicable rules of the Federal Communications Commission and Section [
4831 53B-17-105] 53H-4-213.4, the Utah Board of Higher Education, the State Board of
4832 Education, the University of Utah, KUED - TV, KUER - FM, and UETN shall:

- 4833 (a) coordinate statewide services of public radio and television;
4834 (b) develop, maintain, and operate statewide distribution systems for KUED - TV,
4835 KUER - FM, and KUEN, the statewide distance learning service, the educational data
4836 network, connections to the Internet, and other telecommunications services
4837 appropriate for providing video, audio, and data telecommunication services in
4838 support of public and higher education, state government, and public libraries;
4839 (c) support the delivery of these services to as many communities as may be
4840 economically and technically feasible and lawfully permissible under the various
4841 operating licenses;
4842 (d) cooperate with state and local governmental and educational agencies and provide
4843 leadership and consulting service for telecommunication for education;
4844 (e) represent the state with privately owned telecommunications systems to gain access
4845 to [their] the state's networks for the delivery of programs and services sponsored or
4846 produced by public and higher education;

- 4847 (f) acquire, produce, coordinate, and distribute a variety of programs and services of an
 4848 educational, cultural, informative, and entertaining nature designed to promote the
 4849 public interest and welfare of the state;
- 4850 (g) coordinate with the state system of higher education to acquire, produce, and
 4851 distribute broadcast and nonbroadcast college credit telecourses, teleconferences, and
 4852 other instructional and training services;
- 4853 (h) coordinate with school districts and public schools to acquire, produce, and distribute
 4854 broadcast and nonbroadcast telecourses, teleconferences, and other instructional and
 4855 training services to the public schools;
- 4856 (i) coordinate the development of a clearing house for the materials, courses,
 4857 publications, media, software, and other applicable information related to the items
 4858 addressed in Subsections (1)(g) and (h);
- 4859 (j) coordinate the provision of the following services to public schools:
- 4860 (i) broadcast, during school hours, of educational and administrative programs
 4861 recommended by the State Board of Education;
- 4862 (ii) digitization of programs for broadcast purposes; and
- 4863 (iii) program previewing;
- 4864 (k) share responsibility for [~~Instructional Television (ITV)~~] instructional television
 4865 awareness and utilization; and
- 4866 (l) provide teleconference and training services for state and local governmental
 4867 agencies.
- 4868 (2) This section neither regulates nor restricts a privately owned company in the distribution
 4869 or dissemination of education programs.

4870 Section 112. Section **53H-4-213.4**, which is renumbered from Section 53B-17-105 is
 renumbered
 4871 and amended to read:

4872 **[53B-17-105] 53H-4-213.4 (Effective upon governor's approval). Educational**
 4873 **telecommunications -- Utah Education and Telehealth Network.**

4874 (1) There is created the Utah Education and Telehealth Network, or UETN.

4875 (2) UETN shall:

- 4876 (a) coordinate and support the telecommunications needs of public and higher education,
 4877 public libraries, and entities affiliated with the state systems of public and higher
 4878 education as approved by the Utah Education and Telehealth Network Board,
 4879 including the statewide development and implementation of a network for education,

- 4880 which utilizes satellite, microwave, fiber-optic, broadcast, and other transmission
4881 media;
- 4882 (b) coordinate the various telecommunications technology initiatives of public and
4883 higher education;
- 4884 (c) provide high-quality, cost-effective Internet access and appropriate interface
4885 equipment for schools and school systems;
- 4886 (d) procure, install, and maintain telecommunication services and equipment on behalf
4887 of public and higher education;
- 4888 (e) develop or implement other programs or services for the delivery of distance learning
4889 and telehealth services as directed by law;
- 4890 (f) apply for state and federal funding on behalf of:
- 4891 (i) public and higher education; and
4892 (ii) telehealth services;
- 4893 (g) in consultation with health care providers from a variety of health care systems,
4894 explore and encourage the development of telehealth services as a means of reducing
4895 health care costs and increasing health care quality and access, with emphasis on
4896 assisting rural health care providers and special populations; and
- 4897 (h) in consultation with the [~~Utah Department of Health~~] Department of Health and
4898 Human Services, advise the governor and the Legislature on:
- 4899 (i) the role of telehealth in the state;
4900 (ii) the policy issues related to telehealth;
4901 (iii) the changing telehealth needs and resources in the state; and
4902 (iv) state budgetary matters related to telehealth.
- 4903 (3) In performing the duties under Subsection (2), UETN shall:
- 4904 (a) provide services to schools, school districts, and the public and higher education
4905 systems through an open and competitive bidding process;
- 4906 (b) work with the private sector to deliver high-quality, cost-effective services;
- 4907 (c) avoid duplicating facilities, equipment, or services of private providers or public
4908 telecommunications service, as defined under Section 54-8b-2;
- 4909 (d) utilize statewide economic development criteria in the design and implementation of
4910 the educational telecommunications infrastructure; and
- 4911 (e) assure that public service entities, such as educators, public service providers, and
4912 public broadcasters, are provided access to the telecommunications infrastructure
4913 developed in the state.

- 4914 (4) The University of Utah shall provide administrative support for UETN.
- 4915 (5)(a) The Utah Education and Telehealth Network Board, which is the governing board
4916 for UETN, is created.
- 4917 (b) The Utah Education and Telehealth Network Board shall have 13 members as
4918 follows:
- 4919 (i) five members representing the state system of higher education, of which at least
4920 one member represents technical colleges, appointed by the commissioner of
4921 higher education;
- 4922 (ii) four members representing the state system of public education appointed by the
4923 State Board of Education;
- 4924 (iii) one member representing the state library appointed by the state librarian;
- 4925 (iv) two members representing hospitals as follows:
- 4926 (A) the members may not be employed by the same hospital system;
- 4927 (B) one member shall represent a rural hospital;
- 4928 (C) one member shall represent an urban hospital; and
- 4929 (D) the chief administrator or the administrator's designee for each hospital
4930 licensed in this state shall select the two hospital representatives; and
- 4931 (v) one member representing the office of the governor, appointed by the governor.
- 4932 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
4933 appointed for the unexpired term.
- 4934 (d)(i) The ~~[board]~~ Utah Education and Telehealth Network Board shall elect a chair.
- 4935 (ii) The chair shall set the agenda for the ~~[board]~~ Utah Education and Telehealth
4936 Network Board meetings.
- 4937 (6) A member of the ~~[board]~~ Utah Education and Telehealth Network Board may not
4938 receive compensation or benefits for the member's service, but may receive per diem and
4939 travel expenses in accordance with:
- 4940 (a) Section 63A-3-106;
- 4941 (b) Section 63A-3-107; and
- 4942 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4943 63A-3-107.
- 4944 (7) The ~~[board]~~ Utah Education and Telehealth Network Board:
- 4945 (a) shall hire an executive director for UETN who may hire staff for UETN as permitted
4946 by the budget;
- 4947 (b) may terminate the executive director's employment or assignment;

- 4948 (c) shall determine the executive director's salary;
- 4949 (d) shall annually conduct a performance evaluation of the executive director;
- 4950 (e) shall establish policies the ~~[board]~~ Utah Education and Telehealth Network Board
- 4951 determines are necessary for the operation of UETN and the administration of
- 4952 UETN's duties; and
- 4953 (f) shall advise UETN in:
- 4954 (i) the development and operation of a coordinated, statewide, multi-option
- 4955 telecommunications system to assist in the delivery of educational services and
- 4956 telehealth services throughout the state; and
- 4957 (ii) acquiring, producing, and distributing instructional content.
- 4958 (8) The executive director of UETN shall be an at-will employee.
- 4959 (9) UETN shall locate and maintain educational and telehealth telecommunication
- 4960 infrastructure throughout the state.
- 4961 (10) Educational institutions shall manage site operations under policy established by
- 4962 UETN.
- 4963 (11) Subject to future budget constraints, the Legislature shall provide an annual
- 4964 appropriation to operate UETN.
- 4965 (12) If the network operated by the Division of Technology Services is not available,
- 4966 UETN may provide network connections to the central administration of counties and
- 4967 municipalities for the sole purpose of transferring data to a secure facility for backup and
- 4968 disaster recovery.

4969 Section 113. Section **53H-4-213.5**, which is renumbered from Section 53B-17-106 is

renumbered

4970 and amended to read:

4971 **[53B-17-106] 53H-4-213.5 (Effective upon governor's approval). Educational**

4972 **Telecommunications -- Utah Telehealth Advisory Council.**

- 4973 (1) There is created the Utah Telehealth Advisory Council, which may, at the discretion of
- 4974 the ~~[board, and after July 1, 2015]~~ Utah Education and Telehealth Network Board, be
- 4975 combined with the Utah Education Advisory Council created in Section ~~[53B-17-107]~~
- 4976 53H-4-213.6.
- 4977 (2) The Utah Telehealth Advisory Council members shall be appointed by the ~~[board]~~ Utah
- 4978 Education and Telehealth Network Board.
- 4979 (3)(a) The Utah Telehealth Advisory Council shall annually elect a chairperson from ~~[its]~~
- 4980 the Utah Telehealth Advisory Council's membership.

(b) The chair shall set the agendas for the meetings of the advisory council and shall report to the [board] Utah Education and Telehealth Network Board.

~~[(b)]~~ (c) The Utah Telehealth Advisory Council shall hold meetings at least once every three months.

(d) Meetings may be held from time to time on the call of the chair or a majority of the [board] Utah Education and Telehealth Network Board members.

(4) A member may not receive compensation or benefits for the member's service, but, at the executive director's discretion, may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

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

(5) The [board] Utah Education and Telehealth Network Board shall provide staff support to the council.

(6) The council shall:

(a) advise and make recommendations on telehealth service issues to the [board] Utah Education and Telehealth Network Board and other state entities;

(b) advise and make recommendations on telehealth-related patient privacy to the [board] Utah Education and Telehealth Network Board;

(c) promote collaborative efforts to establish technical compatibility, uniform policies, and privacy features to meet legal, financial, commercial, and other societal requirements;

(d) identify, address, and seek to resolve the legal, ethical, regulatory, financial, medical, and technological issues that may serve as barriers to telehealth service;

(e) explore and encourage the development of telehealth as a means of reducing health care costs and increasing health care quality and access, with emphasis on assisting rural health care providers and special populations with access to or development of electronic medical records; and

(f) seek public input on telehealth issues.

Section 114. Section **53H-4-213.6**, which is renumbered from Section 53B-17-107 is renumbered

and amended to read:

[53B-17-107] 53H-4-213.6 (Effective upon governor's approval). Educational

5014 **telecommunications -- Utah Education Advisory Council.**

- 5015 (1)(a) There is created the Utah Education Advisory Council which may, at the
5016 discretion of the [~~board, and after July 1, 2015]~~ Utah Education and Telehealth
5017 Network Board, be combined with the Utah Telehealth Advisory Council created in
5018 Section [~~53B-17-106]~~ 53H-4-213.5.
- 5019 (b) The Utah Education Advisory Council members shall be appointed by the [~~board]~~
5020 Utah Education and Telehealth Network Board.
- 5021 (c) The Utah Education Advisory Council shall annually elect a chairperson from [~~its~~]
5022 the Utah Education Advisory Council membership.
- 5023 (d) The chair shall set the agenda for Utah Education Advisory Council meetings and
5024 report to the [~~board]~~ Utah Education and Telehealth Network Board.
- 5025 [~~(d)~~] (e) The Utah Education Advisory Council shall hold meetings at least once every
5026 three months.
- 5027 (f) Meetings may be held from time to time on the call of the chair or a majority of the []
5028 board] Utah Education and Telehealth Network Board members.
- 5029 (2) A member of the Utah Education Advisory Council may not receive compensation or
5030 benefits for the member's service, but at the executive director's discretion may receive
5031 per diem and travel expenses in accordance with:
- 5032 (a) Section 63A-3-106;
- 5033 (b) Section 63A-3-107; and
- 5034 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5035 63A-3-107.
- 5036 (3) The Utah Education Advisory Council shall:
- 5037 (a) advise the [~~board]~~ Utah Education and Telehealth Network Board and other public
5038 entities regarding:
- 5039 (i) the coordination of the various telecommunications technology initiatives of
5040 public and higher education;
- 5041 (ii) how to provide high-quality, cost-effective Internet access and appropriate
5042 interface equipment for schools and school systems;
- 5043 (iii) recommendations for the procurement, installation, and maintenance of
5044 telecommunication services and equipment on behalf of public and higher
5045 education; and
- 5046 (iv) the development or implementation of other programs or services for the delivery
5047 of distance learning and digital health services as directed by law; and

(b) seek public input on the development and operation of a coordinated, statewide, multi-option telecommunications system to assist in the delivery of educational services and digital health services throughout the state.

(4) The [board] Utah Education and Telehealth Network Board shall provide staff to the council.

Section 115. Section **53H-4-213.7**, which is renumbered from Section 53B-17-109 is renumbered

and amended to read:

[53B-17-109] 53H-4-213.7 (Effective upon governor's approval). Educational telecommunications -- Digital resource standards.

(1) A digital resource purchased or licensed by UETN and offered to students in public schools must have safety policies and technology protection measures that:

- (a) prohibit and prevent a public school student using the resource from sending, receiving, viewing, or downloading obscene or pornographic material; and
- (b) filter or block access to obscene or pornographic material.

(2)(a) Regardless of any contract provision to the contrary, if UETN discovers a digital resource does not meet the requirements described in Subsection (1), UETN:

- (i) shall notify the digital resource provider; and
- (ii) may withhold future payments pending the digital resource provider's compliance with Subsection (1).

(b) A digital resource provider is in breach of contract if the digital resource provider fails to verify compliance with Subsection (1) within 90 days after the day on which UETN provides the notice described in Subsection (2)(a)(i).

(c) ~~[Beginning June 1, 2021, a]~~ A contract UETN enters into for a digital resource shall contain provisions that comply with this section.

(3) Before November 30 of each year, UETN shall submit a report to the Education Interim Committee detailing all instances of a digital resource provider's failure to comply with the provisions of this section.

Section 116. Section **53H-4-301** is enacted to read:

Part 3. Utah State University

53H-4-301 (Effective upon governor's approval). General provisions -- Definitions.

Reserved.

Section 117. Section **53H-4-302**, which is renumbered from Section 53B-18-501 is renumbered

and amended to read:

[53B-18-501] 53H-4-302 (Effective upon governor's approval). Utah State University powers -- Nonprofit foundations -- State power plant.

(1) Utah State University has general control and supervision of the state power plant in Logan Canyon.

~~[(1)]~~ (2) In addition to any other powers ~~[which it now has]~~ the institution has, Utah State University may form nonprofit corporations or foundations controlled by the president of the university and the board to aid and assist the university in attaining ~~[its]~~ the university's charitable, scientific, literary, research, and educational objectives.

~~[(2)]~~ (3) The nonprofit corporations or foundations may receive and administer legislative appropriations, government grants, contracts, and private gifts to carry out ~~[their]~~ the nonprofit corporation or foundation's public purposes.

Section 118. Section **53H-4-303**, which is renumbered from Section 53B-18-1201 is renumbered and amended to read:

[53B-18-1201] 53H-4-303 (Effective upon governor's approval). Regional campuses -- Establishment of campuses -- Career and technical education.

(1) As used in this section:

(a) "Service regions" means the service regions, as established by the Utah State University board of trustees, for:

(i) Utah State University Eastern;

(ii) Utah State University Blanding; and

(iii) Utah State University Moab.

~~[(a)]~~ (b) "University" means Utah State University.

(c) "Utah State University Moab" means the Utah State University regional campus located at or near Moab.

(d) "Utah State University regional institution" or "USU regional institution" means:

(i) Utah State University Eastern;

(ii) Utah State University Blanding; or

(iii) Utah State University Moab.

~~[(b)]~~ (e) "Vice president" means the vice president described in [Subsection (5)]

Subsection (5)(d).

(2) Utah State University shall operate and administer regional campuses located at or near Roosevelt and Moab.

(3) A regional campus described in Subsection (2) shall offer academic courses comparable

5115 to those offered in an accredited institution of higher education.

5116 (4) A USU regional institution shall:

5117 (a) maintain a strong curriculum in career and technical education courses at the USU
 5118 regional institution's campus and within the region the USU regional institution
 5119 serves that can be transferred to other institutions within the higher education system,
 5120 together with lower division courses and courses required for associate degrees in
 5121 science, arts, applied science, and career and technical education; and

5122 (b) work with school districts and charter schools in developing an aggressive
 5123 concurrent enrollment program.

5124 ~~[(2)]~~ (5)(a) There is established a comprehensive regional college of the university called
 5125 Utah State University Eastern.

5126 ~~[(b)]~~ (i) The university shall:

5127 ~~[(i)]~~ (A) possess all rights, title, privileges, powers, immunities, franchises,
 5128 endowments, property, and claims of the College of Eastern Utah; and

5129 ~~[(ii)]~~ (B) fulfill and perform all obligations of Utah State University Eastern,
 5130 including obligations relating to outstanding bonds and notes.

5131 ~~[(3)]~~ ~~(b)~~~~(a)~~ (i) Utah State University Eastern has a campus that serves Price, Utah,
 5132 and surrounding areas.

5133 ~~[(b)]~~ (ii) The university board of trustees shall establish Utah State University
 5134 Eastern's service region.

5135 ~~[(4)]~~ (c) Utah State University Eastern is under the authority and direction of the
 5136 university president and the university board of trustees.

5137 ~~[(5)]~~ (d) Utah State University Eastern shall be administered by a vice president of the
 5138 university appointed by the university president.

5139 ~~[(6)]~~

5140 ~~[(a)]~~ (e)(i) The university president shall appoint a regional advisory council to advise
 5141 the university president and the vice president regarding local issues relating to
 5142 Utah State University Eastern.

5143 ~~[(b)]~~ (ii) The vice president shall provide the university president with
 5144 recommendations for membership on the regional advisory council.

5145 ~~[(e)]~~ (iii) The regional advisory council may include:

5146 ~~[(i)]~~ (A) a student representative; or

5147 ~~[(ii)]~~ (B) residents of the counties in the Utah State University Eastern service
 5148 region.

- 5149 (6)(a) There is established a comprehensive regional college of the university called
5150 Utah State University Blanding.
- 5151 (b)(i) Utah State University Blanding has a campus that serves Blanding, Utah and
5152 surrounding areas.
- 5153 (ii) The university board of trustees shall establish Utah State University Blanding's
5154 service region.
- 5155 (c) Utah State University Blanding is under the authority and direction of the university
5156 president and the university board of trustees.
- 5157 (d) Utah State University Blanding shall be administered by a vice president of the
5158 university appointed by the university president.
- 5159 (e)(i) The university president shall appoint a regional advisory council to advise the
5160 university president and the vice president regarding local issues relating to Utah
5161 State University Blanding.
- 5162 (ii) The vice president shall provide the university president with recommendations
5163 for membership on the regional advisory council.
- 5164 (iii) The regional advisory council may include:
- 5165 (A) a student representative; or
5166 (B) residents of the counties in the Utah State University Blanding service region.
- 5167 (7)(a) Utah State University shall establish a career and technical education advisory
5168 committee composed of the following 13 members:
- 5169 (i) one elected local school board member appointed by the board of education for
5170 the Carbon School District;
- 5171 (ii) one elected local school board member appointed by the board of education for
5172 the Emery School District;
- 5173 (iii) one elected local school board member appointed by the board of education for
5174 the Grand School District;
- 5175 (iv) one elected local school board member appointed by the board of education for
5176 the San Juan School District;
- 5177 (v) nine members appointed by the Utah State University president that include:
- 5178 (A) one member of the Utah State University Eastern regional advisory council
5179 described in this section;
- 5180 (B) one member of the Utah State University Blanding regional advisory council
5181 described in this section;
- 5182 (C) one member representing Utah State University Moab; and

(D) six representatives of business or industry from members of the program advisory committees overseeing career and technical education in the service regions.

(b) The career and technical education advisory committee shall:

(i) prepare a comprehensive strategic plan for delivering career and technical education within the service regions, after consulting with:

(A) Utah State University Eastern;

(B) Utah State University Blanding;

(C) Utah State University Moab; and

(D) school districts and charter schools within the service regions;

(ii) make recommendations regarding what skills are needed for employment in Utah businesses and industries;

(iii) recommend programs based upon the information gathered in accordance with Subsection (7)(b)(ii);

(iv) review annual program evaluations;

(v) provide counsel, support, and recommendations for updating and improving the effectiveness of career and technical education programs and services, including expedited program approval and termination of procedures, consistent with board policy;

(vi) monitor program advisory committees and other advisory groups to provide counsel, support, and recommendations for updating and improving the effectiveness of training programs and services; and

(vii) coordinate with local school boards, districts, and charter schools to meet the career and technical education needs of secondary students.

Section 119. Section **53H-4-304**, which is renumbered from Section 53B-18-801 is renumbered and amended to read:

[53B-18-801] 53H-4-304 (Effective upon governor's approval). Center for School of the Future.

(1) There is hereby established the Center for the School of the Future at Utah State University, hereafter referred to as "the center."

(2)(a) The purpose of the center is to promote best practices in the state's public education system and encourage cooperative and research development relationships between public and higher education.

(b) For purposes of this section "best practices" means the best process or system that

5217 effectively achieves an educational objective.

5218 (3) The center has the following duties and responsibilities:

5219 (a) to direct [its] the center's efforts to those education issues judged to be of greatest
5220 importance by the State Board of Education, school districts, and [~~their~~] the school
5221 district's patrons, subject to the availability of funds to sustain [its] the center's efforts;

5222 (b) to coordinate and collaborate with education stakeholders, such as institutions of
5223 higher education, the State Board of Education, school districts, parent-teacher
5224 organizations, and other public and private educational interests in identifying or
5225 developing and then implementing best practices throughout the state's public
5226 education system;

5227 (c) to contribute to the creation and maintenance of a public education system that
5228 continually and systematically improves itself by building upon the most effective
5229 education policies, programs, and practices and rejecting those that are less effective;

5230 (d) to identify problems and challenges in providing educational and related services to
5231 all students in the public schools, including special education students and students at
5232 risk;

5233 (e) to identify current public and private resources at both the state and national level
5234 that are available to resolve problems or overcome challenges within the public
5235 education system and seek additional resources as necessary; and

5236 (f) to support the implementation of best practices in the public education system
5237 through professional development programs and dissemination of information.

5238 (4) The center in collaboration with the State Board of Education shall:

5239 (a) clarify the problems and challenges identified under this section, identify desired
5240 outcomes, and agree upon measures of outcomes;

5241 (b) prioritize the problems and challenges;

5242 (c) identify readily accessible resources to solve problems and challenges, including best
5243 practices that could be implemented with little or no adaptation;

5244 (d) determine whether new programs or procedures should be developed, and estimate
5245 the extent of effort required for that development;

5246 (e) determine which existing programs should be eliminated; and

5247 (f) assist in implementing solutions, monitoring accomplishments, disseminating results,
5248 and facilitating the extension of successful efforts to new settings.

5249 Section 120. Section **53H-4-305**, which is renumbered from Section 53B-18-1002 is renumbered
5250 and amended to read:

[53B-18-1002] 53H-4-305 (Effective upon governor's approval). Mormon Pioneer Heritage Center.

(1) As used in this section:

(a) "Alliance" means the Utah Heritage Highway 89 Alliance.

(b) "Center" means the Mormon Pioneer Heritage Center.

(c) "Counties" means the counties of Sanpete, Sevier, Piute, Wayne, Garfield, and Kane.

~~[(4)]~~ (2) There is established the Mormon Pioneer Heritage Center in connection with Utah State University.

~~[(2)]~~ (3) The purpose of the center is to coordinate interdepartmental research and extension efforts in recreation, heritage tourism, and agricultural extension service and to enter into cooperative contracts with the United States Departments of Agriculture and the Interior, state, county, and city officers, public and private organizations, and individuals to enhance Mormon pioneer heritage.

~~[(3)]~~ (4) The center has the following duties and responsibilities:

(a) to support United States ~~[Congressional]~~ congressional findings that the landscape, architecture, traditions, products, and events in the counties convey the heritage of pioneer settlements and ~~[their]~~ the pioneer settlement's role in agricultural development;

(b) to coordinate with extension agents in the counties to assist in the enhancement of heritage businesses and the creation of heritage products;

(c) to foster a close working relationship with all levels of government, the private sector, residents, business interests, and local communities;

(d) to support United States Congressional findings that the historical, cultural, and natural heritage legacies of Mormon colonization and settlement are nationally significant;

(e) to encourage research and studies relative to the variety of heritage resources along the 250-mile Highway 89 corridor from Fairview to Kanab, Utah, and Highways 12 and 24, the ~~[All-American Road]~~ All-American-Road, to the extent those resources demonstrate:

(i) the colonization of the western United States; and

(ii) the expansion of the United States as a major world power;

(f) to demonstrate that the great relocation to the western United States was facilitated by:

(i) the 1,400 mile trek from Illinois to the Great Salt Lake by the Mormon Pioneers;

5285 and

5286 (ii) the subsequent colonization effort in Nevada, Utah, the southeast corner of Idaho,
5287 the southwest corner of Wyoming, large areas of southeastern Oregon, much of
5288 southern California, and areas along the eastern border of California; and

5289 (g) to assist in interpretive efforts that demonstrate how the Boulder Loop, Capitol Reef
5290 National Park, Zion National Park, Bryce Canyon National Park, and the Highway 89
5291 area convey the compelling story of how early settlers:

5292 (i) interacted with Native Americans; and

5293 (ii) established towns and cities in a harsh, yet spectacular, natural environment.

5294 [(4)] (5) The center, in collaboration with the United States Department of the Interior, the
5295 National Park Service, the United States Department of Agriculture, the United States
5296 Forest Service, the Department of Cultural and Community Engagement, the Utah
5297 Historical Society, and the alliance and [its] the alliance's intergovernmental local
5298 partners, shall:

5299 (a) assist in empowering communities in the counties to conserve, preserve, and enhance
5300 the heritage of the communities while strengthening future economic opportunities;

5301 (b) help conserve, interpret, and develop the historical, cultural, natural, and recreational
5302 resources within the counties; and

5303 (c) expand, foster, and develop heritage businesses and products relating to the cultural
5304 heritage of the counties.

5305 [(5)] (6) The center, in collaboration with the United States Department of the Interior, the
5306 National Park Service, and with funding from the alliance, shall develop a heritage
5307 management plan.

5308 Section 121. Section **53H-4-306.1**, which is renumbered from Section 53B-18-1801 is
renumbered

5309 and amended to read:

5310 **[53B-18-1801] 53H-4-306.1 (Effective upon governor's approval) (Repealed 07/01/28).**

5311 **Electrification of Transportation Infrastructure Research Center -- Definitions.**

5312 As used in [this part] Sections 53H-4-306.1 through 53H-4-306.6:

5313 (1) "Department of Environmental Quality" means the Department of Environmental
5314 Quality created in Section 19-1-104.

5315 (2) "Department of Transportation" means the Department of Transportation created in
5316 Section 72-1-201.

5317 (3) "Governor's Office of Economic Opportunity" means the Governor's Office of

5318 Economic Opportunity created in Section 63N-1a-301.

5319 (4) "Industry advisory board" means the industry advisory board created in accordance with
5320 Section ~~[53B-18-1804]~~ 53H-4-306.4.

5321 (5) "Initiative" means the strategic planning and development initiative to guide the
5322 transition to an electrified and intelligent transportation system in this state.

5323 (6) "Large public transit district" means the same as that term is defined in Section
5324 17B-2a-802.

5325 (7) "Office of Energy Development" means the Office of Energy Development created in
5326 Section 79-6-401.

5327 (8) "Project director" means the project director of the research center appointed under
5328 Subsection ~~[53B-18-1802(2)(b)]~~ 53H-4-306.2(2)(b).

5329 (9) "Research center" means the ASPIRE Engineering Research Center at Utah State
5330 University.

5331 (10) "Steering committee" means the Electrification of Transportation Infrastructure
5332 Steering Committee created in Section ~~[53B-18-1803]~~ 53H-4-306.3.

5333 Section 122. Section **53H-4-306.2**, which is renumbered from Section 53B-18-1802 is
renumbered

5334 and amended to read:

5335 **~~[53B-18-1802]~~ 53H-4-306.2 (Effective upon governor's approval) (Repealed 07/01/28).**

5336 **Electrification of Transportation Infrastructure Research Center -- Designation -- Duties.**

5337 (1) The ASPIRE Engineering Research Center at Utah State University is designated as the
5338 lead research center to coordinate and lead the initiative described in Sections
5339 53H-4-306.1 through 53H-4-306.6~~[this part]~~.

5340 (2) The research center shall:

5341 (a) direct and carry out the mission of the initiative;

5342 (b) appoint a project director to oversee the initiative; and

5343 (c) provide administrative and staff support to the steering committee and industry
5344 advisory board.

5345 (3) The project director shall:

5346 (a) oversee the operations of the initiative; and

5347 (b) propose to the steering committee the expenditure of funds appropriated by the
5348 Legislature to carry out the duties under ~~[this part]~~ Sections 53H-4-306.1 through
5349 53H-4-306.6.

5350

Section 123. Section **53H-4-306.3**, which is renumbered from Section 53B-18-1803 is renumbered

and amended to read:

[~~53B-18-1803~~] 53H-4-306.3 (Effective upon governor's approval) (Repealed 07/01/28).

Electrification of Transportation Infrastructure Research Center -- Steering committee.

(1) There is created the Electrification of Transportation Infrastructure Steering Committee.

(2) The Electrification of Transportation Infrastructure Steering Committee consists of the following members:

(a) the executive director of the Department of Transportation, or the executive director's designee;

(b) the executive director of the Department of Environmental Quality, or the executive director's designee;

(c) the director of the Office of Energy Development, or the director's designee;

(d) the executive director of a large public transit district, or the executive director's designee;

(e) the executive director of the Governor's Office of Economic Opportunity, or the executive director's designee;

(f) one representative of a major electrical power provider in the state, appointed by the governor; and

(g) the chair of the industry advisory board created in Section [~~53B-18-1804~~] 53H-4-306.4.

(3) The steering committee member representing the Department of Transportation shall serve as the chair of the steering committee.

(4) The steering committee shall:

(a) provide direction to the project director on the nature and priorities of the strategic planning and development initiative;

(b) assist the project director in the development of a strategic action plan and implementation related to the electrification of transportation infrastructure;

(c) approve annual reports on the strategic planning and development initiative as required in Section [~~53B-18-1806~~] 53H-4-306.6;

(d) consider and approve the budget proposed by the project director for the expenditure of funds for the initiative; and

(e) review expenditures authorized by the project director made before October 1, 2023.

(5) The steering committee shall convene no later than October 1, 2023.

5383 Section 124. Section **53H-4-306.4**, which is renumbered from Section 53B-18-1804 is
renumbered

5384 and amended to read:

5385 **[53B-18-1804] 53H-4-306.4 (Effective upon governor's approval) (Repealed 07/01/28).**

5386 **Electrification of Transportation Infrastructure Research Center -- Industry advisory**
5387 **board.**

5388 (1) The research center shall create an industry advisory board with members selected from
5389 the following relevant sectors:

5390 (a) electrical power providers;

5391 (b) electric bus manufacturers;

5392 (c) electric vehicle manufacturers;

5393 (d) electric passenger or freight rail manufacturers;

5394 (e) electric aircraft manufacturers;

5395 (f) electric freight truck manufacturers;

5396 (g) high-capacity battery manufacturers;

5397 (h) large fiber-optic or high-speed Internet providers;

5398 (i) transportation infrastructure companies;

5399 (j) charging component, systems, or network providers;

5400 (k) smart or artificial intelligence-integrated infrastructure providers; and

5401 (l) any other sector that the research center determines is substantially necessary to
5402 fulfilling the initiative goals.

5403 (2) The industry advisory board members shall designate the chair and other officers of the
5404 industry advisory board.

5405 (3) The industry advisory board shall:

5406 (a) assist the project director in operating the strategic planning and development
5407 initiative with insights and needs from across the industries;

5408 (b) develop a chapter to be included in each annual report that describes the industry
5409 support and perspectives relative to the analysis and recommendations provided in
5410 the annual report; and

5411 (c) provide at least one representative to participate in briefings to interim or
5412 appropriations committees of the Legislature.

5413 Section 125. Section **53H-4-306.5**, which is renumbered from Section 53B-18-1805 is
renumbered

5414 and amended to read:

**[53B-18-1805] 53H-4-306.5 (Effective upon governor's approval) (Repealed 07/01/28).
Electrification of Transportation Infrastructure Research Center -- Duties of the project
director.**

- (1) The project director and the steering committee shall consult the following parties in developing and carrying out the initiative:
- (a) representatives of each sector described in the industry advisory board membership in Subsection ~~[53B-18-1804(1)]~~ 53H-4-306.4(1), regardless of whether that sector is actually represented on the industry advisory board;
 - (b) institutions of higher education, including institutions of technical education, both inside and outside this state;
 - (c) the chairs of the following committees of the Legislature:
 - (i) the Transportation and Infrastructure Appropriations Subcommittee;
 - (ii) the Public Utilities, Energy, and Technology Interim Committee; and
 - (iii) the Transportation Interim Committee; and
 - (d) any other persons or entities the steering committee determines are relevant or necessary to fulfilling the stated mission.
- (2) The project director, in consultation with the steering committee and the industry advisory board, shall lead an outreach and promotional effort to:
- (a) build awareness among stakeholders, industry partners, federal agencies, and the state's congressional delegation of the state's efforts to be a national leader in electrifying the state's transportation system; and
 - (b) attract industry partners and industry and federal investment to the state to design, develop, and deliver systems to promote and implement the initiative.
- (3) The project director shall:
- (a) oversee the operations of the initiative; and
 - (b) propose to the steering committee the program budget for the expenditure of funds appropriated by the Legislature to carry out the duties under ~~[this part]~~ Sections 53H-4-306.1 through 53H-4-306.6.
- (4)(a) The project director may, in accordance with ~~[this part]~~ Sections 53H-4-306.1 through 53H-4-306.6, and subject to this Subsection (4), expend funds appropriated by the Legislature.
- (b)(i) Before October 1, 2023, the project director may not expend more than 25% of the annual project budget.
 - (ii) At the first meeting of the steering committee, the project director shall:

(A) provide a detailed account to the steering committee for all expenditures made before October 1, 2023; and

(B) present a budget proposal for the remainder of the fiscal year ending June 30, 2024.

(iii) Before October 1, 2023, the project director may expend funds for the following purposes:

(A) establish necessary and time-sensitive groundwork for development of the vision and strategic objective of the initiative;

(B) acquisition of materials needed for the initiative; and

(C) costs to hire and pay salaries of staff.

(c) Except as described in Subsection (4)(b), the project director:

(i) shall propose an annual budget for the initiative; and

(ii) may not expend funds appropriated to the research center outside of the approved budget without approval of the steering committee.

Section 126. Section **53H-4-306.6**, which is renumbered from Section 53B-18-1806 is renumbered

and amended to read:

[53B-18-1806] 53H-4-306.6 (Effective upon governor's approval) (Repealed 07/01/28).

Electrification of Transportation Infrastructure Research Center -- Project development and strategic objectives -- Reporting requirements.

(1)(a) The research center shall develop and define an action plan for the electrification of transportation infrastructure in this state.

(b) The research center shall provide a report of the action plan that includes:

(i) a description of the ideal electrified transportation system and incremental steps to implement the action plan over 10-year, 20-year, and 30-year time horizons, including a description of a transportation system that:

(A) provides intelligent coordination for vehicular traffic and charging individually and collectively into a dynamically communicative transportation system that links to and coordinates with the electric grid;

(B) integrates across and supports all modes of transportation and vehicle classes in complementary ways;

(C) integrates with hydrogen and renewable natural gas generation, storage, grid support, and fuel cell vehicles in complementary ways; and

(D) provides improved air quality, reduced cost to move people and goods, and

- 5482 new jobs and economic growth in the state;
- 5483 (ii) strategic objectives in each element of the action plan above that are necessary to
- 5484 realize the action plan;
- 5485 (iii) an initial description of changes needed to realize the action plan in each of the
- 5486 following sectors across the ecosystem:
- 5487 (A) electrical power generation, distribution, and utility-scale energy storage
- 5488 infrastructure and capacity, including reliability, cost, and availability
- 5489 standards;
- 5490 (B) interconnected smart charging infrastructure, intelligent transportation
- 5491 systems, control systems, and communications systems to facilitate the
- 5492 transition to electrified transportation;
- 5493 (C) private surface transportation, including passenger vehicles, freight trucks, and
- 5494 freight trains;
- 5495 (D) public surface transportation, including passenger vehicles, buses, and trains;
- 5496 (E) air transportation, including private commercial aircraft and unmanned aircraft
- 5497 systems;
- 5498 (F) vehicles that operate off-highway, including construction, mining, and
- 5499 agriculture;
- 5500 (G) charging technology, solutions, and systems, including charging stations and
- 5501 shared use of infrastructure across modes of transportation and vehicle classes;
- 5502 (H) workforce, including analysis of the capacity and types of education,
- 5503 vocations, trades, and certifications necessary in each relevant sector to
- 5504 develop the local workforce needed to accomplish the vision; and
- 5505 (I) any other sector that the steering committee determines is substantially
- 5506 necessary to fulfilling the stated mission;
- 5507 (iv) identification of key gaps in the ecosystem from the sectors and industries
- 5508 described in this Subsection (1)(b) that serve as priorities for near term innovation
- 5509 and investment;
- 5510 (v) evaluation of risk and vulnerability of relevant supply chains, including natural
- 5511 resources to ensure stability and availability; and
- 5512 (vi) an accounting of funds appropriated to or received by the research center, and
- 5513 any expenditure of those funds.
- 5514 (c) Before August 1, 2024, the research center shall report on the action plan described
- 5515 in this Subsection (1) to the Transportation and Infrastructure Appropriations

- 5516 Subcommittee of the Legislature.
- 5517 (2) Beginning in 2025, before August 1 of each year, the research center shall provide an
- 5518 annual report to the Transportation and Infrastructure Appropriations Subcommittee of
- 5519 the Legislature, including:
- 5520 (a) an updated and prioritized list of strategic objectives identified in the initial report
- 5521 described in Subsection (1)(b);
- 5522 (b) any actionable goals established or recommended by the research center;
- 5523 (c) a prioritized list of steps to accomplish the goals and strategic objectives identified
- 5524 by the research center;
- 5525 (d) metrics to measure the effectiveness of any goals or strategic objectives and related
- 5526 analysis;
- 5527 (e) the research center's progress and effort in developing a long-range strategy for
- 5528 implementation of the action plan;
- 5529 (f) the research center's efforts in and results of outreach to relevant industry,
- 5530 government, and investment sectors;
- 5531 (g) any recommendations on potential legislation to implement the action plan; and
- 5532 (h) an accounting of funds appropriated to or received by the research center, and any
- 5533 expenditure of those funds.
- 5534 (3) Before November 30, 2027, the Transportation Interim Committee shall consider
- 5535 whether to continue the initiative as described in ~~[this part]~~ Sections 53H-4-306.1
- 5536 through 53H-4-306.6 or allow the repeal of ~~[this part]~~ Sections 53H-4-306.1 through
- 5537 53H-4-306.6 as described in Section 63I-1-253.
- 5538 Section 127. Section **53H-4-307.1**, which is renumbered from Section 53B-18-1902 is
- renumbered
- 5539 and amended to read:
- 5540 **[53B-18-1902] 53H-4-307.1 (Effective upon governor's approval). Center for**
- 5541 **Civic Excellence.**
- 5542 (1) As used in Sections 53H-4-307.1 through 53H-4-307.6:
- 5543 (a) "Center" means the Center for Civic Excellence established in this section.
- 5544 (b) "Program" means the general education program at Utah State University.
- 5545 (2) There is established the Center for Civic Excellence as a pilot program and an
- 5546 administrative unit in the Office of the Provost at Utah State University to:
- 5547 ~~[(1)]~~ (a) provide general education for all Utah State University students;
- 5548 ~~[(2)]~~ (b) replace the existing distribution model of general education with a coherent

5549 curriculum with a foundation of the core values, principles, and purposes described in
5550 Section ~~[53B-18-1906]~~ 53H-4-307.5; and

5551 ~~[(3)]~~ (c) develop a curriculum grounded in the following mission:

5552 ~~[(a)]~~ (i) engaging students in civil and rigorous intellectual inquiry, across ideological
5553 differences, with a commitment to intellectual freedom in the pursuit of truth;

5554 ~~[(b)]~~ (ii) ensuring, through engagement with foundational primary texts representing
5555 "the best of what has been thought and said," that all graduates, regardless of the
5556 graduate's major, engage with the "big questions, great debates, and enduring
5557 ideas" that continue to shape society's self-understanding, the American
5558 experience, and the modern world; and

5559 ~~[(e)]~~ (iii) cultivating students' intellectual and personal habits of mind to enable the
5560 students to contribute and thrive in the students' economic, social, political, and
5561 personal lives with a focus on civil discourse, critical thinking about enduring
5562 questions, wise decision-making, and durable skills.

5563 Section 128. Section **53H-4-307.2**, which is renumbered from Section 53B-18-1903 is
renumbered

5564 and amended to read:

5565 **~~[53B-18-1903]~~ 53H-4-307.2 (Effective upon governor's approval). Center for**
5566 **Civic Excellence -- Duties -- Authority.**

5567 The Center for Civic Excellence shall:

5568 (1) serve as the program home of general education at Utah State University;

5569 (2)(a) govern faculty over all general education curriculum; and

5570 (b) establish a faculty curriculum committee to develop and review program outcomes
5571 and all courses;

5572 (3) develop and assess the program and all general education courses, ensuring alignment
5573 with the purposes and commitments described in Sections ~~[53B-18-1902]~~ 53H-4-307.1
5574 and ~~[53B-18-1906]~~ 53H-4-307.5;

5575 (4) appoint and evaluate all instructors who will teach general education courses at Utah
5576 State University; and

5577 (5) provide professional development for instructors teaching in the program to ensure
5578 fidelity to the program's purposes, values, and outcomes.

5579 Section 129. Section **53H-4-307.3**, which is renumbered from Section 53B-18-1904 is
renumbered

5580 and amended to read:

[53B-18-1904] 53H-4-307.3 (Effective upon governor's approval). Center for Civic Excellence -- Leadership.

(1)(a) The Office of the Provost shall house the center.

(b) The provost shall appoint a vice-provost to:

(i) lead the center; and

(ii) report to the provost regarding the operation of the center and the general education program.

(2) The vice-provost overseeing the center shall:

(a) appoint faculty to the center's curriculum committee;

(b) oversee the development and assessment of the general education program and the program's courses;

(c) manage the recruitment of affiliate instructors from other academic units;

(d) approve appointments of affiliate instructors who will teach for the center;

(e) approve syllabi from affiliate instructors who will teach for the center;

(f) oversee the development of performance expectations for affiliate faculty;

(g) manage the evaluation of affiliate instructors; and

(h) manage the review and approval of petitions for exceptions for general education requirements.

Section 130. Section **53H-4-307.4**, which is renumbered from Section 53B-18-1905 is renumbered

and amended to read:

[53B-18-1905] 53H-4-307.4 (Effective upon governor's approval). Center for Civic Excellence -- Faculty.

(1) Only an instructor whom the vice-provost leading the center grants an appointment as an affiliate instructor in the center may teach general education courses at Utah State University.

(2) In appointing an instructor under Subsection (1), the vice-provost leading the center shall:

(a) grant an at-will appointment on a two-year, renewable basis;

(b) require the instructor to engage with all professional development the center mandates; and

(c)(i) ensure the center annually evaluates the instructor on the instructor's teaching performance in the general education program; and

(ii) deliver the performance evaluation to the faculty member, department head, and

5614 dean.

5615 Section 131. Section **53H-4-307.5**, which is renumbered from Section 53B-18-1906 is
renumbered

5616 and amended to read:

5617 **[53B-18-1906] 53H-4-307.5 (Effective upon governor's approval). Center for**
5618 **Civic Excellence -- Curriculum.**

5619 (1) The center shall:

5620 (a) govern the general education program and general education courses at Utah State
5621 University; and

5622 (b) ensure that:

5623 (i) the general education program aligns with the general education program
5624 requirements described in board policy; and

5625 (ii) there is general education transferability to and from Utah State University and
5626 other institutions within the Utah System of Higher Education.

5627 (2) The center is founded on the following principles, values, and purposes:

5628 (a) a commitment to viewpoint diversity and civil discourse, ensuring that students
5629 understand opposing points of view and can contribute in the public square in civil
5630 and productive ways;

5631 (b) the development of program outcomes and courses that engage students in enduring
5632 questions of meaning, purpose, and value; and

5633 (c) the cultivation in students of the durable skills necessary to thrive in educational,
5634 social, political, economic, and personal contexts.

5635 (3) The center shall ensure, within the general education program:

5636 (a) a cap of 30 credits;

5637 (b) the integration of six written and oral communication credits with three humanities
5638 credits;

5639 (c) that three three-credit courses in the humanities:

5640 (i) engage with perennial questions about the human condition, the meaning of life,
5641 and the nature of social and moral lives;

5642 (ii) emphasize foundational thinking and communication skills through engagement
5643 with primary texts predominantly from Western civilization, such as:

5644 (A) the intellectual contributions of ancient Israel, ancient Greece, and Rome; and

5645 (B) the rise of Christianity, medieval Europe, the Renaissance, the Enlightenment,
5646 and post-Enlightenment;

- 5647 (iii) include texts for each course that are historically distributed from antiquity to the
5648 present from figures with lasting literary, philosophical, and historical influence,
5649 such as Homer, Plato, Aristotle, Lao Tzu, Cicero, Maimonides, Boethius,
5650 Shakespeare, Mill, Woolf, and Achebe; and
- 5651 (iv) are organized around themes central to the preservation and flourishing of a free
5652 society, such as the moral life, happiness, liberty, equality and justice, and
5653 goodness and beauty; and
- 5654 (d) that one three-credit course in American institutions:
- 5655 (i) engages students with the major debates and ideas that inform the historical
5656 development of the republican form of government of the United States of
5657 America;
- 5658 (ii) focus on the founding principles of American government, economics, and
5659 history, such as natural rights, liberty, equality, constitutional self-government,
5660 and market systems; and
- 5661 (iii) use primary source material, such as:
- 5662 (A) the Magna Carta, the United States Constitution, the Federalist Papers; and
5663 (B) material from thinkers, such as Marcus Aurelius, Seneca, Adam Smith, John
5664 Locke, Montesquieu, and Alexis de Tocqueville.
- 5665 (4) The vice-provost overseeing the center:
- 5666 (a) shall ensure that the center:
- 5667 (i) no less than seven days before the first day of class for a given semester or other
5668 academic term during which the institution offers a course, makes available to the
5669 public on the institution's website a syllabus for each section of the courses in the
5670 humanities described in Subsection (3) that:
- 5671 (A) provide the section number;
- 5672 (B) provides a brief description of each major assignment and examination;
- 5673 (C) lists any required or recommended reading; [and]
- 5674 (D) provides a general description of the subject matter of each lecture or
5675 discussion;
- 5676 (E) is accessible from the home page of the institution's website by use of not
5677 more than three links;
- 5678 (F) is searchable by keywords and phrases; and
- 5679 (G) is accessible to the public without requiring registration, use of a user name
5680 and password, or another method of user identification;

(ii) continues to make the information described in Subsection (4)(a) available on the center's website until at least the second anniversary of the date on which the center initially posted the information; and

(iii) updates the information described in Subsection (4)(a) as soon as practicable after the information changes; and

(b) may assign duties under this Subsection (4) to one or more administrative employees.

Section 132. Section **53H-4-307.6**, which is renumbered from Section 53B-18-1907 is renumbered

and amended to read:

[53B-18-1907] 53H-4-307.6 (Effective upon governor's approval). Center for Civic Excellence -- Oversight -- Reporting.

(1) The vice-provost leading the center shall submit an annual report:

(a) to the provost, president of the institution, and the commissioner;

(b) that includes a mission-based accounting of:

(i) program and instructor performance and goals for improvement;

(ii) professional development offerings and future goals;

(iii) the course offerings and syllabus publication described in Section [53B-18-1906] 53H-4-307.5; and

(iv) a full account of the center's budget.

(2) The commissioner shall report annually to the Education Interim Committee regarding the implementation and activities of the center.

(3) Each year, the center shall:

(a) assess the quality of teaching and adherence to program principles, values, and goals;

(b) identify expectations for addressing deficiencies or for continued improvement; and

(c) share the review described in Subsections [(2)(a)] (3)(a) and (b) with appropriate department heads.

(4) Before July 1, 2029, the center shall:

(a) report to the board educational outcomes and impacts of the pilot program;

(b) provide recommendations for system-wide general education curriculum; and

(c) report to the Education Interim Committee regarding the implementation and activities of the center.

(5) Based on the pilot program's outcomes, the board shall, in consultation with academic experts, pedagogical specialists, and institutional stakeholders, develop a proposed core of system-wide general education courses aligned with the educational principles of this

5714 section.

5715 Section 133. Section **53H-4-308**, which is renumbered from Section 53B-18-901 is renumbered
5716 and amended to read:

5717 **[53B-18-901] 53H-4-308 (Effective upon governor's approval). Distance**
5718 **Education Doctorate Program.**

5719 (1) The Legislature finds that:

- 5720 (a) many Utah public education administrators are nearing the end of [their]
5721 administrative careers and will retire early in the 21st Century;
- 5722 (b) Utah public schools have many mid-career faculty that could become the next wave
5723 of administrators if [they] the mid-career faculty were prepared with a doctorate in
5724 education degree that emphasized curriculum and instruction;
- 5725 (c) each of Utah's community colleges have several faculty that need a terminal degree
5726 and further knowledge in curriculum development and state-of-the-art instructional
5727 methodology, and these individuals, being mid-career, find it difficult to relocate to a
5728 college campus for a traditional program; and
- 5729 (d) the state and [its] the state's students will be better served if faculty and administrators
5730 are more knowledgeable about the development of curriculum and the latest
5731 instructional methodology based on documented research.

5732 (2) Therefore, Utah State University shall establish a Distance Education Doctorate
5733 Program to accommodate public education administrators and community college
5734 faculty and administration.

5735 (3) The program shall include the following components:

- 5736 (a) the offering of courses for a doctorate degree in education over the system
5737 established under [~~Title 53B, Chapter 17, Part 1, Educational Telecommunications~~]
5738 Sections 53H-4-213.1 through 53H-4-213.7;
- 5739 (b) structuring of the program to make it identical to a regular campus program in rigor
5740 and course work; and
- 5741 (c) providing a support system from at least the following five departments at the
5742 university:
- 5743 (i) Elementary Education;
 - 5744 (ii) Secondary Education;
 - 5745 (iii) Business Information Systems and Education;
 - 5746 (iv) Industrial Technology; and
 - 5747 (v) Agricultural Systems Technology and Education.

(4) The university shall augment the program with off-campus summer courses, with those courses eventually being offered over the system established under [Title 53B, Chapter 17, Part 1, Educational Telecommunications] Sections 53H-4-213.1 through 53H-4-213.7.

(5) The Legislature shall provide an annual appropriation to fund the program established under this [part] section.

Section 134. Section **53H-4-309**, which is renumbered from Section 53B-18-1301 is renumbered and amended to read:

[53B-18-1301] 53H-4-309 (Effective upon governor's approval). Veterinary education program.

(1) With the approval of the board, Utah State University may enter into a partnership agreement with Washington State University to establish a veterinary education program.

(2) The partnership agreement may provide that:

(a)(i) initially, up to 20 Utah resident students and 10 nonresident students may be accepted each year into a four-year program leading to a doctorate in veterinary medicine; and

(ii) if resources become available to expand the doctoral program in veterinary medicine, additional Utah resident students and nonresident students may be accepted into the program; and

(b) students accepted into the doctoral program in veterinary medicine pursuant to Subsection (2)(a) complete the first and second years of study at Utah State University and the third and fourth years of study at Washington State University.

(3) Subject to future budget constraints, the Legislature shall annually provide an appropriation to pay for the nonresident portion of tuition for Utah students enrolled at Washington State University under a partnership agreement authorized by this section for the third and fourth years of a doctoral program in veterinary medicine.

Section 135. Section **53H-4-310**, which is renumbered from Section 53B-18-602 is renumbered and amended to read:

[53B-18-602] 53H-4-310 (Effective upon governor's approval). Strengthening At-Risk Youth and Their Families Program.

(1) There is created the Strengthening At-Risk Youth and Their Families Program to be administered through the Utah State University Extension Family Life and 4-H Programs.

(2) The program shall be implemented throughout the state through Utah State University Extension county offices.

- 5782 ~~[(1)]~~ (3) The program shall provide services to youth who have demonstrated behavioral and
5783 learning problems at school or have been referred to juvenile court for delinquent
5784 behavior.
- 5785 ~~[(2)]~~ (4) Youths and ~~[their]~~ the youths' families in need of services may be identified and
5786 referred to the program through:
5787 (a) school officials;
5788 (b) juvenile court officers;
5789 (c) community social service agencies; or
5790 (d) parents.
- 5791 ~~[(3)]~~ (5) The program shall actively seek and screen adult volunteers to work with high risk
5792 youth and ~~[their]~~ the youths' families.
- 5793 ~~[(4)]~~ (6) The program shall provide training and support to the volunteers to prepare ~~[them]~~
5794 the volunteers for the wide variety of social, cultural, and other environmental factors [
5795 ~~they~~] the volunteers will encounter.
- 5796 ~~[(5)]~~ (7) The volunteers shall:
5797 (a) enroll and involve youth in 4-H and other community service and activity programs;
5798 (b) provide academic tutoring, with an emphasis on reading skills, when necessary;
5799 (c) seek out opportunities for participation in structured recreational activities; and
5800 (d) facilitate the families' development of a positive family environment including:
5801 (i) setting clear expectations and limits in the home;
5802 (ii) fostering communication skills between family members;
5803 (iii) encouraging the families' involvement in the school and community; and
5804 (iv) assisting in the development of time management skills.
- 5805 ~~[(6)]~~ (8) The program shall provide for an annual assessment and evaluation of the entire
5806 program including:
5807 (a) assessments conducted on youths and ~~[their]~~ the youths' families before entering the
5808 program;
5809 (b) documentation of ongoing changes observed in the youths while participating in the
5810 program, including behavioral and academic changes;
5811 (c) assessments conducted on youths and ~~[their]~~ the youths' families upon exiting the
5812 program; and
5813 (d) overall assessment of the program in the various communities, to include:
5814 (i) acceptance and support within the community;
5815 (ii) availability of sufficient programs and activities; and

5816 (iii) availability of qualified adults to serve as volunteers.

5817 Section 136. Section **53H-4-311**, which is renumbered from Section 53B-18-701 is renumbered
5818 and amended to read:

5819 **[53B-18-701] 53H-4-311 (Effective upon governor's approval). Recreation and**
5820 **Tourism Program.**

5821 (1) There is appropriated for fiscal year 1998-99, \$150,000 from the General Fund to Utah
5822 State University for base budget funding to conduct a program of teaching, research, and
5823 extension on outdoor recreation and tourism.

5824 (2) The university shall establish the program in the Institute of Outdoor Recreation and
5825 Tourism in the College of Natural Resources.

5826 (3) The extension and research program shall focus on at least three areas:

5827 (a) tourism and outdoor recreation use;

5828 (b) the social and economic tradeoffs of tourism and outdoor recreation for local
5829 communities; and

5830 (c) the relationship between outdoor recreation and tourism and public land management
5831 practices and policies.

5832 (4) The purpose of the program is to provide:

5833 (a) better data for the Legislature and state agencies in ~~[their]~~ the Legislature's and state
5834 agency's decision-making processes on issues relating to tourism and outdoor
5835 recreation;

5836 (b) a base of information and expertise to assist community officials as ~~[they]~~ the
5837 community officials attempt to balance the economic, social, and environmental
5838 tradeoffs in tourism development; and

5839 (c) an interdisciplinary approach of research and study on outdoor recreation and
5840 tourism, a complex sector of the state's economy.

5841 (5) The program shall include an office at the university for coordinating interdepartmental
5842 research and extension efforts with different agencies and institutions of higher
5843 education.

5844 Section 137. Section **53H-4-312**, which is renumbered from Section 53B-18-1501 is renumbered
5845 and amended to read:

5846 **[53B-18-1501] 53H-4-312 (Effective upon governor's approval). Remote online**
5847 **opportunities program.**

5848 (1) As used in this section:

5849 (a) "Association of governments" means an association of political subdivisions

- 5850 established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal
5851 Cooperation Act.
- 5852 (b) "Program" means the program administered by Utah State University in accordance
5853 with this section.
- 5854 (c) "Remote online opportunity" means employment, including freelance employment,
5855 or the operation of an online business for which an individual:
5856 (i) can complete duties primarily online; and
5857 (ii) is not required to work from a specific geographic location.
- 5858 (2)(a) Subject to legislative appropriations, Utah State University, through a county
5859 extension office, shall administer a program that helps individuals who live in rural
5860 areas access remote online opportunities.
- 5861 (b) In administering the program, Utah State University shall consider input from a
5862 county located in a geographic area selected for the program under Subsection (4).
- 5863 (3) Utah State University shall, as part of the program:
5864 (a) provide training modules to adults and high school students;
5865 (b) coordinate with rural high schools and postsecondary institutions;
5866 (c) develop marketing materials;
5867 (d) develop relationships with information technology companies that offer remote
5868 online opportunities;
5869 (e) partner with websites that list freelance remote online opportunities;
5870 (f) provide scholarships for individuals who live in rural areas to access online
5871 skill-based training for remote online opportunities;
5872 (g) provide one-on-one coaching for an individual who pursues a remote online
5873 opportunity; and
5874 (h) conduct other activities related to remote online opportunities as determined by Utah
5875 State University.
- 5876 (4)(a) Utah State University shall administer the program:
5877 (i) in at least one geographic area in the state initially; and
5878 (ii) in additional geographic areas if resources allow.
- 5879 (b) In determining where to initially administer the program, Utah State University shall
5880 consider whether counties in a geographic area:
5881 (i) are primarily rural or have remote rural areas;
5882 (ii) face high unemployment rates;
5883 (iii) have access to high speed Internet;

- 5884 (iv) have a large percentage of high school graduates leave the geographic area after
5885 graduating from high school; and
5886 (v) are members of an association of governments that supports helping individuals
5887 who live in rural areas access remote online opportunities.

5888 (5) On or before November 1, 2020, and on or before November 1 every third year
5889 thereafter, Utah State University shall report to the Economic Development and
5890 Workforce Services Interim Committee on:

- 5891 (a) the number of individuals who receive training through the program;
5892 (b) the number and percentage of individuals who participate in the program and access
5893 a remote online opportunity; and
5894 (c) whether there is a reduction in the unemployment rate in a geographic area included
5895 in the program.

5896 Section 138. Section **53H-4-313**, which is renumbered from Section 53B-18-1702 is renumbered
5897 and amended to read:

5898 **[53B-18-1702] 53H-4-313 (Effective upon governor's approval) (Repealed 07/01/27).**

5899 **Food Security Council.**

5900 (1) As used in this section:

- 5901 (a) "Council" means the Food Security Council created in this section.
5902 (b) "Food security" means access to sufficient, affordable, safe, and nutritious food that
5903 meets an individual's food preferences and dietary needs.
5904 (c) "SNAP-Ed program" means the nutrition education component of the federal
5905 "Supplemental Nutrition Assistance Program" under Title 7, U.S.C. Chapter 51,
5906 Supplemental Nutrition Assistance Program.
5907 (d) "State superintendent" means the state superintendent of public instruction appointed
5908 under Section 53E-3-301.
5909 (e) "Utah food product" means a food product that is produced in the state.

5910 [(1)] (2) There is created at Utah State University the Food Security Council.

5911 [(2)] (3) The council is composed of the following 15 members:

- 5912 (a) the executive director of the Department of Health and Human Services or the
5913 executive director's designee;
5914 (b) the executive director of the Department of Workforce Services or the executive
5915 director's designee;
5916 (c) the state superintendent or the state superintendent's designee;
5917 (d) the commissioner or the commissioner's designee;

- 5918 (e) the commissioner of the Department of Agriculture and Food or the commissioner's
5919 designee; and
- 5920 (f) the following members appointed by the chair of the council:
- 5921 (i) one member who represents the Utah State University Extension Service;
- 5922 (ii) one member who represents the Utah State University Expanded Food and
5923 Nutrition Education Program;
- 5924 (iii) one member who represents the Utah Women, Infants, and Children Program
5925 administered under 42 U.S.C. Sec. 1786;
- 5926 (iv) one member who represents the Utah SNAP-Ed program;
- 5927 (v) one member who represents a food assistance organization;
- 5928 (vi) one member who represents an advocacy group that addresses federal nutrition
5929 programs;
- 5930 (vii) one member who represents an organization that promotes healthy eating and
5931 active lifestyles in the state;
- 5932 (viii) one member who represents an organization that provides refugee resettlement
5933 services in the state;
- 5934 (ix) one member who represents the Utah Farm Bureau Federation; and
- 5935 (x) one member who represents a tribal government in the state.
- 5936 [(3)] (4)(a) A member described in Subsection [(2)(d)] (3)(d) shall serve a term of two
5937 years.
- 5938 (b) If a vacancy occurs for a member described in Subsection [(2)(d)] (3)(d), the chair of
5939 the council shall appoint a replacement to serve the remainder of the member's term.
- 5940 (c) A member may serve more than one term.
- 5941 [(4)] (5) A member may not receive compensation or benefits for the member's service.
- 5942 [(5)] (6) The council shall elect a chair from the council's members, who shall serve a
5943 two-year term.
- 5944 [(6)] (7)(a) A majority of the members of the council constitutes a quorum of the council.
- 5945 (b) The action by a majority of the members of a quorum constitutes the action of the
5946 council.
- 5947 [(7)] (8) The Utah State University Hunger Solutions Institute shall provide staff support to
5948 the council.
- 5949 (9) The council shall:
- 5950 (a) develop statewide goals and messaging related to food security and nutrition
5951 education;

- (b) coordinate statewide efforts to address food security;
- (c) ensure that any state programs receiving federal funds from the United States Department of Agriculture's Food and Nutrition Service provide consistent and coordinated nutrition education messaging;
- (d) promote programs and activities that contribute to healthy eating and active lifestyles;
- (e) promote programs and activities that advance Utah food products; and
- (f) disseminate the statewide goals and messaging developed under Subsection (10) to state agencies.

(10) On or before October 1 of each year, the council shall prepare and submit an annual written report to the Economic Development and Workforce Services Interim Committee, the Education Interim Committee, and the Natural Resources, Agriculture, and Environment Interim Committee that contains:

- (a) a description of the council's operations, activities, programs, and services; and
- (b) any recommendations on how the state should act to address issues relating to food security.

(11) The council may accept gifts, grants, or donations from public or private sources for purposes of carrying out the council's duties.

Section 139. Section **53H-4-314**, which is renumbered from Section 53B-18-104 is renumbered and amended to read:

[53B-18-104] 53H-4-314 (Effective upon governor's approval). Agricultural experiment station.

(1) There is established an agricultural experiment station in connection with Utah State University.

(2) The station conducts research as provided by state and federal laws governing the establishment and maintenance of agricultural experiment stations.

(3) The university is in charge of the experiment station, and shall purchase or lease suitable lands, erect necessary buildings, provide needed equipment, and appoint officers and assistants to conduct and issue reports on the research conducted at the station.

(4) The university may enter into cooperative agreements with governmental entities, organizations, corporations, institutions, and individuals to carry out the provisions governing agricultural experiment stations.

[(4)] (5) The university may establish and maintain substations to assist in conducting the research provided for in [Section 53B-18-101] this section.

[~~(2)~~] (~~6~~) The university may discontinue the existence of a substation.
[~~(3)~~] (~~7~~) If a substation is created by legislative enactment, the university is under no obligation to maintain the substation beyond that time for which special appropriations are made by the Legislature.

(8) The university shall establish and maintain a climate center to gather and analyze climatological data for the benefit of all state agencies.

Section 140. Section **53H-4-315**, which is renumbered from Section 53B-18-204 is renumbered and amended to read:

[53B-18-204] 53H-4-315 (Effective upon governor's approval). Agricultural extension service.

(1) There is established by Utah State University an agricultural extension service as provided in the federal Smith-Lever and Capper-Ketchum Acts and other federal laws.

(2)(a) The university may enter into cooperative contracts with the United States Department of Agriculture, county or city officers, private and public organizations, corporations, and individuals, to share the expense of establishing and maintaining an agricultural extension service.

(b) The county legislative body of each county may provide sufficient funds to ensure that the agricultural extension service functions properly in the legislative body's county.

(3)(a) The governor may apply to the Secretary of the Treasury to obtain any appropriation made by Congress relating to the federal laws referred to in this section.

(b) Whenever the university and agricultural experiment station shall be entitled to any money under these acts or similar acts, the university shall execute and file with the Secretary of the Treasury an agreement to expend the money received for the sole and exclusive purpose expressed in such act and in the manner therein directed, and to maintain a farm of at least 25 acres in connection with the university.

(c) The university shall also comply with all conditions expressed in the acts.

(4) The university shall execute and file with the Secretary of the Treasury an agreement relating to the expenditure of funds received under the laws referred to in Subsection (3) that the funds will be used for the exclusive purpose directed in those laws.

(5) The university shall comply with all conditions expressed in the laws referred to in Subsection (1) in order to receive money under those laws.

(6) The state[~~-of Utah~~] reaffirms [its] the state's acceptance of the grants of money and property authorized by the following Acts of Congress:

- 6020 [(1)] (a) the Morrill Act, approved July 2, 1862;
- 6021 [(2)] (b) an Act of Congress passed March 2, 1887, entitled, "An act to establish
- 6022 agricultural experiment stations in connection with the colleges established in the
- 6023 several states under the provisions of an act approved July 2, 1862, and all acts
- 6024 supplementary to that act";
- 6025 [(3)] (c) an Act of Congress entitled, "An act to provide an increased annual
- 6026 appropriation for agricultural experiment stations and regulating the expenditure
- 6027 thereof," approved March 16, 1906;
- 6028 [(4)] (d) the Purnell Act, approved February 24, 1925;
- 6029 [(5)] (e) "the Smith-Lever Act to aid in the development of the extension work in
- 6030 connection with the agricultural colleges," approved May 8, 1914; and
- 6031 [(6)] (f) "the Capper-Ketchum Act, providing for further support of agricultural extension
- 6032 work as conducted by the agricultural colleges," approved May 22, 1928.

6033 (7) The state guarantees all money received under this section against loss or

6034 misapplication.

6035 (8) The treasurer of Utah State University is the officer who receives money appropriated

6036 by the Secretary of the Treasury under this section.

6037 Section 141. Section **53H-4-316**, which is renumbered from Section 53B-18-1401 is renumbered

6038 and amended to read:

6039 **[53B-18-1401] 53H-4-316 (Effective upon governor's approval). Uintah Basin**

6040 **Air Quality Research Project.**

- 6041 (1) There is created the Uintah Basin Air Quality Research Project to study ozone
- 6042 formation in the Uintah Basin.
- 6043 (2) The Utah State University Bingham Entrepreneurship and Energy Research Center shall:
- 6044 (a) conduct the Uintah Basin Air Quality Research Project by:
- 6045 (i) developing and improving computer models to simulate ozone formation and
- 6046 determine ~~[its cause]~~ the cause of ozone formation;
- 6047 (ii) measuring pollutants in the ambient air to:
- 6048 (A) track how emissions are changing over time; and
- 6049 (B) verify the accuracy of computer models; and
- 6050 (iii) characterizing pollutant emissions from various sources; and
- 6051 (b) annually report to the Natural Resources, Agriculture, and Environment Interim
- 6052 Committee on the results of the research described in Subsection (2)(a) by no later
- 6053 than November 30 of each year.

6054 Section 142. Section **53H-4-401**, which is renumbered from Section 53B-36-101 is renumbered
6055 and amended to read:

6056 **Part 4. Southern Utah University**

6057 **[53B-36-101] 53H-4-401 (Effective upon governor's approval). General**
6058 **provisions -- Definitions.**

6059 Reserved.

6060 Section 143. Section **53H-4-402**, which is renumbered from Section 53B-36-201 is renumbered
6061 and amended to read:

6062 **[53B-36-201] 53H-4-402 (Effective upon governor's approval). Helen Foster**
6063 **Snow Cultural Center.**

6064 Subject to legislative appropriations, Southern Utah University shall establish the Helen
6065 Foster Snow Cultural Center to provide language support and cultural opportunities to students
6066 studying the Mandarin Chinese language.

6067 Section 144. Section **53H-4-501** is enacted to read:

6068 **Part 5. Snow College**

6069 **53H-4-501 (Effective upon governor's approval). General provisions --**
6070 **Definitions.**

6071 Reserved.

6072 Section 145. Section **53H-4-502**, which is renumbered from Section 53B-16-205 is renumbered
6073 and amended to read:

6074 **[53B-16-205] 53H-4-502 (Effective upon governor's approval). Snow College --**
6075 **Richfield campus.**

6076 (1) There is established a branch campus of Snow College in Richfield, Utah, known as the
6077 Snow College Richfield campus.

6078 (2) Snow College shall administer the branch campus under the general control and
6079 supervision of the board as an integrated part of Snow College's mission, programs, and
6080 curriculum.

6081 (3) Snow College shall:

6082 (a) maintain a strong curriculum in career and technical education courses at the Snow
6083 College Richfield campus and within the region served by Snow College which can
6084 be transferred to other institutions within the higher education system, together with
6085 lower division courses and courses required for associate degrees in science, arts,
6086 applied science, and career and technical education; and

6087 (b) work with school districts and charter schools in developing an aggressive
6088 concurrent enrollment program in cooperation with Snow College Richfield campus.

6089 Section 146. Section **53H-4-503**, which is renumbered from Section 53B-16-205.5 is
renumbered

6090 and amended to read:

6091 **[53B-16-205.5] 53H-4-503 (Effective upon governor's approval). Snow College**
6092 **Concurrent Education Program.**

6093 (1) As used in this section:

6094 (a) "Interactive video conferencing" means two-way, real-time transmission of audio and
6095 video signals between devices or computers at two or more locations.

6096 (b) "Program" means the Snow College Concurrent Education Program.

6097 (2) Consistent with policies established by the board, Snow College shall establish and
6098 administer, subject to legislative appropriations, the Snow College Concurrent
6099 Education Program to provide:

6100 (a) a consistent two-year schedule of concurrent enrollment courses delivered through
6101 interactive video conferencing to secondary school students;

6102 (b) a pathway for a secondary school student to earn college credits that:

6103 (i) apply toward earning an Associate of Science or Associate of Arts degree; or

6104 (ii) satisfy scholarship requirements or other objectives that best meet the needs of an
6105 individual student; and

6106 (c) advisory support to secondary school students who participate in the program and the
6107 secondary school students' school counselors to ensure that students' concurrent
6108 enrollment courses align with the students' academic and career goals.

6109 Section 147. Section **53H-4-504**, which is renumbered from Section 53B-16-206 is renumbered
6110 and amended to read:

6111 **[53B-16-206] 53H-4-504 (Effective upon governor's approval). Snow College --**
6112 **Economic Development and Workforce Preparation Advisory Committee.**

6113 (1) Snow College shall have the Snow College Economic Development and Workforce
6114 Preparation Advisory Committee composed of the following 12 members:

6115 (a) one economic development professional appointed by the Juab County legislative
6116 body;

6117 (b) one economic development professional appointed by the Millard County legislative
6118 body;

6119 (c) one economic development professional appointed by the Sanpete County legislative

- 6120 body;
- 6121 (d) one economic development professional appointed by the Wayne County legislative
- 6122 body;
- 6123 (e) one economic development professional appointed by the Piute County legislative
- 6124 body;
- 6125 (f) one economic development professional appointed by the Sevier County legislative
- 6126 body;
- 6127 (g) four representatives of business or industry employers within the region appointed by
- 6128 the Snow College Board of Trustees from nominations of the members appointed
- 6129 under Subsections (1)(a) through (f);
- 6130 (h) one public education school district superintendent, appointed by the Snow College
- 6131 Board of Trustees, chosen from the school district superintendents serving in the
- 6132 Juab, Millard, Tintic, North Sanpete, South Sanpete, Wayne, Piute, and Sevier
- 6133 School Districts; and
- 6134 (i) one public education school district career and technical education director, appointed
- 6135 by the Snow College Board of Trustees, chosen from the career and technical
- 6136 education directors serving in the Juab, Millard, Tintic, North Sanpete, South
- 6137 Sanpete, Wayne, Piute, and Sevier School Districts.
- 6138 (2)(a) Except as provided in Subsection (2)(b), a member of the Snow College
- 6139 Economic Development and Workforce Preparation Advisory Committee shall serve
- 6140 for a term of four years.
- 6141 (b) The president of Snow College shall adjust the length of the terms to ensure that the
- 6142 terms of committee members are staggered so that approximately half of the
- 6143 committee members are appointed every two years.
- 6144 (3) The members of the Snow College Economic Development and Workforce Preparation
- 6145 Advisory Committee shall elect a chair of the committee from the committee's
- 6146 membership.
- 6147 (4) The Snow College Economic Development and Workforce Preparation Advisory
- 6148 Committee shall meet upon the call of the chair or a majority of the committee members.
- 6149 (5) The Snow College Economic Development and Workforce Preparation Advisory
- 6150 Committee shall:
- 6151 (a) assess the economic development needs of central Utah and advise Snow College on
- 6152 how ~~[the college]~~ Snow College can improve the effectiveness of ~~[its]~~ Snow College's
- 6153 efforts to assist business, industry, and local governments in efforts to expand

6154 economic activity and enhance the local economy; and
6155 (b) review educational programs offered by Snow College, including career and
6156 technical education programs, and advise Snow College on how the college can
6157 improve [its] Snow College's efforts to prepare students for employment in the region
6158 and enhance the skills of workers who are already employed.

6159 Section 148. Section **53H-4-601** is enacted to read:

6160 **Part 6. Utah Tech University**

6161 **53H-4-601 (Effective upon governor's approval). General provisions --**

6162 **Definitions.**

6163 Reserved.

6164 Section 149. Section **53H-4-602**, which is renumbered from Section 53B-2-111 is renumbered
6165 and amended to read:

6166 **[~~53B-2-111~~] 53H-4-602 (Effective upon governor's approval). Utah Tech**
6167 **University -- Institutional name change.**

6168 (1) As used in this section:

6169 (a) "Board of trustees" means the board of trustees of Utah Tech University.

6170 (b) "Institution" means Utah Tech University.

6171 (2)(a) Dixie State University shall be known as Utah Tech University.

6172 (b) Utah Tech University is a continuation of Dixie State College of Utah and Dixie
6173 State University and shall:

6174 (i) possess all rights, titles, privileges, powers, immunities, franchises, endowments,
6175 property, and claims of Dixie State University and Dixie State College of Utah;
6176 and

6177 (ii) fulfill and perform all obligations of Dixie State University and Dixie State
6178 College of Utah, including obligations relating to outstanding bonds and notes.

6179 (3) The board of trustees in consultation with the Utah Board of Higher Education shall:

6180 (a) create a committee to recommend a name for the institution; and

6181 (b) ensure that the committee:

6182 (i) represents students, university personnel, community members, and industry
6183 leaders in the committee's membership;

6184 (ii) provides opportunity for input from and collaboration with the public, including:

6185 (A) residents of southwestern Utah;

6186 (B) institutional partners; and

6187 (C) university faculty, staff, students, and alumni;

- 6188 (iii) reviews options for the institution's name; and
6189 (iv) makes recommendations regarding the institution's name to the board of trustees.

6190 (4)(a) The board of trustees shall:

- 6191 (i) review the committee's recommendation described in Subsection (3)(b); and
6192 (ii) choose whether to forward a name for the institution to the Utah Board of Higher
6193 Education.

6194 (b) Should the board of trustees choose to forward a name for the institution to the Utah
6195 Board of Higher Education under Subsection (4)(a), the board of trustees shall ensure
6196 that the name:

- 6197 (i) reflects the institution's mission and significance to the surrounding region and
6198 state; and
6199 (ii) enables the institution to compete and be recognized nationally.

6200 (c) Should the board of trustees recommend a name for the institution under Subsection
6201 (4)(a), the Utah Board of Higher Education shall vote on whether to approve and
6202 recommend the name to the Legislature.

6203 (5) Should the Utah Board of Higher Education and the board of trustees recommend a
6204 name for the institution to the Legislature through the process described in Subsections
6205 (3) and (4), the Utah Board of Higher Education and the board of trustees shall
6206 recommend the name for the institution to the Legislative Management Committee no
6207 later than November 1, 2021.

6208 (6)(a) Except as provided in Subsection (6)(b), the board of trustees shall designate the
6209 institution's main campus as the "Dixie Campus" for a period of no less than 20 years.

6210 (b) After July 1, 2042, if the board of trustees seeks to alter the designation described in
6211 Subsection (6)(a), the board of trustees shall first obtain the approval of the Utah
6212 Board of Higher Education.

6213 Section 150. Section **53H-4-603**, which is renumbered from Section 53B-31-201 is renumbered
6214 and amended to read:

6215 **[53B-31-201] 53H-4-603 (Effective upon governor's approval). Nonprofit**
6216 **corporations and foundations -- Purpose.**

6217 (1) Utah Tech University may form a nonprofit corporation or foundation controlled by the
6218 president of the university and the board to aid and assist the university in attaining [its]
6219 the university's charitable, communications, and other related educational objectives,
6220 including:

6221 (a) [-]support for media innovation[-] ;

- 6222 (b) [-]film festivals[;] ;
- 6223 (c) [-]film production[;] ;
- 6224 (d) [-]print media[;] ;
- 6225 (e) [-]broadcasting[;] ;
- 6226 (f) [-]television[;] ; and
- 6227 (g) [-]digital media.

6228 (2) The nonprofit corporation or foundation may receive and administer legislative
 6229 appropriations, government grants, contracts, and private gifts to carry out [its] the
 6230 nonprofit corporation's public purposes.

6231 Section 151. Section **53H-4-604**, which is renumbered from Section 53B-31-301 is renumbered
 6232 and amended to read:

6233 **[53B-31-301] 53H-4-604 (Effective upon governor's approval). Utah Tech**
 6234 **University Higher Education for Incarcerated Youth Program.**

6235 (1) As used in this section:

- 6236 (a) "Interactive video conferencing" means two-way, real-time transmission of audio and
 6237 video signals between devices or computers at two or more locations.
- 6238 (b) "Program" means the Utah Tech University Higher Education for Incarcerated Youth
 6239 Program.
- 6240 (c) "Student" means an individual who is:
 - 6241 (i) in the custody of the Division of Juvenile Justice and Youth Services at any time a
 6242 course is being offered, including:
 - 6243 (A) individuals in the legal custody of the Division of Juvenile Justice and Youth
 6244 Services; and
 - 6245 (B) individuals who are housed in a detention center that the Division of Juvenile
 6246 Justice and Youth Services operates; and
 - 6247 (ii) subject to the jurisdiction of the Youth Parole Authority.

6248 (2) Consistent with policies established by the board, Utah Tech University shall, subject to
 6249 legislative appropriation, establish and administer the Utah Tech University Higher
 6250 Education for Incarcerated Youth Program to provide:

- 6251 (a) students needing high school credits opportunities for concurrent enrollment courses;
- 6252 (b) a consistent, two-year, flexible schedule of higher education courses delivered
 6253 through interactive video conferencing, in-person, or online methods to students;
- 6254 (c) a pathway for students to earn college credits that:
 - 6255 (i) apply toward earning a certificate, associate degree, bachelor's degree; or

6256 (ii) satisfy scholarship requirements or other objectives that best meet the needs of an
6257 individual student; and

6258 (d) advisory support to students and academic counselors who participate in the program
6259 to ensure that the students' higher education courses align with the academic and
6260 career goals defined in the students' plans for college and career readiness.

6261 Section 152. Section **53H-4-605**, which is renumbered from Section 53B-31-401 is renumbered
6262 and amended to read:

6263 **[53B-31-401] 53H-4-605 (Effective upon governor's approval). Heritage**
6264 **Committee.**

6265 (1) The board of trustees shall establish a Heritage Committee to identify and implement
6266 strategies to preserve the heritage, culture, and history of the region on the campus of
6267 Utah Tech University, including the regional significance of the term "Dixie."

6268 (2) At or before the November interim meeting in 2022, the board of trustees shall report to
6269 the Education Interim Committee regarding the establishment of the Heritage
6270 Committee described in Subsection (1).

6271 Section 153. Section **53H-4-701**, which is renumbered from Section 53B-29-401 is renumbered
6272 and amended to read:

6273 **Part 7. Utah Valley University**

6274 **[53B-29-401] 53H-4-701 (Effective upon governor's approval). General**
6275 **provisions -- Definitions.**

6276 As used in this part:

- 6277 (1) "Center" means the Center for Constitutional Studies at Utah Valley University.
6278 (2) "Commission" means the Federalism Commission created in Section 63C-4a-302.
6279 (3) "Fire and rescue training program" means the program described in Section 53H-4-705.
6280 (4) "Fire board" means the Utah Fire Prevention Board, created in Section 53-7-203.
6281 (5) "Initiative" means the Civic Thought and Leadership Initiative described in Section
6282 53H-4-706.
6283 (6) "Institute" means the Gary R. Herbert Institute for Public Policy at Utah Valley
6284 University.
6285 (7) "University" means Utah Valley University.
6286 ~~[(3) "Institute" means the Gary R. Herbert Institute for Public Policy at Utah Valley~~
6287 ~~University.]~~

6288 Section 154. Section **53H-4-702**, which is renumbered from Section 53B-2-110 is renumbered
6289 and amended to read:

6290 **[53B-2-110] 53H-4-702 (Effective upon governor's approval). Institutional name**
6291 **change.**

6292 (1) Beginning July 1, 2008, Utah Valley State College shall be known as Utah Valley
6293 University.

6294 (2) The university is a continuation of Utah Valley State College and shall:

6295 (a) possess all rights, title, privileges, powers, immunities, franchises, endowments,
6296 property, and claims of the college; and

6297 (b) fulfill and perform all obligations of the college, including obligations relating to
6298 outstanding bonds and notes.

6299 Section 155. Section **53H-4-703**, which is renumbered from Section 53B-29-402 is renumbered
6300 and amended to read:

6301 **[53B-29-402] 53H-4-703 (Effective upon governor's approval).**

6302 **Federalism-related duties of Center for Constitutional Studies.**

6303 In consultation with the commission and subject to appropriations by the Legislature, the
6304 center shall:

6305 (1) develop a nonpartisan continuing education and training program for state and local
6306 government employees on:

6307 (a) the principles of federalism;

6308 (b) the sovereignty, supremacy, and general jurisdiction of the individual states,
6309 including the breadth and extent of state police power jurisdiction;

6310 (c) the history and practical implementation of the Ninth, Tenth, and Fourteenth
6311 Amendments to the United States Constitution;

6312 (d) the limited jurisdiction and powers of the federal government as proscribed by the
6313 United States Constitution, as amended;

6314 (e) methods of evaluating federal jurisdiction, law, or action in the context of the
6315 principles of federalism;

6316 (f) the duty, jurisdiction, and powers of the state to restore or maintain the
6317 constitutionally balanced state and federal governing roles and responsibilities; and

6318 (g) other education or training components related to federalism as recommended by the
6319 commission;

6320 (2) organize an annual conference for state representatives and leaders whose primary
6321 purpose is to facilitate nonpartisan discussion and coordination amongst states with
6322 respect to federalism issues;

6323 (3) study and advise the commission in regards to the creation of a state-led national

- 6324 organization focused on strengthening federalism and improving intergovernmental
6325 relations, including the makeup, duties, and functions of such organization;
6326 (4) coordinate with private sector actors who agree to conduct out-of-state outreach to build
6327 national support for the commission's federalism efforts;
6328 (5) establish informal working groups consisting of public and private stakeholders as is
6329 appropriate to assist the center in fulfilling the requirements of this section; and
6330 (6) report to the commission as requested regarding the center's progress in fulfilling the
6331 requirements of this section.

6332 Section 156. Section **53H-4-704**, which is renumbered from Section 53B-29-403 is renumbered
6333 and amended to read:

6334 **[53B-29-403] 53H-4-704 (Effective upon governor's approval).**

6335 **Federalism-related duties of Herbert Institute.**

6336 In consultation with the commission and subject to appropriations by the Legislature, the
6337 institute shall:

- 6338 (1) serve as a liaison between the commission and the center with respect to federalism
6339 issues;
6340 (2) conduct outreach and coordination with public and private sector entities to support the
6341 commission's federalism efforts;
6342 (3) coordinate with private sector actors who agree to conduct out-of-state outreach to build
6343 national support for the commission's federalism efforts; and
6344 (4) report to the commission as requested regarding the institute's progress in fulfilling the
6345 requirements of this section.

6346 Section 157. Section **53H-4-705**, which is renumbered from Section 53B-29-202 is renumbered
6347 and amended to read:

6348 **[53B-29-202] 53H-4-705 (Effective upon governor's approval). Fire prevention,**
6349 **education, and training program.**

- 6350 (1) With technical advice and support from the fire board, Utah Valley University shall
6351 operate a statewide fire and rescue training program that:
6352 (a) provides instruction, training, and testing for:
6353 (i) Utah Valley University students; and
6354 (ii) firefighters and emergency rescue personnel throughout the state, whether paid or
6355 volunteer;
6356 (b) explores new methods of firefighting, fire training, and fire prevention;
6357 (c) provides training for fire and arson detection and investigation;

- 6358 (d) provides training to students, firefighters, and emergency rescue personnel on how to
6359 conduct public education programs to promote fire safety;
6360 (e) provides aircraft rescue firefighting training;
6361 (f) provides for certification of firefighters, pump operators, instructors, officers, and
6362 rescue personnel; and
6363 (g) provides facilities and props for teaching firefighting and emergency rescue skills.
- 6364 (2) Utah Valley University shall ensure that the curriculum, training, and facilities offered
6365 in the fire and rescue training program are sufficient to allow individuals who
6366 successfully complete the program to receive applicable certification as a firefighter or
6367 emergency rescue professional.
- 6368 (3) Utah Valley University and the fire board shall consult together regarding:
6369 (a) the development and content of the curriculum and training of the fire and rescue
6370 training program;
6371 (b) the identification of individuals who may participate in the fire and rescue training
6372 program without cost; and
6373 (c) the establishment of certification standards and requirements.
- 6374 (4) Utah Valley University shall allow individuals designated by the fire board to
6375 participate in and complete the fire and rescue training program without cost and to
6376 receive applicable certification.
- 6377 (5) Utah Valley University and the fire board shall by contract establish terms to:
6378 (a) define the scope and content of the fire and rescue training program;
6379 (b) identify the fire and rescue personnel throughout the state who will be permitted to
6380 participate in the fire and rescue training program without cost; and
6381 (c) define other aspects of the relationship between Utah Valley University and the fire
6382 board relating to the fire and rescue training program that are mutually beneficial.
- 6383 (6) In accordance with Section 34A-3-114, the fire and rescue training program shall:
6384 (a) facilitate cancer screenings conducted by the Rocky Mountain Center for
6385 Occupational and Environmental Health; and
6386 (b) track cancer screenings for a firefighter.

6387 Section 158. Section **53H-4-706**, which is renumbered from Section 53B-29-302 is renumbered
6388 and amended to read:

6389 **[53B-29-302] 53H-4-706 (Effective upon governor's approval). Civic Thought**
6390 **and Leadership Initiative.**

- 6391 (1) The university shall establish the Civic Thought and Leadership Initiative within the

Center for Constitutional Studies to facilitate nonpartisan political discussion and provide civic education and research.

(2) The initiative shall:

- (a) provide courses in and related to philosophy, history, economics, and political science;
- (b) provide resources to students, outside academic institutions, government agencies, and other persons regarding civic affairs; and
- (c) foster thoughtful civic engagement in Utah and the surrounding region.

Section 159. Section **53H-4-707**, which is renumbered from Section 53B-29-303 is renumbered and amended to read:

[53B-29-303] 53H-4-707 (Effective upon governor's approval). Acceptance of gifts.

The university is authorized to receive gifts, contributions, and donations of all kinds, for development or support of the initiative.

Section 160. Section **53H-4-801** is enacted to read:

Part 8. Weber State University

53H-4-801 (Effective upon governor's approval). General provisions --

Definitions.

Reserved.

Section 161. Section **53H-4-901** is enacted to read:

Part 9. Salt Lake Community College

53H-4-901 (Effective upon governor's approval). General provisions --

Definitions.

Reserved.

Section 162. Section **53H-4-1001** is enacted to read:

Part 10. Bridgerland Technical College

53H-4-1001 (Effective upon governor's approval). General provisions --

Definitions.

Reserved.

Section 163. Section **53H-4-1101** is enacted to read:

Part 11. Davis Technical College

53H-4-1101 (Effective upon governor's approval). General provisions --

Definitions.

6425 Reserved.

6426 Section 164. Section **53H-4-1201** is enacted to read:

6427 **Part 12. Dixie Technical College**

6428 **53H-4-1201 (Effective upon governor's approval). General provisions --**

6429 **Definitions.**

6430 Reserved.

6431 Section 165. Section **53H-4-1301** is enacted to read:

6432 **Part 13. Mountainland Technical College**

6433 **53H-4-1301 (Effective upon governor's approval). General provisions --**

6434 **Definitions.**

6435 Reserved.

6436 Section 166. Section **53H-4-1401** is enacted to read:

6437 **Part 14. Ogden-Weber Technical College**

6438 **53H-4-1401 (Effective upon governor's approval). General provisions --**

6439 **Definitions.**

6440 Reserved.

6441 Section 167. Section **53H-4-1501** is enacted to read:

6442 **Part 15. Southwest Technical College**

6443 **53H-4-1501 (Effective upon governor's approval). General provisions --**

6444 **Definitions.**

6445 Reserved.

6446 Section 168. Section **53H-4-1601** is enacted to read:

6447 **Part 16. Tooele Technical College**

6448 **53H-4-1601 (Effective upon governor's approval). General provisions --**

6449 **Definitions.**

6450 Reserved.

6451 Section 169. Section **53H-4-1701** is enacted to read:

6452 **Part 17. Uintah Basin Technical College**

6453 **53H-4-1701 (Effective upon governor's approval). General provisions --**

6454 **Definitions.**

6455 Reserved.

6456 Section 170. Section **53H-5-101** is enacted to read:

CHAPTER 5. Multi-Institution Programs and Initiatives

Part 1. General Provisions

53H-5-101 (Effective upon governor's approval). General provisions -- Definitions.

Reserved.

Section 171. Section **53H-5-201**, which is renumbered from Section 53B-30-202 is renumbered and amended to read:

Part 2. Rocky Mountain Center for Occupational and Environmental Health

[53B-30-202] 53H-5-201 (Effective upon governor's approval). General provisions -- Definitions.

As used in this part:

(1) "Advisory board" means the Rocky Mountain Center for Occupational and Environmental Health Advisory Board created in Section 53H-5-203.

~~[(4)]~~ (2) "Affected populations" include:

- (a) employees;
- (b) employers;
- (c) insurers;
- (d) professionals or professional organizations related to occupational and environmental health;
- (e) government agencies; and
- (f) outside academic institutions.

~~[(2) "Board" means the Rocky Mountain Center for Occupational and Environmental Health Advisory Board created in Section 53B-30-204.]~~

(3) "Center" means the Rocky Mountain Center for Occupational and Environmental Health established in Section ~~[53B-30-203]~~ 53H-5-202.

(4) "Director" means the director of the center.

Section 172. Section **53H-5-202**, which is renumbered from Section 53B-30-203 is renumbered and amended to read:

[53B-30-203] 53H-5-202 (Effective upon governor's approval). Rocky Mountain Center for Occupational and Environmental Health.

(1) There is established at the University of Utah and Weber State University the Rocky Mountain Center for Occupational and Environmental Health, to be a center for occupational health, safety, and environment education and research.

- 6490 (2) The University of Utah and Weber State University shall:
- 6491 (a) jointly operate the center in a manner so that the center is:
- 6492 (i) eligible to be designated as an education and research center by the National
- 6493 Institute for Occupational Safety and Health in the United States Department of
- 6494 Health and Human Services; and
- 6495 (ii) a resource for affected populations to:
- 6496 (A) improve workplace health, safety, and environment; and
- 6497 (B) contribute to economic growth and development in Utah and the surrounding
- 6498 region; and
- 6499 (b) each appoint a co-principal investigator upon application for the designation
- 6500 described in Subsection (2)(a)(i).
- 6501 (3) The University of Utah senior vice president for health sciences and the Weber State
- 6502 University provost and vice president of academic affairs shall jointly develop an annual
- 6503 budget for the center that considers funding from all available sources.

6504 Section 173. Section **53H-5-203**, which is renumbered from Section 53B-30-204 is renumbered

6505 and amended to read:

6506 **[53B-30-204] 53H-5-203 (Effective upon governor's approval). Advisory board.**

- 6507 (1) In consultation with the director appointed under Section [53B-30-205] 53H-5-204, the
- 6508 president of the University of Utah and the president of Weber State University, or the
- 6509 presidents' designees, shall create an advisory board known as the "Rocky Mountain
- 6510 Center for Occupational and Environmental Health Advisory Board" to:
- 6511 (a) promote occupational health and safety in Utah and the surrounding region;
- 6512 (b) promote the development of undergraduate training in occupational health and safety;
- 6513 (c) engage other higher education institutions in the state to participate in improving
- 6514 occupational health and safety education and programs for undergraduate students
- 6515 and other affected populations, including the industrial hygiene program offered at
- 6516 Utah State University;
- 6517 (d) promote the interests and mission of the center by advising the director on issues
- 6518 including:
- 6519 (i) operation of the center as a multidisciplinary, state-of-the-art program at the
- 6520 university;
- 6521 (ii) developing and maintaining state and institutional support;
- 6522 (iii) emerging local or regional, occupational health and safety education and research
- 6523 needs;

- 6524 (iv) continuing education and outreach to local and regional occupational health and
 6525 safety professionals;
- 6526 (v) coordinating with other local or regional entities that promote occupational health
 6527 and safety in a manner that meets the needs of both employers and employees; and
 6528 (vi) grant requirements and renewal;
- 6529 (e) advise the director on the expenditure by the center of public and private funds
 6530 including:
- 6531 (i) funds appropriated by the Legislature;
- 6532 (ii) donations;
- 6533 (iii) the proportionate amount of administrative funds available to each university
 6534 upon the center's designation as described in Subsection [53B-30-203(2)(a)(i)]
 6535 53H-5-202(2)(a)(i), consistent with federal guidelines; and
- 6536 (iv) the proportionate amount of funds available to each university for the center from
 6537 public and private grants and contracts; and
- 6538 (f) develop recommendations for the long-term operation of the center consistent with
 6539 Section [53B-30-203] 53H-5-202.
- 6540 (2)(a) The [board] advisory board shall consist of no fewer than 15 and no more than 18
 6541 individuals who represent the affected populations.
- 6542 (b) In consultation with the director appointed under Section [53B-30-205] 53H-5-204,
 6543 the president of the University of Utah and the president of Weber State University,
 6544 or the presidents' designees, shall establish reasonable bylaws for the operation of the [
 6545 board] advisory board including:
- 6546 (i) the selection of [board] advisory board members;
- 6547 (ii) quorum requirements; and
- 6548 (iii) voting requirements.
- 6549 (3) The [board] advisory board shall elect [a-board] an advisory board chair and vice chair
 6550 from among the [board] advisory board members by a vote of the members.
- 6551 (4)(a) The [board] advisory board shall have an executive committee consisting of:
- 6552 (i) the [board] advisory board chair;
- 6553 (ii) the [board] advisory board vice chair; and
- 6554 (iii) three other [board] advisory board members, selected by the [board] advisory
 6555 board chair in consultation with the director.
- 6556 (b) The executive committee shall meet at least quarterly to advise the center and to plan
 6557 for [board] advisory board meetings.

- 6558 (5) The [board] advisory board chair, in consultation with the director, shall call [board]
6559 advisory board meetings at least two times each calendar year.
- 6560 (6) The [board] advisory board and the executive committee are subject to Title 52, Chapter
6561 4, Open and Public Meetings Act.
- 6562 (7) [A-board] An advisory board member may not receive compensation or benefits for the
6563 member's service, but may receive per diem and travel expenses in accordance with:
6564 (a) Section 63A-3-106;
6565 (b) Section 63A-3-107; and
6566 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6567 63A-3-107.

6568 Section 174. Section **53H-5-204**, which is renumbered from Section 53B-30-205 is renumbered
6569 and amended to read:

6570 **[53B-30-205] 53H-5-204 (Effective upon governor's approval). Appointment and**
6571 **removal of director.**

- 6572 (1) Subject to Subsection (2), the University of Utah senior vice president for health
6573 sciences and the Weber State University provost and vice president of academic affairs
6574 shall jointly appoint and may jointly remove the director.
- 6575 (2) The appointment or removal of the director under Subsection (1) may be made only
6576 after consultation with:
6577 (a) the president of the University of Utah or the president's designee;
6578 (b) the president of Weber State University or the president's designee;
6579 (c) the dean of the University of Utah college of engineering or the dean's designee; and
6580 (d) the [board] advisory board through the [board] advisory board chair.

6581 Section 175. Section **53H-5-205**, which is renumbered from Section 53B-30-206 is renumbered
6582 and amended to read:

6583 **[53B-30-206] 53H-5-205 (Effective upon governor's approval). Reporting**
6584 **requirements.**

- 6585 (1) The [board] advisory board, through the director and the [board] advisory board chair,
6586 shall provide by no later than July 1 of each year, a written report to the president of the
6587 University of Utah, the president of Weber State University, and the Education Interim
6588 Committee.
- 6589 (2) The report required under Subsection (1) shall:
6590 (a) summarize the center's activities and accomplishments in the immediate proceeding
6591 calendar year; and

(b) provide information and the ~~[board]~~ advisory board's advice and recommendations on how the state, university, and the center can:

(i) improve workplace health and safety; and

(ii) contribute to economic growth and development in Utah and the surrounding region.

Section 176. Section **53H-5-301** is enacted to read:

Part 3. State Arboreta

53H-5-301 (Effective upon governor's approval). General provisions --

Definitions.

Reserved.

Section 177. Section **53H-5-302**, which is renumbered from Section 53B-19-101 is renumbered and amended to read:

[53B-19-101] 53H-5-302 (Effective upon governor's approval). Establishment of state arboreta -- Purpose -- Acceptance of gifts.

(1) In recognition of the cultural role that trees and shrubbery and birds and bees have played in the settlement and development of this state and the hardships that many of the pioneers endured to bring to this land seeds, plants, trees, and shrubs which have contributed so much to the scenic beauty of this state, it is deemed expedient that state arboreta be established for the purpose of further developing a knowledge and appreciation of trees and shrubs and to provide a place where ~~[they]~~ the seeds, plants, trees, and shrubs may be planted and cultivated as memorials and for the cultural enjoyment of the people of the state.

(2)(a) State arboreta are created and established at:

(i) the University of Utah; and

(ii) Utah State University.

(b) The universities listed in Subsection (2)(a) may:

(i) on behalf of the people of this state, cultivate a greater knowledge and public appreciation for the trees and plants around us, as well as those growing in remote sections of the country and world; and

(ii) receive gifts, contributions, and donations of all kinds, including gifts and contributions of trees, plants, and shrubbery of every variety to promote the purposes and pursuits of an arboretum.

Section 178. Section **53H-5-401** is enacted to read:

Part 4. Other Multi-Institution Programs and Initiatives**53H-5-401 (Effective upon governor's approval). General provisions --****Definitions.****Reserved.**

Section 179. Section **53H-5-402**, which is renumbered from Section 53B-6-104 is renumbered and amended to read:

[53B-6-104] 53H-5-402 (Effective upon governor's approval). Multi-University Consortium for Teacher Training in Sensory Impairments -- Purposes -- Appropriation.

- (1)(a) In conjunction with the board's master plan for higher education, there is established a Multi-University Consortium for Teacher Training in Sensory Impairments which is an outgrowth of a consortium established by the federal government.
- (b) The consortium shall include within its membership the University of Utah, Utah State University, Brigham Young University, the Utah Schools for the Deaf and the Blind, the Services for At-Risk Students section under the State Board of Education, and local school districts.
- (2) The consortium, in collaboration with the board and the State Board of Education, shall develop and implement teacher preparation programs that qualify and certify instructors to work with students who are visually impaired, deaf, or hard of hearing, or both visually impaired and deaf or hard of hearing.
- (3) The board shall consider including within the board's annual budget recommendations a line item appropriation to provide ongoing funding for the programs provided pursuant to this section.

Section 180. Section **53H-5-403**, which is renumbered from Section 53B-18-1101 is renumbered and amended to read:

[53B-18-1101] 53H-5-403 (Effective upon governor's approval). Higher Education Engineering Partnership.

- (1) Utah State University and Weber State University shall enter into a partnership agreement to jointly deliver a bachelor's degree in electrical engineering to meet the demand for electrical engineers in the state, including the demand at Hill Air ~~[force]~~ Force Base.
- (2) The partnership agreement may provide for:
- (a) a satellite location for the Utah State University electrical engineering program on a

- 6658 Weber State University campus, including the Davis campus; and
- 6659 (b) a curriculum using courses from:
- 6660 (i) Weber State University's electrical engineering technology and general education
- 6661 programs; and
- 6662 (ii) Utah State University's electrical engineering bachelor's degree program and
- 6663 other related programs.

6664 Section 181. Section **53H-6-101** is enacted to read:

6665 **CHAPTER 6. Campus Life and Activities**

6666 **Part 1. General Provisions**

6667 **53H-6-101 (Effective upon governor's approval). General Provisions --**

6668 **Definitions.**

6669 Reserved.

6670 Section 182. Section **53H-6-201**, which is renumbered from Section 53B-16-601 is renumbered

6671 and amended to read:

6672 **Part 2. Athletics**

6673 **[53B-16-601] 53H-6-201 (Effective upon governor's approval). Definitions.**

6674 As used in this part:

- 6675 (1) "Athlete agent" means the same as that term is defined in Section 58-87-102.
- 6676 (2) "Athletic entity" means an athletic association, athletic conference, or other group or
- 6677 organization with authority over intercollegiate athletics.
- 6678 ~~[(3) "Institution" means:]~~
- 6679 ~~[(a) an institution of higher education described in Section 53B-1-102; or]~~
- 6680 ~~[(b) a private, nonprofit institution of higher education.]~~
- 6681 ~~[(4)]~~ (3)(a) "Institutional marketing associate" means a third-party entity that enters into a
- 6682 contract with, or acts on behalf of, an institution or intercollegiate athletics program.
- 6683 (b) "Institutional marketing associate" does not include:
- 6684 (i) an institution;
- 6685 (ii) an athletic entity; or
- 6686 (iii) a staff member, employee, officer, director, manager, or owner of an institution.
- 6687 ~~[(5)]~~ (4) "Intercollegiate athletics program" means an institution-sponsored athletic program
- 6688 or sporting activity in which a student athlete represents the student athlete's institution
- 6689 in competition against another institution.
- 6690 ~~[(6)]~~ (5) "Prohibited endorsement provision" means a provision that requires or permits the

6691 use of a student athlete's name, image, or likeness to promote:

6692 (a) a tobacco product or electronic cigarette, as those terms are defined in Section
6693 76-9-1101, including vaping;

6694 (b) an alcoholic product, as that term is defined in Section 32B-1-102;

6695 (c) a seller or dispenser of a controlled substance, including steroids, antibiotics, and
6696 marijuana;

6697 (d) gambling or betting;

6698 (e) a sexually oriented business, as that term is defined in Section 17-50-331; or

6699 (f) a firearm that the student athlete cannot legally purchase.

6700 ~~[(7)]~~ (6)(a) "Student athlete" means an individual who:

6701 (i) is enrolled in an institution; and

6702 (ii) participates as an athlete for the institution in an intercollegiate athletics program.

6703 (b) "Student athlete" includes an agent or other representative of a student athlete.

6704 ~~[(8)]~~ (7) "Student athlete agreement" means a proposed or executed contract:

6705 (a) between a student athlete and another party; and

6706 (b) in which the student athlete and other party agree that the student athlete's name,
6707 image, or likeness may be used to promote a business, person, product, service, or
6708 individual in exchange for the student athlete receiving financial compensation or
6709 other benefits.

6710 ~~[(9)]~~ (8) "Third-party entity" means an individual or organization, other than an athletic
6711 entity, with authority over intercollegiate athletics.

6712 Section 183. Section **53H-6-202**, which is renumbered from Section 53B-16-602 is renumbered
6713 and amended to read:

6714 **[53B-16-602] 53H-6-202 (Effective upon governor's approval). Use of a student**
6715 **athlete's name, image, or likeness in intercollegiate athletics programs -- Contracts --**
6716 **Exceptions -- Prohibitions.**

6717 (1) An institution may, except as provided in Subsection (2), compensate a student athlete
6718 directly for use of the student athlete's name, image, or likeness.

6719 (2) An institution may not compensate a student athlete or prospective student athlete for
6720 use of the student athlete's name, image, or likeness through:

6721 (a) funds the Legislature appropriates; or

6722 (b) a fee a student attending an institution pays to the institution.

6723 (3)(a) A student athlete may not enter into a student athlete agreement that contains a
6724 prohibited endorsement provision.

(b) A student athlete agreement or any communication, or other material related to a student athlete agreement, including those created before May 1, 2024, is not subject to Title 63G, Chapter 2, Government Records Access and Management Act.

(4) A student athlete attending an institution is not an employee of the institution through:

(a) the student athlete's participation in an athletic program the institution offers; or

(b) the institution compensating the student athlete for use of the student athlete's name, image, or likeness.

(5) The board shall:

(a) beginning fiscal year 2028 and every five years thereafter, conduct an audit of each [state-]institution that evaluates:

(i) money an institution expends to directly compensate a student athlete for the use of the student athlete's name, image, or likeness; and

(ii) the implementation and use of payments by an institution to a student athlete for a student athlete's name, image, or likeness; and

(b) prepare and submit a written report for the audit described in Subsection (5)(a) to the Education Interim Committee and the Higher Education Appropriations Subcommittee.

(6) An athletic entity may not:

(a) prevent a student athlete of an institution from fully participating in intercollegiate athletics because the student athlete:

(i) earns compensation through the student athlete's name, image, or likeness; or

(ii) obtains professional representation from an athlete agent or attorney;

(b) prevent an institution from becoming a member of an athletic entity or from participating in intercollegiate athletics that an athletic entity sponsors because a student athlete of an institution or college participating in intercollegiate athletics:

(i) earns compensation from the use of the student athlete's name, image, or likeness; or

(ii) obtains professional representation from an athlete agent or attorney; or

(c) prevent an institution, institutional marketing associate, or third-party entity from creating and supporting opportunities for a student athlete to earn compensation for use of the student athlete's name, image, or likeness.

Section 184. Section **53H-6-203**, which is renumbered from Section 53B-16-701 is renumbered and amended to read:

[53B-16-701] 53H-6-203 (Effective upon governor's approval). Abusive coaching

6759 **policies.**

6760 (1) As used in this section:

6761 (a)(i) "Abusive coaching practice" means conduct by a coach or member of the
6762 coaching staff that creates a harmful environment for a student athlete.

6763 (ii) "Abusive coaching practice" includes conduct by a coach or coaching staff with a
6764 student athlete that results in:

6765 (A) harmful or offensive physical contact;

6766 (B) sexual misconduct or harassment;

6767 (C) inappropriate sexual language; or

6768 (D) conduct that a reasonable person would find to be psychologically abusive.

6769 (b) "Athletic department" means the division of a degree-granting institution responsible
6770 for overseeing intercollegiate athletic programs.

6771 (2) A degree-granting institution shall:

6772 (a) address abusive coaching practices by requiring a degree-granting institution's
6773 athletic department to adopt a policy by November 7, 2025, that:

6774 (i) allows an individual to submit a complaint to the athletic department alleging a
6775 violation of the policies described in this Subsection (2)(a);

6776 (ii) prohibits coaches and coaching staff from encouraging or advising a student
6777 athlete to tolerate an abusive coaching practice;

6778 (iii) prohibits coaches and coaching staff from discouraging a report for an abusive
6779 coaching practice;

6780 (iv) establishes reporting requirements for a volunteer, coach, or member of the
6781 coaching staff who learns of an abusive coaching practice;

6782 (v) mandates training for athletic department staff on recognizing and preventing an
6783 abusive coaching practice;

6784 (vi) establishes a procedure for the athletic department to follow when responding to
6785 a complaint of an abusive coaching practice; and

6786 (vii) institutes disciplinary action for individuals found in violation of the policies
6787 described in this Subsection (2)(a);

6788 (b) submit the policy described in Subsection (2)(a) to the board and Education Interim
6789 Committee before the Education Interim Committee's November 2025 meeting; and

6790 (c) establish procedures to:

6791 (i) notify an individual of the receipt of the complaint the individual submits under
6792 Subsection (2)(a)(i), within five business days after the submission of the

complaint;

(ii) initiate an investigation of the complaint no later than 30 days after the receipt of a complaint;

(iii) require ~~an~~ the degree-granting institution to ensure the investigation is as thorough and expeditious as possible; and

(iv) where appropriate, act immediately to stop a program under an athletic department until the degree-granting institution is able to restore an environment that is not harmful.

(3)(a) A degree-granting institution's board of trustees shall:

(i) review the policies a degree-granting institution creates in accordance with Subsection (2)(a); and

(ii) approve the policies a degree-granting institution creates if the policies meet the policy requirements listed in Subsection (2)(a).

(b) Upon approval of the policies by a degree granting institution's board of trustees a degree-granting institution shall send the adopted policies to the board.

Section 185. Section **53H-6-301** is enacted to read:

Part 3. General Campus Activities and Programs

53H-6-301 (Effective upon governor's approval). General provisions --

Definitions.

Reserved.

Section 186. Section **53H-7-101** is enacted to read:

CHAPTER 7. Students' Rights and Responsibilities

Part 1. General Provisions

53H-7-101 (Effective upon governor's approval). General Provisions --

Definitions.

As used in this chapter,

"student" means an individual enrolled at an institution.

Section 187. Section **53H-7-201**, which is renumbered from Section 53B-27-202 is renumbered and amended to read:

Part 2. Campus Free Expression

[53B-27-202] 53H-7-201 (Effective upon governor's approval). Definitions.

As used in this part:

(1) "Benefit" means:

- 6826 (a) recognition by an institution;
- 6827 (b) registration by an institution;
- 6828 (c) the use of an institution's facility for meeting or speaking purposes;
- 6829 (d) the use of communication channels; or
- 6830 (e) funding sources that are otherwise available to other student organizations at an
- 6831 institution.

6832 (2) "Expressive activity" means an activity that includes:

- 6833 (a) peacefully assembling, protesting, or speaking;
- 6834 (b) distributing literature;
- 6835 (c) carrying a sign;
- 6836 (d) circulating a petition; or
- 6837 (e) otherwise participating in speech or conduct protected by:
 - 6838 (i) the First Amendment to the United States Constitution; or
 - 6839 (ii) Utah Constitution, Article I, Sections 4 and 15.

6840 (3) "Student organization" means a student organized group that is:

- 6841 (a) officially recognized, or seeking official recognition, by an institution as a student
- 6842 club; and
- 6843 (b) comprised of students that receive, or are seeking to receive, benefits available to
- 6844 student clubs from the institution.

6845 Section 188. Section **53H-7-202**, which is renumbered from Section 53B-27-203 is renumbered

6846 and amended to read:

6847 **[53B-27-203] 53H-7-202 (Effective upon governor's approval). Expressive**

6848 **activities at an institution.**

6849 (1) An outdoor area of an institution's campus is a traditional public forum.

- 6850 (2) An institution may maintain and enforce reasonable time, place, or manner restrictions
- 6851 on an expressive activity in an outdoor area of the institution's campus, if the restrictions:
- 6852 (a) are narrowly tailored to serve a significant institutional interest;
 - 6853 (b) are based on published, content-neutral, and viewpoint-neutral criteria; and
 - 6854 (c) leave open ample alternative channels for communication.

6855 (3) Subject to Subsection (2), an institution may not prohibit:

- 6856 (a) a member of the institution's community or the public from spontaneously and
- 6857 contemporaneously assembling in an outdoor area of the institution's campus; or
- 6858 (b) a person from freely engaging in noncommercial expressive activity in an outdoor
- 6859 area of the institution's campus if the person's conduct is lawful.

- (4) This part does not apply to expressive activity in an area on an institution's campus other than an outdoor area.

Section 189. Section **53H-7-203**, which is renumbered from Section 53B-27-203.5 is renumbered

and amended to read:

[53B-27-203.5] 53H-7-203 (Effective upon governor's approval). Religious, political, and ideological student organizations -- Protection from discrimination.

An institution may not deny any benefit or privilege that is available to any student organization, or discriminate against, a religious, political, or ideological student organization:

- (1) because such student organization is religious, political, or ideological;
- (2) on the basis of protected expressive activity engaged in by the student organization or the student organization's members; or
- (3) based on a requirement that a leader of the student organization:
 - (a) affirm or adhere to the sincerely held beliefs of the student organization;
 - (b) comply with a standard of conduct the student organization establishes; or
 - (c) further the mission, purpose, or standards of conduct of the student organization, as these are defined by the student organization.

Section 190. Section **53H-7-204**, which is renumbered from Section 53B-27-204 is renumbered and amended to read:

[53B-27-204] 53H-7-204 (Effective upon governor's approval). Cause of action.

- (1) The following persons may bring an action in a state court of competent jurisdiction to enjoin a violation of this part or to recover compensatory damages, reasonable court costs, or reasonable attorney fees:
 - (a) the attorney general; or
 - (b) a person claiming that the person's rights, as described in this part, were violated.
- (2) In an action brought under this part, if the court finds a violation of this part, the court:
 - (a) shall enjoin the violation;
 - (b) shall, if a person whose rights, as described in this part, were violated brought the action, award the person:
 - (i) at least \$500 for an initial violation; and
 - (ii) if the person notifies the institution of the violation, \$50 for each day the violation continues after the notification; and
 - (c) may award a prevailing plaintiff:
 - (i) compensatory damages;

6893 (ii) reasonable court costs; or

6894 (iii) reasonable attorney fees.

6895 (3) Notwithstanding Title 63G, Chapter 7, Governmental Immunity Act of Utah, an
6896 institution that violates this part is not immune from suit or liability for the violation.

6897 Section 191. Section **53H-7-205**, which is renumbered from Section 53B-27-205 is renumbered
6898 and amended to read:

6899 **[53B-27-205] 53H-7-205 (Effective upon governor's approval). Statute of**
6900 **limitations.**

6901 (1) Except as provided in Subsection (3), an action under this part may not be brought later
6902 than one year after the day on which the cause of action accrues.

6903 (2) Each day that a violation continues after an initial violation, and each day that an
6904 institution's policy in violation of this part remains in effect, shall constitute a continuing
6905 violation of this part.

6906 (3) For a continuing violation described in Subsection (2), the limitation described in
6907 Subsection (1) shall extend to one year after the day on which the most recent violation
6908 occurs.

6909 Section 192. Section **53H-7-301**, which is renumbered from Section 53B-27-301 is renumbered
6910 and amended to read:

6911 **Part 3. Student Civil Liberties Protection**

6912 **[53B-27-301] 53H-7-301 (Effective upon governor's approval). Definitions.**

6913 As used in this part:

6914 (1) "Civil liberty" means a civil liberty enumerated in the United States Constitution or the
6915 Utah Constitution.

6916 (2) "Initiate rulemaking proceedings" means the same as that term is defined in Section
6917 63G-3-601.

6918 Section 193. Section **53H-7-302**, which is renumbered from Section 53B-27-302 is renumbered
6919 and amended to read:

6920 **[53B-27-302] 53H-7-302 (Effective upon governor's approval). Policies requiring**
6921 **rulemaking -- Policy review.**

6922 [(4)] An institution may not make or amend a policy that directly affects a student's civil
6923 liberty, unless the policy is made a rule in accordance with Title 63G, Chapter 3, Utah
6924 Administrative Rulemaking Act.

6925 [(2) Each institution shall:]

6926 [(a) before November 30, 2018, review the institution's policies as of May 11, 2018,

and identify any policy that directly affects a student's civil liberty; and]
[(b) before August 1, 2019, for each policy identified under Subsection (2)(a), repeal the
policy or initiate rulemaking proceedings to make the policy a rule.]

Section 194. Section **53H-7-303**, which is renumbered from Section 53B-27-303 is renumbered
and amended to read:

**[53B-27-303] 53H-7-303 (Effective upon governor's approval). Complaint
process -- Reporting.**

(1) [~~Before August 1, 2019, the~~] The board shall make rules in accordance with Title 63G,
Chapter 3, Utah Administrative Rulemaking Act, establishing a procedure whereby a
student enrolled in an institution may submit a complaint to the board alleging a policy
of the institution directly affects one or more of the student's civil liberties.

(2)(a) When a student submits a complaint in accordance with the rules adopted under
Subsection (1), the board shall:

- (i) examine the complaint and, within 30 days after the day on which the board
receives the complaint, determine whether the complaint is made in good faith; and
- (ii)(A) if the board determines that the complaint is made in good faith, direct the
institution against which the complaint is made to initiate rulemaking
proceedings for the challenged policy; or
(B) if the board determines that the complaint is made in bad faith, dismiss the
complaint.

(b) Before November 30 of each year, the board shall submit a report to the Rules
Review and General Oversight Committee detailing:

- (i) the number of complaints the board received during the preceding year;
- (ii) the number of complaints the board found to be made in good faith during the
preceding year; and
- (iii) each policy that is the subject of a good-faith complaint that the board received
during the preceding year.

(3) If the board directs an institution to initiate rulemaking proceedings for a challenged
policy in accordance with this section, the institution shall initiate rulemaking
proceedings for the policy within 60 days after the day on which the board directs the
institution.

Section 195. Section **53H-7-401**, which is renumbered from Section 53B-27-401 is renumbered
and amended to read:

Part 4. Campus Anti-Harassment

[53B-27-401] 53H-7-401 (Effective upon governor's approval). Definitions.

As used in this part:

- (1) "Discriminatory harassment" means student-on-student speech that:
- (a) is unwelcome;
 - (b) discriminates on the basis of a classification protected under federal or state law; and
 - (c) is so severe, pervasive, and objectively offensive, and that so undermines and distracts from a student's educational experience, that the student is effectively denied access to an institution's resource or opportunity.

~~[(2) "Student" means an individual enrolled at an institution.]~~

~~[(3)]~~ (2)(a) "Student-on-student speech" means verbal, written, or other communication that is:

- (i) communicated by a student; and
 - (ii) directed at another student.
- (b) "Student-on-student speech" does not include an act of physical contact between a student and another student.

Section 196. Section **53H-7-402**, which is renumbered from Section 53B-27-402 is renumbered and amended to read:

[53B-27-402] 53H-7-402 (Effective upon governor's approval). Institution duties.

- (1) An institution is in violation of this part if the institution:
- (a) gains actual knowledge of discriminatory harassment in the institution's program or activity; and
 - (b) acts with deliberate indifference to the discriminatory harassment.
- (2)(a) An institution may not sanction or discipline, as discriminatory harassment, student-on-student speech that does not constitute discriminatory harassment.
- (b) An institution is not liable under this part for failing to sanction or discipline a student who communicates student-on-student speech that is not discriminatory harassment.
- (3) Nothing in this part prevents an institution from sanctioning or disciplining student-on-student speech that is otherwise not protected under the First Amendment to the United States Constitution.
- (4) Nothing in this part prevents an institution from responding to student-on-student speech that is not discriminatory harassment by taking nonpunitive actions designed to promote a welcoming, inclusive environment.
- (5) Nothing in this part prevents an institution from maintaining policies prohibiting

6995 stalking or other criminal activity.

6996 Section 197. Section **53H-7-403**, which is renumbered from Section 53B-27-403 is renumbered
6997 and amended to read:

6998 **[53B-27-403] 53H-7-403 (Effective upon governor's approval). Cause of action.**

6999 The attorney general may bring an action to enjoin a violation of this part, in a state
7000 court of competent jurisdiction, against an institution or an institution's agent acting in the
7001 agent's official capacity.

7002 Section 198. Section **53H-7-404**, which is renumbered from Section 53B-27-404 is renumbered
7003 and amended to read:

7004 **[53B-27-404] 53H-7-404 (Effective upon governor's approval). Statute of**
7005 **limitations.**

- 7006 (1) Except as provided in Subsection (3)(b), the attorney general may not bring an action
7007 under this part later than one year after the day on which the cause of action accrues.
- 7008 (2) For an action alleging a violation of Subsection [53B-27-402(2)(a)] 53H-7-402(2)(a), the
7009 cause of action accrues on the day on which the student receives final notice, from the
7010 institution, of sanction or discipline that violates Subsection [53B-27-402(2)(a)]
7011 53H-7-402(2)(a).
- 7012 (3)(a) For an action alleging a violation of Subsection [53B-27-402(1)] 53H-7-402(1),
7013 the cause of action accrues on the day on which the institution gains knowledge of
7014 the discriminatory harassment.
- 7015 (b) For an action described in Subsection (3)(a), the limitation described in Subsection
7016 (1) extends to one year after the day on which the most recent known act of
7017 discriminatory harassment, involving the same parties as a prior known act of
7018 discriminatory harassment, occurs.

7019 Section 199. Section **53H-7-501**, which is renumbered from Section 53B-28-301 is renumbered
7020 and amended to read:

7021 **Part 5. Campus Sexual Violence**

7022 **[53B-28-301] 53H-7-501 (Effective upon governor's approval). Definitions.**

7023 As used in this part:

- 7024 (1) "Alleged perpetrator" means an individual whom a victim alleges committed an act of
7025 sexual violence against the victim.
- 7026 (2) "Code of conduct" means an institution's student code of conduct, student code of
7027 ethics, honor code, or other policy under which the institution may sanction a student.
- 7028 (3) "Covered allegation" means an allegation made to an institution that an individual

7029 committed an act of sexual violence.

7030 (4) "Law enforcement agency" means an off-campus law enforcement agency of the unit of
7031 local government with jurisdiction to respond to a covered allegation.

7032 (5) "Sexual violence" means:

7033 (a) sexual abuse as described in 18 U.S.C. Sec. 2242;

7034 (b) aggravated sexual abuse as described in 18 U.S.C. Sec. 2241;

7035 (c) assault resulting in substantial bodily injury as described in 18 U.S.C. Sec. 113(a)(7);

7036 (d) sexual assault;

7037 (e) dating violence;

7038 (f) domestic violence; or

7039 (g) stalking.

7040 [~~(6) "Student" means an individual enrolled in an institution.]~~

7041 [~~(7)~~] (6) "Victim" means a student who alleges that the student was a victim of sexual
7042 violence.

7043 Section 200. Section **53H-7-502**, which is renumbered from Section 53B-28-302 is renumbered
7044 and amended to read:

7045 **[53B-28-302] 53H-7-502 (Effective upon governor's approval). Code of conduct**
7046 **violation -- Report of sexual violence.**

7047 An institution may not sanction a student for a code of conduct violation related to the
7048 use of drugs or alcohol if:

7049 (1) the student is:

7050 (a) a victim of an act of sexual violence; or

7051 (b) a witness to an act of sexual violence;

7052 (2) the student reports to the institution, in good faith, a covered allegation related to the act
7053 of sexual violence described in Subsection (1); and

7054 (3) the institution learns of the student's code of conduct violation due to the student's report
7055 described in Subsection (2).

7056 Section 201. Section **53H-7-503**, which is renumbered from Section 53B-28-303 is renumbered
7057 and amended to read:

7058 **[53B-28-303] 53H-7-503 (Effective upon governor's approval). Institution**
7059 **engagement with a law enforcement agency -- Articulable and significant threat --**
7060 **Notification to victim.**

7061 (1)(a) An institution shall keep confidential from a law enforcement agency a covered
7062 allegation reported to the institution by the victim of the covered allegation.

- (b) Notwithstanding Subsection (1)(a), an institution may engage with a law enforcement agency in response to a covered allegation described in Subsection (1)(a):
- (i) if the victim consents to the institution engaging with the law enforcement agency;
 - or
 - (ii) in accordance with Subsection (2).

(2)(a) Subject to Subsection (3), an institution that receives a report described in Subsection (1)(a) may engage with a law enforcement agency in response to the covered allegation if the institution determines, in accordance with Subsection (2)(b), that the information in the covered allegation creates an articulable and significant threat to individual or campus safety at the institution.

- (b) To determine whether the information in a covered allegation creates an articulable and significant threat described in Subsection (2)(a), the institution shall consider, if the information is known to the institution, at least the following factors:
- (i) whether the circumstances of the covered allegation suggest an increased risk that the alleged perpetrator will commit an additional act of sexual violence or other violence;
 - (ii) whether the alleged perpetrator has an arrest history that indicates a history of sexual violence or other violence;
 - (iii) whether records from the alleged perpetrator's previous postsecondary institution indicate that the alleged perpetrator has a history of sexual violence or other violence;
 - (iv) whether the alleged perpetrator is alleged to have threatened further sexual violence or other violence against the victim or another individual;
 - (v) whether the act of sexual violence was committed by more than one alleged perpetrator;
 - (vi) whether the circumstances of the covered allegation suggest there is an increased risk of future acts of sexual violence under similar circumstances;
 - (vii) whether the act of sexual violence was perpetrated with a weapon; and
 - (viii) the age of the victim.

(3) An institution shall:

- (a) before engaging with a law enforcement agency in accordance with Subsection (2), provide notice to the victim of the following:
 - (i) the institution's intent to engage with a law enforcement agency;
 - (ii) the law enforcement agency with which the institution intends to engage; and

- 7097 (iii) the reason the institution made the determination described in Subsection (2); and
7098 (b) in engaging with a law enforcement agency under Subsection (2):
7099 (i) maintain the confidentiality of the victim; and
7100 (ii) disclose the minimum information required to appropriately address the threat
7101 described in Subsection (2)(a).

7102 (4) Nothing in this section supersedes:

- 7103 (a) an obligation described in Section 26B-6-205, 80-2-602, or 78B-3-502; or
7104 (b) a requirement described in [~~Part 2, Confidential Communications for Institutional~~
7105 ~~Advocacy Services Act~~] Chapter 14, Part 4, Confidential Communications for
7106 Institutional Advocacy Services.

7107 Section 202. Section **53H-7-504**, which is renumbered from Section 53B-28-304 is renumbered
7108 and amended to read:

7109 **[~~53B-28-304~~] 53H-7-504 (Effective upon governor's approval). Criminal**
7110 **retaliation against a victim or a witness.**

7111 (1) As used in this section:

- 7112 (a) "Bodily injury" means the same as that term is defined in Section 76-1-101.5.
7113 (b) "Damage" means physical damage to an individual's property.

7114 (2) An individual is guilty of a third degree felony if the individual inflicts bodily injury or
7115 damage:

- 7116 (a) upon a victim of or a witness to an act of sexual violence alleged in a covered
7117 allegation; and
7118 (b) in retaliation for the victim's or the witness's:

- 7119 (i) report of the covered allegation; or
7120 (ii) involvement in an investigation initiated by the institution in response to the
7121 covered allegation.

7122 (3) An individual is guilty of a third degree felony if the individual:

- 7123 (a) communicates an intention to inflict bodily injury:
7124 (i) upon a victim of or a witness to an act of sexual violence alleged in a covered
7125 allegation; and
7126 (ii) in retaliation for the victim's or the witness's:
7127 (A) report of the covered allegation; or
7128 (B) involvement in an investigation initiated by the institution in response to the
7129 covered allegation; and
7130 (b)(i) intends the communication described in Subsection (3)(a) as a threat against the

7131 victim or the witness; or
7132 (ii) knows that the communication described in Subsection (3)(a) will be viewed as a
7133 threat against the victim or the witness.

7134 Section 203. Section **53H-7-601** is enacted to read:

7135 **Part 6. Campus Safety**

7136 **53H-7-601 (Effective upon governor's approval). General Provisions --**

7137 **Definitions.**

7138 Reserved.

7139 Section 204. Section **53H-7-602**, which is renumbered from Section 53B-28-401 is renumbered
7140 and amended to read:

7141 **[53B-28-401] 53H-7-602 (Effective upon governor's approval). Campus safety**
7142 **plans and training -- Institution duties.**

7143 (1) As used in this section:

7144 (a) "Covered offense" means:

7145 (i) sexual assault;

7146 (ii) domestic violence;

7147 (iii) dating violence; or

7148 (iv) stalking.

7149 ~~[(b) "Institution" means an institution of higher education described in Section~~
7150 ~~53B-1-102.]~~

7151 ~~[(e)]~~ (b) "Student organization" means a club, group, sports team, fraternity or sorority,
7152 or other organization:

7153 (i) of which the majority of members is composed of students enrolled in an
7154 institution; and

7155 (ii)(A) that is officially recognized by the institution; or

7156 (B) seeks to be officially recognized by the institution.

7157 (2) An institution shall develop a campus safety plan that addresses:

7158 (a) where an individual can locate the institution's policies and publications related to a
7159 covered offense;

7160 (b) institution and community resources for a victim of a covered offense;

7161 (c) the rights of a victim of a covered offense, including the measures the institution
7162 takes to ensure, unless otherwise provided by law, victim confidentiality throughout
7163 all steps in the reporting and response to a covered offense;

7164 (d) how the institution informs the campus community of a crime that presents a threat

- 7165 to the campus community;
- 7166 (e) availability, locations, and methods for requesting assistance of security personnel on
- 7167 the institution's campus;
- 7168 (f) guidance on how a student may contact law enforcement for incidents that occur off
- 7169 campus;
- 7170 (g) institution efforts related to increasing campus safety, including efforts related to the
- 7171 institution's increased response in providing services to victims of a covered offense,
- 7172 that:
- 7173 (i) the institution made in the preceding 18 months; and
- 7174 (ii) the institution expects to make in the upcoming 24 months;
- 7175 (h) coordination and communication between institution resources and organizations,
- 7176 including campus law enforcement;
- 7177 (i) institution coordination with local law enforcement or community resources,
- 7178 including coordination related to a student's safety at an off-campus location; and
- 7179 (j) how the institution requires a student organization to provide the campus safety
- 7180 training as described in Subsection (5).
- 7181 (3) An institution shall:
- 7182 (a) prominently post the institution's campus safety plan on the institution's website and
- 7183 each of the institution's campuses; and
- 7184 (b) annually update the institution's campus safety plan.
- 7185 (4) An institution shall develop a campus safety training curriculum that addresses:
- 7186 (a) awareness and prevention of covered offenses, including information on institution
- 7187 and community resources for a victim of a covered offense;
- 7188 (b) bystander intervention; and
- 7189 (c) sexual consent.
- 7190 (5) An institution shall require a student organization, in order for the student organization
- 7191 to receive or maintain official recognition by the institution, to annually provide campus
- 7192 safety training, using the curriculum described in Subsection (4), to the student
- 7193 organization's members.

7194 Section 205. Section **53H-7-603**, which is renumbered from Section 53B-28-403 is renumbered

7195 and amended to read:

7196 **[53B-28-403] 53H-7-603 (Effective upon governor's approval). Student housing**

7197 **crime reporting.**

- 7198 (1) As used in this section:

- 7199 (a) "Campus law enforcement" means an institution's police department.
- 7200 (b) "Crime statistics" means the number of each of the crimes in 34 C.F.R. Sec.
- 7201 668.46(c)(1) that are reported to a local police agency or campus law enforcement,
- 7202 listed by type of crime.
- 7203 ~~[(e) "Institution" means an institution of higher education described in Section~~
- 7204 ~~53B-2-101.]~~
- 7205 ~~[(d)]~~ (c)(i) "Institution noncampus housing facility" means a building or property that:
- 7206 (A) is used for housing students;
- 7207 (B) is not part of the institution's campus; and
- 7208 (C) the institution owns, manages, controls, or leases;
- 7209 (ii) "Institution noncampus housing facility" includes real property that is adjacent to,
- 7210 and is used in direct support of, the building or property described in Subsection [
- 7211 ~~(+)(d)(i)]~~ (1)(c)(i).
- 7212 ~~[(e)]~~ (d) "Local law enforcement agency" means a state or local law enforcement agency
- 7213 other than campus law enforcement.
- 7214 ~~[(f)]~~ (e)(i) "On-campus housing facility" means a building or property that is:
- 7215 (A) used for housing students; and
- 7216 (B) part of the institution's campus.
- 7217 (ii) "On-campus housing facility" includes real property that is:
- 7218 (A) adjacent to the on-campus housing facility; and
- 7219 (B) used in direct support of the on-campus housing facility.
- 7220 ~~[(g)]~~ (f) "Student housing" means:
- 7221 (i) an institution noncampus housing facility;
- 7222 (ii) an on-campus housing facility; or
- 7223 (iii) a student organization noncampus housing facility.
- 7224 ~~[(h)]~~ (g) "Student organization" means the same as that term is defined in Section [
- 7225 ~~53B-28-401]~~ 53H-7-101.
- 7226 ~~[(i)]~~ (h) "Student organization noncampus housing facility" means a building or property
- 7227 that:
- 7228 (i) is used for housing students;
- 7229 (ii) is not part of the institution's campus; and
- 7230 (iii)(A) a student organization owns, manages, controls, or leases; or
- 7231 (B) is real property that is adjacent to the student organization noncampus housing
- 7232 facility and is used in direct support of the noncampus housing facility.

- (2) An institution with the types of housing facilities described in this Subsection (2) shall:
- (a) create a report of crime statistics aggregated by:
 - (i) on-campus housing facility, identified and listed individually using the institution's system for inventorying institution facilities;
 - (ii) institution noncampus housing facility, identified and listed individually using the institution's system for inventorying institution facilities; and
 - (iii) student organization noncampus housing facilities, identified and listed individually using the institution's system for identifying student organization noncampus housing facilities; and
 - (b) report annually to the Education Interim Committee and the Law Enforcement and Criminal Justice Interim Committee, at or before the committee's November meetings, on crime statistics aggregated by housing facility as described in Subsection(2)(a).
- (3) An institution that does not have the types of housing described in Subsection (2) shall report the crime statistics as required by 20 U.S.C. Section 1092(f), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, to the entities specified in Subsection (2).
- (4) Upon request from an institution, a local law enforcement agency shall provide to the institution crime statistics for each student housing facility over which the local law enforcement agency has jurisdiction.
- (5) Except as provided in Section [~~53B-28-303~~] 53H-7-503, when campus law enforcement receives a complaint or report of a crime that campus law enforcement reasonably determines occurred outside of campus law enforcement's jurisdiction, campus law enforcement shall share any record of the complaint or report with the local law enforcement agency with jurisdiction.

Section 206. Section **53H-7-701**, which is renumbered from Section 53B-27-602 is renumbered and amended to read:

Part 7. Student Legal Representation

[~~53B-27-602~~] 53H-7-701 (Effective upon governor's approval). Definitions.

As used in this part:

- (1) "Academic dishonesty" means an act of dishonesty relating to a student's academic work or performance.
- (2) "Accused student" means an individual enrolled in an institution who has allegedly violated a policy or rule.

- 7267 (3) "Accused student organization" means a student organization, recognized by an
7268 institution, that has allegedly violated a policy or rule.
- 7269 (4) "Alleged victim" means an individual whose rights are allegedly infringed or who is
7270 otherwise allegedly harmed by an accused student's or a student organization's violation
7271 of a policy or rule.
- 7272 (5) "Evidence" means information that is inculpatory or exculpatory as the information
7273 relates to an accusation against an accused student or accused student organization,
7274 including:
- 7275 (a) a complainant statement;
7276 (b) a third-party witness statement;
7277 (c) electronically stored information;
7278 (d) a written communication;
7279 (e) a post to social media; or
7280 (f) demonstrative evidence.
- 7281 (6) "Full participation" means the opportunity in a student or student organization
7282 disciplinary proceeding to:
- 7283 (a) make opening and closing statements;
7284 (b) examine and cross-examine a witness;
7285 (c) introduce relevant evidence; and
7286 (d) provide support, guidance, or advice to an accused student, accused student
7287 organization, or alleged victim.
- 7288 (7) "Legal representation" means an attorney, who is licensed to practice law in this state
7289 and whom:
- 7290 (a) an accused student selects to assist the student in the student's disciplinary
7291 proceeding;
7292 (b) an alleged victim selects to assist the alleged victim at a proceeding that pertains to
7293 the alleged victim; or
7294 (c) an accused student organization selects to assist the student organization at a student
7295 organization disciplinary proceeding.
- 7296 (8) "Nonattorney advocate" means an individual, who is not licensed to practice law and
7297 whom:
- 7298 (a) an accused student selects to assist the student in the student's disciplinary
7299 proceeding;
7300 (b) an alleged victim selects to assist the alleged victim at a proceeding that pertains to

- 7301 the alleged victim; or
- 7302 (c) an accused student organization selects to assist the student organization at a student
- 7303 organization disciplinary proceeding.
- 7304 (9) "Policy or rule" means a policy or rule, or a relevant section of a policy or rule, of an
- 7305 institution that, if violated, may result in:
- 7306 (a) for a student, a suspension of 10 calendar days or more or expulsion from the
- 7307 institution; or
- 7308 (b) for a student organization, the suspension or the removal of institutional recognition
- 7309 of the student organization.
- 7310 (10) "Proceeding" means an adjudicatory hearing, including an appeal, in which evidence is
- 7311 presented to a hearing officer or a hearing panel, and that is:
- 7312 (a) required by a policy or rule; or
- 7313 (b) held to determine whether a policy or rule has been violated.
- 7314 (11)(a) "Student disciplinary proceeding" means a proceeding initiated by an institution
- 7315 to determine whether an accused student has violated a policy or rule.
- 7316 (b) "Student disciplinary proceeding" does not include a proceeding that solely involves
- 7317 a student's academic dishonesty.
- 7318 (12) "Student organization" means a club or other organization:
- 7319 (a) that meets during noninstructional time;
- 7320 (b) that is recognized by the institution at which the organization meets; and
- 7321 (c) with a majority of members who are current students at the institution.
- 7322 (13)(a) "Student organization disciplinary proceeding" means a proceeding initiated by
- 7323 an institution to determine whether an accused student organization has violated a
- 7324 rule or policy.
- 7325 (b) "Student organization disciplinary proceeding" does not include a proceeding that
- 7326 solely involves a student's academic dishonesty.

7327 Section 207. Section **53H-7-702**, which is renumbered from Section 53B-27-601 is renumbered

7328 and amended to read:

7329 **[53B-27-601] 53H-7-702 (Effective upon governor's approval). Application.**

7330 The provisions of this part do not:

- 7331 (1) govern campus law enforcement departments or law enforcement personnel; or
- 7332 (2) otherwise replace or amend criminal procedures that govern law enforcement activities.

7333 Section 208. Section **53H-7-703**, which is renumbered from Section 53B-27-603 is renumbered

7334 and amended to read:

[53B-27-603] 53H-7-703 (Effective upon governor's approval). Student disciplinary proceedings -- Legal representation.

(1) An institution may not prohibit:

(a) an accused student from being represented, at the accused student's expense, by legal representation or a nonattorney advocate at a student disciplinary proceeding that pertains to the accused student; or

(b) an accused student's legal representation or nonattorney advocate from full participation in a student disciplinary proceeding that pertains to the accused student.

(2) An institution may not prohibit:

(a) an alleged victim from being represented, at the alleged victim's expense, by legal representation or a nonattorney advocate at a student disciplinary proceeding that pertains to the alleged victim; or

(b) the alleged victim's legal representation or nonattorney advocate from full participation in a student disciplinary proceeding that pertains to the alleged victim.

(3)(a) An institution shall provide an accused student described in Subsection (1) or an alleged victim described in Subsection (2) written notice of the accused student's or alleged victim's rights under this section.

(b) The institution shall ensure that the notice provided to an accused student under Subsection (3)(a) notifies the accused student that:

(i) the accused student is entitled to a student disciplinary proceeding to contest the charges against the accused student;

(ii) the accused student is entitled to a presumption of innocence; and

(iii) the presumption of innocence remains until:

(A) the accused student acknowledges responsibility for the alleged violation; or

(B) the institution has established every element of the alleged violation at a student disciplinary proceeding.

(c) Unless exigent circumstances reasonably justify proceeding without providing notice under Subsection (3)(a), an institution shall establish policies and procedures to ensure that the institution provides written notice of the accused student's or alleged victim's rights as soon as practicable but no later than seven days before a student disciplinary proceeding that pertains to the accused student or alleged victim.

Section 209. Section **53H-7-704**, which is renumbered from Section 53B-27-604 is renumbered and amended to read:

[53B-27-604] 53H-7-704 (Effective upon governor's approval). Student

organization disciplinary proceedings -- Legal representation.

(1) An institution may not prohibit:

(a) an accused student organization from being represented, at the accused student organization's expense, by legal representation or a nonattorney advocate at a student organization disciplinary proceeding that pertains to the accused student organization; or

(b) an accused student organization's legal representation or nonattorney advocate from full participation in a student organization disciplinary proceeding that pertains to the accused student organization.

(2) An institution may not prohibit:

(a) an alleged victim from being represented, at the alleged victim's expense, by legal representation or a nonattorney advocate at a student organization disciplinary proceeding that pertains to the alleged victim; or

(b) the alleged victim's legal representation or nonattorney advocate from full participation in a student organization disciplinary proceeding that pertains to the alleged victim.

(3)(a) An institution shall provide an accused student organization described in Subsection (1) or an alleged victim described in Subsection (2) written notice of the accused student organization's or alleged victim's rights under this section.

(b) The institution shall ensure that the notice provided to an accused student organization under Subsection (3)(a) notifies the accused student organization that:

(i) the accused student organization is entitled to a student organization disciplinary proceeding to contest the charges against the accused student organization;

(ii) the accused student organization is entitled to a presumption of innocence; and

(iii) the presumption of innocence remains until:

(A) the accused student organization acknowledges responsibility for the alleged violation; or

(B) the institution has established every element of the alleged violation at a student organization disciplinary proceeding.

(c) Unless exigent circumstances reasonably justify proceeding without providing notice under Subsection (3)(a), an institution shall establish policies and procedures to ensure that the institution provides written notice of the accused student organization's or alleged victim's rights as soon as practicable but no later than seven days before a student organization disciplinary proceeding that pertains to the

7403 accused student organization or alleged victim.

7404 Section 210. Section **53H-7-705**, which is renumbered from Section 53B-27-605 is renumbered
7405 and amended to read:

7406 **[53B-27-605] 53H-7-705 (Effective upon governor's approval). Exchange of**
7407 **evidence.**

7408 (1)(a) An institution shall ensure that an accused student, an alleged victim, or an
7409 accused student organization has access to all material evidence that is in the
7410 institution's possession, including both inculpatory and exculpatory evidence, unless
7411 the material is subject to a legal privilege, no later than one week before the day on
7412 which a proceeding begins.

7413 (b) Evidence that is an accused student's or an alleged victim's personal medical record,
7414 mental health record, therapy note, or journal may not be used as evidence in a
7415 proceeding unless the accused student or alleged victim consents to the use of the
7416 evidence in the proceeding.

7417 (c) Any evidence presented in a proceeding under this part is confidential and may not
7418 be:

7419 (i) used as evidence in a subsequent proceeding; or

7420 (ii) used or disclosed to a third-party for any other purpose other than for the
7421 proceeding.

7422 (2) Nothing in this part:

7423 (a) provides for formal or informal discovery beyond the exchange of evidence
7424 described in Subsection (1); or

7425 (b) incorporates or binds an institution to:

7426 (i) the Utah Rules of Civil Procedure or the Utah Rules of Evidence; or

7427 (ii) the Federal Rules of Civil Procedure or the Federal Rules of Evidence.

7428 Section 211. Section **53H-7-706**, which is renumbered from Section 53B-27-606 is renumbered
7429 and amended to read:

7430 **[53B-27-606] 53H-7-706 (Effective upon governor's approval). Conflict of**
7431 **interest.**

7432 (1) An institution shall conduct a student disciplinary proceeding or student organization
7433 disciplinary proceeding in an impartial manner free from conflicts of interests.

7434 (2) Except as provided in Subsection (3), in order to avoid conflicts of interest created by a
7435 comingling of roles, an institution shall prohibit an individual employed by or otherwise
7436 representing an institution from acting as an adjudicator, hearing officer, or appellate

7437 hearing officer in a student disciplinary proceeding or student organization disciplinary
7438 proceeding if the individual has also served in one of the following roles in the same
7439 matter:

- 7440 (a) an advocate or counselor for an alleged victim, accused student, or accused student
7441 organization;
- 7442 (b) an investigator;
- 7443 (c) an institutional prosecutor; or
- 7444 (d) an advisor to a person described in Subsection (2)(a), (b), or (c).

- 7445 (3) If an individual employed by the institution or otherwise representing the institution
7446 serves as an investigator and an institutional prosecutor for the alleged violation of a
7447 policy or rule, the institution shall advise an accused student, accused student
7448 organization, or alleged victim before the investigation proceeding.
- 7449 (4) An individual may not serve as an investigator or institutional prosecutor and an
7450 advocate for an accused student, accused student organization, or alleged victim in the
7451 same matter.
- 7452 (5) In a proceeding conducted under this part, an institution shall allow an accused student,
7453 accused student organization, or an alleged victim to raise objections to issues that could
7454 potentially compromise the impartiality of the proceedings, including any potential
7455 conflicts of interest in violation of this section.

7456 Section 212. Section **53H-7-707**, which is renumbered from Section 53B-27-607 is renumbered
7457 and amended to read:

7458 **[53B-27-607] 53H-7-707 (Effective upon governor's approval). Application --**
7459 **Institution policies.**

- 7460 (1) This part does not prohibit an institution from temporarily suspending an accused
7461 student or accused student organization pending the completion of a student or student
7462 organization disciplinary proceeding.
- 7463 (2) An institution shall:
 - 7464 (a) enact policies to govern proceedings in which a student has a right to an active legal
7465 representation or a nonattorney advocate in accordance with this part;
 - 7466 (b) train adjudicators, hearing officers, and appellate hearing officers on relevant
7467 evidence and nonrelevant, nonprobative evidence; and
 - 7468 (c) enact policies and procedures to notify a student of the student's right to bring a cause
7469 of action in violation of this part to the attorney general's office.
- 7470 (3) An institution may adopt a policy requiring a legal representation or nonattorney

7471 advocate of an accused student, alleged victim, or accused student organization to
7472 submit questions for an opposing party to the hearing officer.

7473 Section 213. Section **53H-7-708**, which is renumbered from Section 53B-27-608 is renumbered
7474 and amended to read:

7475 **[53B-27-608] 53H-7-708 (Effective upon governor's approval). Cause of action.**

7476 The attorney general may bring an action to enjoin a violation of this part, in a state
7477 court of competent jurisdiction, against an institution or an institution's agent acting in the
7478 agent's official capacity.

7479 Section 214. Section **53H-7-709**, which is renumbered from Section 53B-27-609 is renumbered
7480 and amended to read:

7481 **[53B-27-609] 53H-7-709 (Effective upon governor's approval). Statute of**
7482 **limitations.**

7483 (1) The attorney general may not bring an action under this part later than one year after the
7484 day on which the cause of action accrues.

7485 (2) The cause of action accrues on the day on which the student or student organization
7486 receives final notice, from the institution, of sanction or discipline that violates an
7487 institution's rule or policy.

7488 Section 215. Section **53H-7-801**, which is renumbered from Section 53B-23-102 is renumbered
7489 and amended to read:

7490 **Part 8. Instructional Materials for Students with a Disability**

7491 **[53B-23-102] 53H-7-801 (Effective upon governor's approval). Definitions.**

7492 For purposes of this [chapter] part:

7493 (1)(a) "Instructional material or materials" means textbooks and other materials written
7494 and published primarily for use by students in postsecondary instruction that are
7495 required or essential to a student's success in a course of study in which a student
7496 with a disability is enrolled. The determination of which materials are "required or
7497 essential to student success" shall be made by the instructor of the course in
7498 consultation with the official making the request pursuant to Section [53B-23-103]
7499 53H-7-802 in accordance with rules issued pursuant to Section [53B-23-106]
7500 53H-7-805.

7501 (b) "Instructional material or materials" does not include nontextual mathematics and
7502 science materials until the time software becomes commercially available that
7503 permits the conversion of existing electronic files of the materials into a format that is
7504 compatible with braille translation software or alternative media for students with

7505 disabilities.

7506 (2) "Printed instructional material or materials" means instructional material or materials in
7507 book or other printed form.

7508 (3) "Nonprinted instructional materials" means instructional materials in formats other than
7509 print, and includes instructional materials that require the availability of electronic
7510 equipment in order to be used as a learning resource, including software programs, video
7511 disks, and video and audio tapes.

7512 [~~(4) "State institution of higher education" means an institution listed in Section 53B-2-101.]~~

7513 [~~(5)~~] (4) "Specialized format" means braille, audio, or digital text that is exclusively for use
7514 by blind or other persons with disabilities.

7515 [~~(6)~~] (5)(a) "Structural integrity" means all of the printed instructional material, including
7516 the text of the material, sidebars, the table of contents, chapter headings and
7517 subheadings, footnotes, indexes, glossaries, and bibliographies.

7518 (b) "Structural integrity" need not include nontextual elements such as pictures,
7519 illustrations, graphs, or charts.

7520 Section 216. Section **53H-7-802**, which is renumbered from Section 53B-23-103 is renumbered
7521 and amended to read:

7522 **[~~53B-23-103~~] 53H-7-802 (Effective upon governor's approval). Instructional**
7523 **materials to be provided in electronic format.**

7524 (1)(a) On or after January 1, 2009, any person that publishes or manufactures printed
7525 instructional material for students attending [~~a state~~] an institution of higher education
7526 shall provide to the institution for use by students attending the institution any printed
7527 instructional material in an electronic format mutually agreed upon by the publisher
7528 or manufacturer and the institution.

7529 (b) Computer files or electronic versions of the printed instructional material shall:

7530 (i) maintain the structural integrity of the printed instructional material;

7531 (ii) be compatible with commonly used braille translation and speech synthesis
7532 software; and

7533 (iii) include corrections and revisions as may be necessary.

7534 (c) If good faith efforts fail to produce an agreement pursuant to Subsection (1)(a)
7535 between the publisher or manufacturer and the institution as to an electronic format
7536 that will preserve the structural integrity of the printed instructional material, the
7537 publisher or manufacturer shall provide the instructional material in ASCII text and
7538 shall preserve as much of the structural integrity of the printed instructional material

7539 as possible.

7540 (2) The computer files or electronic versions of the printed instructional material shall be
7541 provided to the institution at no additional cost and in a timely manner, upon receipt of a
7542 written request that:

7543 (a) certifies that the institution has purchased the printed instructional material for use by
7544 a student with a disability or that a student with a disability attending or registered to
7545 attend that institution has purchased the printed instructional material;

7546 (b) certifies that the student has a disability that prevents the student from using standard
7547 instructional materials;

7548 (c) certifies that the printed instructional material is for use by the student in connection
7549 with a course in which the student is registered or enrolled at the institution; and

7550 (d) is signed by the coordinator of services for students with disabilities at the institution
7551 or by the official responsible for monitoring compliance with the Americans with
7552 Disabilities Act of 1990, 42 U.S.C. 12101 et seq. at the institution.

7553 (3) A publisher or manufacturer providing instructional materials in an electronic format to
7554 an institution may require that, in addition to the requirements specified in Subsections
7555 (2)(a) through (2)(d), the request shall include a statement signed by the student that:

7556 (a) the student will use the electronic copy of the printed instructional material in
7557 specialized format solely for the student's own educational purposes; and

7558 (b) the student will not copy or duplicate the printed instructional material for use by
7559 others.

7560 (4) If an institution permits a student to directly use the electronic version of an
7561 instructional material, the disk or file shall be copy-protected or the institution shall take
7562 other reasonable precautions to ensure that the student does not copy or distribute
7563 electronic versions of instructional materials in violation of the Copyright Revisions Act
7564 of 1976, 17 U.S.C. Sec. 101 et seq.

7565 (5) A person that publishes or manufactures nonprinted instructional materials for students
7566 attending [a-state] an institution of higher education shall provide computer files or
7567 other electronic versions of the nonprinted instructional materials for use by students
7568 attending the institution subject to the same requirements specified in Subsections (1)
7569 and (2) for printed instructional materials, when technology is available to convert the
7570 nonprinted instructional materials to a format that maintains the structural integrity of
7571 the nonprinted instructional materials that is compatible with braille translation and
7572 speech synthesis software.

(6) Nothing in this ~~[chapter]~~ part shall be construed to prohibit an institution from assisting a student with a disability by using the electronic version of printed instructional material provided pursuant to this section solely to transcribe or arrange for the transcription of the printed instructional materials into braille. If a transcription is made, the institution shall have the right to share the braille copy of the printed instructional material with other students with disabilities.

Section 217. Section **53H-7-803**, which is renumbered from Section 53B-23-104 is renumbered and amended to read:

[53B-23-104] 53H-7-803 (Effective upon governor's approval). Centers for processing requests for electronic versions of instructional materials.

- (1) The board may establish one or more centers to process requests for electronic versions of instructional materials pursuant to this ~~[chapter]~~ part.
- (2) The institutions designated as within the jurisdiction of a center shall submit requests for instructional material to the center, which shall transmit the request to the publisher or manufacturer.
- (3) If there is more than one center, each center shall make every effort to coordinate requests.
- (4) The publisher or manufacturer of instructional material shall be required to honor and respond to only those requests submitted through a designated center.
- (5) If a publisher or manufacturer has responded to a request for instructional materials by a center, all subsequent requests for those instructional materials shall be satisfied by the center to which the request is made.

Section 218. Section **53H-7-804**, which is renumbered from Section 53B-23-105 is renumbered and amended to read:

[53B-23-105] 53H-7-804 (Effective upon governor's approval). Infringement of copyright laws not authorized.

Nothing in this ~~[chapter]~~ part shall be considered to authorize any use of instructional materials that would constitute an infringement of copyright under the Copyright Revision Act of 1976, as amended, 17 U.S.C. Sec. 101 et seq.

Section 219. Section **53H-7-805**, which is renumbered from Section 53B-23-106 is renumbered and amended to read:

[53B-23-106] 53H-7-805 (Effective upon governor's approval). Institution to make policy.

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

7607 [(2)] An institution shall make policy consistent with this section for the implementation
7608 and administration of the institution, including policy addressing:
7609 [(a)] (1) the designation of materials considered "required or essential to student success";
7610 [(b)] (2) the determination of the availability of technology for the conversion of nonprinted
7611 materials pursuant to Section [53B-23-103] 53H-7-802 and the conversion of
7612 mathematics and science materials pursuant to Section [53B-23-102] 53H-7-801; and
7613 [(c)] (3) the procedures and standards relating to distribution of files and materials pursuant
7614 to Section [53B-23-103] 53H-7-802.

7615 Section 220. Section **53H-7-901** is enacted to read:

7616 **Part 9. Other Student-Related Policies**

7617 **53H-7-901 (Effective upon governor's approval). General Provisions --**

7618 **Definitions.**

7619 Reserved.

7620 Section 221. Section **53H-7-902**, which is renumbered from Section 53B-27-501 is renumbered
7621 and amended to read:

7622 **[53B-27-501] 53H-7-902 (Effective upon governor's approval). Free expression**
7623 **policies.**

- 7624 (1) As used in this section, "free expression policy" means an institution's policy,
7625 regulation, or other expectation related to student expression.
- 7626 (2) An institution shall:
- 7627 (a) publish the institution's free expression policies:
- 7628 (i) in the institution's student handbook; and
- 7629 (ii) on the institution's website;
- 7630 (b) include information about the institution's free expression policies in an orientation
7631 program for students enrolled in the institution; and
- 7632 (c) develop a program, procedures, and materials to ensure that an individual who has
7633 responsibility for the discipline or education of a student at the institution
7634 understands the institution's free expression policies.
- 7635 (3) An individual described in Subsection (2)(c) includes an institution:
- 7636 (a) administrator;
- 7637 (b) campus police officer;
- 7638 (c) residence life official; and
- 7639 (d) faculty member.
- 7640 (4) An institution shall ensure that a free expression policy is consistent with the provisions

of this chapter and ensure the policy is:

(a) viewpoint-neutral in text and application; and

(b) respects a student organization's rights, as described in this [part] chapter.

Section 222. Section **53H-7-903**, which is renumbered from Section 53B-27-405 is renumbered and amended to read:

[53B-27-405] 53H-7-903 (Effective upon governor's approval). Student religious accommodations.

(1) An institution shall:

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

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

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

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

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

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

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

(3) An institution shall establish policies related to the accommodation described in Subsection (1) that:

(a) require the institution to provide the accommodation with respect to when the student participates in examinations and other academic requirements;

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

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

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

(c) require an instructor who receives a notice described in Subsection (2)(b) to keep confidential a student's request for the accommodation.

(4)(a) The commissioner shall annually:

- 7675 (i) create a list of the dates of religious holidays for the following two years; and
7676 (ii) distribute the list described in Subsection (4)(a) to an institution.
- 7677 (b) The creation and distribution of the list described in Subsection (4)(a) does not
7678 prohibit a student from seeking, or an institution from granting, an accommodation
7679 for a date of a religious holiday that is not included on that list.
- 7680 (5) An institution shall:
- 7681 (a) designate a point of contact for information about an accommodation described in
7682 Subsection (1);
- 7683 (b) establish a process by which a student may submit a grievance with regards to
7684 implementation of this section; and
- 7685 (c) publish the following information on the institution's website and update the
7686 information annually:
- 7687 (i) the institution's religious accommodation policies described in Subsection (3);
7688 (ii) the point of contact described in Subsection (5)(a);
7689 (iii) the list described in Subsection (4);
7690 (iv) a description of the general procedure to request an accommodation described in
7691 Subsection (1); and
7692 (v) the grievance process described in Subsection (5)(b).

7693 Section 223. Section **53H-8-101** is enacted to read:

7694 **CHAPTER 8. Finance**

7695 **Part 1. General Provisions**

7696 **53H-8-101 (Effective upon governor's approval). General provisions --**

7697 **Definitions.**

7698 Reserved.

7699 Section 224. Section **53H-8-201** is enacted to read:

7700 **Part 2. Budgets and Financing**

7701 **53H-8-201 (Effective upon governor's approval). General provisions --**

7702 **Definitions.**

7703 Reserved.

7704 Section 225. Section **53H-8-202**, which is renumbered from Section 53B-7-101 is renumbered
7705 and amended to read:

7706 **[~~53B-7-101~~] 53H-8-202 (Effective upon governor's approval). Combined**
7707 **requests for appropriations -- Board review of operating budgets -- Submission of**

**budgets -- Recommendations -- Hearing request -- Appropriation formulas -- Allocations
-- Dedicated credits -- Financial affairs.**

(1) As used in this section[;] ,

~~[(a) "Higher education institution" or "institution" means an institution of higher
education listed in Section 53B-1-102.]~~

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

(2)(a) Subject to Subsection (3), the board shall recommend a combined appropriation
for the operating budgets of ~~[higher education]~~institutions and the board for
inclusion in a state appropriations act.

(b) The board's combined budget recommendation shall include:

(i) employee compensation;

(ii) mandatory costs, including building operations and maintenance, fuel, and power;

(iii) performance funding described in ~~[Part 7]~~ Part 3, Performance Funding;

(iv) statewide and institutional priorities, including scholarships, financial aid, and
technology infrastructure; and

(v) enrollment growth.

(c) The board's recommendations shall be available for presentation to the governor and
to the Legislature at least 30 days before the convening of the Legislature, and shall
include schedules showing the recommended amounts for each institution and the
board, including separately funded programs or divisions.

(d) The recommended appropriations shall be determined by the board only after the
board has reviewed the proposed institutional operating budgets, and has consulted
with the various institutions and board staff in order to make appropriate adjustments.

(3) In the combined request for appropriation, the board shall differentiate between
appropriations requested for academic education and appropriations requested for
technical education.

(4)(a) Institutional operating budgets shall be submitted to the board at least 90 days
before the convening of the Legislature in accordance with procedures established by
the board.

(b) Except as provided in Sections ~~[53B-2a-117]~~ 53H-9-604 and ~~[53B-22-204]~~ 53H-9-504,
funding requests pertaining to capital facilities and land purchases shall be submitted
in accordance with procedures prescribed by the Division of Facilities Construction
and Management.

- 7742 (5)(a) The budget recommendations of the board shall be accompanied by full
7743 explanations and supporting data.
- 7744 (b) The appropriations recommended by the board shall be made with the dual objective
7745 of:
- 7746 (i) justifying for [~~higher education~~]institutions appropriations consistent with [~~their~~]
7747 the institutions' needs, and consistent with the financial ability of the state; and
- 7748 (ii) determining an equitable distribution of funds among the respective institutions in
7749 accordance with the aims and objectives of the statewide master plan for higher
7750 education.
- 7751 (6)(a) The board shall request a hearing with the governor on the recommended
7752 appropriations.
- 7753 (b) After the governor delivers [~~his~~] the governor's budget message to the Legislature, the
7754 board shall request hearings on the recommended appropriations with the Higher
7755 Education Appropriations Subcommittee.
- 7756 (c) If either the total amount of the state appropriations or its allocation among the
7757 institutions as proposed by the Legislature or the Higher Education Appropriations
7758 Subcommittee is substantially different from the recommendations of the board, the
7759 board may request further hearings with the Legislature or the Higher Education
7760 Appropriations Subcommittee to reconsider both the total amount and the allocation.
- 7761 (7) The board may devise, establish, periodically review, and revise formulas for the
7762 board's use and for the use of the governor and the Higher Education Appropriations
7763 Subcommittee in making appropriation recommendations.
- 7764 (8)(a) The board shall recommend to each session of the Legislature the minimum
7765 tuitions, resident and nonresident, for each institution which it considers necessary to
7766 implement the budget recommendations.
- 7767 (b) Subject to Subsection (13), the board may fix the tuition, fees, and charges for each
7768 institution at levels the board finds necessary to meet budget requirements.
- 7769 (9) Money allocated to each institution by legislative appropriation may be budgeted in
7770 accordance with institutional work programs approved by the board, provided that the
7771 expenditures funded by appropriations for each institution are kept within the
7772 appropriations for the applicable period.
- 7773 (10) The dedicated credits, including revenues derived from tuitions, fees, federal grants,
7774 and proceeds from sales received by the institutions are appropriated to the respective
7775 institutions to be used in accordance with institutional work programs.

(11) An institution may do the institution's own purchasing, issue the institution's own payrolls, and handle the institution's own financial affairs under the general supervision of the board.

(12) If the Legislature appropriates money in accordance with this section, the money shall be distributed to the board and ~~[higher education]~~institutions to fund the items described in Subsection (2)(b).

(13) The board shall create policies requiring an institution of higher education to waive transcript fees for a student who is under the age of 26 and:

(a) is homeless, as defined in Section 26B-3-207;

(b) is a person who is homeless, as defined in Section 35A-5-302;

(c) is an individual whose primary nighttime residence is a location that is not designed for or ordinarily used as a sleeping accommodation for an individual;

(d) is a homeless child or youth, as defined in 42 U.S.C. Sec. 11434a;

(e) is in the custody of the Division of Child and Family Services; or

(f) was in the custody of the Division of Child and Family Services but is no longer in the custody of the Division of Child and Family Services due to the individual's age.

Section 226. Section **53H-8-203**, which is renumbered from Section 53B-7-101.5 is renumbered and amended to read:

[53B-7-101.5] 53H-8-203 (Effective upon governor's approval). Proposed tuition increases -- Notice -- Hearings.

(1) If an institution~~[within the State System of Higher Education listed in Section 53B-1-102]~~ considers increasing tuition rates for undergraduate students in the process of preparing or implementing its budget, it shall hold a meeting to receive public input and response on the issue.

(2) The institution shall advertise the hearing required under Subsection (1) using the following procedure:

(a) the institution shall advertise the institution's intent to consider an increase in student tuition rates:

(i) in the institution's student newspaper twice during a period of 10 days before the meeting; and

(ii) for each county where the institution has a campus, as a class A notice under Section 63G-30-102, for at least 10 days before the meeting; and

(b) the advertisement shall state that the institution will meet on a certain day, time, and place fixed in the advertisement, which shall not be less than seven days after the day

the advertisement is published, for the purpose of hearing comments regarding the proposed increase and to explain the reasons for the proposed increase.

(3) The form and content of the notice shall be substantially as follows:

"NOTICE OF PROPOSED TUITION INCREASE

The (name of the higher education institution) is proposing to increase student tuition rates. This would be an increase of _____ %, which is an increase of \$_____ per semester for a full-time resident undergraduate student. All concerned students and citizens are invited to a public hearing on the proposed increase to be held at (meeting place) on (date) at (time)."

(4)(a) The institution shall provide the following information to those in attendance at the meeting required under Subsection (1):

(i) the current year's student enrollment for:

(A) the State System of Higher Education, if a systemwide increase is being considered; or

(B) the institution, if an increase is being considered for just a single institution;

(ii) total tuition revenues for the current school year;

(iii) projected student enrollment growth for the next school year and projected tuition revenue increases from that anticipated growth; and

(iv) a detailed accounting of how and where the increased tuition revenues would be spent.

(b) The enrollment and revenue data required under Subsection (4)(a) shall be broken down into majors or departments if the proposed tuition increases are department or major specific.

(5) If the institution does not make a final decision on the proposed tuition increase at the meeting, it shall announce the date, time, and place of the meeting where that determination shall be made.

Section 227. Section **53H-8-204**, which is renumbered from Section 53B-7-105 is renumbered and amended to read:

[53B-7-105] 53H-8-204 (Effective upon governor's approval). Higher education cost disclosure.

(1) Each institution within the Utah system of higher education shall, at the time of registration, plainly disclose to all of the institution's undergraduate resident students the following amounts, in dollar figures for a full-time equivalent student:

(a) the full cost of instruction;

(b) the amount collected from student tuition and fees; and

(c) the difference between the amounts described under Subsections (1)(a) and (b).

(2) The disclosure under Subsection (1)(c) shall also clearly indicate that this balance was paid by state tax dollars and other money.

Section 228. Section **53H-8-205**, which is renumbered from Section 53B-7-102 is renumbered and amended to read:

[53B-7-102] 53H-8-205 (Effective upon governor's approval). Fiscal year.

The fiscal year for each institution and for the board begins on July 1 and ends on June 30 in each year.

Section 229. Section **53H-8-206**, which is renumbered from Section 53B-7-103.5 is renumbered and amended to read:

[53B-7-103.5] 53H-8-206 (Effective upon governor's approval). Use of revenue for athletic gender equity.

~~[Beginning on July 1, 1998, a state]~~ An institution of higher education shall annually use for the purposes described in Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq., an amount of revenue equal to the total amount of sales and use tax revenue collected under Title 59, Chapter 12, Sales and Use Tax Act:

- (1) during the one-year period beginning on July 1, 1997, and ending on June 30, 1998; and
- (2) on amounts paid for admission to athletic events at the institution of higher education.

Section 230. Section **53H-8-207**, which is renumbered from Section 53B-7-104 is renumbered and amended to read:

[53B-7-104] 53H-8-207 (Effective upon governor's approval). Retention of net reimbursed overhead revenues.

(1) ~~[For fiscal year 1990-91 and for each succeeding-]~~ For each fiscal year, all budget documents for the system of higher education shall reflect retention by ~~[the institutions within the system of their]~~ the institutions' net reimbursed overhead revenues for support of research and related programs under policies established by the board. These overhead revenues may not be considered a dedicated credit.

(2) The board, in conjunction with institutions within the system, shall provide the Legislature, through the Office of Legislative Fiscal Analyst, with a complete accounting of the net reimbursed overhead revenues on an annual basis. This accounting shall include actual expenditures for the prior fiscal year, budgeted expenditures for the current fiscal year, and planned expenditures for the following fiscal year.

Section 231. Section **53H-8-208**, which is renumbered from Section 53B-7-103 is renumbered

and amended to read:

[53B-7-103] 53H-8-208 (Effective upon governor's approval). Board designated state educational agent for federal contracts and aid -- Individual research grants -- Powers of institutions or foundations under authorized programs.

(1)(a) The board is the designated state educational agency authorized to negotiate and contract with the federal government and to accept financial or other assistance from the federal government or any of its agencies in the name of and in behalf of the state of Utah, under terms and conditions as may be prescribed by congressional enactment designed to further higher education.

(b) Nothing in this chapter alters or limits the authority of the Division of Facilities Construction and Management to act as the designated state agency to administer programs on behalf of and accept funds from federal, state, and other sources, for capital facilities for the benefit of higher education.

(2)(a) Subject to policies and procedures established by the board, an institution of higher education and the institution of higher education's employees may apply for and receive grants or research and development contracts within the educational role of the recipient institution.

(b) A program described in Subsection (2)(a) may be conducted by and through the institution, or by and through any foundation or organization that is established for the purpose of assisting the institution in the accomplishment of the institution's purposes.

(3) An institution or the institution's foundation or organization engaged in a program authorized by the board may do the following:

(a) enter into contracts with federal, state, or local governments or ~~[their]~~ the federal, state, or local governments' subsidiary agencies or departments, with private organizations, companies, firms, or industries, or with individuals for conducting the authorized programs;

(b) subject to the approval of the controlling state agency, conduct authorized programs within any of the penal, corrective, or custodial institutions of this state and engage the voluntary participation of inmates in those programs;

(c) accept contributions, grants, or gifts from, and enter into contracts and cooperative agreements with, any private organization, company, firm, industry, or individual, or any governmental agency or department, for support of authorized programs within the educational role of the recipient institution, and may agree to provide matching

7912 funds with respect to those programs from resources available to the institution; and
7913 (d) retain, accumulate, invest, commit, and expend the funds and proceeds from
7914 programs funded under Subsection (3)(c), including the acquisition of real and
7915 personal property reasonably required for ~~[their]~~ the institution or the institution's
7916 foundation or organization's accomplishment, except that no portion of the funds and
7917 proceeds may be diverted from or used for purposes other than those authorized or
7918 undertaken under Subsection (3)(c), or may ever become a charge upon or obligation
7919 of the state of Utah or the general funds appropriated for the normal operations of the
7920 institution unless otherwise permitted by law.

7921 (4)(a) Except as provided in Subsection (4)(b), all contracts and research or development
7922 grants or contracts requiring the use or commitment of facilities, equipment, or
7923 personnel under the control of an institution of higher education are subject to the
7924 approval of the board.

7925 (b)(i) The board may delegate the approval of a contract or grant described in
7926 Subsection (4)(a) to an institution of higher education board of trustees.

7927 (ii) If the board makes a delegation described in Subsection (4)(b)(i), the board of
7928 trustees shall annually report to the board on all approved contracts or grants.

7929 Section 232. Section **53H-8-209**, which is renumbered from Section 53B-7-106 is renumbered
7930 and amended to read:

7931 **[53B-7-106] 53H-8-209 (Effective upon governor's approval). Personal use**
7932 **expenditures for officers and employees of institutions of higher education.**

7933 (1) As used in this section:

7934 (a) "Employee" means a person who is not an elected or appointed officer and who is
7935 employed on a full- or part-time basis by an institution of higher education.

7936 ~~[(b) "Institution of higher education" means an institution that is part of the state system~~
7937 ~~of higher education as described in Section 53B-1-102.]~~

7938 ~~[(e)] (b)~~ "Officer" means a person who is elected or appointed to an office or position
7939 within an institution of higher education.

7940 ~~[(d)] (c)~~(i) "Personal use expenditure" means an expenditure made without the
7941 authority of law that:

7942 (A) is not directly related to the performance of an activity as an officer or
7943 employee of an institution of higher education and the board;

7944 (B) primarily furthers a personal interest of an officer or employee of an
7945 institution of higher education and the board or the family, a friend, or an

7946 associate of an officer or employee of an institution of higher education and the
7947 board; and

7948 (C) would constitute taxable income under federal law.

7949 (ii) "Personal use expenditure" does not include:

7950 (A) a de minimis or incidental expenditure; or

7951 (B) a state vehicle or a monthly stipend for a vehicle that an officer or employee
7952 uses to travel to and from the officer or employee's official duties, including a
7953 minimal allowance for a detour as provided by the institution of higher
7954 education and the board.

7955 [(e)] (d) "Public funds" means the same as that term is defined in Section 51-7-3.

7956 (2) An officer or employee of an institution of higher education and the board may not:

7957 (a) use public funds for a personal use expenditure; or

7958 (b) incur indebtedness or liability on behalf of, or payable by, an institution of higher
7959 education and the board for a personal use expenditure.

7960 (3) If the institution of higher education and the board determines that an officer or
7961 employee of an institution of higher education and the board has intentionally made a
7962 personal use expenditure in violation of Subsection (2), the institution of higher
7963 education and the board shall:

7964 (a) require the officer or employee to deposit the amount of the personal use expenditure
7965 into the fund or account from which:

7966 (i) the personal use expenditure was disbursed; or

7967 (ii) payment for the indebtedness or liability for a personal use expenditure was
7968 disbursed;

7969 (b) require the officer or employee to remit an administrative penalty in an amount equal
7970 to 50% of the personal use expenditure to the institution of higher education and the
7971 board; and

7972 (c) deposit the money received under Subsection (3)(b) into the operating fund of the
7973 institution of higher education and the board.

7974 (4)(a) Any officer or employee of an institution of higher education and the board who
7975 has been found by the institution of higher education and the board to have made a
7976 personal use expenditure in violation of Subsection (2) may appeal the finding of the
7977 institution of higher education and the board.

7978 (b) The institution of higher education and the board shall establish an appeal process for
7979 an appeal made under Subsection (4)(a).

(5)(a) Subject to Subsection (5)(b), an institution of higher education and the board may withhold all or a portion of the wages of an officer or employee of the institution of higher education and the board who has violated Subsection (2) until the requirements of Subsection (3) have been met.

(b) If the officer or employee has requested an appeal under Subsection (4), the institution of higher education and the board may only withhold the wages of the officer or employee after the appeal process has confirmed that the officer or employee violated Subsection (2).

(6) Nothing in this chapter immunizes an officer or employee of an institution of higher education and the board from or precludes any criminal prosecution or civil or employment action for an unlawful personal use expenditure.

(7) An officer or employee of an institution of higher education who is convicted of misusing public money or public property under Section 76-8-402 may not disburse public funds or access public accounts.

Section 233. Section **53H-8-210**, which is renumbered from Section 53B-7-107 is renumbered and amended to read:

[53B-7-107] 53H-8-210 (Effective upon governor's approval). Higher education strategic reinvestment.

(1) As used in this section:

(a) "Reinvestment funds" means the amount of money the Legislature appropriates to the board for strategic reinvestment in accordance with this section.

(b) "Strategic reinvestment plan" means a plan described in Subsection (3) that each degree-granting institution develops to reallocate reinvestment funds to certain strategic investments.

(2) The board may transfer to a degree-granting institution the reinvestment funds dedicated to the degree-granting institution if:

(a) for the 2026 fiscal year:

(i) the respective degree-granting institution provides to the board the degree-granting institution's strategic reinvestment plan;

(ii) the board approves the degree-granting institution's strategic reinvestment plan; and

(iii) after receiving a report from the board regarding the strategic reinvestment plan in the meeting of the Executive Appropriations Committee in September 2025, the Executive Appropriations Committee makes a determination that the relevant

8014 degree-granting institution's strategic reinvestment plan satisfies the requirements
8015 of this section; and

8016 (b) for each of the 2027 and 2028 fiscal years:

8017 (i) the respective degree-granting institution provides to the board a report on the
8018 degree-granting institution's progress in executing the degree-granting institution's
8019 strategic reinvestment plan; and

8020 (ii) after receiving a report from the board regarding the degree-granting institution's
8021 execution of the strategic reinvestment plan in the meeting of the Executive
8022 Appropriations Committee in September of 2026 and 2027, respectively, the
8023 Executive Appropriations Committee makes a determination that the relevant
8024 degree-granting institution has progressed in executing the degree-granting
8025 institution's strategic reinvestment plan in accordance with this section.

8026 (3) Each degree-granting institution shall:

8027 (a) prepare and submit the degree-granting institution's strategic reinvestment plan in
8028 accordance with Subsections (3)(b) and (c) based on:

8029 (i) demonstrated enrollment data;

8030 (ii) completion rate and timely completion;

8031 (iii) discipline-related professional outcomes, including placement, employment,
8032 licensure, and wage outcomes;

8033 (iv) current and future localized and statewide workforce demands;

8034 (v) program-level cost; and

8035 (vi) the degree-granting institution's mission and role within the statewide system;

8036 (b) in consultation with the board, develop a strategic reinvestment plan that:

8037 (i) identifies programs, courses, degrees, departments, colleges, or other divisions of
8038 the degree-granting institution, operational efficiencies, and other components of
8039 the degree-granting institution's instruction and administrative functions, including
8040 dean positions and other administration positions, that merit further investment;

8041 (ii) identifies programs, courses, degrees, departments, colleges or other divisions of
8042 the degree-granting institution, operational inefficiencies, and other components
8043 of the degree-granting institution's instruction and administrative functions,
8044 including dean positions and other administration positions, that the
8045 degree-granting institution will reduce or eliminate to shift resources, in an
8046 amount at least equal to the amount of reinvestment funds dedicated to the
8047 degree-granting institution, to the strategic investments described in Subsection

- 8048 (3)(b)(i);
- 8049 (iii) retains a core general education curricula that enables students to acquire critical
- 8050 thinking, problem solving, citizenship, communication, and other durable skills;
- 8051 and
- 8052 (iv) includes an accounting demonstrating the reallocation of resources from the
- 8053 reduced or eliminated items described in Subsection (3)(b)(ii) to the strategic
- 8054 investments described in Subsection (3)(b)(i) in the following amounts:
- 8055 (A) for fiscal year 2026, at least 30% of the total of the reinvestment funds
- 8056 dedicated to the degree-granting institution;
- 8057 (B) for fiscal year 2027, at least 70% of the total of the amount of reinvestment
- 8058 funds dedicated to the degree-granting institution; and
- 8059 (C) for fiscal year 2028, 100% of the total of the reinvestment funds dedicated to
- 8060 the degree-granting institution; and
- 8061 (c) before a date that the board identifies in each of 2026 and 2027, submit to the board a
- 8062 report on the degree-granting institution's progress in executing the degree-granting
- 8063 institution's strategic reinvestment plan, which may include modifications to the plan
- 8064 if the modified plan meets the requirements of this section.
- 8065 (4) The board shall:
- 8066 (a) during the 2025 fiscal year:
- 8067 (i) establish standards for the reallocations described in the strategic reinvestment
- 8068 plans; and
- 8069 (ii) provide guidance to the degree-granting institutions of higher education on
- 8070 metrics and evaluative processes for the degree-granting institutions to use in
- 8071 analyzing programs and budgets to develop the strategic reinvestment plan;
- 8072 (b) review each degree-granting institution's strategic reinvestment plan and approve
- 8073 plans that meet the requirements of this section; and
- 8074 (c) report on each degree-granting institution's strategic reinvestment plan to:
- 8075 (i) in August of 2025, 2026, and 2027, the Higher Education Appropriations
- 8076 Subcommittee; and
- 8077 (ii) in September of 2025, 2026, and 2027, the Executive Appropriations Committee.
- 8078 (5)(a) Each year, after receiving the board report described in Subsection (4)(c)(i), the
- 8079 Higher Education Appropriations Subcommittee shall make a recommendation to the
- 8080 Executive Appropriations Committee regarding each degree-granting institution's
- 8081 strategic reinvestment plan and compliance with this section.

- (b) Each year, after receiving the board report described in Subsection (4)(c)(ii), the Executive Appropriations Committee shall make a determination, for each degree-granting institution individually, regarding:
- (i) for fiscal year 2026, whether the degree-granting institution's strategic reinvestment plan satisfies the requirements of this section; and
 - (ii) for each of fiscal years 2027 and 2028, whether the degree-granting institution has progressed in executing the degree-granting institution's strategic reinvestment plan in accordance with this section.

(6)(a) A degree-granting institution may use reinvestment funds:

- (i) for the strategic investments described in Subsection (3)(b)(i); and
- (ii) for the reduced or eliminated items described in Subsection (3)(b)(ii) in the following amounts:
 - (A) for fiscal year 2026, no more than 70% of the total of the reinvestment funds dedicated to the degree-granting institution; and
 - (B) for fiscal year 2027, no more than 30% of the total of the reinvestment funds dedicated to the degree-granting institution.

- (b) A degree-granting institution may not supplant or supplement the cost of a reduced or eliminated item described in Subsection (3)(b)(ii):
- (i) through a tuition increase; or
 - (ii) with any state funds, except in fiscal year 2028, to the extent necessary to allow a student to complete the student's academic program as outlined in the degree-granting institution's approved strategic reinvestment plan.

(7) If a degree-granting institution fails to reallocate resources in accordance with the degree-granting institution's reinvestment plan and this section, in preparing the higher education budgets immediately following the degree-granting institution's failure, the Executive Appropriations Committee shall reduce appropriations for the degree-granting institution's instruction and administration in an amount equal to the amount the degree-granting institution failed to properly reallocate.

(8)(a) Each degree-granting institution shall:

- (i) establish policies specifically to effectuate the strategic reinvestment plan, and that address the following:
 - (A) reduction or elimination of positions and other personnel decisions; and
 - (B) internal institutional procedures regarding the reduction, elimination, creation, or modification of programs, courses, degrees, departments, colleges, or other

divisions of the degree-granting institution;

(ii) ensure that the policies described in this Subsection (8)(a):

(A) create operational efficiencies in carrying out the strategic reinvestment plan;

(B) assist the degree-granting institution to meet the timeframes described in this

section and the strategic reinvestment plan; and

(C) are consistent with the guidance the board provides in accordance with

Subsection (4)(a); and

(iii) prepare the policies described in this Subsection (8)(a) in consultation with the board.

(b) ~~[An]~~ A degree-granting institution's policies described in Subsection (8)(a) may

supersede the following that are inconsistent with the strategic reinvestment plan or the goals of the plan:

(i) an existing policy, procedure, or timeframe of the degree-granting institution; and

(ii) a board policy, if the board determines that superseding the policy is necessary or appropriate.

(c) Notwithstanding any other provision of this title, ~~[an]~~ a degree-granting institution

may act in accordance with the policies described in this Subsection (8).

Section 234. Section **53H-8-301**, which is renumbered from Section 53B-7-702 is renumbered and amended to read:

Part 3. Performance Funding

[53B-7-702] 53H-8-301 (Effective upon governor's approval). Definitions.

As used in this part:

(1) "Account" means the Performance Funding Restricted Account created in Section [53B-7-703] 53H-8-302.

(2) "Estimated revenue growth from targeted jobs" means the estimated increase in individual income tax revenue generated by individuals employed in targeted jobs, determined in accordance with Sections [53B-7-703] 53H-8-302 and [53B-7-704] 53H-8-306.

(3) "Full new performance funding amount" means the maximum amount of new performance funding that ~~[a degree-granting institution or technical college]~~ an institution may qualify for in a fiscal year, determined by the Legislature in accordance with Section [53B-7-705] 53H-8-303.

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

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

(6) "Performance" means total performance across the metrics described in Section [53B-7-706] 53H-8-304.

(7) "Targeted job" means a four- and five-star job that requires postsecondary training as designated by the Department of Workforce Services.

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

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

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

Section 235. Section **53H-8-302**, which is renumbered from Section 53B-7-703 is renumbered and amended to read:

[~~53B-7-703~~ 53H-8-302 (Effective upon governor's approval). Performance Funding Restricted Account -- Creation -- Deposits into account -- Legislative review.

(1) As used in this section:

(a) "Account" means the Performance Funding Restricted Account created in Subsection (2).

(b) "Baseline amount" means the simple five-year average amount of personal income tax withholding over fiscal years 2019-2023.

(c) "Personal income tax withholding means" means income tax withholding required under Title 59, Chapter 10, Part 4, Withholding of Tax.

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

(3) The Legislature may appropriate money to the account.

(4) Money in the account shall be:

(a) used for performance funding for:

(i) degree-granting institutions; and

(ii) technical colleges; and

(b) appropriated by the Legislature in accordance with Section [~~53B-7-705~~] 53H-8-303.

(5)(a) Money in the account shall earn interest.

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

(6)(a) Except as provided in Subsection (6)(b) or (6)(c)[~~and beginning December 1, 2025~~], before the end of each calendar year, the Executive Appropriations Committee

shall appropriate to the account an amount equal to 6% of the difference between the five-year average amount from the most recent five years of personal income tax withholdings and the baseline amount.

(b)(i) As used in this Subsection (6)(b), "total higher education appropriations" means, for the current fiscal year, the total state funded appropriations to:

(A) the board;

(B) degree-granting institutions; and

(C) technical colleges.

(ii) If an appropriation described in Subsection (6)(a) would exceed 10% of total higher education appropriations, the Executive Appropriations Committee shall appropriate to the account an amount equal to 10% of total higher education appropriations.

(c) If, after appropriating to the Public Education Economic Stabilization Restricted Account as defined in Section 53F-9-204, the remaining available revenue from the personal income tax withholdings is less than the lesser of the amounts in Subsection (6)(a) or Subsection (6)(b)(ii), the Executive Appropriations Committee shall appropriate to the account the remaining available revenue from the personal income tax withholdings.

Section 236. Section **53H-8-303**, which is renumbered from Section 53B-7-705 is renumbered and amended to read:

[53B-7-705] 53H-8-303 (Effective upon governor's approval). Determination of full new performance funding amount -- Role of appropriations subcommittee -- Program review.

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

(a) degree-granting institution; and

(b) technical college.

(2) The Legislature shall annually allocate:

(a) 80% of the money in the account to degree-granting institutions; and

(b) 20% of the money in the account to technical colleges.

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

- 8218 (i) full-time equivalent enrollment in all degree-granting institutions; and
8219 (ii) the total state-funded appropriated budget for all degree-granting institutions.
- 8220 (b) In determining a degree-granting institution's full new performance funding amount,
8221 the Legislature shall give equal weight to the factors described in Subsections (3)(a)(i)
8222 and (ii).
- 8223 (4)(a) The Legislature shall determine a technical college's full new performance
8224 funding amount based on the technical college's prior year share of:
8225 (i) full-time equivalent enrollment for all technical colleges; and
8226 (ii) the total state-funded appropriated budget for all technical colleges.
- 8227 (b) In determining a technical college's full new performance funding amount, the
8228 Legislature shall give equal weight to the factors described in Subsections (4)(a)(i)
8229 and (ii).
- 8230 (5) Annually, at least 30 days before the first day of the legislative general session the board
8231 shall submit a report to the Higher Education Appropriations Subcommittee on each [
8232 ~~degree-granting institution's and each technical college's~~] institution's performance.
- 8233 (6)(a) In accordance with this Subsection (6), and based on the report described in
8234 Subsection (5), the Legislature shall determine for each [~~degree-granting institution~~
8235 ~~and each technical college~~] institution:
8236 (i) the portion of the full new performance funding amount earned; and
8237 (ii) the amount of new performance funding to recommend that the Legislature
8238 appropriate, from the account, to the [~~degree-granting institution or technical~~
8239 ~~college~~] institution.
- 8240 (b) [~~A degree-granting institution or technical college~~] An institution earns the full new
8241 performance funding amount if the [~~degree-granting institution or technical college~~]
8242 institution meets the annual performance goals the board sets under Subsection [
8243 ~~53B-7-706(1)(a)(ii)~~] 53H-8-304(1)(a)(ii).
- 8244 (c) [~~A degree-granting institution or technical college~~] An institution that does not meet
8245 the goals the board sets under Subsection [~~53B-7-706(1)(a)(ii)~~] 53H-8-304(1)(a)(ii):
8246 (i) is not eligible to receive the full new performance funding amount; and
8247 (ii) is eligible to receive a prorated amount of the full new performance funding
8248 amount for performance that is greater than zero as measured by the model the
8249 board establishes under Subsection [~~53B-7-706(1)(a)(i)(B)~~] 53H-8-304(1)(a)(i).
- 8250 (d) If [~~a degree-granting institution or technical college~~] an institution does not earn the
8251 full new performance funding amount as described in Subsection (6)(b), the

- 8252 Legislature:
- 8253 (i) shall set aside the unearned new performance funding; and
- 8254 (ii) may, at the end of an annual performance goal period within a five-year period
- 8255 for which the board sets goals under Subsection [53B-7-706(1)(a)(ii)]
- 8256 53H-8-304(1)(a)(ii), reallocate the funds set aside under Subsection (6)(d)(i) to [a
- 8257 ~~degree-granting institution or technical college~~ an institution that meets or
- 8258 exceeds the [degree-granting institution's or technical college's] institution's:
- 8259 (A) previous year's annual performance goal; and
- 8260 (B) performance goal that the institution previously failed to meet which caused
- 8261 the funding to be set aside.
- 8262 (7) An appropriation described in this section is ongoing.
- 8263 (8) Notwithstanding Section [53B-7-703] 53H-8-302 and Subsections (6) and (7), the
- 8264 Legislature may, by majority vote, appropriate or refrain from appropriating money for
- 8265 performance funding as circumstances require in a particular year.
- 8266 Section 237. Section **53H-8-304**, which is renumbered from Section 53B-7-706 is renumbered
- 8267 and amended to read:
- 8268 **[53B-7-706] 53H-8-304 (Effective upon governor's approval). Performance**
- 8269 **metrics for institutions -- Determination of performance.**
- 8270 (1)(a)(i) The board shall establish a model for determining [a-degree-granting
- 8271 ~~institution's or technical college's~~ an institution's performance.
- 8272 (ii) The board shall:
- 8273 (A) set a five-year goal for the Utah System of Higher Education for each metric
- 8274 described in Subsection (2)(a);
- 8275 (B) adopt five-year goals for each [degree-granting institution and technical
- 8276 ~~college~~ institution that align with each goal described in Subsection
- 8277 (1)(a)(ii)(A); and
- 8278 (C) ensure the goals the board adopts for each [degree-granting institution and
- 8279 ~~technical college~~ institution described in Subsection (1)(a)(ii)(B) are
- 8280 sufficiently rigorous to meet the goals described in Subsection (1)(a)(ii)(A); and
- 8281 (b)(i) The board shall submit a draft of the model described in this section to the
- 8282 Higher Education Appropriations Subcommittee and the governor for comments
- 8283 and recommendations.
- 8284 (ii) Every five years, the board shall:
- 8285 (A) submit the model described in Subsection (1)(a)(i) and the goals described in

Subsection (1)(a)(ii) to the Higher Education Appropriations Subcommittee and to the governor for comments and recommendations; and

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

(c) Every five years, the Executive Appropriations Committee, the Higher Education Appropriations Subcommittee, and the Education Interim Committee shall prepare and jointly meet to consider legislation for introduction at the following general legislative session to adopt the goals described in Subsection (1)(a)(ii).

(2)(a) The board shall set the goals and establish the performance model described in Subsection (1)(a)(i) for the following metrics:

(i) access;

(ii) timely completion; and

(iii) high-yield awards.

(b) The board shall determine the relative weights of the metrics described in Subsection (2)(a).

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

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

(i) performance; and

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

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

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

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

(iii) include a degree-granting institution's or technical college's performance under this section in the evaluation described in Subsection [~~53B-1-402(2)(i)~~] 53H-1-203(2)(i).

(4) The board shall use the model described in Subsection (1)(a)(i) to make the report

described in Section ~~[53B-7-705]~~ 53H-8-303 for determining ~~[a degree-granting institution's or technical college's]~~ an institution's performance funding.

(5) At the end of each five-year period for which the board sets goals under Subsection

(1)(a)(ii):

(a) the board shall:

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

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

(iii) allocate any funds not allocated under Subsection ~~[53B-7-705(6)(g)]~~

53H-8-303(6)(d) to each~~[-degree-granting institution and each technical college-]~~

institution that meets or exceeds the goals the board sets under Subsection

(1)(a)(ii)(B); and

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

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

(a) the Executive Appropriations Committee;

(b) the Higher Education Appropriations Subcommittee; and

(c) the Education Interim Committee.

Section 238. Section **53H-8-305**, which is renumbered from Section 53B-7-709 is renumbered and amended to read:

~~[53B-7-709]~~ 53H-8-305 (Effective upon governor's approval) (Repealed 07/01/27).

Five-year performance goals.

(1) As used in this section:

(a) "Access metric" means the metric described in Subsection ~~[53B-7-706(2)(a)(ii)(A)]~~ 53H-8-304(2)(a)(i).

(b) "Award" means a degree or certificate that an institution grants.

(c) "Cohort" means a group of students, defined by the year in which the group enrolls in an institution.

(d) "Five-year performance period" means the five-year period beginning on July 1, 2022, and ending on June 30, 2027.

(e) "High-yield award" means the same as that term is defined in board policy under Subsection ~~[53B-7-706(2)(e)]~~ 53H-8-304(2)(c).

(f) "High-yield awards metric" means the metric described in Subsection [~~53B-7-706(2)(a)(ii)(C)]~~ 53H-8-304(2)(a)(iii).

~~[(g) "Institution" means an institution of higher education described in Section 53B-1-102.]~~

~~[(h)]~~ (g) "Standard completion time" means the time in which a student typically completes an award program.

(i) (h) "System" means the Utah System of Higher Education.

(j) (i) "Timely completion metric" means the metric described in Subsection [~~53B-7-706(2)(a)(ii)(B)]~~ 53H-8-304(2)(a)(ii).

(2) The goals established by the board in accordance with Subsection ~~[53B-7-706(1)(a)(ii)]~~ 53H-8-304(1)(a)(ii) for the Utah System of Higher Education for the five-year performance period are:

(a) for the access metric, to increase the percent of Utah high school graduates participating in the system by 3.0%;

(b) for the timely completion metric, to increase the system percentage of a cohort that completes an award in up to and including 1.5 times the standard completion time by 3.0%; and

(c) for the high-yield awards metric, to increase the system percentage of high-yield awards by 3.0%.

(3) In order to meet the system goals described in Subsection (2), the goals for each institution for the five-year performance period are:

(a) for the access metric, to increase the institution's share of Utah high school graduates participating in the system by a percentage that the board determines;

(b) for the timely completion metric, to increase the percent of a cohort enrolled at the institution that completes an award in up to and including 1.5 times the standard completion time or sooner by a percentage that the board determines; and

(c) for the high-yield awards metric, to increase the percent of high-yield awards the institution grants by a percentage that the board determines.

Section 239. Section **53H-8-306**, which is renumbered from Section 53B-7-704 is renumbered and amended to read:

~~[53B-7-704]~~ 53H-8-306 (Effective upon governor's approval). Reporting of estimated revenue growth from targeted jobs.

- (1) On or before October 1, 2030 and each subsequent fifth year, the Department of Workforce Services shall report to the Higher Education Appropriations Subcommittee on:
- (a) the total wages in Utah according to the Quarterly Census of Employment and Wages program over the previous five years;
 - (b) total wages in Utah attributable to four- and five-star jobs that require postsecondary training according to the Occupational Employment and Wage Statistics program over the previous five years;
 - (c) total wages in Utah for all occupations according to the Occupational Employment and Wage Statistics program over the previous five years;
 - (d) the quotient of total wages in Subsection (1)(a) and total wages in Subsection (1)(b); and
 - (e) the quotient of total wages in Subsection (1)(c) and total wages in Subsection (1)(b).
- (2) On or before October 1, 2030 and each subsequent fifth year, the commissioner shall report to the Higher Education Appropriations Subcommittee on:
- (a) all institutions' high yield awards over the previous five years;
 - (b) the estimated revenue growth from targeted jobs associated with high yield awards over the previous five years;
 - (c) the connection between the data described in Subsections (2)(a) and (2)(b); and
 - (d) the estimated median effective income tax rate.

Section 240. Section **53H-8-307**, which is renumbered from Section 53B-7-708 is renumbered and amended to read:

[53B-7-708] 53H-8-307 (Effective upon governor's approval). Legislative audit.

- (1) Subject to prioritization of the Audit Subcommittee, the Office of the Legislative Auditor General established under Section 36-12-15 shall in any fiscal year:
- (a) conduct an audit of money appropriated for performance funding; and
 - (b) prepare and submit a written report for an audit described in this section in accordance with Section 36-12-15.
- (2) An audit described in this section shall include:
- (a) an evaluation of the implementation of performance funding; and
 - (b) the use of performance funding.

Section 241. Section **53H-8-401**, which is renumbered from Section 53B-7-801 is renumbered and amended to read:

Part 4. Higher Education Student Success Endowment

8422 **[53B-7-801] 53H-8-401 (Effective upon governor's approval). Definitions.**

8423 As used in this part, "endowment" means the Higher Education Student Success
8424 Endowment created in Section [53B-7-802] 53H-8-402.

8425 Section 242. Section **53H-8-402**, which is renumbered from Section 53B-7-802 is renumbered
8426 and amended to read:

8427 **[53B-7-802] 53H-8-402 (Effective upon governor's approval). Higher Education**
8428 **Student Success Endowment.**

8429 (1) There is created the Higher Education Student Success Endowment.

8430 (2) The endowment consists of:

8431 (a) the proceeds from divestment of the dissolved Utah Higher Education Assistance
8432 Authority's loan portfolio;

8433 (b) appropriations made to the endowment by the Legislature, if any;

8434 (c) income from the investment of the endowment; and

8435 (d) other revenues received from other sources.

8436 (3) The board shall account for the receipt and expenditures of endowment money in
8437 accordance with the policies and guidance of the Division of Finance.

8438 (4)(a)(i) The state treasurer shall invest the endowment money with the primary goal
8439 of providing for stability, income, and growth of the principal.

8440 (ii) The state treasurer may deduct any administrative costs incurred in managing
8441 endowment assets from earnings before distributing the earnings.

8442 (b) Nothing in this section requires a specific outcome in investing.

8443 (c) The state treasurer may employ professional asset managers to assist in the
8444 investment of assets of the endowment.

8445 (d) The state treasurer may only provide compensation to asset managers from earnings
8446 generated by the endowment's investments.

8447 (e) The state treasurer shall invest and manage the endowment assets as a prudent
8448 investor would, by:

8449 (i) considering the purposes, terms, distribution requirements, and other
8450 circumstances of the endowment; and

8451 (ii) exercising reasonable care, skill, and caution in order to meet the standard of care
8452 of a prudent investor.

8453 (f) In determining whether or not the state treasurer has met the standard of care of a
8454 prudent investor, the judge or finder of fact shall:

8455 (i) consider the state treasurer's actions in light of the facts and circumstances existing

at the time of the investment decision or action, and not by hindsight; and

- (ii) evaluate the state treasurer's investment and management decisions respecting individual assets not in isolation, but in context of an endowment portfolio as a whole as a part of an overall investment strategy that has risk and return objectives reasonably suited to the endowment.

(5)(a) The endowment shall earn interest.

- (b) The state treasurer shall deposit the interest or other revenue earned from investment of the endowment into the endowment.

(6) The board:

- (a) may expend money from the endowment for programs that:

- (i) advance the system priorities as established in Subsection [~~53B-1-402(2)(a)~~] 53H-1-203(2)(a); and

- (ii) support prospective students or current students enrolled at an institution[~~, as described in Section 53B-2-101~~]; and

- (b) may not expend money from the endowment for a capital expenditure, including the construction or lease of a capital facility or operation and maintenance of a capital facility.

(7) The board shall ensure that:

- (a) money deposited into the endowment is irrevocable and is expended only for programs that advance the system priorities as established in Subsection [~~53B-1-402(2)(a)~~] 53H-1-203(2)(a); and
- (b) creditors of the board of directors may not seize, attach, or otherwise obtain assets of the endowment.

Section 243. Section **53H-8-403**, which is renumbered from Section 53B-7-803 is renumbered and amended to read:

[~~53B-7-803~~] 53H-8-403 (Effective upon governor's approval). Board duties.

(1) The board shall:

- (a) act as trustee of the endowment and exercise the state's fiduciary responsibilities;
- (b) meet at least twice a year to conduct business on behalf of the endowment;
- (c) review and approve all endowment policies, projections, rules, criteria, procedures, forms, standards, and performance goals;
- (d) review and approve the budget and expenditures for the endowment in accordance with Section [~~53B-7-802~~] 53H-8-402;
- (e) review financial records for the endowment, including endowment receipts,

8490 expenditures, and investments; and

8491 (f) take any other action necessary to perform the board's fiduciary obligations.

8492 (2) The board shall annually submit a budget and expenditures to the Higher Education
8493 Appropriations Subcommittee no later than November 1.

8494 Section 244. Section **53H-8-404**, which is renumbered from Section 53B-7-804 is renumbered
8495 and amended to read:

8496 **[53B-7-804] 53H-8-404 (Effective upon governor's approval). Grants and gifts to**
8497 **the authority.**

8498 (1) To the extent otherwise allowed, a state entity may grant money or property to the
8499 endowment.

8500 (2) A person may make a contribution, gift, grant, bequest, devise, or loans to the
8501 endowment.

8502 Section 245. Section **53H-8-501**, which is renumbered from Section 53B-1-201 is renumbered
8503 and amended to read:

8504 **Part 5. Foreign Bank Accounts and Foreign Gifts**

8505 **[53B-1-201] 53H-8-501 (Effective upon governor's approval). General provisions**
8506 **-- Definitions.**

8507 As used in this part:

8508 (1) "Conditional gift" means a gift as defined in Subsection (4) that is subject to conditions:

8509 (a) imposed, requested, or provided by a foreign government or foreign person; and

8510 (b) that relate to:

8511 (i) what kinds of teachers or students may benefit from the gift; or

8512 (ii) a description of the subject matter to be taught with the support of the gift.

8513 (2) "Foreign government" means a government other than the government of:

8514 (a) the United States;

8515 (b) a state within the United States;

8516 (c) a territory or possession of the United States; or

8517 (d) a political subdivision of the United States.

8518 (3) "Foreign person" means:

8519 (a) a foreign government defined in Subsection (2);

8520 (b) an individual who is not a citizen or national of the United States or of a territory or
8521 protectorate of the United States;

8522 (c) a corporation, partnership, joint venture, proprietorship, trust, association, or other
8523 entity that is created or organized under the laws of a foreign government or that has

its principal place of business located outside the United States;

(d) if known by the ~~[higher education]~~ institution, a corporation, partnership, joint venture, proprietorship, trust, association, or other entity that is created or organized pursuant to the laws of the United States or a state within the United States, if a majority of the stock or other equity interest is directly or indirectly owned by, or which derives a majority of its funding from:

(i) a foreign government;

(ii) an individual described in Subsection (3)(b); or

(iii) an entity described in Subsection (3)(c) or (d); or

(e) if known by the ~~[higher education]~~ institution, a committee or other group in which a majority of the membership is composed of:

(i) a foreign government;

(ii) an individual described in Subsection (3)(b); or

(iii) an entity described in Subsection (3)(c) or (d).

(4) "Gift" means an endowment, scholarship, gift, donation, or grant of money or property of any kind.

~~[(5) "Higher education institution" means an institution in the state system of higher education as defined in Section 53B-1-102.]~~

~~[(6)]~~ (5) "Restricted foreign entity" means:

(a) a company that the United States Secretary of Defense is required to list as a military company under the requirements of federal national defense authorization acts;

(b) any affiliate of a company described in Subsection (6)(a);

(c) the country with a commercial or defense industrial base of which a company described in Subsection (6)(a) is a part; or

(d) any subsidiary of a company described in Subsection (6)(a) or a country described in Subsection (6)(c).

Section 246. Section **53H-8-502**, which is renumbered from Section 53B-7-601 is renumbered and amended to read:

~~[53B-7-601]~~ **53H-8-502 (Effective upon governor's approval). Foreign bank accounts for higher education purposes.**

(1) As used in this section, "foreign depository institution" is as defined in Section 7-1-103.

(2) In accordance with Subsection 51-7-4(1)(b)(iii), ~~[a higher education]~~ an institution may deposit funds ~~[in]~~ into a foreign depository institution for purposes of conducting academic, research, or clinical activities in the foreign country, if the:

- 8558 (a) laws of the foreign country require the money to be deposited in the foreign country;
8559 or
8560 (b) terms of a grant, gift, or contract require the funds to be deposited in the foreign
8561 country.

- 8562 (3) The foreign depository institution in which funds are deposited under this section shall
8563 meet the requirements of rules made by the State Money Management Council under
8564 Section 51-7-18.

8565 Section 247. Section **53H-8-503**, which is renumbered from Section 53B-1-202 is renumbered
8566 and amended to read:

8567 **[53B-1-202] 53H-8-503 (Effective upon governor's approval). Disclosure of**
8568 **foreign gifts to institutions -- Prohibition on restricted foreign entity funds.**

- 8569 (1)(a) Except as provided in Subsection (1)(c), on or before July 31 of each year, [a
8570 higher education] an institution shall disclose to the board, by filing a disclosure
8571 report described in Subsection (2), a gift received by the [higher education]
8572 institution of \$50,000 or more from a foreign person, considered alone or in
8573 combination with all other gifts from the foreign person, during the period beginning
8574 July 1 and ending on June 30 immediately preceding the July 31 deadline.
- 8575 (b) ~~[A higher education]~~ An institution may rely on the following address of a foreign
8576 person to determine the citizenship or nationality of the foreign person if the
8577 citizenship or nationality is unknown:
- 8578 (i) for a foreign person that is an individual, the principal residence; and
8579 (ii) for a foreign person that is not an individual, the principal place of business.
- 8580 (c) The \$50,000 amount described in Subsection (1)(a) is increased to \$250,000 if the
8581 gift, considered alone or in combination with all other gifts, described in Subsection
8582 (1)(a) is from a foreign person:
- 8583 (i) with a principal residence or principal place of business located in the United
8584 States; and
8585 (ii) with a permanent resident status:
- 8586 (A) under Section 245 of the Immigration and Nationality Act; and
8587 (B) for 10 years or more.
- 8588 (2) A disclosure report regarding all gifts described in Subsection (1) shall include:
- 8589 (a) the amount of each gift described in Subsection (1);
8590 (b) the date on which each gift described in Subsection (1) was received by the [higher
8591 education] institution;

- (c) the name of the foreign person making each gift described in Subsection (1);
- (d) the aggregate amount of all gifts described in Subsection (1) from a foreign person during the prior fiscal year of the ~~[higher education]~~ institution;
- (e) for a conditional gift, a description of the conditions or restrictions related to the conditional gift;
- (f) for a conditional gift:
- (i) for a foreign person that is an individual, if known, the country of citizenship or principal residence of the individual; or
- (ii) for a foreign person that is not an individual, if known, the country of incorporation or place of business of the foreign person; and
- (g) for a conditional gift that is a contract entered into between ~~[a higher education]~~ an institution and a foreign person:
- (i) the amount;
- (ii) the date;
- (iii) a description of all conditions or restrictions; and
- (iv) the name of the foreign person.
- (3) A disclosure report required by this section is a public record open to inspection and review during the ~~[higher education]~~ institution's business hours.
- (4) At the request of the board, the attorney general may file a civil action to compel ~~[a higher education]~~ an institution to comply with the requirements of this section.
- (5) The board shall make rules for the administration of this section in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (6) ~~[Beginning July 1, 2023, a higher education]~~ An institution may not seek or accept funding support from a restricted foreign entity or an entity that passes on funding support from a restricted foreign entity.

Section 248. Section **53H-8-601**, which is renumbered from Section 53B-13-102 is renumbered and amended to read:

Part 6. Higher Education Loans

[53B-13-102] 53H-8-601 (Effective upon governor's approval). Definitions.

As used in this ~~[chapter]~~ part:

- (1) "Bonds" means the bonds authorized to be issued by the board under this ~~[chapter]~~ part, and may consist of bonds, notes, or debt obligations evidencing an obligation to repay borrowed money and payable solely from revenues and other money of the board pledged for repayment.

- (2) "Eligible borrower" means a person, or the parent of a person, who is eligible to borrow under regulations applicable to the student loan program.
- (3) "Eligible institution" means an institution which is approved by the board and the United States Secretary of Education for purposes of the guaranteed loan program.
- (4) "Obligations" means student loan notes and other debt obligations reflecting loans to students which the board may take, acquire, buy, sell, or endorse under this [chapter] part, and may include a direct or indirect interest in the whole or any part of the notes or obligations.
- (5) "Resolution," when used in relation to the issuance of bonds, means the resolution or trust agreement securing the bonds.
- (6) "Student" means a person who, under rules promulgated by the board, is enrolled or accepted for enrollment at an eligible institution and who is making suitable progress in the person's education toward obtaining a degree or other appropriate certification in accordance with standards acceptable to the board.

Section 249. Section **53H-8-602**, which is renumbered from Section 53B-13-103 is renumbered and amended to read:

[53B-13-103] 53H-8-602 (Effective upon governor's approval). Powers of Utah Board of Higher Education.

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

- (1) to accept gifts, grants, loans, and other aids or amounts from a person, corporation, or governmental agency;
- (2) to loan money to eligible borrowers to assist ~~[them]~~ the eligible borrowers in obtaining a post-high school education by attending an eligible institution, including refinancing or consolidating obligations previously incurred by eligible borrowers with other lending sources for this purpose and participating in loans to eligible borrowers for this purpose with other lending sources;
- (3)(a) to acquire, purchase, or make commitments to purchase, and take assignments from lenders of obligations[-] ;
- (b) ~~[No]~~ no obligation is eligible for acquisition, purchase, or commitment to purchase by the board unless at or before the time of transfer to the board the lender certifies either:
- (i) ~~[(a) that,]~~ that under and to the extent required by rules and regulations of the board, the proceeds of sale or its equivalent shall be reinvested in other obligations

8660 under the student loan program; or

8661 (ii) ~~[(b)]~~ that the obligation was made in anticipation of its sale to the board under
8662 rules and regulations of the board promulgated under this ~~[chapter]~~ part;

8663 (4) to enforce its rights under a contract or agreement including the commencement of court
8664 action;

8665 (5) to acquire, hold, and dispose of real and personal property necessary for the
8666 accomplishment of the purposes of this ~~[chapter]~~ part;

8667 (6) to obtain insurance against losses which may be incurred in connection with its
8668 property, assets, activities, or the exercise of the powers granted under this ~~[chapter]~~ part;

8669 (7) to borrow money and to issue its bonds and provide for the rights of bondholders and to
8670 secure the bonds by assignment, pledge, or granting a security interest in its property
8671 including all or a part of an obligation. The state is not liable for the repayment of bonds
8672 issued by the board. The bonds issued by the board are not a debt of the state, and each
8673 bond shall contain on its face a statement to this effect;

8674 (8) to invest funds not required for immediate use or disbursement as provided in the State
8675 Money Management Act;

8676 (9) subject to a contract with the holders of its bonds, an applicable bond resolution, or a
8677 contract with the recipient of a loan, to consent to the modification, with respect to
8678 security, rate of interest, time of payment of interest or principal, or other term of a bond
8679 contract or agreement between the board and a recipient of a loan, bondholder, or
8680 agency or institution guaranteeing the repayment of an obligation;

8681 (10) to engage and employ officers, agents, employees, and other private consultants to
8682 render and perform professional and technical duties, assistance, and advice in carrying
8683 out the purposes of this ~~[chapter]~~ part, to describe ~~[their]~~ the duties, and to fix the amount
8684 and source of ~~[their]~~ the compensation;

8685 (11) to make rules and regulations governing the activities authorized under this ~~[chapter]~~
8686 part;

8687 (12) to solicit grants and contributions from the public or from any government or
8688 governmental agency and to arrange for the guaranteeing of the repayment of
8689 obligations by other agencies of this state or the United States;

8690 (13) to collect fees and charges in connection with its loans, commitments, and servicing,
8691 including reimbursement of the costs of financing, service charges, and insurance
8692 premiums which are determined as reasonable and are approved by the board;

8693 (14) to sell obligations held by the board at such prices and at such times as it may

8694 determine, when that sale would not impair the rights or interests of holders of bonds
8695 issued by the board; and
8696 (15) to participate in federal programs supporting loans to eligible borrowers and to agree
8697 to, and comply with, the conditions of those programs.

8698 Section 250. Section **53H-8-603**, which is renumbered from Section 53B-13-104 is renumbered
8699 and amended to read:

8700 **[53B-13-104] 53H-8-603 (Effective upon governor's approval). Issuance of bonds**
8701 **-- Disposition of funds -- Refunding bonds -- Resolution to authorize bonds -- Contents --**
8702 **Sale of bonds -- Bond debt service reserve funds -- Restoration of fund assets --**
8703 **Establishment of other subfunds.**

8704 (1) The board may issue [its] the board's bonds in the principal amounts necessary to
8705 provide funds for achieving [its] the board's purposes under this [chapter] part, including
8706 the payment of interest, the establishment of reserves to secure the bonds, and other
8707 expenditures of the board necessary to carry out its purposes and powers.

8708 (2) The board may issue refunding bonds when it considers refunding expedient, whether
8709 the bonds to be refunded have or have not matured.

8710 (3) The proceeds of the refunding bonds shall be applied to the purchase, redemption, or
8711 payment of the bonds refunded.

8712 (4) Except as otherwise expressly provided in a resolution authorizing bonds, an issue of
8713 bonds is a special obligation of the board to be satisfied only out of revenue or money of
8714 the board, subject to an agreement with the holders of particular receipts or revenues of
8715 the board which have been pledged.

8716 (5) The board shall authorize its bonds by resolution.

8717 (6) The bonds are fully negotiable for all purposes, shall bear a date, shall be serial bonds or
8718 term bonds or both and, if serial bonds, shall be payable either semiannually or annually,
8719 and shall mature at a time or times, not exceeding 40 years after the date of issue, as
8720 provided in the resolution.

8721 (7) The resolution shall specify the following:

8722 (a) either the interest rate or rates or a formula by means of which the interest rate or
8723 rates are determined during the time the bonds are outstanding;

8724 (b) denomination and form, either coupon or registered;

8725 (c) registration privileges;

8726 (d) manner of execution;

8727 (e) medium of payment; and

(f) place and terms for the redemption of the bonds.

(8) If the resolution sets forth a formula by means of which the interest rate or rates on the bonds are determined, it shall also state the maximum rate which the bonds may bear under the formula.

(9) Pursuant to the resolution or another instrument, the board may delegate to the chair, vice-chair, or chair of the Budget and Finance Subcommittee the authority:

(a) to approve any changes with respect to interest rate, price, amount, redemption features, and other terms of the bonds as are within reasonable parameters set forth in the resolution; and

(b) to approve and execute all documents relating to the issuance of the bonds.

(10) The bonds are sold by the board in such manner and at such a price as the board determines.

(11)(a) The board may create and establish one or more bond debt service reserve funds in order to secure its bonds from the following:

(i) any proceeds of the sale of bonds, to the extent provided in the resolution authorizing the issuance of the bonds;

(ii) any money appropriated and made available by the state for the purpose of the funds; and

(iii) any other money available to the board for the purpose of the funds.

(b) All money held in any bond debt service reserve fund shall be used, as provided in the resolution establishing the fund, to pay principal of, premium, and interest on bonds of the board issued under this [chapter] part.

(c) If the assets in any bond debt service reserve fund are less than the amount currently required in the authorizing resolution to be on deposit, the chairman of the board shall, annually before the second day of December, certify to the governor and to the director of finance the amount necessary to restore the assets of the funds to the required amount.

(d) The governor may request from the Legislature an appropriation of the certified amount in order to restore the required amount to the funds.

(12) The board may create and establish any other subfunds and accounts as may be necessary for its corporate purposes.

Section 251. Section **53H-8-604**, which is renumbered from Section 53B-13-105 is renumbered and amended to read:

[53B-13-105] 53H-8-604 (Effective upon governor's approval). Agreements with

bondholders unalterable.

(1) Neither limitations or alterations of the rights vested in the board to fulfill the terms of an agreement made with bondholders nor impairment of the rights and remedies of those bondholders may occur until:

(a) the bonds, together with interest on the bonds and interest on unpaid installments of interest are met and discharged; and

(b) all costs and expenses in connection with an action or proceeding by or on behalf of those bondholders are met and discharged.

(2) The board may include provisions to this effect in an agreement with the holders of the bonds.

Section 252. Section **53H-8-605**, which is renumbered from Section 53B-13-106 is renumbered and amended to read:

[53B-13-106] 53H-8-605 (Effective upon governor's approval). Investments in bonds of the board.

The bonds of the board are securities, in which public officers and bodies of this state, municipalities and municipal subdivisions, insurance companies and associations, persons carrying on an insurance business, banks, trust companies, savings banks and savings associations, saving and loan associations, investment companies, administrators, guardians, executors, trustees, other fiduciaries, and all other persons who are authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in [their] the control of or belonging to [them] the aforementioned entities, groups, or individuals.

Section 253. Section **53H-8-606**, which is renumbered from Section 53B-13-107 is renumbered and amended to read:

[53B-13-107] 53H-8-606 (Effective upon governor's approval). Payment of funds -- Payment on warrants -- Contracts with bondholders -- Security.

(1) The funds of the board, except as otherwise authorized or provided in this section, are paid to the state treasurer.

(2) The money in the accounts is paid out on warrants signed by the [State-]Division of Finance on requisition of the chairman of the board or of a board authorized officer or employee.

(3) The board, subject to the approval of the state treasurer, may contract with the holders of its bonds as to the custody, collection, securing, investment, and payment of money of the board or of money held in trust or otherwise for the payment of bonds.

(4) Money held in trust or otherwise for the payment of bonds or to secure bonds and deposits of the money may be secured in the same manner as money of the board.

(5) Banks and trust companies are authorized to give such security for the deposits.

Section 254. Section **53H-8-607**, which is renumbered from Section 53B-13-108 is renumbered and amended to read:

[53B-13-108] 53H-8-607 (Effective upon governor's approval). Bonds and interest exempt from taxation except corporate franchise tax.

The bonds issued under this ~~[chapter]~~ part and the interest on the bonds are exempt from all taxation in this state, except for the corporate franchise tax.

Section 255. Section **53H-8-608**, which is renumbered from Section 53B-13-113 is renumbered and amended to read:

[53B-13-113] 53H-8-608 (Effective upon governor's approval). Bond approval by attorney general incontestable after 30 days -- Recital of certification.

(1) The attorney general shall examine the resolutions and proceedings authorizing the issuance and confirming the sale of bonds under this ~~[chapter]~~ part.

(2) Once examined and certified as legal obligations by the attorney general, the bonds become incontestable in any court in the state unless suit is brought in a court having jurisdiction within 30 days from the date of certification.

(3) The bonds certified under this section shall contain a recital on ~~[their]~~ the bond's face as follows: "This bond is one of a series of bonds which were certified as legal obligations by the Attorney General of the state of Utah on _____."

(4) Bonds authorized, issued, and sold under resolutions and proceedings certified by the attorney general are valid and binding obligations according to ~~[their]~~ the bond's terms.

Section 256. Section **53H-8-609**, which is renumbered from Section 53B-13-109 is renumbered and amended to read:

[53B-13-109] 53H-8-609 (Effective upon governor's approval). Board pledges -- Attachment of lien -- Recording unnecessary.

(1) A pledge made by the board is valid and binding from the time the pledge is made.

(2) The money or property pledged and subsequently received by the board is immediately subject to the lien of the pledge without physical delivery or further act.

(3) The lien of the pledge is valid and binding against all parties having a claim in tort, contract, or otherwise against the board, irrespective of whether the parties have notice of the claim.

(4) Neither the resolution nor another instrument by which a pledge is created need be

8830 recorded.

8831 Section 257. Section **53H-8-610**, which is renumbered from Section 53B-13-110 is renumbered
8832 and amended to read:

8833 **[53B-13-110] 53H-8-610 (Effective upon governor's approval). Default by board**
8834 **-- Appointment of a trustee -- Powers of the trustee and bondholders.**

8835 (1) If the board defaults in the payment of principal of or interest on an issue of bonds after
8836 the issue becomes due, whether at maturity or upon call for redemption, and the default
8837 continues for 30 days, or if the board fails or refuses to comply with this [chapter] part,
8838 or defaults in an agreement made with the holders of an issue of bonds, the holders of
8839 25% of the aggregate principal amount of the bonds of the issue then outstanding, may
8840 appoint a trustee to represent all holders of that issue of bonds for the purposes provided
8841 in this section.

8842 (2) The trustee may, and upon written request of the holders of 25% of the aggregate
8843 principal amount of the bonds of the issue then outstanding shall, in the trustee's own
8844 name by action or proceeding enforce all rights of the bondholders including the
8845 following:

- 8846 (a) bringing an action to require the board to collect fees, charges, interest, and
8847 amortization payments of loans made by it adequate to carry out the agreement as to,
8848 or pledge of, the fees, charges, interest, and amortization payment on the loans and
8849 other properties;
- 8850 (b) bringing an action to require the board to carry out other agreements with the holders
8851 of the bonds and to perform its duties under this [chapter] part;
- 8852 (c) bringing an action upon the bonds; or
- 8853 (d) bringing an action to require the board to account as if it were the trustee of an
8854 express trust for the holders of the bonds due and payable, and if all defaults are
8855 made good, then, with the consent of the holders of 25% of the principal amount of
8856 the issue of bonds then outstanding, to annul the declaration and its consequences.

8857 (3) The holders of bonds and the trustee authorized by this section shall have all of the
8858 rights to which [they] the holders of bonds and the trustee authorized by this section are
8859 entitled by virtue of provisions included in the bonds or otherwise available to [them] the
8860 holders of bonds and the trustee authorized by this section under the law.

8861 Section 258. Section **53H-8-611**, which is renumbered from Section 53B-13-111 is renumbered
8862 and amended to read:

8863 **[53B-13-111] 53H-8-611 (Effective upon governor's approval). Loans or**

purchase of obligations -- Rules -- Options -- Repayment of federally insured loans.

- (1) The board may purchase obligations from lenders or make loans to eligible borrowers, out of money available to the board for loans. The board shall promulgate rules for determining the needs of the respective borrowers for loans and for the purpose of making loans or purchasing obligations. The amount of an obligation purchased by the board or of a loan made by the board to an eligible borrower, whether enrolled or to be enrolled in a private postsecondary educational institution or ~~[a tax-supported public]~~ an institution, is determined by the board upon the basis of substantially similar standards and guides set forth in the board's rules. The board, in determining the needs of eligible borrowers for guaranteed loans, may consider the amount of assistance available to the students.
- (2) When the board purchases an obligation or makes a loan, and again immediately before a repayment schedule on the loan or obligation is signed by the borrower, the board shall cause a written statement to be delivered to the borrower describing in detail whether an option exists and, if so, who may exercise the option, under what conditions the option may be exercised, and what options are available relating to the following:
- (a) the term of the loan;
 - (b) the repayment period on the loan;
 - (c) an extension of the term or repayment period on the loan and the conditions of repayment under the extension;
 - (d) a deferment or forbearance on the repayment of the loan or on interest accruing on the loan, whether interest is to be paid during the deferment or forbearance, and the terms of repayment after the deferment or forbearance;
 - (e) the period of time between installment payments on the loan and whether graduated or unequal installment payments may be made;
 - (f) the minimum annual payment on the loan, and if more than one loan is taken from the board or if the borrower takes or has taken an educational loan from another source, the availability of consolidation, transfer, or assignment of the loans and the minimum annual payment on the aggregate of the loans;
 - (g) the granting of an interview before or at the time the borrower signs a repayment schedule; and
 - (h) the revision or renegotiation of the repayment schedule on the loan after repayment has commenced, or if other educational loans from the board or another source are taken after the repayment has commenced.

- (3) On obligations purchased or loans made by the board which are federally insured loans, the board may establish variable repayment schedules conforming to the need and documented income levels of borrowers, if the schedules are not inconsistent with federal laws, rules, or regulations governing the insured loans. A borrower making payments on a loan may request and be granted a revised repayment term or schedule based upon the established variable repayment schedules.

Section 259. Section **53H-8-612**, which is renumbered from Section 53B-13-112 is renumbered and amended to read:

[53B-13-112] 53H-8-612 (Effective upon governor's approval). Separation of duties, responsibilities, funds, liabilities, and expenses -- Immunity from personal liability.

- (1) The duties, responsibilities, funds, liabilities, and expenses of the board under this [chapter] part shall be maintained wholly separate and apart from [their] the board's other duties, responsibilities, funds, liabilities, and expenses.
- (2) A member of the board or a person executing the notes, bonds, or other obligations of the board is not personally liable for the repayment of the note, bond, or other obligation or subject to personal liability or accountability by reason of its issuance or nonissuance.

Section 260. Section **53H-8-613**, which is renumbered from Section 53B-13-114 is renumbered and amended to read:

[53B-13-114] 53H-8-613 (Effective upon governor's approval). Mandamus in Supreme Court -- Precedence.

- (1) If an official required by the proceeding authorizing bonds under this [chapter] part to sign the bonds refuses to affix the official's signature to the bonds, or if the attorney general refuses to certify the bonds as legal obligations, alleging illegality of the bonds, the board may bring an original action in mandamus in the Supreme Court of Utah.
- (2) The importance to the state and its inhabitants of the program of loans to eligible borrowers is such that this action brought in the Supreme Court should be given precedence over the other matters pending before the court, and the court is requested to give this action precedence and to render its decision concerning it at the earliest possible time.

Section 261. Section **53H-9-101** is enacted to read:

CHAPTER 9. Property and Facilities

Part 1. General Provisions

53H-9-101 (Effective upon governor's approval). Definitions.

8931 Reserved.

8932 Section 262. Section **53H-9-201** is enacted to read:

8933 **Part 2. Property Rights**

8934 **53H-9-201 (Effective upon governor's approval). General provisions --**

8935 **Definitions.**

8936 Reserved.

8937 Section 263. Section **53H-9-202**, which is renumbered from Section 53B-20-101 is renumbered
8938 and amended to read:

8939 **[53B-20-101] 53H-9-202 (Effective upon governor's approval). Property of**
8940 **institutions to vest in state board.**

8941 The Utah Board of Higher Education is the successor to, and vested with, all the
8942 powers and authority relating to all properties, real and personal, tangible and intangible, and
8943 to the control and management of the property which was held by the governing board of each
8944 institution prior to the creation of the board.

8945 Section 264. Section **53H-9-203**, which is renumbered from Section 53B-20-102 is renumbered
8946 and amended to read:

8947 **[53B-20-102] 53H-9-203 (Effective upon governor's approval). Vesting of rights,**
8948 **claims, and causes of action in higher education institutions -- Right to sue in corporate**
8949 **name.**

- 8950 (1) All rights, claims, and causes of action to or for any property vested in an
8951 institution of higher education prior to the effective date of this chapter, or the use of or
8952 income from the property, or for any conversion, disposition, and withholding of the
8953 property, or for any damage or injury to the property vests in the institution.
- 8954 (2) The institution may bring and maintain actions in [its] the institution's corporate name to
8955 recover, protect, and preserve all property and rights of the institution and enforce any
8956 contract relating to those rights and property.

8957 Section 265. Section **53H-9-204**, which is renumbered from Section 53B-20-105 is renumbered
8958 and amended to read:

8959 **[53B-20-105] 53H-9-204 (Effective upon governor's approval). Institutional right**
8960 **to receive and convert grants, gifts, devises, or bequests.**

- 8961 (1) Each institution may convert property received by gift, grant, devise, or bequest, and not
8962 suitable for its use, into other property or into money. All property received or converted
8963 under this subsection shall be held, invested, and managed and the proceeds used for the
8964 purposes and under the conditions prescribed in the grant or donation.

- 8965 (2) If a condition is imposed by the terms of a grant, gift, devise, or bequest which is
8966 impracticable under the law, the grant is still valid. However, the condition must be
8967 rejected and the intent of the grantor carried out as nearly as may be possible.
- 8968 (3) A grant, gift, devise, or bequest for the benefit of the institution is not defeated or
8969 prejudiced by any misnomer, misdescription, or informality, if the intent of the grantor
8970 or donor can be shown or ascertained with reasonable certainty.

8971 Section 266. Section **53H-9-205**, which is renumbered from Section 53B-20-106 is renumbered
8972 and amended to read:

8973 **[53B-20-106] 53H-9-205 (Effective upon governor's approval). Property exempt**
8974 **from taxes and assessments.**

8975 The property of the institutions governed by the board is exempt from all taxes and
8976 assessments.

8977 Section 267. Section **53H-9-206**, which is renumbered from Section 53B-20-108 is renumbered
8978 and amended to read:

8979 **[53B-20-108] 53H-9-206 (Effective upon governor's approval). Development of**
8980 **university property.**

8981 (1) As used in this section:

- 8982 (a) "Board of trustees" means the board of trustees of an eligible university.
- 8983 (b) "Conflict" means a situation in which a board of trustees member or a family
8984 member of a board of trustees member will or is likely to receive a direct financial
8985 benefit because of the development of eligible university property within a
8986 development area.
- 8987 (c) "Designation resolution" means a board of trustees' resolution designating eligible
8988 university property as a development area.
- 8989 (d) "Development action" means:
- 8990 (i) a board of trustees' deliberations on whether to adopt a designation resolution;
- 8991 (ii) a board of trustees' adoption of a designation resolution;
- 8992 (iii) a board of trustees' deliberations on whether to approve a development
8993 agreement; or
- 8994 (iv) a board of trustees' approval of a development agreement.
- 8995 (e) "Development agreement" means an agreement between an eligible university and a
8996 development partner that governs the development of eligible university property
8997 within a development area.
- 8998 (f) "Development area" means a single, contiguous area that:

- 8999 (i) consists only of eligible university property;
9000 (ii) is no larger than 75 acres; and
9001 (iii) the board of trustees designates for development or redevelopment in a
9002 designation resolution under this section.
- 9003 (g) "Development fund" means the fund described in and established under Subsection
9004 (4).
- 9005 (h) "Development partner" means a person who enters into a development agreement
9006 with an eligible university to develop or redevelop eligible university property within
9007 a development area.
- 9008 (i) "Direct financial benefit":
9009 (i) means any form of financial benefit that accrues to an individual directly,
9010 including:
9011 (A) compensation, commission, or any other form of a payment or increase of
9012 money; and
9013 (B) an increase in the value of a business or property; and
9014 (ii) does not include a financial benefit that accrues to the public generally.
- 9015 (j) "Eligible university" means an institution of higher education listed in Subsection [
9016 ~~53B-1-102(1)(a)~~] 53H-1-102(1)(a).
- 9017 (k) "Eligible university property" means real property owned by an eligible university as
9018 of January 1, 2025.
- 9019 (l) "Family member" means a parent, spouse, sibling, child, or grandchild.
- 9020 (m) "Leased property" means eligible university property that:
9021 (i) is within a development area; and
9022 (ii) an eligible university leases to a private person.
- 9023 (n) "Privilege tax" means a tax imposed under Section 59-4-101.
- 9024 (2)(a) Except as provided in Subsection (2)(f), before January 1, 2035, an eligible
9025 university may, by resolution of the eligible university's board of trustees, designate
9026 eligible university property as a development area.
- 9027 (b) Before adopting a designation resolution, a board of trustees shall:
9028 (i) obtain approval from the Utah Board of Higher Education of the geographic area
9029 proposed to be designated as a development area; and
9030 (ii) after obtaining approval from the Utah Board of Higher Education under
9031 Subsection (2)(b)(i):
9032 (A) provide notice of the public hearing required under Subsection (2)(b)(ii)(B),

- 9033 as required for a class A notice under Section 63G-30-102, for at least seven
9034 days before the day of the public hearing; and
- 9035 (B) hold a public hearing on the proposed adoption of a designation resolution.
- 9036 (c) A notice under Subsection (2)(b)(ii)(A) shall include a copy of the proposed
9037 designation resolution.
- 9038 (d) A designation resolution, including a proposed designation resolution that
9039 accompanies a notice under Subsection (2)(b)(ii)(A), shall:
- 9040 (i) accurately describe the boundary of the proposed development area;
9041 (ii) describe the development that is proposed to occur in the proposed development
9042 area; and
9043 (iii) estimate the amount and sources of revenue the eligible university expects to
9044 receive from the development area.
- 9045 (e) Before adopting a designation resolution, a board of trustees may modify the
9046 proposed designation resolution to:
- 9047 (i) address concerns raised in a public hearing held under Subsection (2)(b)(ii)(B); or
9048 (ii) clarify or adjust provisions of the proposed designation resolution, as the board of
9049 trustees considers appropriate.
- 9050 (f) A board of trustees may not adopt a designation resolution if:
- 9051 (i) the board of trustees has previously adopted a designation resolution; or
9052 (ii) the area in the proposed development area would overlap with part or all of:
- 9053 (A) a community reinvestment project area created under Title 17C, Chapter 5,
9054 Part 1, Community Reinvestment Project Area Plan, as that project area exists
9055 on January 1, 2025; or
- 9056 (B) a housing and transit reinvestment zone created under Title 63N, Chapter 3,
9057 Part 6, Housing and Transit Reinvestment Zone Act, as that zone exists on
9058 January 1, 2025.
- 9059 (3) Within 30 days after a board of trustees' adoption of a designation resolution, the board
9060 of trustees or the board of trustees' delegate shall deliver a copy of the designation
9061 resolution to:
- 9062 (a) the clerk of the municipality in which the development area that is the subject of the
9063 designation resolution is located; and
- 9064 (b) the assessor, treasurer, and auditor of the county in which the development area that
9065 is the subject of the designation resolution is located.
- 9066 (4)(a) Upon adoption of a designation resolution, a board of trustees shall establish a

9067 separate fund related to the development area that is the subject of the designation
9068 resolution.

9069 (b) An eligible university shall deposit into a development fund all money the eligible
9070 university receives from the development and lease of eligible university property
9071 within a development area.

9072 (c) Money in a development fund shall be accounted for separately from any other fund
9073 of the eligible university.

9074 (d) An eligible university may use money in a development fund for:

9075 (i) expenses associated with the development of the development area;

9076 (ii) capital facility projects of the eligible university;

9077 (iii) operation and maintenance costs associated with capital facilities of the eligible
9078 university; or

9079 (iv) any other eligible university-related purpose.

9080 (5) An eligible university may enter into a development agreement.

9081 (6)(a) A board of trustees member may not participate in a development action if the
9082 board of trustees member or a family member of the board of trustees member owns
9083 an interest in, is directly affiliated with, or is an employee or officer of a private firm,
9084 private company, or other private entity that the board of trustees member reasonably
9085 believes is likely to participate in or receive a direct financial benefit from the
9086 development of land that is the subject of a development agreement.

9087 (b) Before the board of trustees approves a development agreement, the board of trustees
9088 shall require any member with a conflict to disclose the conflict in writing to the
9089 board of trustees.

9090 (c) Nothing in this Subsection (6) affects the application or effect of any other code
9091 provision applicable to a board of trustees member relating to ethics or conflicts of
9092 interest.

9093 (7)(a) Beginning January 1 of the year immediately following the execution of a
9094 development agreement, the possession or other beneficial use enjoyed by a person of
9095 leased property that is located within the development area subject to the
9096 development agreement shall be subject to Title 59, Chapter 4, Privilege Tax, if that
9097 leased property is used in connection with a business conducted for profit.

9098 (b) The treasurer of the county in which the leased property described in Subsection
9099 (7)(a) is located shall, in the manner and at the time provided in Section 59-2-1365:

9100 (i) collect privilege tax from a lessee of the leased property; and

- 9101 (ii) distribute 80% of the privilege tax revenue to the eligible university.
- 9102 (8)(a) A board of trustees shall present a written report to the Higher Education
- 9103 Appropriations Subcommittee no later than September 30 of each year after the board
- 9104 of trustees' adoption of a designation resolution.
- 9105 (b) A report under Subsection (8)(a) shall:
- 9106 (i) describe the development taking place or expected to take place within the
- 9107 development area; and
- 9108 (ii) provide a summary of money deposited into and expended from the development
- 9109 fund for that development area.

9110 Section 268. Section **53H-9-301** is enacted to read:

9111 **Part 3. Revenue Bonds**

9112 **53H-9-301 (Effective upon governor's approval). General provisions --**

9113 **Definitions.**

9114 Reserved.

9115 Section 269. Section **53H-9-302**, which is renumbered from Section 53B-21-101 is renumbered

9116 and amended to read:

9117 **[53B-21-101] 53H-9-302 (Effective upon governor's approval). Financing of**

9118 **projects or buildings -- Issuance of bonds -- Sale price determined by board -- Payment**

9119 **of bonds -- Bonds exempt from income taxation.**

- 9120 (1) ~~[In order to]~~ To pay all or part of the cost of the acquisition, purchase, construction,
- 9121 improvement, remodeling, addition to, extension, equipment, and furnishing of any
- 9122 project or building, including the acquisition of all necessary land, the board, on behalf
- 9123 of the institution for which this is to be done, may do the following:
- 9124 (a) ~~[(a)]~~ borrow money on the credit of the income and revenues to be derived from the
- 9125 operation of the building, the imposition of student building fees, land grant interest,
- 9126 and net profits from proprietary activities, or from sources other than by
- 9127 appropriations by the Legislature to issuing institutions and, in anticipation of the
- 9128 collection of this income and revenues, issue negotiable bonds of the institution in an
- 9129 amount as the board determines is necessary for these purposes; and
- 9130 (b) ~~[(b)]~~ provide for the payment of these bonds and the rights of ~~[their]~~ the bond's
- 9131 holders as provided in this ~~[chapter]~~ part.
- 9132 (2) Bonds may:
- 9133 (a) ~~[(a)]~~ be issued in one or more series;
- 9134 (b) ~~[(b)]~~ bear any date or dates;

- 9135 (c) ~~[(e)]~~ mature at any time or times not exceeding 40 years from ~~[their]~~ the bond's date;
 9136 (d) ~~[(d)]~~ be in any denominations;
 9137 (e) ~~[(e)]~~ be in any form, either coupon or registered;
 9138 (f) ~~[(f)]~~ carry registration and conversion privileges;
 9139 (g) ~~[(g)]~~ be executed in any manner;
 9140 (h) ~~[(h)]~~ be payable in any medium of payment at any place;
 9141 (i) ~~[(i)]~~ be subject to any terms of redemption with or without premium; and
 9142 (j) ~~[(j)]~~ bear interest at any rate or rates as provided by resolution adopted by the board
 9143 at or before the sale of the bonds.

9144 (3)(a) The bonds may be sold in a manner, at the lowest obtainable rate or rates of
 9145 interest, and at a price or prices as determined by the board.

9146 (b) ~~[These]~~ The determinations described in Subsection (3)(a) are conclusive.

9147 (4)(a) The board may authorize one issue of bonds for the acquisition, purchase,
 9148 construction, improvement, remodeling, adding to, extending, furnishing, or
 9149 equipping of more than one building~~[-, including-]~~ .

9150 (b) Subsection (4)(a) includes the acquisition of all necessary land, and the board may
 9151 make the bonds payable from the combined revenues of all the buildings as well as
 9152 from:

9153 (i) ~~[-]~~ student building fees~~[-]~~ ;

9154 (ii) ~~[-]~~ land grant interest~~[-]~~ ;

9155 (iii) ~~[-]~~ net profits from proprietary activities~~[-]~~ ; and ~~[from]~~

9156 (iv) ~~[-]~~ sources other than those derived from appropriations from the Legislature.

9157 (5) The bonds issued under this ~~[chapter]~~ part have all of the qualities and incidents of
 9158 negotiable paper and are not subject to state or local income taxation.

9159 (6) This section does not apply to a technical college.

9160 Section 270. Section **53H-9-303**, which is renumbered from Section 53B-21-102 is renumbered
 9161 and amended to read:

9162 **[53B-21-102] 53H-9-303 (Effective upon governor's approval). Bonds do not**
 9163 **create state indebtedness -- Special obligations -- Discharge of bonded indebtedness --**
 9164 **Agreements and covenants by the board regarding bonds -- Enforcement by court action.**

9165 (1)(a) The bonds issued under this ~~[chapter]~~ part are not an indebtedness of the state, of
 9166 the institution for which they are issued, or of the board.

9167 (b) They are special obligations payable solely from the revenues derived from the
 9168 operation of the building and student building fees, land grant interest, net profits

9169 from proprietary activities, and any other revenues pledged other than appropriations
9170 by the Legislature as provided in Sections [~~53B-21-101~~] 53H-9-302 and [~~53B-21-111~~]
9171 53H-9-312.

9172 (c)(i) Notwithstanding any other provision of law, the chair of the board shall certify
9173 annually by December 1 any amount required to:

9174 (A) restore any debt service reserve funds established by the board for bonds
9175 issued under this [~~chapter~~] part to the amount required by the related
9176 authorizing proceedings; or

9177 (B) meet projected shortfalls of payment of principal or interest or both for the
9178 following year on any bonds issued under this [~~chapter~~] part.

9179 (ii) The governor may request from the Legislature an appropriation of the amount
9180 certified under Subsection (1)(c)(i) to restore the debt service reserve funds to [
9181 ~~their~~] the debt service reserve fund's required amounts or to meet any projected
9182 principal or interest payment deficiency.

9183 (d)(i) The state may not alter, impair, or limit the rights of bondholders or persons
9184 contracting with the board until the bonds, including interest and other contractual
9185 obligations, are fully met and discharged.

9186 (ii) Nothing in this [~~chapter~~] part precludes an alteration, impairment, or limitation if
9187 provision is made by law for the protection of bondholders or persons entering
9188 into contracts with the board.

9189 (2) The board shall pledge all or any part of the revenues to the payment of principal of and
9190 interest on the bonds.

9191 (3) In order to secure the prompt payment of principal and interest and the proper
9192 application of the revenues pledged, the board may, by appropriate provisions in the
9193 resolution authorizing the bonds:

9194 (a) covenant as to the use and disposition of the proceeds of the sale of the bonds;

9195 (b) covenant as to the operation of the building and the collection and disposition of the
9196 revenues derived from the operation;

9197 (c) collect student building fees from all students, and pledge the fees to the payment of
9198 building bonds;

9199 (d) covenant as to the rights, liabilities, powers, and duties arising from the breach of
9200 any covenant or agreement into which it may enter in authorizing and issuing the
9201 bonds;

9202 (e) covenant and agree to carry insurance on the building, and [~~its~~] the building's use and

- 9203 occupancy, and provide that the cost of any insurance is part of the expense of
9204 operating the building;
- 9205 (f) vest in a trustee:
- 9206 (i) the right to receive all or any part of the income and revenues pledged and
9207 assigned to or for the benefit of the holder or holders of the bonds issued under
9208 this [chapter] part, and to hold, apply, and dispose of the income and revenue; and
- 9209 (ii) the right to:
- 9210 (A) enforce any covenant made to secure the bonds;
- 9211 (B) execute and deliver a trust agreement which sets forth the powers and duties
9212 and the remedies available to the trustee and limits the trustee's liabilities; and
- 9213 (C) prescribe the terms and conditions upon which the trustee or the holders of the
9214 bonds in any specified amount or percentage may exercise such rights and
9215 enforce any or all covenants and resort to any appropriate remedies;
- 9216 (g)(i) fix rents, charges, and fees, including student building fees, to be imposed in
9217 connection with and for the use of the building and [its] the building's facilities,
9218 which are:
- 9219 (A) income and revenues derived from the operation of the building; and
- 9220 (B) expressly required to be fully sufficient either by themselves or with land
9221 grant interest and net profits from proprietary activities, or from sources other
9222 than by appropriations by the Legislature to such issuing institutions to assure
9223 the prompt payment of principal of and interest on the bonds as each becomes
9224 due; and
- 9225 (ii) make and enforce rules with reference to the use of the building and with
9226 reference to requiring any class or classes of students to use the building as
9227 desirable for the welfare of the institution and [its] the institution's students or for
9228 the accomplishment of the purposes of this [chapter] part;
- 9229 (h) covenant to maintain a maximum percentage of occupancy of the building;
- 9230 (i) covenant against the issuance of any other obligations payable from the revenues to
9231 be derived from the building, unless subordinated;
- 9232 (j) make provision for refunding;
- 9233 (k) covenant as to the use and disposition of sources of revenue other than those derived
9234 from appropriations by the Legislature, and pledge those sources of revenues to the
9235 payment of bonds issued under this [chapter] part;
- 9236 (l) make other covenants considered necessary or advisable to effect the purposes of this [

9237 ~~chapter]~~ part; and

9238 (m) delegate to the chair, vice-chair, or chair of the Budget and Finance Subcommittee
9239 the authority:

9240 (i) to approve any changes with respect to interest rate, price, amount, redemption
9241 features, and other terms of the bonds as are within reasonable parameters set
9242 forth in the resolution; and

9243 (ii) to approve and execute all documents relating to the issuance of the bonds.

9244 (4)(a) The agreements and covenants entered into by the board under this section are
9245 binding in all respects upon the board and [its] the board's officials, agents, and
9246 employees, and upon [its] the board's successors.

9247 (b) They are enforceable by appropriate action or suit at law or in equity brought by any
9248 holder or holders of bonds issued under this ~~[chapter]~~ part.

9249 Section 271. Section **53H-9-304**, which is renumbered from Section 53B-21-103 is renumbered
9250 and amended to read:

9251 **[53B-21-103] 53H-9-304 (Effective upon governor's approval). Agreements with**
9252 **federal government for funds.**

9253 The board may enter into an agreement with the federal government in order to obtain
9254 funds for the following purposes:

9255 (1) ~~[-(1)-]~~to supplement bond proceeds used to pay for the projects referred to in Section [
9256 ~~53B-21-101]~~ 53H-9-302; and

9257 (2) ~~[-(2)-]~~to supplement income and revenues which, under this ~~[chapter]~~ part, are used to
9258 pay debt service on bonds issued under this ~~[chapter]~~ part.

9259 Section 272. Section **53H-9-305**, which is renumbered from Section 53B-21-104 is renumbered
9260 and amended to read:

9261 **[53B-21-104] 53H-9-305 (Effective upon governor's approval). Deposit of bond**
9262 **proceeds -- Division of Facilities Construction and Management responsibilities and**
9263 **approval.**

9264 (1) The board treasurer or other fiscal officer, with the approval of the state treasurer,
9265 deposits the proceeds from the sale of bonds under this ~~[chapter]~~ part into a special
9266 Construction Trust Fund Account established in compliance with ~~[the-]~~ Title 51, Chapter
9267 7, State Money Management Act~~[-of 1974]~~.

9268 (2) The proceeds are credited to the board on behalf of the institution of higher education
9269 for which the bonds were issued.

9270 (3) The proceeds are kept in a separate fund and used solely for the purpose for which they

9271 were authorized by the board.

9272 (4) The Division of Facilities Construction and Management makes all contracts and
9273 executes all instruments which it considers necessary to provide for the projects referred
9274 to in Section ~~[53B-21-101]~~ 53H-9-302.

9275 (5) The proceeds in the special Construction Trust Fund Account shall be disbursed only
9276 upon receipt of written statements supported by itemized estimates and claims presented
9277 to the Division of Facilities Construction and Management as provided in the resolution
9278 authorizing the issuance of the bonds.

9279 Section 273. Section **53H-9-306**, which is renumbered from Section 53B-21-105 is renumbered
9280 and amended to read:

9281 **[53B-21-105] 53H-9-306 (Effective upon governor's approval). Disposition and**
9282 **use of income from operation of buildings -- Payment of principal and interest on bonds.**

9283 (1) Except for the revenues paid directly to a trustee under Subsection ~~[53B-21-102(3)(f)]~~
9284 53H-9-303(3)(f), all income and revenues from the operation of the buildings under this [
9285 ~~chapter~~] part are deposited as collected in a fund established in compliance with~~[the-]~~
9286 Title 51, Chapter 7, State Money Management Act.

9287 (2)(a) This money is for the payment of the principal and interest on the bonds
9288 authorized under this ~~[chapter]~~ part.

9289 (b) The money shall also be used, to the extent provided in the resolution authorizing the
9290 bonds, to pay for the cost of maintaining and operating the building and to establish
9291 reserves for that purpose.

9292 (3) The board treasurer or other designated fiscal officer shall, not less than 15 days prior to
9293 the date interest and principal payments are due, transmit to the paying agent sufficient
9294 money from the fund to pay the obligation.

9295 Section 274. Section **53H-9-307**, which is renumbered from Section 53B-21-106 is renumbered
9296 and amended to read:

9297 **[53B-21-106] 53H-9-307 (Effective upon governor's approval). Examination and**
9298 **certification of bonds by attorney general -- Recital of certification -- Incontestability of**
9299 **bonds.**

9300 (1) The resolutions and proceedings authorizing the issuance and confirming sale of bonds
9301 under this ~~[chapter]~~ part are submitted to the attorney general for examination.

9302 (2) When the resolutions and proceedings have been examined and the bonds certified as
9303 legal obligations by the attorney general, the bonds are incontestable in any court in the
9304 state unless suit is brought within 30 days from the date of the approval.

- (3) A bond authorized under this section shall contain a recital on ~~[its]~~ the bond's face in substantially the following form: "This bond is one of a series of bonds which were certified as legal obligations by the attorney general of the state of Utah on ____."
- (4) Bonds authorized, issued, and sold under resolutions and proceedings approved by the attorney general are prima facie valid and binding obligations according to ~~[their]~~ the bond's terms.
- (5) The only defense which may be offered in any suit instituted after the 30-day period has expired is forgery, fraud, or violation of the Utah Constitution.

Section 275. Section **53H-9-308**, which is renumbered from Section 53B-21-107 is renumbered and amended to read:

~~[53B-21-107]~~ 53H-9-308 (Effective upon governor's approval). Investment in bonds by private and public entities -- Approval as collateral security.

- (1) Any bank, savings and loan association, trust, or insurance company organized under the laws of this state or federal law may invest ~~[its]~~ the bank's capital and surplus in bonds issued under this ~~[chapter]~~ part.
- (2) The officers having charge of a sinking fund or any county, city, town, or school district may invest the sinking fund in bonds issued under this ~~[chapter]~~ part.
- (3) The bonds shall also be approved as collateral security for the deposit of any public funds and for the investment of trust funds.

Section 276. Section **53H-9-309**, which is renumbered from Section 53B-21-108 is renumbered and amended to read:

~~[53B-21-108]~~ 53H-9-309 (Effective upon governor's approval). Financing project by contract or lease agreement instead of by bond issue -- Authority of board -- Term of lease -- Terms of agreement -- Board covenants.

- (1) Whenever the board, by resolution, finds and declares it preferable to acquire a project under this ~~[chapter]~~ part by purchase or lease of the facilities constituting the project under an agreement which provides the consideration for the purchase or lease to be paid in installments during a period not exceeding 99 years, rather than through the issuance of revenue bonds by the board in the manner provided in this ~~[chapter]~~ part, it may do so upon compliance with this section.
- (2) The board may lease, to any person, any portion of the campus of the institution necessary as a site for a project which the board is authorized to acquire under Section ~~[53B-20-103]~~ 53H-9-403, for a term not exceeding 99 years.
- (3) The agreement authorized to be entered into by the board shall provide that the person

shall construct, improve, remodel, add to, or extend a project of the type and construction described in the agreement on the part of the campus to be leased to the person, or on such real property as may be acquired for that purpose by the person.

(4) The agreement shall further provide for the leasing of the project, including necessary equipment, furnishings, and land, from the person to the board executing the agreement, for a period not exceeding 99 years.

(5) Prior to the execution of the agreement, the person proposing to lease the project, including the necessary equipment, furnishings, and land, to the board shall submit to the board all plans, specifications, and estimates for the project.

(6) The plans, specifications, and estimates shall be approved by resolution of the board prior to the execution of the agreement.

(7) The board may, by appropriate provisions in the agreement:

(a) covenant as to the use which will be made of the project;

(b) covenant as to the operation, maintenance, and supervision of the project;

(c) covenant to collect fees and charges from all students and other persons availing themselves of the use of the accommodations and facilities of the project;

(d) covenant to levy and collect student building fees from all regular and part-time students enrolled in the institution for the use and availability of the project;

(e) covenant as to the collection, use, and disposition of the proceeds arising from the collection of all the revenues, fees, and charges;

(f) covenant to impose and collect fees and charges in amounts adequate to pay all costs incurred in maintaining and operating the project and to pay the amortization of the acquisition cost of the project, including necessary equipment and furnishings, and interest on the unpaid part of the acquisition cost, whether represented by rental installments or otherwise;

(g) covenant to pledge all revenues, fees, and charges, including student building fees, arising from the ownership and operation of the project to the payment of the rental installments provided for under the terms of the contract or lease agreement;

(h) covenant as to the rights, liabilities, powers, and duties arising from the breach of any covenant or agreement contained in the agreement;

(i) covenant and agree to carry any insurance on the project, and ~~[its]~~ the project's use and occupancy, as the board considers desirable, and to provide that the cost of the insurance shall be included as a part of the cost of operating the project;

(j) covenant to make and enforce such parietal rules and regulations with reference to the

9373 use of the facilities comprising the project, or any part of the project, and with
9374 reference to requiring any class of students to use the project, or any part of the
9375 project, as the board determines desirable for the institution; and

9376 (k) covenant against the pledging of the revenues, fees, and charges, including student
9377 building fees, arising from the ownership and operation of the project for any purpose
9378 other than the payment of the rental installments required to be paid under the
9379 agreement, or against the issuance of any obligations payable therefrom, unless the
9380 pledge or obligations are made subordinate to the agreement.

9381 (8) Nothing in this section prevents the board from providing conditions and terms under
9382 which pledges may be made and obligations issued on a parity with the pledge of
9383 revenues, fees, and charges under the agreement.

9384 ~~[(8)]~~ (9) It shall be specifically provided in the agreement that the board is not obligated to
9385 pay the rental installments or amortization of the acquisition cost of the project, and
9386 interest on the unpaid part of the acquisition cost, from any source other than the
9387 revenues, fees, and charges arising from the ownership and operation of the project,
9388 including student building fees levied for the use and availability of the facilities of the
9389 project.

9390 ~~[(9)]~~ (10) Each agreement shall provide that the rental installments, or amortization of the
9391 acquisition cost of the project, including necessary equipment, furnishings, and land, and
9392 interest on the unpaid part of the acquisition cost, are not an obligation of the state, and
9393 that ad valorem taxes or appropriations from the state may not be used to pay or
9394 discharge the amounts required to be paid under the agreement.

9395 ~~[(10)]~~ (11) The agreement shall also provide that when the amortized acquisition cost, as
9396 represented by the rental installments, has been paid in full and when all obligations, if
9397 any, issued by the person to finance the cost of the acquisition of the project have been
9398 paid in full as to both principal and interest, the agreement terminates and title to the
9399 project, including the land upon which the project is situated, and all equipment and
9400 furnishings, vests in the board.

9401 ~~[(11)]~~ (12) The agreement may provide that the board may purchase the project, including
9402 the land upon which the project is situated, and all equipment and furnishings, which is
9403 subject to the agreement upon terms wherein rental installments previously made, or a
9404 portion of ~~[them]~~ rental installments, are deducted from the cost of acquisition of the
9405 project, including the land upon which the project is situated, and all equipment and
9406 furnishings, as provided for in the agreement.

9407 [(12)] (13) The board may furnish without charge heat, light, water, power, and similar
 9408 facilities for any project leased by the board for operation by the board under this
 9409 section, and all projects acquired and constructed under this section are exempt from
 9410 taxation.

9411 [(13)] (14) The agreement may provide that the board may lease the project, including the
 9412 land upon which the project is situated, and all equipment and furnishings, to any person
 9413 for a term not exceeding 99 years for operation by any person.

9414 [(14)] (15)(a) A lease may not be entered into unless the rental to be paid to the board by
 9415 the person is sufficient to satisfy the rental to be paid by the board to the person from
 9416 which the project was originally leased.

9417 (b) ~~[But in no event may the rental paid to the board]~~ The rental paid to the board may not
 9418 be less than the fair rental value of the property leased.

9419 Section 277. Section **53H-9-310**, which is renumbered from Section 53B-21-109 is renumbered
 9420 and amended to read:

9421 **[53B-21-109] 53H-9-310 (Effective upon governor's approval). Student building**
 9422 **fees.**

9423 (1) The board issuing bonds under this ~~[chapter]~~ part may impose and collect student
 9424 building fees from all students in attendance at the institution in behalf of which the
 9425 bonds are issued.

9426 (2) The board may also pledge the fees in the same manner provided for the pledging of
 9427 other revenues of the board or institution under this ~~[chapter]~~ part.

9428 Section 278. Section **53H-9-311**, which is renumbered from Section 53B-21-110 is renumbered
 9429 and amended to read:

9430 **[53B-21-110] 53H-9-311 (Effective upon governor's approval). Refunding bonds**
 9431 **-- Issuance -- Proceeds -- Limitations.**

9432 (1) Bonds may be issued under this ~~[chapter]~~ part for the purpose of refunding any bonds
 9433 previously issued under authority of this ~~[chapter]~~ part, if:

9434 (a) ~~[-]~~the bonds to be refunded are due or callable, redeemable, or repurchasable by ~~[their]~~
 9435 the bond's terms on or prior to the date that the refunding bonds are issued;

9436 (b) ~~[-or-]~~ the bonds to be refunded will become due or callable, redeemable, or
 9437 repurchasable by ~~[their]~~ the bond's terms within 10 years thereafter; or

9438 (c) ~~[if-]~~the bonds to be refunded, even though not becoming due, callable, redeemable,
 9439 or repurchasable within this period, are voluntarily surrendered by the bondholders
 9440 for cancellation at the time of the issuance of the refunding bonds.

- 9441 (2)(a) These refunding bonds shall have such details, bear such rate of interest, and be
9442 otherwise issued and secured as provided by the board authorizing the issuance of the
9443 bonds and as otherwise provided in this [chapter] part.
- 9444 (b) ~~[However, the changes in the security and revenues pledged to the payment of the~~
9445 ~~bonds may be made by the board as may be provided by it in the proceedings~~
9446 ~~authorizing the bonds, but in no event shall the refunding bonds ever be secured by~~
9447 ~~revenues not authorized by this chapter to be pledged to the payment of bonds issued~~
9448 ~~for other than refunding purposes.]~~ The board may make changes in the security and
9449 revenues pledged to the payment of the bonds, as provided in the proceedings
9450 authorizing the bonds.
- 9451 (c) The board may not secure refunding bonds with revenues that this part does not
9452 authorize for the payment of bonds issued for purposes other than issuing a refund.
- 9453 (3)(a) Refunding bonds issued under this [chapter] part may be exchanged for a like
9454 principal amount of the bonds to be refunded, may be sold in the manner provided in
9455 this [chapter] part for the sale of other bonds, or may be exchanged in part and sold in
9456 part.
- 9457 (b) If sold, the proceeds of the sale not required for the payment of expenses may be
9458 invested in United States Government obligations or in obligations unconditionally
9459 guaranteed by the United States of America in a manner as may be provided in the
9460 authorizing resolution, so long as these investments will mature with interest so as to
9461 provide funds to pay when due, or called for redemption, the bonds to be refunded
9462 together with interest and redemption premiums, if any.
- 9463 (4) The proceeds or obligations shall, and other funds legally available to the board for such
9464 purposes may, be deposited in trust with an FDIC insured bank doing business in Utah,
9465 or [its] the bank's successor, to be held for the payment and redemption of bonds to be
9466 refunded.
- 9467 (5) The deposit and any reinvestment shall be held in trust by the escrow agent for the
9468 payment of bonds with interest and redemption premiums, if any, on maturity or upon an
9469 available redemption date or upon an earlier voluntary surrender with the consent of the
9470 board.
- 9471 (6)(a) No refunding bonds may be issued under this section in a principal amount in
9472 excess of the principal amount of the bonds to be refunded nor may any bonds not
9473 maturing or callable for redemption under [their] the bond's terms as provided in this
9474 section be refunded without the consent of the holders of the bonds.

9475 (b) Refunding bonds authorized and issued under this section may in the discretion of
 9476 the board be combined with other bonds to be authorized and issued under this [
 9477 chapter] part, and a single issue of bonds may be authorized, part for improvement
 9478 and part for refunding purposes.

9479 Section 279. Section **53H-9-312**, which is renumbered from Section 53B-21-111 is renumbered
 9480 and amended to read:

9481 **[53B-21-111] 53H-9-312 (Effective upon governor's approval). Authorized loans**
 9482 **for acquisition, construction, furnishing, and equipping of projects -- Evidence of**
 9483 **indebtedness -- Provisions -- Agreements with lending institutions -- Satisfaction and**
 9484 **discharge -- Exemption from taxation.**

9485 (1) For the purpose of paying all or part of the costs of a project under Section [53B-21-101]
 9486 53H-9-302, the board, on behalf of the institution of higher education for which the
 9487 project is to be acquired, constructed, furnished, and equipped, may:

9488 (a) [-]borrow money on the credit of:

9489 (i) [-]the income and revenues to be derived from the operation of the project[-, and
 9490 from] ;

9491 (ii) [-]the imposition of student building fees[-] ;

9492 (iii) [-]land grant interest[-, and] ;

9493 (iv) [-]net proceeds from proprietary activities; or[- from]

9494 (v) [-]sources other than by appropriations by the Legislature to the issuing
 9495 institutions[-] ; and

9496 (b) [-]to evidence the indebtedness may execute any promissory note or other evidence
 9497 of indebtedness appropriate, provided the note or other evidence of indebtedness
 9498 specifies on its face that it does not constitute a general obligation of the state.

9499 (2) The board may, in order to secure the payment of the loan, grant a mortgage, trust deed,
 9500 or other security device covering: [-]

9501 (a) all or part of the project[-] ; and

9502 (b) [-]the land acquired for the project and upon which the project is situated.

9503 (3) The rights and remedies available in the event of a default to the mortgagee, trustee, or
 9504 other lender are subject to agreement as contained in the:

9505 (a) [-]mortgage[-] ;

9506 (b) [-]trust deed[-] ; or

9507 (c) [-]other security instrument.

9508 (4)(a) The agreement may provide that, in the event of a default in the payment or the

violation of any agreement contained in the document, the mortgage, trust deed, or other security instrument may be foreclosed or otherwise realized in any manner permitted by law.

(b) [However, no deficiency judgment shall lie in any event and no breach of the agreement shall impose any general obligations or liability upon the state or the borrowing institution.] The state and the borrowing institution are not subject to any general obligation or liability for breach of the agreement.

(c) A court may not enter a deficiency judgment in the event of a breach of the agreement.

(5)(a) The note or other evidence of indebtedness may have all the qualities and incidents of negotiable paper~~[-and]~~ .

(b) The note or other evidence of indebtedness is not subject to:

(i) [-]taxation by the state, except for the corporate franchise tax[;] ; or [to-]

(ii) taxation by any county, municipality, or political subdivision of the state.

(6) The note or other evidence of indebtedness and mortgage may contain additional provisions with respect to repayment out of:

(a) [-]the income and revenues derived from the operation of the building~~[-from]~~ ;

(b) the imposition of student building fees[;] ;

(c) [-]land grant interest~~[-and]~~ ;

(d) [-]net profits from proprietary activities[;] ; or

(e) [-]from sources other than appropriations by the Legislature to any issuing institution as the board considers necessary and proper.

(7) The board may enter into an agreement it considers necessary with the lending institution as to the:

(a) [-the-]use which will be made of any project[;] ;

(b) [-the-]operation, maintenance, and supervision of the project[;] ;

(c) [-the-]imposition of fees, charges, and rentals for [its] the institution's use, including the equipment contained therein[;] ; and~~[-the-]~~

(d) collection and disposition to be made of the proceeds of fees, charges, and rentals.

(8) ~~[In order to-]~~ To secure the prompt payment of principal and interest and to pay the cost of the maintenance and operation of the project, the board has the same power and authority with respect to the indebtedness created under this section as it has in respect to the issuance of bonds under the other provisions of this ~~[chapter]~~ part.

(9) When any obligation owing to finance the cost of any project constructed or acquired

9543 under this section has been fully paid as to principal and interest, the mortgage is
9544 satisfied and discharged.

9545 (10) All buildings and additions to existing buildings erected, and the equipment therefor, is
9546 exempt from taxation as long as the legal title remains in the borrowing agency.

9547 Section 280. Section **53H-9-313**, which is renumbered from Section 53B-21-112 is renumbered
9548 and amended to read:

9549 **[53B-21-112] 53H-9-313 (Effective upon governor's approval). Financing**
9550 **projects and buildings -- Security instruments -- Terms.**

9551 (1) In connection with the financing of any project or building under this [chapter] part, the
9552 board, on behalf of an institution of higher education, may grant a purchase money
9553 mortgage, trust deed, or other security device pledging any land, buildings, furnishings,
9554 equipment, or other facilities to be acquired or constructed and paid for from the
9555 proceeds of the financing.

9556 (2) The rights and remedies available in the event of a default to the mortgagee, trustee, or
9557 lender shall be as agreed upon between the board and the lender and contained in the
9558 document.

9559 (3) In making any agreements, the board does not have the power to obligate [itself] the
9560 board or the state, except with respect to:

9561 (a) ~~[-(a)-]~~the project;[-]

9562 (b) ~~[-(b)-]~~the building and the application of the revenues from it;

9563 (c) ~~[-(c)-]~~the revenues from any special fund pledged to repay it;

9564 (d) ~~[-(d)-]~~the proceeds of any ad valorem tax; or

9565 (e) ~~[-(e)-]~~any appropriations from the Legislature of the state.

9566 (4)(a) Any purchase money mortgage, trust deed, or other security device made or
9567 granted by the board to secure the loan or other method of financing may also
9568 provide that in the event of a default in payment or the violation of any agreement,
9569 the mortgage, trust deed, or security device may be foreclosed or otherwise realized
9570 in any manner permitted by law.

9571 (b) ~~[However, no-]~~ No deficiency judgment shall lie in any event and the breach of the
9572 agreement does not impose any general obligation or liability upon:

9573 (i) ~~[-]~~the board[;] ;

9574 (ii) ~~[-]~~the state[;] ;

9575 (iii) ~~[-]~~the proceeds of ad valorem taxes[;] ; or

9576 (iv) ~~[-]~~appropriations from the Legislature.

- (5) The purchase money mortgage, trust deed, or other security device may also provide that any mortgagee, trustee, lender, or the holder of any evidence of indebtedness secured by the security instrument may become the purchaser at any foreclosure sale, if the highest bidder.

Section 281. Section **53H-9-314**, which is renumbered from Section 53B-21-113 is renumbered and amended to read:

[53B-21-113] 53H-9-314 (Effective upon governor's approval). Limitation on issuance of bonds.

No bonds may be authorized or issued by the board or the board of any institution under this [chapter] part without the prior approval of the Legislature.

Section 282. Section **53H-9-315**, which is renumbered from Section 53B-22-102 is renumbered and amended to read:

[53B-22-102] 53H-9-315 (Effective upon governor's approval). Revenue bond authorizations.

(1) The Utah Board of Higher Education, formerly the Board of Regents, on behalf of the institutions listed below, may issue, sell, and deliver revenue bonds or other evidences of indebtedness to borrow money on the credit of the income and revenues of each respective institution, other than appropriations of the Legislature, to finance the cost or partial cost of constructing, furnishing, and equipping the specified projects.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed the amounts for each institution and project specified below, and shall be issued in accordance with this part under such terms and conditions and in such amounts as the board, by resolution, determines are reasonable and necessary:

(a) Utah State University:

(i) student family housing project: \$6,600,000; and

(ii) human Resource Research Center: \$6,000,000;

(b) Weber State University, student services building: \$5,800,000;

(c) Southern Utah University:

(i) student housing project: \$6,000,000;

(ii) student center addition: \$5,500,000; and

(iii) stadium expansion: \$5,500,000;

(d) Utah Tech University, student center building: \$3,100,000;

(e) Utah Valley University, student center addition: \$13,500,000;

(f) Salt Lake Community College:

9612 (i) classroom/physical education facility: \$5,500,000; and

9613 (ii) science/major industry building: \$5,150,000;

9614 (g) University of Utah:

9615 (i) biology research building: \$21,050,000; and

9616 (ii) Robert L. Rice Stadium renovation and expansion: \$12,000,000; and

9617 (h) Utah State University Eastern, Student center: \$3,300,000.

9618 [~~(1) The Utah Board of Higher Education, formerly the Board of Regents, on behalf of Utah~~
9619 ~~State University, may issue, sell, and deliver revenue bonds or other evidences of~~
9620 ~~indebtedness of Utah State University to borrow money on the credit of the income and~~
9621 ~~revenues of Utah State University, other than appropriations of the Legislature, to~~
9622 ~~finance the cost of constructing, furnishing, and equipping a student family housing~~
9623 ~~project and a Human Resource Research Center.]~~

9624 [~~(2) The bonds or other evidences of indebtedness authorized by this section may not~~
9625 ~~exceed \$6,600,000 for the student family housing project and \$6,000,000 for the Human~~
9626 ~~Resource Research Center, and shall be issued in accordance with Title 53B, Chapter 21,~~
9627 ~~Revenue Bonds, under such terms and conditions and in such amounts as the board, by~~
9628 ~~resolution, determines are reasonable and necessary.]~~

9629 Section 283. Section **53H-9-401** is enacted to read:

9630 **Part 4. Buildings and Facilities**

9631 **53H-9-401 (Effective upon governor's approval). General provisions --**

9632 **Definitions.**

9633 Reserved.

9634 Section 284. Section **53H-9-402**, which is renumbered from Section 53B-20-104 is renumbered
9635 and amended to read:

9636 **[~~53B-20-104~~] 53H-9-402 (Effective upon governor's approval). Buildings and**
9637 **facilities -- Board approval of construction and purchases -- Rules.**

9638 (1) The board shall approve all new construction, repair, or purchase of educational and
9639 general buildings and facilities financed from any source at all institutions subject to the
9640 jurisdiction of the board.

9641 (2) An institution may not submit plans or specifications to the Division of Facilities
9642 Construction and Management for the construction or alteration of buildings, structures,
9643 or facilities or for the purchases of equipment or fixtures for the structure without the
9644 authorization of the board.

9645 (3) The board shall make rules establishing the conditions under which facilities may be

9646 eligible to request state funds for operations and maintenance.

9647 (4) Before approving the purchase of a building, the board shall:

9648 (a) determine whether or not the building will be eligible for state funds for operations
9649 and maintenance by applying the rules adopted under Subsection (3); and

9650 (b) if the annual request for state funding for operations and maintenance will be greater
9651 than \$100,000, notify the speaker of the House, the president of the Senate, and the
9652 cochair of the Transportation and Infrastructure Appropriations Subcommittee.

9653 Section 285. Section **53H-9-403**, which is renumbered from Section 53B-20-103 is renumbered
9654 and amended to read:

9655 **[53B-20-103] 53H-9-403 (Effective upon governor's approval). Powers of state**
9656 **board -- Capital facilities projects -- Exceptions.**

9657 (1) As used in this section, "capital facilities projects and buildings" includes any one or
9658 more institutional projects and buildings.

9659 (2) The board, on behalf of the institutions of higher education, may:

9660 (a) acquire, purchase, construct, improve, remodel, add to, and extend capital facilities
9661 projects and buildings including necessary and related utilities;

9662 (b) accept buildings, land, or a combination of buildings and land, donated to an eligible
9663 higher education institution without obtaining approval of the donation from the
9664 director of the Division of Facilities Construction and Management;

9665 (c) acquire necessary and suitable equipment, furnishings, and land for institutional
9666 projects and buildings;

9667 (d) set aside portions of campuses for institutional projects and buildings;

9668 (e) maintain and operate institutional projects and buildings; and

9669 (f) impose and collect rents, fees, and charges for the use of institutional projects and
9670 buildings.

9671 (3) Notwithstanding any other provision of law, if a donor donates land to an eligible
9672 institution of higher education and commits to build a building or buildings on that land,
9673 and the institution agrees to provide funds for the operations and maintenance costs from
9674 sources other than state funds, and agrees that the building or buildings will not be
9675 eligible for state capital improvement funding, the higher education institution may:

9676 (a) oversee and manage the construction without involvement, oversight, or management
9677 from the Division of Facilities Construction and Management; or

9678 (b) arrange for management of the project by the Division of Facilities Construction and
9679 Management.

Section 286. Section **53H-9-404**, which is renumbered from Section 53B-2-109 is renumbered and amended to read:

[53B-2-109] 53H-9-404 (Effective upon governor's approval). Notice to local government when constructing student housing.

- (1) Each institution that intends to construct student housing on property owned by the institution shall provide written notice of the intended construction, as provided in Subsection (2), before any funds are committed to the construction, if any of the proposed student housing buildings is within 300 feet of privately owned residential property.
- (2) Each notice under Subsection (1) shall be provided to the legislative body and, if applicable, the mayor of:
 - (a) the county in whose unincorporated area the privately owned residential property is located; or
 - (b) the municipality in whose boundaries the privately owned residential property is located.
- (3)(a)(i) Within 21 days after receiving the notice required by Subsection (1), a county or municipality entitled to the notice may submit a written request to the institution for a public hearing on the proposed student housing construction.
 - (ii) Each county or municipality that submits a written request for a hearing under Subsection (3)(a) shall deliver a copy of the request to the Division of Facilities Construction and Management.
- (b) If a county or municipality requests a hearing under Subsection (3)(a), the legislative body of the affected county or municipality and the institution shall jointly hold a public hearing to provide information to the public and to allow the institution and the county or municipality to receive input from the public about the proposed student housing construction.
- (c) A public hearing held under Subsection (3)(a) satisfies the public hearing requirement of Subsection 63A-5b-1104(2) for the same proposed student housing construction.

Section 287. Section **53H-9-501**, which is renumbered from Section 53B-22-201 is renumbered and amended to read:

Part 5. General Capital Developments

[53B-22-201] 53H-9-501 (Effective upon governor's approval). General provisions -- Definitions.

9714 As used in this part:

9715 (1) "Capital development" means the same as capital development project, as defined in
9716 Section 63A-5b-401.

9717 (2) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers as
9718 published by the Bureau of Labor Statistics of the United States Department of Labor.

9719 (3) "Dedicated project" means a capital development project for which state funds from an
9720 institution's allocation are requested or used.

9721 (4) "Fund" means the Higher Education Capital Projects Fund created in Section [
9722 53B-22-202] 53H-9-502.

9723 [~~(5) "Institution" means a degree-granting institution.~~]

9724 [~~(6)~~] (5) "Institution's allocation" means the total amount of money in the fund that an
9725 institution has been allocated in accordance with Section [~~53B-22-203~~] 53H-9-503.

9726 [~~(7)~~] (6) "Nondedicated project" means a capital development project for which state funds
9727 from a source other than an institution's allocation are requested or used.

9728 [~~(8)~~] (7) "State funds" means the same as that term is defined in Section 63A-5b-401.

9729 Section 288. Section **53H-9-502**, which is renumbered from Section 53B-22-202 is renumbered
9730 and amended to read:

9731 **[~~53B-22-202~~] 53H-9-502 (Effective upon governor's approval). Higher Education**
9732 **Capital Projects Fund -- Use of money in fund -- Appropriations to fund --**
9733 **Administration of fund.**

9734 (1) There is created a capital projects fund known as the Higher Education Capital Projects
9735 Fund.

9736 (2) Subject to appropriation, money in the fund shall be used:

9737 (a) for a dedicated project approved in accordance with Section [~~53B-22-204~~] 53H-9-504;
9738 or

9739 (b) to pay debt service in accordance with Subsection (3).

9740 (3) Money in the fund may be used to pay debt service:

9741 (a) on a general obligation bond issued for a capital development project in accordance
9742 with Title 63B, Chapter 1a, Master General Obligation Bond Act; and

9743 (b) if the Legislature approves the use by a vote of two-thirds of all members elected to
9744 each house.

9745 (4) The fund shall be funded by appropriations.

9746 (5) The fund shall accrue interest, which shall be deposited into the fund.

9747 (6) The Division of Finance shall administer the fund in accordance with this part.

Section 289. Section **53H-9-503**, which is renumbered from Section 53B-22-203 is renumbered and amended to read:

[53B-22-203] 53H-9-503 (Effective upon governor's approval). Fund money -- Degree-granting institution allocations.

- (1)(a) Based on appropriations to the fund, the board shall annually determine how to allocate among all degree-granting institutions money that has not been previously allocated to [an] a degree-granting institution.
- (b) The board shall make the determination described in Subsection (1)(a) based on each degree-granting institution's:
- (i) enrollment;
 - (ii) total performance across the metrics described in Section [53B-7-706] 53H-8-304;
 - (iii) projected growth in student population;
 - (iv) existing square feet per student full-time equivalent;
 - (v) facility age and condition; and
 - (vi) utilization of academic space, including off-campus facilities.
- (c) ~~[On or before August 1, 2019, the]~~ The board shall establish how the board will determine the amount of money to allocate to [an] a degree-granting institution, including, for each factor described in Subsection (1)(b):
- (i) how the board will measure [an] a degree-granting institution's fulfillment of the factor; and
 - (ii) the relative weight assigned to the factor.

(2) On or before May 31 each year, the board shall notify the Division of Finance of the board's determination described in Subsection (1).

(3) The Division of Finance shall:

- (a) maintain within the fund separate accounting for each degree-granting institution's allocation; and
- (b) based on the notification described in Subsection (2), add to each degree-granting institution's allocation the amount of money determined by the board.

Section 290. Section **53H-9-504**, which is renumbered from Section 53B-22-204 is renumbered and amended to read:

[53B-22-204] 53H-9-504 (Effective upon governor's approval). Funding request for capital development project -- Legislative approval -- Board prioritization, approval, and review.

- (1) In accordance with this section, [an] a degree-granting institution is required to receive

legislative approval in an appropriations act for a dedicated project or a nondedicated project.

(2) ~~[An]~~ A degree-granting institution shall submit to the board a proposal for a funding request for each dedicated project or nondedicated project for which the institution seeks legislative approval.

(3) The board shall:

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

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

(ii) is consistent with the degree-granting institution's mission and master plan; and

(iii) fulfills a critical institutional facility need;

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

(i) a list of approved dedicated projects; and

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

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

(i) the governor;

(ii) the Transportation and Infrastructure Appropriations Subcommittee;

(iii) the Higher Education Appropriations Subcommittee; and

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

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

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

(4) A dedicated project:

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

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

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

(i) capital facility need;

(ii) utilization of facilities;

(iii) maintenance and condition of facilities; and

(iv) any other factor determined by the board.

(b) ~~[On or before August 1, 2019, the]~~ The board shall establish how the board will

- 9816 prioritize institution requests for funding for nondedicated projects, including:
- 9817 (i) how the board will measure each factor described in Subsection (5)(a); and
- 9818 (ii) procedures for prioritizing requests.
- 9819 (6)(a) Subject to Subsection (6)(b), and in accordance with Subsection (5), the board
- 9820 may annually prioritize:
- 9821 (i) up to three nondedicated projects if the ongoing appropriation to the fund is less
- 9822 than \$50,000,000;
- 9823 (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least
- 9824 \$50,000,000 but less than \$100,000,000; or
- 9825 (iii) one nondedicated project if the ongoing appropriation to the fund is at least
- 9826 \$100,000,000.
- 9827 (b) For each calendar year[~~beginning on or after January 1, 2020~~], the dollar amounts
- 9828 described in Subsection (6)(a) shall be adjusted by an amount equal to the percentage
- 9829 difference between:
- 9830 (i) the Consumer Price Index for the 2019 calendar year; and
- 9831 (ii) the Consumer Price Index for the previous calendar year.
- 9832 (7)(a) ~~[An]~~ A degree-granting institution may request operations and maintenance funds
- 9833 for a capital development project approved under this section.
- 9834 (b) ~~[An]~~ A degree-granting institution shall make the request described in Subsection
- 9835 (7)(a) at the same time the degree-granting institution submits the proposal described
- 9836 in Subsection (2).
- 9837 (c) The Legislature shall consider ~~[an]~~ a degree-granting institution's request described in
- 9838 Subsection (7)(a).
- 9839 (8) After ~~[an]~~ a degree-granting institution completes a capital development project
- 9840 described in this section, the board shall review the capital development project,
- 9841 including the costs and design of the capital development project.
- 9842 Section 291. Section **53H-9-601**, which is renumbered from Section 53B-2a-101 is renumbered
- 9843 and amended to read:

9844 **Part 6. Technical College Leasing and Capital Development**

9845 **~~[53B-2a-101]~~ 53H-9-601 (Effective upon governor's approval). General**

9846 **provisions -- Definitions.**

9847 As used in this ~~[chapter]~~ part:

- 9848 (1) "Capital development" means the same as capital development project, as defined in
- 9849 Section 63A-5b-401.

- 9850 (2) "Competency-based" means mastery of subject matter or skill level, as demonstrated
 9851 through business and industry approved standards and assessments, achieved through
 9852 participation in a hands-on learning environment, and which is tied to observable,
 9853 measurable performance objectives.
- 9854 (3) "Dedicated project" means a capital development project for which state funds from the
 9855 Technical Colleges Capital Projects Fund created in Section [53B-2a-118] 53H-9-605 are
 9856 requested or used.
- 9857 (4) "Nondedicated project" means a capital development project for which state funds from
 9858 a source other than the Technical Colleges Capital Projects Fund created in Section [
 9859 53B-2a-118] 53H-9-605 are requested or used.
- 9860 (5) "State funds" means the same as that term is defined in Section 63A-5b-401.

9861 Section 292. Section **53H-9-602**, which is renumbered from Section 53B-2a-113 is renumbered
 9862 and amended to read:

9863 **[53B-2a-113] 53H-9-602 (Effective upon governor's approval). Leasing authority**
 9864 **-- Lease-purchase agreements -- Report.**

- 9865 (1) A technical college may enter into a lease with other higher education institutions,
 9866 school districts, charter schools, state agencies, or business and industry for a term of:
- 9867 (a) one year or less with the approval of the technical college board of trustees; or
 9868 (b) more than one year with the approval of the board if:
- 9869 (i) the Legislature approves funding for the lease prior to a technical college entering
 9870 into the lease; or
 9871 (ii) the lease agreement includes language that allows termination of the lease
 9872 without penalty.
- 9873 (2)(a) A technical college may enter into a lease-purchase agreement if:
- 9874 (i) there is a long-term benefit to the state;
 9875 (ii) the project is included in the technical college master plan;
 9876 (iii) the lease-purchase agreement includes language that allows termination of the
 9877 lease;
 9878 (iv) the lease-purchase agreement is approved by the technical college board of
 9879 trustees and the board; and
 9880 (v) the lease-purchase agreement is:
- 9881 (A) reviewed by the Division of Facilities Construction and Management; and
 9882 (B) approved by the Legislature.
- 9883 (b) An approval under Subsection (2)(a) shall include a recognition of:

- 9884 (i) all parties, dates, and elements of the agreement;
9885 (ii) the equity or collateral component that creates the benefit; and
9886 (iii) the options dealing with the sale and division of equity.
- 9887 (3)(a) Each technical college shall provide an annual lease report to the board that details
9888 each of the technical college's leases, annual costs, location, square footage, and
9889 recommendations for lease continuation.
- 9890 (b) The board shall compile and distribute an annual combined lease report for all
9891 technical colleges to the Division of Facilities Construction and Management and to
9892 others upon request.
- 9893 (4) The board shall use the annual combined lease report in determining planning,
9894 utilization, and budget requests.

9895 Section 293. Section **53H-9-603**, which is renumbered from Section 53B-2a-112 is renumbered
9896 and amended to read:

9897 **[53B-2a-112] 53H-9-603 (Effective upon governor's approval). Technical**
9898 **colleges -- Relationships with other public and higher education institutions --**
9899 **Agreements -- Priorities -- New capital facilities.**

- 9900 (1) As used in this section, "higher education institution" means:
9901 (a) Utah State University for:
9902 (i) Bridgerland Technical College;
9903 (ii) Tooele Technical College; and
9904 (iii) Uintah Basin Technical College;
9905 (b) Weber State University for:
9906 (i) Ogden-Weber Technical College; and
9907 (ii) Davis Technical College;
9908 (c) Utah Valley University for Mountainland Technical College;
9909 (d) Southern Utah University for Southwest Technical College; and
9910 (e) Utah Tech University for Dixie Technical College.
- 9911 (2) A technical college may enter into agreements:
9912 (a) with other higher education institutions to cultivate cooperative relationships; or
9913 (b) with other public and higher education institutions to enhance career and technical
9914 education within the technical college's region.
- 9915 (3) Before a technical college develops new instructional facilities, the technical college
9916 shall give priority to:
9917 (a) maintaining the technical college's existing instructional facilities for both secondary

- 9918 and adult students;
- 9919 (b) coordinating with the president of the technical college's degree-granting partner and
- 9920 entering into any necessary agreements to provide career and technical education to
- 9921 secondary and adult students that:
- 9922 (i) maintain and support existing higher education career and technical education
- 9923 programs; and
- 9924 (ii) maximize the use of existing higher education facilities; and
- 9925 (c) developing cooperative agreements with school districts, charter schools, other
- 9926 higher education institutions, businesses, industries, and community and private
- 9927 agencies to maximize the availability of career and technical education instructional
- 9928 facilities for both secondary and adult students.
- 9929 (4)(a) Before submitting a funding request pertaining to new capital facilities and land
- 9930 purchases to the board, a technical college shall:
- 9931 (i) ensure that all available instructional facilities are maximized in accordance with
- 9932 Subsections (3)(a) through (c); and
- 9933 (ii) coordinate the request with the president of the technical college's
- 9934 degree-granting partner, if applicable.
- 9935 (b) The Division of Facilities Construction and Management shall make a finding that
- 9936 the requirements of this section are met before the Division of Facilities Construction
- 9937 and Management may consider a funding request from the board pertaining to new
- 9938 capital facilities and land purchases for a technical college.
- 9939 (c) A technical college may not construct, approve the construction of, or consent to the
- 9940 construction of a career and technical education facility without approval of the
- 9941 Legislature.
- 9942 (5) Before acquiring new fiscal and administrative support structures, a technical college
- 9943 shall:
- 9944 (a) review the use of existing public or higher education administrative and accounting
- 9945 systems, financial record systems, and student and financial aid systems for the
- 9946 delivery of education in the region;
- 9947 (b) determine the feasibility of using existing systems; and
- 9948 (c) with the approval of the technical college board of trustees and the board, use the
- 9949 existing systems.

9950 Section 294. Section **53H-9-604**, which is renumbered from Section 53B-2a-117 is renumbered

9951 and amended to read:

[53B-2a-117] 53H-9-604 (Effective upon governor's approval). Legislative approval -- Capital development projects -- Prioritization.

(1) As used in this section:

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

(b) "Fund" means the Technical Colleges Capital Projects Fund created in Section [53B-2a-118] 53H-9-605.

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

(3) In accordance with Section [53B-2a-112] 53H-9-603, a technical college shall submit to the board a proposal for a funding request for each dedicated project or nondedicated project for which the technical college seeks legislative approval.

(4) The board shall:

(a) review each proposal submitted under Subsection (3) to ensure that the proposal complies with Section [53B-2a-112] 53H-9-603;

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

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

and

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

Subsection (6); and

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

(i) the governor;

(ii) the Transportation and Infrastructure Appropriations Subcommittee;

(iii) the Higher Education Appropriations Subcommittee; and

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

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

(B) recommendation and prioritization, for the list described in Subsection

(4)(b)(ii).

(5) A dedicated project:

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

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

- 9986 (6)(a) Subject to Subsection (7), the board shall prioritize funding requests for capital
 9987 development projects described in this section based on:
- 9988 (i) growth and capacity;
 - 9989 (ii) effectiveness and support of critical programs;
 - 9990 (iii) cost effectiveness;
 - 9991 (iv) building deficiencies and life safety concerns; and
 - 9992 (v) alternative funding sources.
- 9993 (b) The board shall establish:
- 9994 (i) how the board will measure each factor described in Subsection (6)(a); and
 - 9995 (ii) procedures for prioritizing funding requests for capital development projects
 9996 described in this section.
- 9997 (7)(a) Subject to Subsection (7)(b), and in accordance with Subsection (6), the board
 9998 may annually prioritize:
- 9999 (i) up to three nondedicated projects if the ongoing appropriation to the fund is less
 10000 than \$7,000,000;
 - 10001 (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least
 10002 \$7,000,000 but less than \$14,000,000; or
 - 10003 (iii) one nondedicated project if the ongoing appropriation to the fund is at least
 10004 \$14,000,000.
- 10005 (b) For each calendar year[~~beginning on or after January 1, 2020~~], the dollar amounts
 10006 described in Subsection (7)(a) shall be adjusted by an amount equal to the percentage
 10007 difference between:
- 10008 (i) the Consumer Price Index for the 2019 calendar year; and
 - 10009 (ii) the Consumer Price Index for the previous calendar year.
- 10010 (8)(a) A technical college may request operations and maintenance funds for a capital
 10011 development project approved under this section.
- 10012 (b) A technical college shall make the request described in Subsection (8)(a) at the same
 10013 time the technical college submits the proposal described in Subsection (3).
- 10014 (c) The Legislature shall consider a technical college's request described in Subsection
 10015 (8)(a).

10016 Section 295. Section **53H-9-605**, which is renumbered from Section 53B-2a-118 is renumbered
 10017 and amended to read:

10018 **[53B-2a-118] 53H-9-605 (Effective upon governor's approval). Technical**
 10019 **Colleges Capital Projects Fund -- Use of money in fund -- Appropriations to fund --**

Administration of fund.

- (1) As used in this section, "fund" means the Technical Colleges Capital Projects Fund created in this section.
- (2) There is created a capital projects fund known as the Technical Colleges Capital Projects Fund.
- (3) Subject to appropriation, money in the fund shall be used:
- (a) for a dedicated project approved in accordance with Section ~~[53B-2a-117]~~ 53H-9-604;
 - or
 - (b) to pay debt service in accordance with Subsection (4).
- (4) Money in the fund may be used to pay debt service:
- (a) on a general obligation bond issued for a capital development project in accordance with Title 63B, Chapter 1a, Master General Obligation Bond Act; and
 - (b) if the Legislature approves the use by a vote of two-thirds of all members elected to each house.
- (5) The fund shall be funded by appropriations.
- (6) The fund shall accrue interest, which shall be deposited into the fund.
- (7) The Division of Finance shall administer the fund in accordance with this section.
- Section 296. Section **53H-10-101**, which is renumbered from Section 53B-8a-101 is renumbered and amended to read:

CHAPTER 10. Utah Education Savings**Part 1. General Provisions**

~~[53B-8a-101]~~ 53H-10-101 (Effective upon governor's approval). General provisions -- Definitions.

- (1) As used in this chapter:
- (a) "Account agreement" means an agreement between an account owner and the Utah Educational Savings Plan entered into under this chapter.
 - (b) "Account owner" means a person, estate, or trust, if that person, estate, or trust has entered into an account agreement under this chapter to save for the higher education costs on behalf of a beneficiary.
 - (c) "Beneficiary" means the individual designated in an account agreement to benefit from the amount saved for higher education costs.
 - (d) "Plan" means the Utah Educational Savings Plan created in Section 53H-10-202.
- ~~[(4)]~~ (2)(a) The Legislature finds that the general welfare and well-being of the state are

directly related to educational levels and skills of the citizens of the state.

(b) Therefore, a vital and valid public purpose is served by the creation and implementation of programs which encourage and make possible the attainment of higher education by the greatest number of citizens of the state.

~~[(2)]~~ (3)(a) The Legislature finds that the state has limited resources to provide additional programs for higher education funding and that the continued operation and maintenance of the state's public institutions of higher education and the general welfare of the citizens of the state will be enhanced by establishing a plan which allows citizens of the state to invest money in a public trust for future application to the payment of higher education costs.

(b) The Legislature further finds that the plan described in Subsection ~~[(2)(a)]~~ (3)(a) serves a vital and valid public purpose.

~~[(3)]~~ (4)(a) In order to make available to the citizens of the state an opportunity to fund future higher education needs, it is necessary that a public trust be established in which money may be invested for future educational use.

(b) It may also be necessary to establish and create an endowment fund, which may be funded with public funds, among other sources, the income from which may be made available to account owners to enhance or encourage their savings invested for future higher education costs or for use in scholarship or other college savings incentive programs.

Section 297. Section **53H-10-201**, which is renumbered from Section 53B-8a-102.5 is renumbered

and amended to read:

Part 2. Utah Educational Savings Plan

[53B-8a-102.5] 53H-10-201 (Effective upon governor's approval). General provisions -- Definitions.

As used in this part:

(1) "Administrative fund" means the money used to administer the Utah Educational Savings Plan.

(2) "Board" means the Utah Education Savings Board of Trustees created in Section ~~[53B-8a-105]~~ 53H-10-204.

(3) "Eligible educational institution" means the same as that term is defined in Section 529(e)(5), Internal Revenue Code.

~~[(3)]~~ (4) "Endowment fund" means the endowment fund established under Section [

10086 ~~53B-8a-107]~~ 53H-10-206, which is held as a separate fund within the Utah Educational
10087 Savings Plan.

10088 [(4)] (5) "Executive director" means the administrator appointed to administer and manage
10089 the Utah Educational Savings Plan.

10090 [(5)] (6) "Federally insured depository institution" means an institution whose deposits and
10091 accounts are to any extent insured by a federal deposit insurance agency, including the
10092 Federal Deposit Insurance Corporation and the National Credit Union Administration.

10093 [(6)] (7) "Grantor trust" means a trust, the income of which is for the benefit of the grantor
10094 under Section 677, Internal Revenue Code.

10095 [(7)] (8) "Higher education costs" means qualified higher education expenses as defined in
10096 Section 529(e)(3), Internal Revenue Code.

10097 [(8) "Eligible educational institution" means the same as that term is defined in Section
10098 529(e)(5), Internal Revenue Code.]

10099 (9) "Owner of the grantor trust" means one or more individuals who are treated as an owner
10100 of a trust under Section 677, Internal Revenue Code, if that trust is a grantor trust.

10101 (10) "Program fund" means the program fund created under Section [~~53B-8a-107]~~
10102 53H-10-206, which is held as a separate fund within the Utah Educational Savings Plan.

10103 (11) "Qualified investment" means an amount invested in accordance with an account
10104 agreement established under this part.

10105 (12) "Tuition and fees" means the quarterly or semester charges imposed to attend an
10106 institution of higher education and required as a condition of enrollment.

10107 Section 298. Section **53H-10-202**, which is renumbered from Section 53B-8a-103 is renumbered
10108 and amended to read:

10109 **[~~53B-8a-103]~~ 53H-10-202 (Effective upon governor's approval). Creation of**
10110 **Utah Educational Savings Plan -- Powers and duties of plan -- Certain exemptions.**

10111 (1) There is created the Utah Educational Savings Plan, which may also be known and do
10112 business as:

- 10113 (a) the Utah Educational Savings Plan Trust; or
10114 (b) another related name.

10115 (2) The plan:

- 10116 (a) is a non-profit, self-supporting agency that administers a public trust;
10117 (b) shall administer the various programs, funds, trusts, plans, functions, duties, and
10118 obligations assigned to the plan:
10119 (i) consistent with sound fiduciary principles; and

10120 (ii) subject to review of the board; and

10121 (c) shall be known as and managed as a qualified tuition program in compliance with
10122 Section 529, Internal Revenue Code, that is sponsored by the state.

10123 (3) The plan may:

10124 (a) make and enter into contracts necessary for the administration of the plan payable
10125 from plan money, including:

10126 (i) contracts for goods and services; and

10127 (ii) contracts to engage personnel, with demonstrated ability or expertise, including
10128 consultants, actuaries, managers, counsel, and auditors for the purpose of
10129 rendering professional, managerial, and technical assistance and advice;

10130 (b) adopt a corporate seal and change and amend the corporate seal;

10131 (c) invest money within the program, administrative, and endowment funds in
10132 accordance with the provisions under Section [~~53B-8a-107~~] 53H-10-206;

10133 (d) enter into agreements with account owners, any eligible educational institution, any
10134 federal or state agency, or other entity as required to implement this chapter;

10135 (e) solicit and accept any grants, gifts, legislative appropriations, and other money from
10136 the state, any unit of federal, state, or local government, or any other person, firm,
10137 partnership, or corporation for deposit to the administrative fund, endowment fund,
10138 or the program fund;

10139 (f) make provision for the payment of costs of administration and operation of the plan;

10140 (g) carry out studies and projections to advise account owners regarding:

10141 (i) present and estimated future higher education costs; and

10142 (ii) levels of financial participation in the plan required to enable account owners to
10143 achieve [~~their~~] the account owner's educational funding objective;

10144 (h) participate in federal, state, local governmental, or private programs;

10145 (i) create public and private partnerships, including investment or management
10146 relationships with other 529 plans or entities;

10147 (j) promulgate, impose, and collect administrative fees and charges in connection with
10148 transactions of the plan, and provide for reasonable service charges;

10149 (k) procure insurance:

10150 (i) against any loss in connection with the property, assets, or activities of the plan;
10151 and

10152 (ii) indemnifying any member of the board from personal loss or accountability
10153 arising from liability resulting from a member's action or inaction as a member of

- 10154 the plan's board;
- 10155 (l) administer outreach efforts to:
- 10156 (i) market and publicize the plan and the plan's products to existing and prospective
- 10157 account owners; and
- 10158 (ii) encourage economically challenged populations to save for post-secondary
- 10159 education;
- 10160 (m) adopt, trademark, and copyright names and materials for use in marketing and
- 10161 publicizing the plan and the plan's products;
- 10162 (n) administer the funds of the plan;
- 10163 (o) sue and be sued in the plan's own name;
- 10164 (p) own institutional accounts in the plan to establish and administer:
- 10165 (i) scholarship programs; or
- 10166 (ii) other college savings incentive programs, including programs designed to
- 10167 enhance the savings of low income account owners investing in the plan; and
- 10168 (q) have and exercise any other powers or duties that are necessary or appropriate to
- 10169 carry out and effectuate the purposes of this chapter.
- 10170 (4)(a) Except as provided in Subsection (4)(b), the plan is exempt from the provisions of
- 10171 Title 63G, Chapter 2, Government Records Access and Management Act.
- 10172 (b)(i) The annual audited financial statements of the plan described in Section [
- 10173 ~~53B-8a-111~~] 53H-10-210 are public records.
- 10174 (ii) Financial information that is provided by the plan to the state auditor and posted
- 10175 on the public finance website established by the state auditor in accordance with
- 10176 Section 67-3-12 is a public record.
- 10177 (5) The plan is subject to:
- 10178 (a) Title 52, Chapter 4, Open and Public Meetings Act; and
- 10179 (b) Title 63G, Chapter 6a, Utah Procurement Code.
- 10180 Section 299. Section **53H-10-203**, which is renumbered from Section 53B-8a-104 is renumbered
- 10181 and amended to read:
- 10182 **[~~53B-8a-104~~] 53H-10-203 (Effective upon governor's approval). Office facilities,**
- 10183 **clerical, and administrative support for the Utah Educational Savings Plan.**
- 10184 (1) The Utah Board of Higher Education shall provide to the plan, by agreement,
- 10185 administrative support and office facilities and space.
- 10186 (2) Reasonable charges or fees may be levied against the plan pursuant to the agreement for
- 10187 the services provided by the Utah Board of Higher Education.

Section 300. Section **53H-10-204**, which is renumbered from Section 53B-8a-105 is renumbered and amended to read:

[53B-8a-105] 53H-10-204 (Effective upon governor's approval). Powers and duties of board.

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

(2) The Utah Board of Higher Education shall:

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

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

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

(A) investments;

(B) accounting;

(C) finance;

(D) banking;

(E) education;

(F) technology; or

(G) financial operations; and

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

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

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

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

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

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

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

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

(7) The board shall:

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

(b) amend policies related to board governance.

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

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

Section 301. Section **53H-10-205**, which is renumbered from Section 53B-8a-106 is renumbered and amended to read:

[53B-8a-106] 53H-10-205 (Effective upon governor's approval). Account agreements.

The plan may enter into account agreements with account owners on behalf of beneficiaries under the following terms and agreements:

- (1)(a) An account agreement may require an account owner to agree to invest a specific amount of money in the plan for a specific period of time for the benefit of a specific beneficiary, not to exceed an amount determined by the executive director.
- (b) Account agreements may be amended to provide for adjusted levels of payments based upon changed circumstances or changes in educational plans.
- (c) An account owner may make additional optional payments as long as the total payments for a specific beneficiary do not exceed the total estimated higher education costs as determined by the executive director.
- (d) Subject to Subsections (1)(f) and (g), the maximum amount of a qualified investment that a corporation that is an account owner may subtract from unadjusted income for a taxable year in accordance with Title 59, Chapter 7, Corporate Franchise and Income Taxes, is \$1,710 for each individual beneficiary for the taxable year[~~beginning on or after January 1, 2010, but beginning on or before December 31, 2010~~].
- (e) Subject to Subsections (1)(f) and (g), the maximum amount of a qualified investment that may be used as the basis for claiming a tax credit in accordance with Section 59-10-1017, is:
- (i) subject to Subsection (1)(e)(iv), for a resident or nonresident estate or trust that is an account owner, \$1,710 for each individual beneficiary for the taxable year[~~beginning on or after January 1, 2010, but beginning on or before December 31, 2010~~];
- (ii) subject to Subsection (1)(e)(iv), for a resident or nonresident individual that is an account owner, other than a husband and wife who are account owners and file a single return jointly under Title 59, Chapter 10, Individual Income Tax Act, \$1,710 for each individual beneficiary for the taxable year[~~beginning on or after January 1, 2010, but beginning on or before December 31, 2010~~];

(iii) subject to Subsection (1)(e)(iv), for a husband and wife who are account owners and file a single return jointly under Title 59, Chapter 10, Individual Income Tax Act, \$3,420 for each individual beneficiary:

(A) for the taxable year~~[beginning on or after January 1, 2010, but beginning on or before December 31, 2010]~~; and

(B) regardless of whether the plan has entered into:

(I) a separate account agreement with each spouse; or

(II) a single account agreement with both spouses jointly; or

(iv) for a grantor trust:

(A) if the owner of the grantor trust has a single filing status or head of household filing status as defined in Section 59-10-1018, the amount described in Subsection (1)(e)(ii); or

(B) if the owner of the grantor trust has a joint filing status as defined in Section 59-10-1018, the amount described in Subsection (1)(e)(iii).

(f)(i) For each taxable ~~[years beginning on or after January 1, 2011]~~ year, the executive director shall annually increase the maximum amount of a qualified investment described in Subsections (1)(d) and (1)(e)(i) and (ii), by a percentage equal to the increase in the consumer price index for the preceding calendar year.

(ii) After making an increase required by Subsection (1)(f)(i), the executive director shall:

(A) round the maximum amount of the qualified investments described in Subsections (1)(d) and (1)(e)(i) and (ii) increased under Subsection (1)(f)(i) to the nearest 10 dollar increment; and

(B) increase the maximum amount of the qualified investment described in Subsection (1)(e)(iii) so that the maximum amount of the qualified investment described in Subsection (1)(e)(iii) is equal to the product of:

(I) the maximum amount of the qualified investment described in Subsection (1)(e)(ii) as rounded under Subsection (1)(f)(ii)(A); and

(II) two.

(iii) For purposes of Subsections (1)(f)(i) and (ii), the executive director shall calculate the consumer price index as provided in Sections 1(f)(4) and 1(f)(5), Internal Revenue Code.

(g) For each taxable ~~[years beginning on or after January 1, 2011]~~ year, the executive director shall keep the previous year's maximum amount of a qualified investment

described in Subsections (1)(d) and (1)(e)(i) and (ii) if the consumer price index for the preceding calendar year decreases.

(2)(a) Beneficiaries designated in account agreements must be designated after birth and before age 19 for an account owner to:

(i) subtract a qualified investment from income under Title 59, Chapter 7, Corporate Franchise and Income Taxes; or

(ii) use a qualified investment as the basis for claiming a tax credit in accordance with Section 59-10-1017.

(b) Account owners may designate a beneficiary age 19 or older, but investments for that beneficiary are not eligible to be:

(i) subtracted from income under Title 59, Chapter 7, Corporate Franchise and Income Taxes; or

(ii) used as the basis for claiming a tax credit in accordance with Section 59-10-1017.

(3) Each account agreement shall state clearly that there are no guarantees regarding money in the plan as to the return of principal and that losses could occur.

(4) Each account agreement shall provide that:

(a) a contributor to, or designated beneficiary under, an account agreement may not direct the investment of any contributions or earnings on contributions;

(b) any part of the money in any account may not be used as security for a loan; and

(c) an account owner may not borrow from the plan.

(5) The execution of an account agreement by the plan may not guarantee in any way that higher education costs will be equal to projections and estimates provided by the plan or that the beneficiary named in any account agreement will:

(a) be admitted to an eligible educational institution;

(b) if admitted, be determined a resident for tuition purposes by the eligible educational institution;

(c) be allowed to continue attendance at the eligible educational institution following admission; or

(d) graduate from the eligible educational institution.

(6) A beneficiary may be changed as permitted by the rules and regulations of the board upon written request of the account owner prior to the date of admission of any beneficiary under an account agreement by an eligible educational institution so long as the substitute beneficiary is eligible for participation.

(7) An account agreement may be freely amended throughout the term of the account

agreement in order to enable an account owner to increase or decrease the level of participation, change the designation of beneficiaries, and carry out similar matters as authorized by rule.

(8) Each account agreement shall provide that:

(a) the account agreement may be canceled upon the terms and conditions, and upon payment of the fees and costs set forth and contained in the board's rules and regulations; and

(b) the executive director may amend the agreement unilaterally and retroactively, if necessary, to maintain the plan as a qualified tuition program under Section 529, Internal Revenue Code.

Section 302. Section **53H-10-206**, which is renumbered from Section 53B-8a-107 is renumbered and amended to read:

[53B-8a-107] 53H-10-206 (Effective upon governor's approval). Program, administrative, and endowment funds -- Investment and payments from funds -- Proxy voting -- State treasurer access.

(1) The plan shall segregate money received by the plan into three funds, the program fund, the administrative fund, and the endowment fund.

(2) The board shall:

(a) invest the plan in a manner that is consistent with the prudent investor rule for trustees established in Title 75B, Chapter 2, Part 9, Uniform Prudent Investor Act;

(b) in accordance with the board's fiduciary responsibilities, make investment decisions with the sole purpose of maximizing the risk-adjusted return on the investments; and

(c) to the extent practicable:

(i)(A) retain the right to vote investor proxies; or

(B) if the investments are commingled with another investor's funds, request the right to vote investor proxies; and

(ii) ensure proxy voting is exercised to maximize risk-adjusted returns for the exclusive benefit of beneficiaries.

(3) Transfers may be made from the program fund to the administrative fund to pay operating costs:

(a) associated with administering the plan and as required under Sections [53B-8a-103] 53H-10-202 through [53B-8a-105] 53H-10-204; and

(b) as included in the budget approved by the board.

(4)(a) All money paid by account owners in connection with account agreements shall

be deposited as received into separate accounts within the program fund which shall be invested and accounted for separately.

(b) Money accrued by account owners in the program fund may be used for:

- (i) payments to any eligible educational institution;
- (ii) payments to the account owner or beneficiary;
- (iii) transfers to another 529 plan; or
- (iv) other expenditures or transfers made in accordance with the account agreement.

(5)(a) All money received by the plan from the proceeds of gifts and other endowments for the purposes of the plan shall be:

- (i) deposited, according to the nature of the donation, as received into the endowment fund or the administrative fund; and
- (ii) invested and accounted for separately.

(b) Any gifts, grants, or donations made by any governmental unit or any person, firm, partnership, or corporation to the plan for deposit to the endowment fund or the administrative fund is a grant, gift, or donation to the state for the accomplishment of a valid public eleemosynary, charitable, and educational purpose and is not included in the income of the donor for Utah tax purposes.

(c) The endowment fund or the administrative fund may be used to enhance the savings of low income account owners investing in the plan, for scholarships, or for other college savings incentive programs as approved by the board.

(d) Transfers may be made between the endowment fund and the administrative fund upon approval by the board.

(e) Endowment fund earnings not accruing to a beneficiary under an account agreement, not transferred to the administrative fund, or not otherwise approved by the board for expenditure, shall be reinvested in the endowment fund.

(6) Subsection (2) does not prohibit the board from offering individual account owners a variety of voluntary investment options that have different risk profiles and investment objectives.

(7)(a) The board shall make proxy voting records available to the state treasurer upon the state treasurer's request.

(b) The state treasurer is subject to the same restrictions on disclosure of the proxy voting records as the board.

Section 303. Section **53H-10-207**, which is renumbered from Section 53B-8a-108 is renumbered and amended to read:

[53B-8a-108] 53H-10-207 (Effective upon governor's approval). Cancellation of agreements.

- (1) Any account owner may cancel an account agreement at will.
- (2) If an account agreement is cancelled by the account owner, the current account balance shall be disbursed to the account owner less:
- (a) an administrative refund fee, which may be charged by the plan, except as provided in Subsection (3); and
 - (b) any penalty or tax required to be withheld by the Internal Revenue Code.
- (3) An administration refund fee may not be levied by the plan if the account agreement is cancelled due to:
- (a) the death of the beneficiary; or
 - (b) the permanent disability or mental incapacity of the beneficiary.

Section 304. Section **53H-10-208**, which is renumbered from Section 53B-8a-109 is renumbered and amended to read:

[53B-8a-109] 53H-10-208 (Effective upon governor's approval). Repayment and ownership of funds in the account -- Transfer of ownership rights.

- (1)(a) The account owner retains ownership of funds in the account until:
- (i) funds are used to pay higher education costs for the beneficiary;
 - (ii) funds are otherwise disbursed;
 - (iii) funds are transferred for administrative costs; or
 - (iv) the account is closed.
- (b) Funds in the account shall be considered to be held in trust for the benefit of the beneficiary.
- (2) Any amounts that may be paid pursuant to the plan that are not listed in this section are owned by the plan.
- (3)(a) An account owner may transfer ownership rights to another eligible person.
- (b) The transfer shall be affected and the property distributed in accordance with administrative regulations promulgated by the board or the terms of the account agreement.

Section 305. Section **53H-10-209**, which is renumbered from Section 53B-8a-110 is renumbered and amended to read:

[53B-8a-110] 53H-10-209 (Effective upon governor's approval). Effect of payments on determination of need and eligibility for student aid.

No student loan program, student grant program, or other program administered by any

agency of the state, except as may be otherwise provided by federal law or the provisions of any specific grant applicable to that law, shall take into account and consider amounts available for the payment of higher education costs pursuant to the plan in determining need and eligibility for student aid.

Section 306. Section **53H-10-210**, which is renumbered from Section 53B-8a-111 is renumbered and amended to read:

[53B-8a-111] 53H-10-210 (Effective upon governor's approval). Annual audit of financial statements.

The financial statements of the plan shall be audited annually by the state auditor or the state auditor's designee and reported in accordance with generally accepted accounting principles.

Section 307. Section **53H-10-211**, which is renumbered from Section 53B-8a-112 is renumbered and amended to read:

[53B-8a-112] 53H-10-211 (Effective upon governor's approval). Tax considerations.

(1) For tax purposes the property of the plan and [its] the plan's income are governed by Section 59-10-201.

(2) The tax commission, in consultation with the board and the plan, may adopt rules necessary to monitor and implement the tax provisions referred to in Subsection (1) as related to the property of the plan and [its] the plan's income.

Section 308. Section **53H-10-212**, which is renumbered from Section 53B-8a-113 is renumbered and amended to read:

[53B-8a-113] 53H-10-212 (Effective upon governor's approval). Property rights to plan assets.

(1) The assets of the plan, including the program fund and the endowment fund, shall at all times be preserved, invested, and expended solely and only for the purposes of the plan and shall be held in trust for the account owners and beneficiaries.

(2) No property rights in the plan shall exist in favor of the state.

(3) The assets may not be transferred or used by the state for any purposes other than the purposes of the plan.

Section 309. Section **53H-10-301**, which is renumbered from Section 53B-8a-201 is renumbered and amended to read:

Part 3. Student Prosperity Savings Program

[53B-8a-201] 53H-10-301 (Effective upon governor's approval). General

provisions -- Definitions.

As used in this part:

- (1) "529 savings account" means a tax-advantaged method of saving for higher education costs on behalf of a particular individual that:
 - (a) meets the requirements of Section 529, Internal Revenue Code; and
 - (b) is managed by the plan.
- (2) "Child" means an individual less than 20 years of age.
- (3) "Community partner" means a nonprofit organization that provide services to a child who is economically disadvantaged or a family member, legal guardian, or legal custodian of a child who is economically disadvantaged.
- (4) "Donation" means a gift, grant, donation, or any other conveyance of money by a person other than the Legislature that is not made directly for the benefit or on behalf of a particular individual.
- (5) "Economically disadvantaged" means that a child is:
 - (a) experiencing intergenerational poverty;
 - (b) a member or foster child of a family with an annual income at or below 185% of the federal poverty level;
 - (c) living with a legal custodian or legal guardian with an annual family income at or below 185% of the federal poverty level; or
 - (d) living with a legal custodian or legal guardian who can attest that the child or the child's household is receiving services benefitting low-income households or individuals.
- (6) "Eligible individual" means an individual who:
 - (a) is under 20 years of age and is a resident of Utah;
 - (b) is economically disadvantaged; and
 - (c) receives, or has a family member, a foster family member, or a legal custodian or legal guardian who receives, services from a community partner.
- (7) "Federal poverty level" means the poverty level as defined by the most recently revised poverty income guidelines published by the United States Department of Health and Human Services in the Federal Register.
- (8) "Higher education costs" means the same as that term is defined in Section [~~53B-8a-102.5~~] 53H-10-201, except that the expenses must be incurred at:
 - (a) a credit-granting eligible educational institution within the state system of higher education;

(b) a private postsecondary educational institution; or

(c) a technical college.

(9) "Intergenerational poverty" means the same as that term is defined in Section 35A-9-102.

(10) "Program" means the Student Prosperity Savings Program created in Section [~~53B-8a-202~~] 53H-10-302.

Section 310. Section **53H-10-302**, which is renumbered from Section ~~53B-8a-202~~ is renumbered and amended to read:

[~~53B-8a-202~~] 53H-10-302 (Effective upon governor's approval). Student Prosperity Savings Program.

(1) There is created the Student Prosperity Savings Program.

(2) The program is funded by:

(a) appropriations from the Legislature; and

(b) donations made in accordance with Section [~~53B-8a-203~~] 53H-10-303.

(3)(a) The plan shall administer the program.

(b) The plan shall use the program to create 529 savings accounts in accordance with this part.

Section 311. Section **53H-10-303**, which is renumbered from Section ~~53B-8a-203~~ is renumbered and amended to read:

[~~53B-8a-203~~] 53H-10-303 (Effective upon governor's approval). Donations to the program.

(1)(a) A person may make a donation to the program by:

(i) sending the donation to the plan; and

(ii) including with the donation, direction that the donation benefit the program.

(b) A person making a donation shall include the person's name and mailing address with the donation.

(2)(a) The plan shall mail a receipt to the person that makes the donation.

(b) The receipt described in Subsection (2)(a) shall state:

(i) the name of the person that made the donation;

(ii) the amount of the donation; and

(iii) the date on which the person makes the donation.

(c) The date on which the person makes a donation to the program is the date on which the plan receives the donation, unless the plan receives the donation on a Saturday, a Sunday, or a holiday, in which case the date on which the person makes the donation shall be the first business day after the day on which the plan receives the donation.

Section 312. Section **53H-10-304**, which is renumbered from Section 53B-8a-204 is renumbered and amended to read:

[53B-8a-204] 53H-10-304 (Effective upon governor's approval). Distribution of program money -- Application process -- Prioritization -- Account agreements.

(1) The plan shall distribute money in the program by creating a 529 savings account for an eligible individual identified by a community partner.

(2)(a)(i) The plan shall carry out the responsibility described in Subsection (1) by establishing a process in which a community partner may apply for an allocation of program money to designate for eligible individuals.

(ii) The Utah Board of Higher Education shall establish the application process for a community partner to apply for an allocation of program money.

(iii) The application process described in Subsection (2)(a)(ii) shall include:

(A) the criteria for a community partner to apply for an allocation of program money;

(B) the criteria that the plan will use to prioritize applications if the dollar amounts requested in the applications exceed the dollar amount available;

(C) the requirements for establishing a 529 savings account in the name of an eligible individual; and

(D) the roles and responsibilities of a community partner that makes a successful application for an allocation of program money.

(b)(i) A community partner that receives an allocation of program money shall enter into a contract with the plan.

(ii) The contract described in Subsection (2)(b)(i) shall:

(A) define the roles and responsibilities of the community partner and the plan with regard to the community partner's allocation of program money; and

(B) specify that the individual the community partner identifies to receive a portion of the community partner's allocation is an eligible individual.

(3) If the plan approves a community partner's application for an allocation of program money, the plan may not promise or otherwise encumber the allocation to any other person unless the allocation is forfeited under Subsection (5)(b)(ii).

(4)(a) A community partner shall identify each eligible individual who will receive a portion of the community partner's allocation of program money.

(b) After a community partner identifies an eligible individual to receive a portion of the community partner's allocation, the community partner shall notify the plan of:

- 10562 (i) the amount of the community partner's allocation that shall transfer to a 529
10563 savings account in the name of the identified eligible individual; and
- 10564 (ii) the amount, if any, that the community partner will be contributing in accordance
10565 with ~~[Part 1, Utah Educational Savings Plan]~~ Part 2, Utah Educational Savings Plan,
10566 to the 529 savings account on behalf of the identified eligible individual.
- 10567 (5)(a) Upon receiving the information described in Subsection (4)(b), the plan shall
10568 establish a 529 savings account for the identified eligible individual, with the
10569 community partner as the account owner.
- 10570 (b) The community partner shall inform the beneficiary that:
- 10571 (i) within three years after the day on which the beneficiary graduates from high
10572 school, the beneficiary shall enroll in:
- 10573 (A) a credit-granting eligible educational institution within the state system of
10574 higher education;
- 10575 (B) a private postsecondary educational institution; or
- 10576 (C) a technical college; and
- 10577 (ii) if the beneficiary fails to enroll within three years after the day on which the
10578 beneficiary graduates from high school, any money that remains in the 529
10579 savings account shall be returned to the program.
- 10580 (c) After entering into the account agreement described in Subsection (5)(a), the plan
10581 shall deposit into the beneficiary's 529 savings account the amount of the allocation
10582 described in Subsection (4)(b)(i).
- 10583 Section 313. Section **53H-10-305**, which is renumbered from Section 53B-8a-205 is renumbered
10584 and amended to read:
- 10585 **[53B-8a-205] 53H-10-305 (Effective upon governor's approval). Application of**
10586 **other provisions of this chapter.**
- 10587 The provisions of ~~[Part 1, Utah Educational Savings Plan]~~ Part 2, Utah Educational
10588 Savings Plan, except Subsection ~~[53B-8a-109(3)]~~ 53H-10-208(3), govern the 529 savings
10589 accounts established under the Student Prosperity Savings Program.
- 10590 Section 314. Section **53H-10-401**, which is renumbered from Section 53B-8a-301 is renumbered
10591 and amended to read:
- 10592 **Part 4. Education Savings Incentive Program**
- 10593 **[53B-8a-301] 53H-10-401 (Effective upon governor's approval) (Repealed 07/01/28).**
- 10594 **General provisions -- Definitions.**
- 10595 As used in this part:

(1) "529 savings account" means the same as that term is defined in Section 35A-9-601.

(2) "Department" means the Department of Workforce Services created in Section 35A-1-103.

(3) "Match" means the same as that term is defined in Section 35A-9-601.

(4) "Qualifying individual" means the same as that term is defined in Section 35A-9-601, except that the term is limited to individuals for whom the department sends information in accordance with Subsection 35A-9-604(3).

Section 315. Section **53H-10-402**, which is renumbered from Section 53B-8a-302 is renumbered and amended to read:

[53B-8a-302] 53H-10-402 (Effective upon governor's approval) (Repealed 07/01/28).

Report of information to Department of Workforce Services.

Within 30 days of receiving the report described in Subsection 35A-9-604(3), the plan shall provide an electronic report to the department that lists:

(1) the total amount of deposits:

(a) during the calendar year for which the department makes the request; and

(b) for each 529 savings account of which a qualifying individual is an account owner; and

(2) the account number and the name of the beneficiary for each 529 savings account:

(a) into which a deposit was made; and

(b) for which a qualifying individual is an account owner.

Section 316. Section **53H-10-403**, which is renumbered from Section 53B-8a-303 is renumbered and amended to read:

[53B-8a-303] 53H-10-403 (Effective upon governor's approval) (Repealed 07/01/28).

Deposit of match.

(1) The plan shall deposit a match from the Education Savings Incentive Restricted Account, created in Section 35A-9-602, into a 529 savings account in accordance with the provisions of Section 35A-9-605.

(2) If, upon receiving a transfer described in Subsection (1), the plan determines that the 529 savings account into which the plan is to deposit the match has been closed, the plan shall return the match to the department.

(3) The plan shall send the department an electronic receipt of the match deposits.

Section 317. Section **53H-11-101** is enacted to read:

CHAPTER 11. Student Financial Assistance

Part 1. General Provisions

53H-11-101 (Effective upon governor's approval). General provisions --

Definitions.

Reserved.

Section 318. Section **53H-11-201** is enacted to read:

Part 2. Resident Student Status and Tuition

53H-11-201 (Effective upon governor's approval). General provisions --

Definitions.

Reserved.

Section 319. Section **53H-11-202**, which is renumbered from Section 53B-8-102 is renumbered and amended to read:

[53B-8-102] 53H-11-202 (Effective upon governor's approval). Resident student status -- Definitions -- Exceptions.

(1) As used in this section:

(a) "DOD civilian" means an employee of the United States Department of Defense who is assigned to perform the employee's duties at a military organization based in Utah.

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

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

(d) "Inmate" means the same as that term is defined in Section 64-13-1.

(e) "Military service member" means an individual who:

(i) is serving on active duty in the United States Armed Forces;

(ii) is a member of a reserve component of the United States Armed Forces; or

(iii) is a member of the National Guard.

(f) "Military veteran" means a veteran as that term is defined in Section 68-3-12.5.

(g) "National Guard" means the same as that term is defined in Section 39A-1-102.

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

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

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

- 10662 (i) has maintained continuous Utah residency status for one full year;
10663 (ii) has signed a written declaration that the student has relinquished residency in any
10664 other state; and
10665 (iii) has submitted objective evidence that the student has taken overt steps to
10666 establish permanent residency in Utah and that the student does not maintain a
10667 residence elsewhere.
- 10668 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
10669 (i) a Utah high school transcript issued in the past year confirming attendance at a
10670 Utah high school in the past 12 months;
10671 (ii) a Utah voter registration dated a reasonable period prior to application;
10672 (iii) a Utah driver license or identification card with an original date of issue or a
10673 renewal date several months prior to application;
10674 (iv) a Utah vehicle registration dated a reasonable period prior to application;
10675 (v) evidence of employment in Utah for a reasonable period prior to application;
10676 (vi) proof of payment of Utah resident income taxes for the previous year;
10677 (vii) a rental agreement showing the student's name and Utah address for at least 12
10678 months prior to application; and
10679 (viii) utility bills showing the student's name and Utah address for at least 12 months
10680 prior to application.
- 10681 (c) A student who is claimed as a dependent on the tax returns of a person who is not a
10682 resident of Utah is not eligible to apply for resident student status.
- 10683 (4) Except as provided in Subsection (8), an institution within the state system of higher
10684 education may establish stricter criteria for determining resident student status.
- 10685 (5) If an institution does not have a minimum credit-hour requirement, that institution shall
10686 honor the decision of another institution within the state system of higher education to
10687 grant a student resident student status, unless:
10688 (a) the student obtained resident student status under false pretenses; or
10689 (b) the facts existing at the time of the granting of resident student status have changed.
- 10690 (6) Within the limits established in [~~Chapter 8, Tuition Waiver and Scholarships~~] this chapter,
10691 each institution within the state system of higher education may, regardless of its policy
10692 on obtaining resident student status, waive nonresident tuition either in whole or in part,
10693 but not other fees.
- 10694 (7) In addition to the waivers of nonresident tuition under Subsection (6), each institution
10695 may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the

10696 maximum number allowed by the appropriate athletic conference as recommended by
10697 the president of each institution.

10698 (8) Notwithstanding Subsection (3), an institution [~~within the state system of higher~~
10699 ~~education~~] shall grant resident student status for tuition purposes to:

10700 (a) a military service member, if the military service member provides:

10701 (i) the military service member's current United States military identification card;

10702 (ii) a leave and earning statement of the military service member;

10703 (iii) the military service member's military orders;

10704 (iv) documentation of enlistment by the military service member; or

10705 (v) a statement from the military service member's current commander stating that
10706 the military service member is currently serving in the military;

10707 (b) a military service member's immediate family member, if the military service
10708 member's immediate family member provides:

10709 (i) any of the documentation described in Subsection (8)(a); or

10710 (ii) the immediate family member's current United States military identification card;

10711 (c) a military veteran, regardless of whether the military veteran served in Utah, if the
10712 military veteran provides evidence of an honorable or general discharge;

10713 (d) a military veteran's immediate family member, regardless of whether the military
10714 veteran served in Utah, if the military veteran's immediate family member provides
10715 evidence of the military veteran's honorable or general discharge;

10716 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who
10717 is either:

10718 (i) domiciled in Utah, recognizing the individual may not be physically present in the
10719 state due to an assignment; or

10720 (ii) assigned to a duty station in Utah if the foreign service member provides:

10721 (A) evidence of the foreign service member's status;

10722 (B) a statement from the foreign service member's current commander, or
10723 equivalent, stating that the foreign service member is assigned in Utah; or

10724 (C) evidence that the foreign service member is domiciled in Utah;

10725 (f) a foreign service member's immediate family member if the foreign service member
10726 is either:

10727 (i) domiciled in Utah, recognizing the individual may not be physically present in the
10728 state due to an assignment; or

10729 (ii) assigned to a duty station in Utah if the foreign service member provides:

- 10730 (A) evidence of the foreign service member's status;
- 10731 (B) a statement from the foreign service member's current commander, or
- 10732 equivalent, stating that the foreign service member is assigned in Utah; or
- 10733 (C) evidence that the foreign service member is domiciled in Utah;
- 10734 (g) an eligible person who provides:
- 10735 (i) evidence of eligibility under [~~Title 38 U.S.C., Veterans' Benefits~~] Title 38,
- 10736 Veterans' Benefits, U.S.C.; and
- 10737 (ii) a signed written declaration that the eligible person will use the [~~Veteran Benefits~~]
- 10738 veteran benefits under Title 38 U.S.C.;
- 10739 (h) an alien who provides:
- 10740 (i) evidence that the alien is a special immigrant visa recipient;
- 10741 (ii) evidence that the alien has been granted refugee status, humanitarian parole,
- 10742 temporary protected status, or asylum; or
- 10743 (iii) evidence that the alien has submitted in good faith an application for refugee
- 10744 status, humanitarian parole, temporary protected status, or asylum under United
- 10745 States immigration law;
- 10746 (i) an inmate:
- 10747 (i) during the time the inmate is enrolled in the course; and
- 10748 (ii) for one year after the day on which the inmate is released from a correctional
- 10749 facility as defined in Section 64-13-1;
- 10750 (j) a DOD civilian, if the DOD civilian provides:
- 10751 (i) the DOD civilian's current United States Department of Defense identification
- 10752 card; and
- 10753 (ii)(A) a statement from the DOD civilian's current commander, or equivalent,
- 10754 stating that the DOD civilian is assigned in Utah; or
- 10755 (B) evidence that the DOD civilian is domiciled in Utah, as described in
- 10756 Subsection (9)(a); or
- 10757 (k) a DOD civilian's immediate family member, if the DOD civilian's immediate family
- 10758 member provides:
- 10759 (i) the DOD civilian's current United States Department of Defense identification
- 10760 card; and
- 10761 (ii)(A) a statement from the DOD civilian's current commander, or equivalent,
- 10762 stating that the DOD civilian is assigned in Utah; or
- 10763 (B) evidence that the DOD civilian is domiciled in Utah, as described in

- 10764 Subsection (9)(a).
- 10765 (9)(a) The evidence described in Subsection (8)(j)(ii)(B) or (8)(k)(ii)(B) includes:
- 10766 (i) a current Utah voter registration card;
- 10767 (ii) a valid Utah driver license or identification card;
- 10768 (iii) a current Utah vehicle registration;
- 10769 (iv) a copy of a Utah income tax return, in the name of the DOD civilian or DOD
- 10770 civilian's spouse, filed as a resident in accordance with Section 59-10-502; or
- 10771 (v) proof that the DOD civilian or DOD civilian's spouse owns a home in Utah,
- 10772 including a property tax notice for property owned in Utah.
- 10773 (b) Aliens who are present in the United States on visitor, student, or other visas not
- 10774 listed in Subsection (8)(h) or (9)(c), which authorize only temporary presence in this
- 10775 country, do not have the capacity to intend to reside in Utah for an indefinite period
- 10776 and therefore are classified as nonresidents.
- 10777 (c) Aliens who have been granted or have applied for permanent resident status in the
- 10778 United States are classified for purposes of resident student status according to the
- 10779 same criteria applicable to citizens.
- 10780 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or
- 10781 trust lands lie partly or wholly within Utah or whose border is at any point contiguous
- 10782 with the border of Utah, and any American Indian who is a member of a federally
- 10783 recognized or known Utah tribe and who has graduated from a high school in Utah, is
- 10784 entitled to resident student status.
- 10785 (11) A Job Corps student is entitled to resident student status if the student:
- 10786 (a) is admitted as a full-time, part-time, or summer school student in a program of study
- 10787 leading to a degree or certificate; and
- 10788 (b) submits verification that the student is a current Job Corps student.
- 10789 (12) A person is entitled to resident student status and may immediately apply for resident
- 10790 student status if the person:
- 10791 (a) marries a Utah resident eligible to be a resident student under this section; and
- 10792 (b) establishes his or her domicile in Utah as demonstrated by objective evidence as
- 10793 provided in Subsection (3).
- 10794 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent
- 10795 who has been domiciled in Utah for at least 12 months prior to the student's application
- 10796 is entitled to resident student status.
- 10797 (14)(a) A person who has established domicile in Utah for full-time permanent

10798 employment may rebut the presumption of a nonresident classification by providing
10799 substantial evidence that the reason for the individual's move to Utah was, in good
10800 faith, based on an employer requested transfer to Utah, recruitment by a Utah
10801 employer, or a comparable work-related move for full-time permanent employment
10802 in Utah.

10803 (b) All relevant evidence concerning the motivation for the move shall be considered,
10804 including:

10805 (i) the person's employment and educational history;

10806 (ii) the dates when Utah employment was first considered, offered, and accepted;

10807 (iii) when the person moved to Utah;

10808 (iv) the dates when the person applied for admission, was admitted, and was enrolled
10809 as a postsecondary student;

10810 (v) whether the person applied for admission to an institution of higher education
10811 sooner than four months from the date of moving to Utah;

10812 (vi) evidence that the person is an independent person who is:

10813 (A) at least 24 years old; or

10814 (B) not claimed as a dependent on someone else's tax returns; and

10815 (vii) any other factors related to abandonment of a former domicile and establishment
10816 of a new domicile in Utah for purposes other than to attend an institution of higher
10817 education.

10818 (15)(a) A person who is in residence in Utah to participate in a United States Olympic
10819 athlete training program, at a facility in Utah, approved by the governing body for the
10820 athlete's Olympic sport, shall be entitled to resident status for tuition purposes.

10821 (b) Upon the termination of the athlete's participation in the training program, the athlete
10822 shall be subject to the same residency standards applicable to other persons under this
10823 section.

10824 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah
10825 counts for Utah residency for tuition purposes upon termination of the athlete's
10826 participation in a Utah Olympic athlete training program.

10827 (16)(a) A person who has established domicile in Utah for reasons related to divorce, the
10828 death of a spouse, or long-term health care responsibilities for an immediate family
10829 member, including the person's spouse, parent, sibling, or child, may rebut the
10830 presumption of a nonresident classification by providing substantial evidence that the
10831 reason for the individual's move to Utah was, in good faith, based on the long-term

health care responsibilities.

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

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

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

(iii) when the person moved to Utah;

(iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;

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

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

(A) at least 24 years old; or

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

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

(17) A foreign service member or the foreign service member's immediate family member deemed eligible for resident student status under Subsection (8)(e) or (f) shall retain the eligibility for resident student status if the foreign service member or immediate family member maintains continuous enrollment even in the case of a change in domicile or duty station.

(18) A DOD civilian or the DOD civilian's immediate family member deemed eligible for resident student status under Subsection (8)(j) or (k) shall retain the eligibility for resident student status if the DOD civilian or the DOD civilian's immediate family member maintains continuous enrollment even in the case of a change in domicile or duty station.

(19) The board, after consultation with the institutions, shall make rules not inconsistent with this section:

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

(b) establishing procedures for classifying and reclassifying students;

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

(d) establishing appeals procedures; and

(e) other matters related to this section.

(20) A student shall be exempt from paying the nonresident portion of total tuition if the student:

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

Section 320. Section **53H-11-203**, which is renumbered from Section 53B-8-106 is renumbered and amended to read:

[53B-8-106] 53H-11-203 (Effective upon governor's approval). Resident tuition -- Requirements -- Rules.

- (1) If allowed under federal law, a student, other than a nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, shall be exempt from paying the nonresident portion of total tuition if the student:
 - (a) attended high school in this state for three or more years;
 - (b) graduated from a high school in this state or received the equivalent of a high school diploma in this state; and
 - (c) registers as an entering student at an institution of higher education[~~not earlier than the fall of the 2002-03 academic year~~].
- (2) In addition to the requirements under Subsection (1), a student without lawful immigration status shall file an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status, or will file an application as soon as he is eligible to do so.
- (3) The board shall make rules for the implementation of this section.
- (4) Nothing in this section limits the ability of institutions of higher education to assess nonresident tuition on students who do not meet the requirements under this section.

Section 321. Section **53H-11-301** is enacted to read:

Part 3. Tuition Waivers and Exemptions

53H-11-301 (Effective upon governor's approval). General provisions -- Definitions.

Reserved.

Section 322. Section **53H-11-302**, which is renumbered from Section 53B-8d-102 is renumbered and amended to read:

[53B-8d-102] 53H-11-302 (Effective upon governor's approval). Tuition waivers

for wards of the state.

(1) As used in this ~~chapter~~ section:

~~(1)~~ (a) "Division" means the Division of Child and Family Services.

~~(2)~~ (b) "Long-term foster care" means an individual who remains in the custody of the division, whether or not the individual resides:

~~(a)~~ (i) with licensed foster parents; or

~~(b)~~ (ii) in independent living arrangements under the supervision of the division.

~~(3)~~ "State institution of higher education" means an institution described in Section 53B-1-102.]

~~(4)~~ (c) "Tuition" means tuition at the rate for residents of the state.

~~(5)~~ (d) "Ward of the state" means an individual:

~~(a)~~ (i) who is:

~~(i)~~ (A) at least 17 years old; and

~~(ii)~~ (B) not older than 26 years old;

~~(b)~~ (ii) who had a permanency goal in the individual's child and family plan, as described in Sections 80-3-307 and 80-3-409, of long-term foster care while in the custody of the division; and

~~(c)~~ (iii) for whom the custody of the division was not terminated as a result of adoption.

(2) Subject to the limitations in Subsections (3), (4), and (5), an institution of higher education shall waive tuition for each ward of the state who meets the following requirements:

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

(b) is a resident student of the state as determined under Section 53H-11-202;

(c) applies to the division for a waiver of tuition under this section and provides evidence satisfactory to the division that:

(i) the applicant was in the custody of the division for an aggregate period of not less than 24 months; and

(ii) the course or courses for which the applicant is seeking a tuition waiver meet the requirements of Subsection (3);

(d) applies under Subsection (2)(c) for the first time before the age of 22;

(e) is certified by the financial aid officer at the higher education institution as needing the tuition waiver in order to meet recognized educational expenses;

(f) maintains satisfactory academic progress, as defined by the institution of higher education, for each term or semester in which the individual is enrolled, which may be measured by the definition used for federal student assistance programs under Title IV of the Higher Education Act of 1965; and

(g) has not achieved a bachelor's degree and has received tuition reimbursement under this section for less than 124 semester credits or 180 quarter credits at an institution of higher education.

(3) A ward of the state is eligible for a tuition waiver under this section of not more than nine semesters.

(4) Tuition shall be waived:

(a) after the individual has applied for financial assistance, including scholarships and Pell Grants; and

(b) only to the extent that the tuition is not covered or paid by any scholarship, trust fund, statutory benefit, Pell Grant, or any other source of tuition coverage available for a waiver under this section.

(5) An institution of higher education shall waive tuition under this section only for courses that are applicable toward the degree or certificate requirements of the program in which the student is enrolled.

(6) Upon receiving an application under this section, the division shall determine whether the applicant and the courses for which tuition waiver is sought meet the requirements of this section and, if so, shall approve the application and notify the institution that the application has been approved.

(7) The division shall provide the necessary forms and applications and cooperate with the state's institutions of higher education in developing efficient procedures for the implementation of this section.

(8) The division shall reimburse the state's institutions of higher education for any tuition waived under this section.

(9) The Legislature may annually appropriate the funds necessary to implement this section, including money to offset the reimbursement of tuition waivers.

Section 323. Section **53H-11-303**, which is renumbered from Section 53B-8e-102 is renumbered and amended to read:

[53B-8e-102] 53H-11-303 (Effective upon governor's approval). Tuition waivers for Purple Heart recipients.

(1) As used in this [chapter:] section:

10968 ~~[(1)]~~ (a) "Purple Heart recipient" means any Utah resident who is a military veteran and
10969 who has earned a Purple Heart award as a result of military service.

10970 ~~[(2)]~~ "State institution of higher education" means an institution listed in Section 53B-1-102.]

10971 ~~[(3)]~~ (b)~~[(a)]~~ (i) "Tuition" means tuition at the rate for residents of the state.

10972 ~~[(b)]~~ (ii) "Tuition" excludes fees.

10973 (2) An institution of higher education shall waive undergraduate tuition for each Purple
10974 Heart recipient who:

10975 (a) is admitted as a full-time, part-time, or summer school student in an undergraduate
10976 program of study leading to a degree or certificate;

10977 (b) is a resident student of the state as determined under Section 53H-11-202; and

10978 (c) submits verification as provided in Subsection (3) that the student is a Purple Heart
10979 recipient.

10980 (3)(a) An institution of higher education shall waive graduate tuition as provided in this
10981 Subsection (3) for each Purple Heart recipient who:

10982 (i) is admitted as a full-time, part-time, or summer school student in a graduate
10983 program of study leading to a degree;

10984 (ii) is a resident student of the state as determined under Section 53H-11-202; and

10985 (iii) submits verification as provided in Subsection (4) that the student is a Purple
10986 Heart recipient.

10987 (b) To qualify for a graduate tuition waiver, a Purple Heart recipient shall apply for a
10988 graduate program no later than 10 years from the day on which the Purple Heart
10989 recipient completes an undergraduate degree.

10990 (c) The total amount of all graduate tuition waived for a Purple Heart recipient may not
10991 exceed \$10,000.

10992 (d) A Purple Heart recipient may receive a graduate tuition waiver for a period of time
10993 that does not exceed the lesser of:

10994 (i) the time it takes for the Purple Heart recipient to complete a graduate degree; or

10995 (ii) five years after the day on which the Purple Heart recipient is accepted to a
10996 graduate program.

10997 (4)(a) A Purple Heart recipient seeking a tuition waiver shall request the Department of
10998 Veterans and Military Affairs to provide the verification required by Subsection (2)(c).

10999 (b) The Department of Veterans and Military Affairs shall provide the verification upon
11000 obtaining evidence satisfactory to the division that the student is a Purple Heart
11001 recipient.

(5) The waiver in this section does not apply to fees.

(6) The board may request reimbursement from the Legislature for costs incurred in providing the tuition waiver under this section.

Section 324. Section **53H-11-304**, which is renumbered from Section 53B-9-101 is renumbered and amended to read:

[53B-9-101] 53H-11-304 (Effective upon governor's approval). Higher education for senior citizens and veterans.

(1) The Legislature finds that substantial benefits would accrue to the state, as well as those directly involved, through making higher education more accessible to senior citizens and veterans who ~~[generally find themselves with]~~ possess more time for learning but with less funds for such purposes.

(2)(a) An institution of higher education shall allow Utah residents who have reached 62 years old or are veterans as defined in Section 68-3-12.5 to enroll at the institution, in classes for which [they] the Utah residents may be qualified, on the basis of surplus space in regularly scheduled classes and in accordance with this [chapter] section and implementing rules.

(b) These persons are exempt from tuition and other charges, except for a quarterly registration fee established by the board.

(3) Enrollment of senior citizens under this section is permissible after regularly enrolled students have been assigned and admitted to available classroom space in accordance with regular procedures and normal teaching loads in that space within the approved budget.

(4) Enrollments are determined by each institution under rules and guidelines made by the board in accordance with findings of fact that space is available for the enrollments without increased instructional cost.

(5) Institutional enrollment reports shall show senior citizens separately, and the senior citizens are not counted as full-time students.

(6) The board may promulgate reasonable rules to carry out the purpose of this section.

Section 325. Section **53H-11-305**, which is renumbered from Section 53B-8-101 is renumbered and amended to read:

[53B-8-101] 53H-11-305 (Effective upon governor's approval). Presidential waivers of tuition.

(1)(a) The president of an institution of higher education ~~[described in Section 53B-2-101]~~ may waive all or part of the tuition on behalf of meritorious or

impecunious resident students to an amount not exceeding 10% of the total amount of tuition which, in the absence of the waivers, would have been collected from all Utah resident students at the institution of higher education.

(b)(i) Two and a half percent of the waivers designated in Subsection (1)(a) shall be set aside for members of the Utah National Guard.

(ii) A waiver described in Subsection (1)(b)(i) shall be preserved by the student at least 60 days before the beginning of an academic term.

(2)(a) A president of ~~[an institution of higher education listed in Subsections 53B-2-101(1)(a) through (h)]~~ a degree-granting institution may waive all or part of the nonresident portion of tuition for a meritorious nonresident undergraduate student.

(b) In determining which students are meritorious for purposes of granting a tuition waiver under Subsection (2)(a), a president shall consider students who are performing above the average at the institution of higher education, including having an admissions index higher than the average for the institution, if an admissions index is used.

(c) A president of an institution of higher education may continue to waive the nonresident portion of tuition for a student described in Subsection (2)(a) for as long as the student is enrolled at the institution of higher education.

(d) In addition to waiving the nonresident portion of tuition for a meritorious nonresident student under Subsection (2)(a), a president of an institution of higher education may waive the resident portion of tuition after the meritorious nonresident student completes a year of full-time study at the institution of higher education.

(3) To encourage students to enroll for instruction in occupations critical to the state for which trained personnel are in short supply, a president of an institution of higher education shall grant additional full or partial tuition waivers upon recommendation of the board.

(4) A president of an institution of higher education may waive all or part of the difference between resident and nonresident tuition for:

(a) meritorious graduate students; or

(b) nonresident summer school students.

(5) The board may establish policies that:

(a) require ~~[an institution of higher education described in Subsections 53B-2-101(1)(a) through (h)]~~ a degree-granting institution to regularly assess and report whether the institution of higher education's use of tuition waivers supports the goals established

by the board in accordance with Section ~~[53B-1-402]~~ 53H-1-203 for the institution of higher education;

(b) subject to the provisions of this section, establish the amount or percentage of tuition that an institution of higher education may waive;

(c) define the terms "meritorious" and "impecunious," as the terms apply to tuition waivers for resident students described in Subsection (1)(a); and

(d) establish limitations on an institution of higher education's allocation of waivers described in Subsection (1)(a) for resident students who are meritorious or resident students who are impecunious.

(6)(a) The board shall submit an annual budget appropriation request for each institution of higher education~~[-described in Section 53B-2-101].~~

(b) A request described in Subsection (6)(a) shall include requests for funds sufficient in amount to equal the estimated loss of dedicated credits that would be realized if all of the tuition waivers authorized by Subsection (2) were granted.

Section 326. Section **53H-11-306**, which is renumbered from Section 53B-8c-102 is renumbered and amended to read:

~~[53B-8c-102]~~ 53H-11-306 (Effective upon governor's approval). Police officer's and firefighter's survivor tuition waiver.

(1) As used in this ~~[chapter]~~ section:

~~[(1)]~~ (a) "Child" means an individual who:

~~[(a)]~~ (i) is a natural or adopted child of a deceased peace officer or deceased firefighter; and

~~[(b)]~~ (ii) was under the age of 25 at the time of the peace officer's or firefighter's death.

~~[(2)]~~ (b) "Department" means the Department of Public Safety.

~~[(3)]~~ ~~(c)~~~~[(a)]~~ (i) "Fees" means general course fees, in addition to tuition, that are:

~~[(i)]~~ (A) imposed by ~~[a-state]~~ an institution of higher education; and

~~[(ii)]~~ (B) required to be paid by a student to engage in a course of study at the~~[-state]~~ institution of higher education.

~~[(b)]~~ (ii) "Fees" does not include a special course fee.

~~[(4)]~~ (d) "Killed" means that the peace officer's or firefighter's death is the direct and proximate result of a traumatic injury incurred in the line of duty.

~~[(5)]~~ (e) "Line of duty" means an action that a peace officer or firefighter is obligated or authorized to perform by rule, regulation, condition of employment or service, or law, including a social, ceremonial, or athletic function that the peace officer or

11104 firefighter is assigned to or compensated for by the public agency being served.

11105 ~~[(6)]~~ (f) "Occupational disease" means a disease that routinely constitutes a special
11106 hazard in, or is commonly regarded as concomitant of, the peace officer's or
11107 firefighter's occupation.

11108 ~~[(7)]~~ "State institution of higher education" means those institutions designated in Section
11109 53B-1-102.]

11110 ~~[(8)]~~ (g) "Traumatic injury" means a wound or the condition of the body caused by
11111 external force, including an injury inflicted by bullet, explosive, sharp instrument,
11112 blunt object, or other physical blow, fire, smoke, chemical, electricity, climatic
11113 condition, infectious disease, radiation, or bacteria, but excluding an occupational
11114 disease.

11115 ~~[(9)]~~ (h) "Tuition" means tuition and fees at the rate charged for residents of the state.

11116 ~~[(10)]~~ (i)~~[(a)]~~ (i) "Utah firefighter" or "firefighter" means a member, including
11117 volunteer members and members paid on call, of a fire department or other
11118 organization that provides fire suppression and other fire-related services, of a
11119 political subdivision who is responsible for or is in a capacity that includes
11120 responsibility for the extinguishment of fires.

11121 ~~[(b)]~~ (ii) "Utah firefighter" or "firefighter" does not include a person whose job
11122 description, duties, or responsibilities do not include direct involvement in fire
11123 suppression.

11124 ~~[(11)]~~ (j) "Utah peace officer" or "peace officer" means an employee of a law
11125 enforcement agency that is part of or administered by the state or any of its political
11126 subdivisions, and whose duties consist primarily of the prevention and detection of
11127 crime and the enforcement of criminal statutes or ordinances of this state or any of its
11128 political subdivisions.

11129 (2) Subject to the limitations in Subsections (3), (4), and (5), an institution of higher
11130 education shall waive tuition for each child and surviving spouse of a Utah peace officer
11131 or Utah firefighter who has been killed or is killed in the line of duty if the individual
11132 meets the following requirements:

11133 (a) applies, qualifies, and is admitted as a full-time, part-time, or summer school student
11134 in a program of study leading to a degree or certificate;

11135 (b) is a resident student of the state as determined under Section 53H-11-202;

11136 (c) applies to the department for a waiver of tuition under this section and provides
11137 evidence satisfactory to the department that:

- 11138 (i) the applicant is the surviving spouse or child of a peace officer or firefighter who
11139 was killed in the line of duty;
- 11140 (ii) the course or courses for which the applicant is seeking a tuition waiver meet the
11141 requirements of Subsection (3); and
- 11142 (iii) the applicant meets the other requirements of this section;
- 11143 (d) for a child of a peace officer or firefighter killed in the line of duty, applies under
11144 Subsection (2)(c) for the first time before turning 25 years old;
- 11145 (e) maintains satisfactory academic progress, as defined by the institution of higher
11146 education, for each term or semester in which the individual is enrolled, which may
11147 be measured by the definition used for federal student assistance programs under
11148 Title IV of the Higher Education Act of 1965; and
- 11149 (f) has not achieved a bachelor's degree and has received tuition reimbursement under
11150 this section for less than 124 semester credits or 180 quarter credits at an institution
11151 of higher education.
- 11152 (3) A child or surviving spouse of a peace officer or firefighter who was killed in the line of
11153 duty is eligible for a tuition waiver under this section of not more than nine semesters or
11154 the equivalent number of quarters.
- 11155 (4) Tuition shall be waived only to the extent that the tuition is not covered or paid by any
11156 scholarship, trust fund, statutory benefit, or any other source of tuition coverage
11157 available for a waiver under this section.
- 11158 (5) An institution of higher education shall waive tuition under this section only for courses
11159 that are applicable toward the degree or certificate requirements of the program in which
11160 the child or surviving spouse is enrolled.
- 11161 (6) Upon receiving an application under Subsection (2)(c), the department shall determine
11162 whether the applicant and the courses for which tuition waiver is sought meet the
11163 requirements of this section and, if so, shall approve the application and notify the
11164 institution that the application has been approved.
- 11165 (7) The department shall provide the necessary forms and applications and cooperate with
11166 the institution of higher education in developing efficient procedures for the
11167 implementation of this section.
- 11168 (8) The Legislature may annually appropriate the funds necessary to implement this section,
11169 including money to offset the tuition waivers at each institution.

11170 Section 327. Section **53H-11-307**, which is renumbered from Section 53B-8-103 is renumbered
11171 and amended to read:

[53B-8-103] 53H-11-307 (Effective upon governor's approval). Waiver of nonresident differential in tuition rates -- Utah Tech University good neighbor tuition waivers.

(1) Notwithstanding any other provision of law:

(a)(i) The board may determine when to grant a full or partial waiver of the nonresident differential in tuition rates charged to undergraduate students pursuant to reciprocal agreements with other states.

(ii) In making the determination described under Subsection (1)(a)(i), the board shall consider the potential of the waiver to:

(A) enhance educational opportunities for Utah residents;

(B) promote mutually beneficial cooperation and development of Utah communities and nearby communities in neighboring states;

(C) contribute to the quality of educational programs; and

(D) assist in maintaining the cost effectiveness of auxiliary operations in~~[-Utah]~~ institutions of higher education.

(b)(i) Consistent with its determinations made pursuant to Subsection (1)(a), the board may enter into agreements with other states to provide for a full or partial reciprocal waiver of the nonresident tuition differential charged to undergraduate students.

(ii) An agreement shall provide for the numbers and identifying criteria of undergraduate students, and shall specify the institutions of higher education that will be affected by the agreement.

(c) The board shall establish policy guidelines for the administration by the affected~~[-Utah]~~ institutions of any tuition waivers authorized under this section, for evaluating applicants for such waivers, and for reporting the results of the reciprocal waiver programs authorized by this section.

(d) A report and financial analysis of any waivers of tuition authorized under this section shall be submitted annually to the general session of the Legislature as part of the budget recommendations of the board for the system of higher education.

(2)(a) Utah Tech University may offer a good neighbor full waiver of the nonresident differential in tuition rates charged to undergraduate students:

(i) pursuant to reciprocal agreements with other states; or

(ii) to a resident of a county that has a portion of the county located within 70 miles of the main campus of Utah Tech University.

- (b)(i) A student who attends Utah Tech University under a good neighbor tuition waiver shall pay a surcharge per credit hour in addition to the regular resident tuition and fees of Utah Tech University.
- (ii) The surcharge per credit hour shall be based on a percentage of the approved resident tuition per credit hour each academic year.
- (iii) The percentage assessed as a surcharge per credit hour shall be set by the board.
- (c) Utah Tech University may restrict the number of good neighbor tuition waivers awarded.
- (d) A student who attends Utah Tech University on a good neighbor tuition waiver may not count the time during which the waiver is received towards establishing resident student status in Utah.

Section 328. Section **53H-11-308**, which is renumbered from Section 53B-8-107 is renumbered and amended to read:

~~[53B-8-107]~~ 53H-11-308 (Effective upon governor's approval). Scott B. Lundell Military Survivors' tuition waiver.

(1) As used in this section:

- (a) "Federal active duty" means serving under orders in accordance with ~~[United States Code, Title 10 or Title 32, at any time on or after September 11, 2001.] 10 U.S.C. or 32 U.S.C. on or after September 11, 2001.~~
- (b) "Qualifying deceased military member" means a person who:
- (i) was killed while serving on state or federal active duty, under orders of competent authority and not as a result of the member's own misconduct; or
 - (ii) dies of wounds or injuries received while serving on state or federal active duty, under orders of competent authority and not as a result of the member's own misconduct; and
 - (iii) was a member of the armed forces of the United States and a Utah resident;
 - (iv) was a member of the reserve component of the armed forces on or after September 11, 2001, and a Utah resident; or
 - (v) was a member of the Utah National Guard on or after September 11, 2001.
- (c) "State active duty" means serving in the Utah National Guard in any duty status authorized by the governor under Title 39A, National Guard and Militia Act.

~~[(2) This section shall be known as the Scott B. Lundell Military Survivors' tuition waiver.]~~

~~[(3)]~~ (2) ~~[A state-]~~ An institution of higher education shall waive undergraduate tuition for a dependent of a qualifying deceased military member under the following conditions:

- (a) the dependent has been accepted by the institution in accordance with the institution's admissions guidelines;
- (b) except as provided in Subsection ~~[(4)]~~ (3), the dependent is a resident student as determined under Section ~~[53B-8-102]~~ 53H-11-202;
- (c) the dependent may not have already completed a course of studies leading to an undergraduate degree;
- (d) the dependent may only utilize the waiver for courses that are applicable toward the degree or certificate requirements of the program in which the dependent is enrolled; and
- (e) the dependent may not be excluded from the waiver if the dependent has previously taken courses at or has been awarded credit by ~~[a-state]~~ an institution of higher education.

~~[(4)]~~ (3) Notwithstanding Subsection ~~[(3)(b)]~~ (2)(b), a dependent of a qualifying deceased military member that was a member of the Utah National Guard is not required to be a resident student as determined under Section~~[-53B-8-102]~~ 53H-11-202.

~~[(5)]~~ (4) The tuition waiver in this section is applicable for undergraduate study only.

~~[(6)]~~ (5) The Department of Veterans and Military Affairs, after consultation with the adjutant general if necessary, shall certify to the institution that the dependent is a surviving dependent eligible for the tuition waiver in accordance with this section.

~~[(7)]~~ (6) The waiver in this section does not apply to fees, books, or housing expenses.

~~[(8)]~~ (7) The board may request reimbursement from the Legislature for costs incurred in providing the tuition waiver under this section.

Section 329. Section **53H-11-401** is enacted to read:

Part 4. Scholarships, Grants, Awards, and Incentive Loans

53H-11-401 (Effective upon governor's approval). General provisions --

Definitions.

Reserved.

Section 330. Section **53H-11-402**, which is renumbered from Section 53B-8-201 is renumbered and amended to read:

[53B-8-201] 53H-11-402 (Effective upon governor's approval). Opportunity Scholarship Program.

(1) As used in this section:

(a) "Eligible institution" means:

(i) ~~[a-degree-granting]~~ an institution~~[-of higher education within the state system of~~

- 11274 ~~higher education~~]; or
- 11275 (ii) a private, nonprofit institution of higher education in the state.
- 11276 (b) "Eligible student" means a student who:
- 11277 (i) applies to the board in accordance with the rules described in Subsection (5);
- 11278 (ii) is enrolled in an eligible institution; and
- 11279 (iii) meets the criteria established by the board in rules described in Subsection (5).
- 11280 (c) "Fee" means:
- 11281 (i) for an eligible institution that is a degree-granting institution, a fee approved by
- 11282 the board; or
- 11283 (ii) for an eligible institution that is a technical college or a degree-granting
- 11284 institution acting in the degree-granting institution's technical education role
- 11285 described in Section 53H-3-608, a fee approved by the eligible institution.
- 11286 (d) "Program" means the Opportunity Scholarship Program described in this section.
- 11287 (2)(a) Subject to legislative appropriations, the board shall annually distribute money for
- 11288 the Opportunity Scholarship Program described in this section to each eligible
- 11289 institution to award as Opportunity scholarships to eligible students.
- 11290 (b) The board shall annually determine the amount of an Opportunity scholarship based
- 11291 on:
- 11292 (i) the number of eligible students in the state; and
- 11293 (ii) money available for the program.
- 11294 (c) The board may not use more than 3% of the money appropriated to the program for
- 11295 administrative costs and overhead.
- 11296 (3)(a) Except as provided in this Subsection (3), an eligible institution shall provide to
- 11297 an eligible student an Opportunity scholarship in the amount determined by the board
- 11298 described in Subsection (2)(b).
- 11299 (b) For an Opportunity scholarship for which an eligible student applies on or before
- 11300 July 1, 2019, an eligible institution may reduce the amount of the Opportunity
- 11301 scholarship based on other state aid awarded to the eligible student for tuition and
- 11302 fees.
- 11303 (c) For an Opportunity scholarship for which an eligible student applies after July 1,
- 11304 2019:
- 11305 (i) an eligible institution shall reduce the amount of the Opportunity scholarship so
- 11306 that the total amount of state aid awarded to the eligible student, including tuition
- 11307 or fee waivers and the Opportunity scholarship, does not exceed the cost of the

- 11308 eligible student's tuition and fees; and
- 11309 (ii) the eligible student may only use the Opportunity scholarship for tuition and fees.
- 11310 (d) An institution described in Subsection (1)(a)(ii) may not award an Opportunity
- 11311 scholarship to an eligible student in an amount that exceeds the average total cost of
- 11312 tuition and fees among the eligible institutions described in Subsection (1)(a)(i).
- 11313 (e) If the allocation for an eligible institution described in Subsection (1)(a)(ii) is
- 11314 insufficient to provide the amount described in Subsection (2)(b) to each eligible
- 11315 student, the eligible institution may reduce the amount of an Opportunity scholarship.
- 11316 (4) The board may:
- 11317 (a) audit an eligible institution's administration of Opportunity scholarships;
- 11318 (b) require an eligible institution to repay to the board money distributed to the eligible
- 11319 institution under this section that is not provided to an eligible student as an
- 11320 Opportunity scholarship; and
- 11321 (c) require an eligible institution to enter into a written agreement with the board in
- 11322 which the eligible institution agrees to provide the board with access to information
- 11323 and data necessary for the purposes of the program.
- 11324 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 11325 board shall make rules that establish:
- 11326 (a) requirements related to an eligible institution's administration of Opportunity
- 11327 scholarships;
- 11328 (b) a process for a student to apply to the board to determine the student's eligibility for
- 11329 an Opportunity scholarship;
- 11330 (c) criteria to determine a student's eligibility for an Opportunity scholarship, including:
- 11331 (i) minimum secondary education academic performance standards; and
- 11332 (ii) the completion of a Free Application for Federal Student Aid or a process
- 11333 approved by the board in lieu of the Free Application for Federal Student Aid;
- 11334 (d) a requirement for each eligible institution to annually report to the board on all
- 11335 Opportunity scholarships awarded by the eligible institution; and
- 11336 (e) a process for a student to apply to the board for an Opportunity scholarship who
- 11337 would have likely received the scholarship but for an irreconcilable error in the
- 11338 application process described in Subsection (5)(b).
- 11339 (6) The board shall annually report on the program to the Higher Education Appropriations
- 11340 Subcommittee.
- 11341 (7) The State Board of Education, a school district, or a public high school shall cooperate

with the board and eligible institutions to facilitate the program, including by exchanging relevant data where allowed by law.

Section 331. Section **53H-11-403**, which is renumbered from Section 53B-8-112.5 is renumbered

and amended to read:

[53B-8-112.5] 53H-11-403 (Effective upon governor's approval). Karen Mayne Public Safety Officer Scholarship Program.

(1) As used in this section:

(a) "Peace officer" means the same as that term is defined in Section [53B-8e-102] 53H-11-306.

(b) "POST" means the Peace Officer Standards and Training Division created in Section 53-6-103.

(c) "Program" means the Karen Mayne Public Safety Officer Scholarship Program that this section creates.

(2) This section creates the Karen Mayne Public Safety Officer Scholarship Program.

(3)(a) Subject to legislative appropriations, the board shall award a scholarship to a qualified applicant who:

(i) is a high school graduate;

(ii) submits an application to the board with a copy of the student's high school diploma;

(iii) when eligible, enrolls in a basic training course at a state certified academy as defined in Section 53-6-202;

(iv) subject to Subsection (3)(b), is enrolled in a qualifying post-secondary program from:

(A) an institution of higher education [~~within the state system of higher education, described~~] listed in Section [53B-1-102] 53H-1-102; or

(B) a private postsecondary educational institution; and

(v) commits to working as a peace officer for no less than five years after the day on which POST certifies the scholarship recipient.

(b) For purposes of Subsection (3)(a)(iv), the board shall determine the programs that qualify for a scholarship award, including criminal justice, police administration, criminology, social sciences, and other disciplines.

(4)(a) The board shall determine the amount of a scholarship award, ensuring that the amount does not exceed the combined cost of tuition, fees, and required textbooks.

(b) A scholarship award described in Subsection (4)(a) is limited to:

(i) POST training and certification in accordance with Title 53, Chapter 6, Peace Officer Standards and Training Act; and

(ii) a maximum of four academic years in a post-secondary program.

(5) The board shall design the scholarship program to ensure that participating institutions combine state or federal loans or grants, internships, student employment, and family and individual contributions toward financing the cost of attendance.

(6) A scholarship recipient shall:

(a) notify the board of the scholarship recipient's POST certification within 15 days after the day on which POST certifies the scholarship recipient;

(b) submit verification of the scholarship recipient's employment to the board within 15 days after the day on which the scholarship recipient is employed as a peace officer, including:

(i) the employer's name, address, and telephone number;

(ii) the date of the scholarship recipient's hiring; and

(iii) the scholarship recipient's job title; and

(c) notify the board within 15 days after the day on which the employer terminates the scholarship recipient.

(7)(a) The board may require a scholarship recipient to repay the full amount of the scholarship award that the scholarship recipient received under the program, including money paid for tuition, fees, and required textbooks, if the scholarship recipient fails to:

(i) meet the requirements for POST certification as described in Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act;

(ii) work as a peace officer for five years after the day on which POST certifies the scholarship recipient; or

(iii) subject to Subsection (3), earn a degree in a post-secondary program.

(b) Notwithstanding Subsection (7)(a), a scholarship recipient is not required to repay any amount of the scholarship award if the scholarship recipient:

(i) is unable to secure employment as a peace officer within 12 months after the day on which the scholarship recipient is POST certified; and

(ii) provides documentation from a prospective employer that the scholarship recipient was not extended an offer of employment.

(8) The board may use up to 2% of the money appropriated for the scholarship program for

administrative costs.

(9)(a) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah

Administrative Rulemaking Act, to:

(i) set deadlines for receiving scholarship applications and supporting documentation;

(ii) establish an application process and appeal process for the program;

(iii) establish policies and procedures for cancellation or repayment of scholarship awards if the scholarship recipient fails to meet the requirements under this section;

(iv) collaborate with POST and other law enforcement and correction agencies to provide high school students information on law enforcement careers; and

(v) notify POST when a student receives a scholarship under the program.

(b) The board shall include a disclosure on all applications and materials related to the program that the amount of the awarded scholarship may be subject to funding availability or reduction in accordance with Subsection (10).

(10) If an appropriation under this section is insufficient to cover the costs associated with the program, the board may:

(a) reduce the amount of a scholarship award; and

(b) distribute scholarship awards on a pro rata basis to all eligible applicants who submitted a complete application before the application deadline.

Section 332. Section **53H-11-404**, which is renumbered from Section 53B-8-103.5 is renumbered

and amended to read:

[53B-8-103.5] 53H-11-404 (Effective upon governor's approval). Alumni legacy nonresident scholarships.

(1)(a) In addition to other nonresident tuition scholarships, the president of an institution may waive an amount up to one academic school year's equivalent of the nonresident portion of tuition for alumni legacy nonresident scholarships.

(b) The tuition waiver described in Subsection (1)(a) may only be given once and applied to a student's:

(i) first full school year of non-residency status;

(ii) first two semesters of non-residency status; or

(iii) first four quarters of non-residency status.

(2) The purposes of alumni legacy nonresident scholarships are to:

(a) assist in maintaining an adequate level of service and related cost-effectiveness of

11442 auxiliary operations in institutions of higher education;

11443 (b) promote enrollment of nonresident students with high academic aptitudes; and

11444 (c) recognize the legacy of past graduates and promote a continued connection to [their]
11445 the past graduates' alma mater.

11446 (3) To qualify for an alumni legacy scholarship, a student shall:

11447 (a) enroll at an institution [~~within the state system of higher education~~]for the first time;
11448 and

11449 (b) have at least one parent who graduated with an associate's degree or higher from the
11450 same institution in which the student is enrolling.

11451 Section 333. Section **53H-11-405**, which is renumbered from Section 53B-8-104.5 is
renumbered

11452 and amended to read:

11453 **[~~53B-8-104.5~~] 53H-11-405 (Effective upon governor's approval). Nonresident**
11454 **tuition scholarships.**

11455 (1) In addition to the scholarships authorized under Section [~~53B-8-104~~] 53H-11-406, the
11456 board may grant scholarships for a waiver of the nonresident portion of total tuition
11457 charged by [~~public~~] institutions of higher education to nonresident students, subject to
11458 the limitations provided in this section, if the board determines that the scholarships will:

11459 (a) assist in maintaining an adequate level of service and related cost-effectiveness of
11460 auxiliary operations in [~~Utah~~]institutions of higher education;

11461 (b) promote enrollment of nonresident students with high academic aptitudes; and

11462 (c) provide for an effective transition to meet the requirements of Section [~~53B-8-102~~]
11463 53H-11-202.

11464 (2) The board shall establish policy guidelines for the administration by institutions of
11465 higher education of scholarships authorized under Subsection (1), for evaluating
11466 applicants for those scholarships, and for reporting the results of the scholarship
11467 program authorized under Subsection (1).

11468 (3) The policy guidelines promulgated by the board under Subsection (2) shall include the
11469 following provisions:

11470 (a) a maximum of 675 of the approved scholarships may be up to 100% of the
11471 differential tuition charged to nonresident students for an equal number of credit
11472 hours of instruction;

11473 (b) 225 of the approved scholarships may not be at a level of more than 50% of the
11474 differential tuition charged to nonresident students for an equal number of credit

hours of instruction;

(c) a nonresident scholarship may be awarded initially only to a nonresident student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for 10 or more credit hours;

(d) the total number of nonresident scholarships granted under Subsection (1) may not exceed a total of 900 such scholarships in effect at any one time;

(e) the board shall determine eligibility for nonresident scholarships on the basis of program availability at an institution and appropriate academic credentials, using quantifiable measurements such as grade point averages and results of test scores; and

(f) a nonresident student who receives a scholarship of greater than 50% of the differential tuition charged to nonresident students for an equal number of credit hours of instruction may not be counted against the funded target for the institution attended.

(4) The board shall submit an annual report and financial analysis of the effects of offering nonresident tuition scholarships authorized under this section to the Legislature as part of its budget recommendations for the system of higher education.

(5) This section applies to tuition scholarships and not the individual admission standards of higher education.

Section 334. Section **53H-11-406**, which is renumbered from Section 53B-8-104 is renumbered and amended to read:

[53B-8-104] 53H-11-406 (Effective upon governor's approval). Nonresident partial tuition scholarships.

(1) The board may grant a scholarship for partial waiver of the nonresident portion of total tuition charged by ~~[public]~~ institutions of higher education to nonresident undergraduate students, subject to the limitations provided in this section, if the board determines that the scholarship will:

(a) promote mutually beneficial cooperation between Utah communities and nearby communities in states adjacent to Utah;

(b) contribute to the quality and desirable cultural diversity of educational programs in [~~Utah~~]institutions;

(c) assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in [~~Utah~~] institutions of higher education; and

(d) promote enrollment of nonresident students with high academic aptitudes.

(2) The board shall establish policy guidelines for the administration by institutions of

higher education of any partial tuition scholarships authorized under this section, for evaluating applicants for those scholarships, and for reporting the results of the scholarship program authorized by this section.

(3) The policy guidelines [~~promulgated~~] made by the board under Subsection (2) shall include the following provisions:

(a) the amount of the approved scholarship may not be more than 1/2 of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

(b) a nonresident partial tuition scholarship may be awarded initially only to a nonresident undergraduate student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for 10 or more credit hours, whose legal domicile is within approximately 100 highway miles of the [~~Utah system of higher education~~] institution at which the recipient wishes to enroll or such distance that the board may establish for any institution;

(c) the total number of nonresident partial tuition scholarships granted may not exceed a total of 600 such scholarships in effect at any one time; and

(d) the board shall determine eligibility for nonresident partial tuition scholarships on the basis of program availability at an institution and on a competitive basis, using quantifiable measurements such as grade point averages and results of test scores.

(4) The board shall submit an annual report and financial analysis of the effects of offering nonresident partial tuition scholarships authorized under this section to the Higher Education Appropriations Subcommittee as part of the board's budget recommendations for the system of higher education.

Section 335. Section **53H-11-407**, which is renumbered from Section 53B-8-105 is renumbered and amended to read:

[53B-8-105] 53H-11-407 (Effective upon governor's approval). New Century Scholarship Program.

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

(2) As used in this section:

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

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

- 11543 (B) applies for the associate degree from the institution; or
11544 (ii) completes equivalent requirements described in Subsection (2)(a)(i)(A) from [a
11545 ~~higher education~~] an institution [~~within the state system of higher education~~] that
11546 offers baccalaureate degrees but does not offer associate degrees.
- 11547 (b) "Fee" means a fee approved by the board.
- 11548 (3)(a) The board shall award New Century scholarships.
- 11549 (b) The board shall develop and approve the math and science curriculum described
11550 under Subsection (4)(a)(ii).
- 11551 (4)(a) In order to qualify for a New Century scholarship, a student in Utah schools shall
11552 complete the requirements for an:
- 11553 (i) associate degree; or
11554 (ii) approved math and science curriculum.
- 11555 (b) The requirements under Subsection (4)(a) shall be completed:
- 11556 (i) by the day on which the student's class graduates from high school; and
11557 (ii) with at least a 3.0 grade point average.
- 11558 (c) In addition to the requirements in Subsection (4)(a), a student in Utah shall:
- 11559 (i) complete the high school graduation requirements of:
- 11560 (A) a public high school established by the State Board of Education and the
11561 student's school district or charter school; or
11562 (B) a private high school in the state that is accredited by a regional accrediting
11563 body approved by the board; and
11564 (ii) complete high school with at least a 3.5 cumulative high school grade point
11565 average.
- 11566 (5) Notwithstanding Subsection (4), for a student who does not receive a high school grade
11567 point average, the student shall:
- 11568 (a) complete the requirements for an associate degree:
- 11569 (i) by June 15 of the year the student completes high school; and
11570 (ii) with at least a 3.0 grade point average; and
11571 (b) score a composite ACT score of 26 or higher.
- 11572 (6)(a) To be eligible for the scholarship, a student:
- 11573 (i) shall submit an application to the board with:
- 11574 (A) an official college transcript showing college courses the student has
11575 completed to complete the requirements for an associate degree; and
11576 (B) if applicable, an official high school transcript or, if applicable, a copy of the

- 11577 student's ACT scores;
- 11578 (ii) shall be a citizen of the United States or a noncitizen who is eligible to receive
- 11579 federal student aid;
- 11580 (iii) if applicable, shall meet the application deadlines as established by the board
- 11581 under Subsection (11); and
- 11582 (iv) shall demonstrate, in accordance with rules described in Subsection (6)(b), the
- 11583 completion of a Free Application for Federal Student Aid.
- 11584 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 11585 board shall make rules regarding the completion of the Free Application for Federal
- 11586 Student Aid described in Subsection (6)(a)(iv), including:
- 11587 (i) provisions for students or parents to opt out of the requirement due to:
- 11588 (A) financial ineligibility for any potential grant or other financial aid;
- 11589 (B) personal privacy concerns; or
- 11590 (C) other reasons the board specifies; and
- 11591 (ii) direction for applicants to financial aid advisors.
- 11592 (7)(a) The scholarship may be used at[-a]:
- 11593 (i) [~~higher education~~] institution[~~-within the state system of higher education~~] that
- 11594 offers baccalaureate programs; or
- 11595 (ii) if the scholarship holder applies for the scholarship on or before October 1, 2019,
- 11596 a private postsecondary educational institution that offers baccalaureate programs.
- 11597 (b)(i) Subject to Subsection (7)(e), the total value of the scholarship is up to \$5,000,
- 11598 allocated over a time period described in Subsection (7)(c), as prescribed by the
- 11599 board.
- 11600 (ii) The board may increase the scholarship amount described in Subsection (7)(b)(i)
- 11601 by an amount not to exceed the average percentage tuition increase approved by
- 11602 the board for institutions[~~-in the state system of higher education~~].
- 11603 (c) The scholarship is valid for the shortest of the following time periods:
- 11604 (i) two years of full-time equivalent enrollment;
- 11605 (ii) 60 credit hours; or
- 11606 (iii) until the student meets the requirements for a baccalaureate degree.
- 11607 (d)(i) A scholarship holder shall enroll full-time at [~~a higher education~~] an institution
- 11608 by no later than the fall term immediately following the student's high school
- 11609 graduation date or receive an approved deferral from the board.
- 11610 (ii) The board may grant a deferral or leave of absence to a scholarship holder, but

- 11611 the scholarship holder may only receive scholarship money within five years of
11612 the student's high school graduation date.
- 11613 (e) For a scholarship for which a student applies after October 1, 2019:
- 11614 (i) the board shall reduce the amount of the scholarship holder's scholarship so that
11615 the total amount of state aid awarded to the scholarship holder, including tuition or
11616 fee waivers or the scholarship, does not exceed the cost of the scholarship holder's
11617 tuition and fees; and
- 11618 (ii) the scholarship holder may only use the scholarship for tuition and fees.
- 11619 (8) The board may cancel a New Century scholarship at any time if the student fails to:
- 11620 (a) register for at least 15 credit hours per semester;
- 11621 (b) maintain a 3.3 grade point average for two consecutive semesters; or
- 11622 (c) make reasonable progress toward the completion of a baccalaureate degree.
- 11623 (9)(a) Subject to future budget constraints, the Legislature shall make an annual
11624 appropriation from the General Fund to the board for the costs associated with the
11625 New Century Scholarship Program authorized under this section.
- 11626 (b) It is understood that the appropriation is offset in part by the state money that would
11627 otherwise be required and appropriated for these students if ~~[they]~~ these students were
11628 enrolled in a four-year postsecondary program at ~~[a state-operated]~~ an institution.
- 11629 (c) Notwithstanding Subsections (3)(a) and (7), if the appropriation under Subsection
11630 (9)(a) is insufficient to cover the costs associated with the New Century Scholarship
11631 Program, the board may reduce the scholarship amount.
- 11632 (d) If money appropriated under this section is available after New Century scholarships
11633 are awarded, the board shall use the money for the Utah Promise Program created in
11634 Section ~~[53B-13a-103]~~ 53H-11-414.
- 11635 (10)(a) The board shall adopt policies establishing an application process and an appeal
11636 process for a New Century scholarship.
- 11637 (b) The board shall disclose on all applications and related materials that the amount of
11638 the scholarship is subject to funding and may be reduced, in accordance with
11639 Subsection (9)(c).
- 11640 (c) The board shall require an applicant for a New Century scholarship to certify under
11641 penalty of perjury that:
- 11642 (i) the applicant is a United States citizen; or
- 11643 (ii) the applicant is a noncitizen who is eligible to receive federal student aid.
- 11644 (d) The certification under this Subsection (10) shall include a statement advising the

signer that providing false information subjects the signer to penalties for perjury.

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

(12) A student may not receive both a New Century scholarship and an Opportunity scholarship established in Section ~~[53B-8-201]~~ 53H-11-402.

Section 336. Section **53H-11-408**, which is renumbered from Section 53B-8-115 is renumbered and amended to read:

[53B-8-115] 53H-11-408 (Effective upon governor's approval). Technical education scholarships.

(1) As used in this section:

(a) "Eligible institution" means:

(i) a degree-granting institution that provides technical education described in Section ~~[53B-2a-201]~~ 53H-3-608; or

(ii) a technical college.

(b) "High demand program" means a technical education program that:

(i) is offered by an eligible institution;

(ii) leads to a certificate; and

(iii) is designated by the board in accordance with Subsection (6).

(c) "Scholarship" means a technical education scholarship described in this section.

(2) Subject to future budget constraints, the Legislature shall annually appropriate money to the board to be distributed to eligible institutions to award technical education scholarships.

(3) In accordance with the rules described in Subsection (5), an eligible institution may award a scholarship to an individual who:

(a) is enrolled in, or intends to enroll in, a high demand program; and

(b) demonstrates, in accordance with rules described in Subsection (5)(b), the completion of a Free Application for Federal Student Aid.

(4)(a) An eligible institution may award a scholarship for an amount of money up to the total cost of tuition, fees, and required textbooks for the high demand program in which the scholarship recipient is enrolled or intends to enroll.

(b) An eligible institution may award a scholarship to a scholarship recipient for up to three academic years.

(c) An eligible institution may cancel a scholarship if the scholarship recipient does not:

(i) maintain enrollment in the eligible institution on at least a half time basis, as

- determined by the eligible institution; or
- (ii) make satisfactory progress toward the completion of a certificate.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules:
- (a) that establish:
- (i) how state funding available for scholarships is divided among eligible institutions;
- (ii) requirements related to an eligible institution's administration of a scholarship;
- (iii) requirements related to eligibility for a scholarship, including requiring eligible institutions to prioritize scholarships for underserved populations;
- (iv) a process for an individual to apply to an eligible institution to receive a scholarship; and
- (v) how to determine satisfactory progress described in Subsection (4)(c)(ii); and
- (b) regarding the completion of the Free Application for Federal Student Aid described in Subsection (3)(b), including:
- (i) provisions for students or parents to opt out of the requirement due to:
- (A) financial ineligibility for any potential grant or other financial aid;
- (B) personal privacy concerns; or
- (C) other reasons the board specifies; and
- (ii) direction for applicants to financial aid advisors.
- (6) Every other year, after consulting with the Department of Workforce Services, the board shall designate, as a high demand program, a technical education program that prepares an individual to work in a job that has, in Utah:
- (a) high employer demand and high median hourly wages; or
- (b) significant industry importance.
- Section 337. Section **53H-11-409**, which is renumbered from Section 53B-8-116 is renumbered and amended to read:
- [53B-8-116] 53H-11-409 (Effective upon governor's approval). Terrel H. Bell Education Scholarship Program.**
- (1) As used in this section:
- (a) "Approved program" means a program that:
- (i) is a teacher preparation program that:
- (A) meets the standards described in Section 53E-6-302; and
- (B) provides enhanced clinical experiences; or
- (ii) prepares an individual to become:

- 11713 (A) a speech-language pathologist; or
11714 (B) another licensed professional providing services in a public school to students
11715 with disabilities.
- 11716 (b) "Eligible institution" means [~~a Utah~~] an institution that offers an approved program
11717 and is:
11718 (i) [~~a public postsecondary educational~~] an institution; or
11719 (ii) a private postsecondary educational institution.
- 11720 (c) "High needs area" means a subject area or field in public education that has a high
11721 need for teachers or other employees, as determined in accordance with Subsections
11722 (6) and (7).
- 11723 (d) "Scholarship" means a scholarship described in this section.
- 11724 (2) Subject to future budget constraints, the Legislature shall annually appropriate money to
11725 the board for the Terrel H. Bell Education Scholarship Program to be distributed to
11726 eligible institutions to award scholarships to incentivize students to work in public
11727 education in Utah.
- 11728 (3)(a) Subject to the prioritization described in Subsection (3)(b), an eligible institution
11729 may award a scholarship to an individual who:
11730 (i) meets the academic standards described in Subsection (6);
11731 (ii) is enrolled in at least six credit hours at the eligible institution;
11732 (iii) declares an intent to:
11733 (A) apply to and complete an approved program at the eligible institution; and
11734 (B) work in a Utah public school; and
11735 (iv) demonstrates, in accordance with rules described in Subsection (6)(b), the
11736 completion of a Free Application for Federal Student Aid.
- 11737 (b) An eligible institution shall prioritize awarding of scholarships:
11738 (i) first, to first generation students who intend to work in any area in a Utah public
11739 school;
11740 (ii) second, to students who:
11741 (A) are not first generation students; and
11742 (B) intend to work in a high needs area in a Utah public school; and
11743 (iii) last, to other students who meet the requirements described in Subsection (3)(a).
- 11744 (4)(a) Except as provided in Subsection (4)(b), an eligible institution may award a
11745 scholarship to an individual for an amount up to the cost of resident tuition, fees, and
11746 books for the number of credit hours in which the individual is enrolled each

semester.

(b) An eligible institution that is a private postsecondary educational institution may not award a scholarship for an amount of money that exceeds the average scholarship amount granted by ~~[a public]~~ an institution~~[of higher education]~~.

(5)(a) Except as provided in Subsection (5)(b), an eligible institution may award a scholarship to an individual for up to four consecutive years.

(b) An eligible institution may grant a scholarship recipient a leave of absence.

(c) An eligible institution may cancel a scholarship if:

(i) the scholarship recipient fails to make reasonable progress toward completion of the approved program, as determined by the eligible institution; or

(ii) the eligible institution determines with reasonable certainty that the scholarship recipient does not intend to work in a Utah public school.

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

(a) that establish:

(i) requirements related to an eligible institution's administration of a scholarship;

(ii) a process for an individual to apply to an eligible institution to receive a scholarship;

(iii) in accordance with Subsection (3)(a), requirements related to eligibility for a scholarship, including required academic standards;

(iv) in accordance with Subsection (3)(b), requirements related to prioritization of scholarships, including determination of:

(A) whether a student is a first generation student; and

(B) high needs areas; and

(v) criteria to determine whether an individual intends to work in a Utah public school; and

(b) regarding the completion of the Free Application for Federal Student Aid described in Subsection (3)(a)(iv), including:

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

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

(B) personal privacy concerns; or

(C) other reasons the board specifies; and

(ii) direction for applicants to financial aid advisors.

(7) The board shall consult with the State Board of Education to determine:

- 11781 (a) whether a teacher preparation program provides enhanced clinical experiences; and
11782 (b) which subject areas and fields are high needs areas.

11783 (8) The board may use up to 5% of money appropriated for the purposes described in this
11784 section to promote the scholarships described in this section.

11785 Section 338. Section **53H-11-410**, which is renumbered from Section 53B-8-112 is renumbered
11786 and amended to read:

11787 **[~~53B-8-112~~] 53H-11-410 (Effective upon governor's approval). Public Safety**
11788 **Officer Career Advancement Grant Program.**

11789 (1) This section creates the Public Safety Officer Career Advancement Grant Program.

11790 (2) Subject to legislative appropriations and Subsection (7), the board shall award a grant to
11791 an applicant who:

11792 (a) is a certified peace officer, currently employed by a law enforcement agency within
11793 the state; and

11794 (b) is seeking a post-secondary degree in the area of criminal justice from a
11795 degree-granting institution [~~of higher education within the state system of higher~~
11796 ~~education,~~]described in Section [~~53B-1-102~~] 53H-1-102.

11797 (3)(a) Subject to Subsection (3)(b), the board may award a qualified applicant up to the
11798 cost of tuition and fees.

11799 (b) A grant award under Subsection (3)(a) is limited to:

11800 (i) a maximum of \$5,000 each academic year; and

11801 (ii) a maximum of four academic years.

11802 (4) The board shall design the program to ensure that degree-granting institutions combine
11803 loans, grants, employment, and family and individual contributions toward financing the
11804 cost of attendance.

11805 (5) Notwithstanding Subsection (4), the board may not award a scholarship described in
11806 Section [~~53B-8-112.5~~] 53H-11-403 to an applicant receiving a grant under this section.

11807 (6)(a) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
11808 Administrative Rulemaking Act, to:

11809 (i) set deadlines for receiving grant applications and supporting documentation; and

11810 (ii) establish the application process and an appeal process for the Public Safety

11811 Officer Career Advancement Grant Program.

11812 (b) The board shall include a disclosure on all applications and related materials that the
11813 amount of the awarded grants may be subject to funding or be reduced, in accordance
11814 with Subsection (7).

- 11815 (7)(a) Subject to future budget constraints, the Legislature shall make an annual
11816 appropriation from the Income Tax Fund to the board for the costs associated with
11817 the Public Safety Officer Career Advancement Grant Program authorized under this
11818 section.
- 11819 (b) Notwithstanding the provisions of this section, if the appropriation under this section
11820 is insufficient to cover the costs associated with the Public Safety Officer Career
11821 Advancement Grant Program, the board may:
- 11822 (i) reduce the amount of a grant; or
- 11823 (ii) distribute grants on a pro rata basis to all eligible applicants who submitted a
11824 complete application before the application deadline.
- 11825 (8) Notwithstanding Subsection [~~53B-8-112.5(5)~~] 53H-11-403(5), the board may not award
11826 a grant under this section to an applicant receiving a scholarship under the Karen Mayne
11827 Public Safety Officer Scholarship Program described in Section [~~53B-8-112.5~~]
11828 53H-11-403.

11829 Section 339. Section **53H-11-411**, which is renumbered from Section 53B-8-117 is renumbered
11830 and amended to read:

11831 **[~~53B-8-117~~] 53H-11-411 (Effective upon governor's approval). First Responder**
11832 **Mental Health Services Grant Program.**

11833 (1) As used in this section:

- 11834 (a) "First responder" means an individual who works in Utah as:
- 11835 (i) a law enforcement officer, as defined in Section 53-13-103;
- 11836 (ii) an emergency medical technician, as defined in Section 53-2e-101;
- 11837 (iii) an advanced emergency medical technician, as defined in Section 53-2e-101;
- 11838 (iv) a paramedic, as defined in Section 53-2e-101;
- 11839 (v) a firefighter, as defined in Section [~~34A-3-113~~] 53H-11-306;
- 11840 (vi) a dispatcher, as defined in Section 53-6-102;
- 11841 (vii) a correctional officer, as defined in Section 53-13-104;
- 11842 (viii) a special function officer, as defined in Section 53-13-105, employed by a local
11843 sheriff;
- 11844 (ix) a search and rescue worker under the supervision of a local sheriff;
- 11845 (x) a forensic interviewer or victim advocate employed by a children's justice center
11846 established in accordance with Section 67-5b-102;
- 11847 (xi) a credentialed criminal justice system victim advocate as defined in Section
11848 77-38-403 who responds to incidents with a law enforcement officer;

- (xii) a crime scene investigator technician;
- (xiii) a wildland firefighter;
- (xiv) an investigator or prosecutor of cases involving sexual crimes against children;
- or
- (xv) a civilian employee of a first responder agency who has been authorized to view or otherwise access information concerning crimes, accidents, or other traumatic events.

(b) "First responder agency" means the same as that term is defined in Section 53-21-101.

(c) "First responder volunteer" means:

- (i) an individual who donates services as a first responder to a first responder agency located in Utah without pay or other compensation except:
 - (A) expenses that the individual actually and reasonably incurs as the supervising first responder agency approves; and
 - (B) health insurance that a participant in the Volunteer Emergency Medical Service Personnel Health Insurance Program described in Section ~~[26-8a-603]~~ 53-2d-703 receives; or
- (ii) a volunteer firefighter who is not regularly employed as a firefighter service employee, but who:
 - (A) has received training in firefighter techniques and skills;
 - (B) continues to receive regular firefighter training; and
 - (C) is on the rolls of a legally organized volunteer fire department that provides ongoing training and serves a political subdivision of the state.

(d) "Retiree" means the same as that term is defined in Section 49-11-102.

(2) This section creates the First Responder Mental Health Services Grant Program.

(3) Subject to legislative appropriations and Subsection (8), the board shall award a grant to an applicant who:

- (a) is a first responder, a first responder volunteer, or a retiree who worked as a first responder in the state; and
- (b) is seeking a post-secondary degree or certification to become a mental health therapist, as that term is defined in Section 58-60-102, from:
 - (i) an institution of higher education [~~within the state system of higher education,~~] described in Section ~~[53B-1-102]~~ 53H-1-102; or
 - (ii) a private postsecondary educational institution.

(4)(a) Subject to Subsection (4)(b), the board may award a qualified applicant a grant in

an amount that is equal to the difference between:

- (i) the total cost of tuition and fees for the program in which the recipient is enrolled;
and

- (ii) the total value of all other grants, tuition waivers, fee waivers, and scholarships that the recipient receives to attend the institution.

(b) A grant award under Subsection (4)(a) is limited to:

- (i) a maximum of \$6,000 each academic year; and
- (ii) a maximum of four academic years.

(5) The board shall design the program to ensure that institutions combine loans, grants, employment, and family and individual contributions toward financing the cost of attendance.

(6) The board shall:

- (a) select two periods during each calendar year to accept applications for the program;
and
- (b) accept applications for no fewer than 30 days during each period described in Subsection (6)(a).

(7)(a) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

- (i) set deadlines for receiving grant applications and supporting documentation; and
- (ii) establish the application process and an appeal process for the First Responder Mental Health Services Grant Program.

(b) The board shall include a disclosure on all applications and related materials that the amount of the awarded grants may be subject to funding or be reduced, in accordance with Subsection (8).

(8)(a) Subject to future budget constraints, the Legislature shall make an annual appropriation from the Income Tax Fund to the board for the costs associated with the First Responder Mental Health Services Grant Program authorized under this section.

(b) Notwithstanding the provisions of this section, if the appropriation under this section is insufficient to cover the costs associated with the First Responder Mental Health Services Grant Program, the board may:

- (i) reduce the amount of a grant; or
- (ii) distribute grants on a pro rata basis to all eligible applicants who submitted a complete application before the application deadline.

Section 340. Section **53H-11-412**, which is renumbered from Section 53B-13c-102 is renumbered

and amended to read:

[53B-13c-102] 53H-11-412 (Effective upon governor's approval). Adult Learners Grant Program.

(1) As used in this section:

(a)(i) "Cost of attendance" means the estimated costs associated with taking an online course, as established by an eligible institution in accordance with board policies.

(ii) "Cost of attendance" includes tuition, costs payable to the eligible institution, and other direct educational expenses related to taking an online course.

(b) "Eligible institution" means an institution that offers a postsecondary level course of instruction using digital technology, including a private postsecondary educational institution.

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

(i) an independent student on the Free Application for Federal Student Aid;

(ii) enrolled in an online course at an eligible institution;

(iii) pursuing:

(A) an online postsecondary degree program in a field where there is a demonstrated industry need; or

(B) an online non-degree program that is designed to meet industry needs and leads to a certificate or another recognized educational credential; and

(iv) a resident student under Section 53H-11-202 and rules the board establishes.

(d) "Financially needy student" means a student who demonstrates the financial inability to meet all or a portion of the cost of attendance at an eligible institution as defined by the board, after utilizing family and personal resources, federal assistance, and scholarships.

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

(f) "Online course" means a postsecondary level course of instruction offered by an eligible institution using digital technology.

(g) "Program" means the Adult Learners Grant Program established in this section.

(h) "Tuition" means tuition and fees at the rate charged for residents of the state.

[(1)] (2) There is created the Adult Learners Grant Program to provide financial assistance to eligible students.

[(2)] (3)(a) The board shall, in accordance with the guidelines in this section, develop

and administer the program.

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

(i) how an individual establishes financial need for purposes of receiving a grant under the program;

(ii) a requirement that an applicant complete the Free Application for Federal Student Aid;

(iii) how to determine whether an individual is a Utah resident;

(iv) a process and requirements for an individual to apply for a grant under the program;

(v) a formula to allocate money appropriated for the program to eligible students, prioritizing:

(A) students from rural areas;

(B) minority students;

(C) low income students;

(D) first generation students; and

(E) students pursuing education that aligns with industry needs; and

(vi) a method of identifying industry needs for purposes of determining student eligibility to receive a grant under this section.

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

~~[(3)]~~ (4) To be eligible for a grant under this section, a student shall demonstrate, in accordance with rules the board makes under Subsection ~~[(2)(b)]~~ (3)(b):

(a) that the student has completed the Free Application for Federal Student Aid; and

(b) that the student is financially needy.

~~[(4)]~~ (5) The board shall:

(a) annually establish the minimum and maximum amount for a grant;

(b)(i) award grants to eligible students on an annual basis; and

(ii) distribute grant money on a quarter or semester basis; and

(c) except as provided in ~~[Subsection (2)(b)(v)]~~ Subsection (3)(b)(v), award all money appropriated for the program without regard to an applicant's race, creed, color, religion, sex, or ancestry.

~~[(5)]~~ (6) The total sum of program grant money, financial aid from any source, and family or personal contribution may not exceed the cost of attendance for an eligible student at an

eligible institution for a fiscal year.

~~[(6)]~~ (7) An eligible student that receives a grant under the program shall apply the grant money to the cost of attendance.

~~[(7)]~~ (8) The board shall annually report program outcomes to the Higher Education Appropriations Subcommittee, including:

- (a) number of grant recipients at each eligible institution;
- (b) average amount of grant money provided per grant recipient;
- (c) benefits in fulfillment of the purposes for the program described in this ~~[chapter]~~ section; and
- (d) recommendations for program modification, including recommended funding levels.

Section 341. Section **53H-11-413**, which is renumbered from Section 53B-13b-103 is renumbered

and amended to read:

~~[53B-13b-103]~~ 53H-11-413 (Effective upon governor's approval). Establishment of the Veterans Tuition Gap Program.

(1) As used in this section:

(a) "Federal program" means a veterans educational assistance program established in:

(i) 10 U.S.C., Chapter 1606, Educational Assistance for Members of the Selected

Reserve;

(ii) 38 U.S.C., Chapter 30, All-Volunteer Force Educational Assistance Program;

(iii) 38 U.S.C., Chapter 31, Training and Rehabilitation for Veterans with

Service-Connected Disabilities;

(iv) 38 U.S.C., Chapter 31, Post-Vietnam Era Veterans' Educational Assistance; or

(v) 38 U.S.C., Chapter 33, Post-9/11 Educational Assistance.

(b) "Program" means the Veterans Tuition Gap Program created in this section.

(c) "Qualifying military veteran" means a veteran, as defined in Section 68-3-12.5, who:

(i) is a resident student under:

(A) Section 53H-11-202; and

(B) rules of the board;

(ii) is accepted into an institution and enrolled in a program leading to a bachelor's

degree;

(iii)(A) has exhausted the federal benefit under a federal program; or

(B) demonstrates that the veteran no longer qualifies to receive federal benefits

under any federal program;

12017 (iv) has not completed a bachelor's degree; and

12018 (v) is not a family member.

12019 (d) There is established a Veterans Tuition Gap Program to serve qualifying
12020 military veterans with tuition assistance at [~~institutions of higher education~~] an
12021 institution or private postsecondary educational institution when:

12022 [(1)] (i) federal benefits under the federal program have been exhausted or are not
12023 available; and

12024 [(2)] (ii) a qualifying military veteran has not finished a bachelor's degree and is in the
12025 final year of a bachelor's degree program.

12026 (2) The board shall use the guidelines in this section to develop policies to implement and
12027 administer the program.

12028 (3)(a) The board shall allocate money appropriated for the program to institutions or
12029 private postsecondary educational institutions to provide grants for qualifying
12030 military veterans.

12031 (b) The board may not use program money for administrative costs or overhead.

12032 (c) An institution or private postsecondary educational institution may not use more than
12033 3% of the institution's program money for administrative costs or overhead.

12034 (d) Money returned to the board under Subsection (8)(b) shall be used for future
12035 allocations to institutions or private postsecondary educational institutions.

12036 (4)(a) An institution or private postsecondary educational institution shall award a
12037 program grant to a qualifying military veteran on an annual basis but distribute the
12038 money one quarter or semester at a time, with continuing awards contingent upon the
12039 qualifying military veteran maintaining satisfactory academic progress as defined by
12040 the institution or private postsecondary educational institution in published policies
12041 or rules.

12042 (b) At the conclusion of the academic year, money distributed to an institution or private
12043 postsecondary educational institution that was not awarded to a qualifying military
12044 veteran or used for allowed administrative purposes shall be returned to the board.

12045 (c)(i) To qualify for a program grant under this section, a military veteran shall
12046 demonstrate, in accordance with rules described in Subsection (4)(c)(ii), the
12047 completion of a Free Application for Federal Student Aid.

12048 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
12049 the board shall make rules regarding the completion of the Free Application for
12050 Federal Student Aid described in Subsection (4)(c)(i), including:

(A) provisions for students or parents to opt out of the requirement due to financial ineligibility for any potential grant or other financial aid, personal privacy concerns, or other reasons the board specifies; and

(B) direction for applicants to financial aid advisors.

(5) A qualifying military veteran may receive a program grant until:

(a) the qualifying military veteran completes the requirements for a bachelor's degree; or

(b) the qualifying military veteran receives the maximum award that the board sets.

(6) A qualifying military veteran who receives a program grant may use the grant toward tuition, fees, books, education-related supplies, and a housing allowance at an institution or private postsecondary educational institution.

(7) The board may accept grants, gifts, bequests, and devises of real and personal property from any source for the purpose of awarding grants to qualifying military veterans in addition to those funded by the state.

Section 342. Section **53H-11-414**, which is renumbered from Section 53B-13a-103 is renumbered

and amended to read:

[53B-13a-103] 53H-11-414 (Effective upon governor's approval). Utah Promise Program.

(1) As used in this section:

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

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

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

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

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

(iii)(A) a resident student under Section 53H-11-202 and rules of the board; or

(B) exempt from paying the nonresident portion of total tuition under Section

- 12084 53H-11-203; and
- 12085 (iv) not a graduate student.
- 12086 (c) "Financially needy student" means a student who demonstrates the financial inability
- 12087 to meet all or a portion of the cost of attendance at a Utah postsecondary institution
- 12088 for any period of attendance as defined by the board, after considering the student's
- 12089 expected family contribution.
- 12090 (d) "Fiscal year" means the fiscal year of the state.
- 12091 (e) "Partner award" means a financial award described in this section.
- 12092 (f) "Program" means the Utah Promise Program.
- 12093 (g) "Promise partner" means an employer that participates in the program described in
- 12094 this section.
- 12095 (h) "Utah postsecondary institution" means:
- 12096 (i) an institution of higher education; or
- 12097 (ii) a Utah private, nonprofit postsecondary educational institution.
- 12098 ~~[(1)]~~ (2) The Legislature finds that:
- 12099 (a) the prosperity, economic success, and general welfare of the people of Utah and of
- 12100 the state are directly related to the educational levels and skills of the citizens of the
- 12101 state; and
- 12102 (b) financial assistance, to bridge the gap between a financially needy student's resources
- 12103 and the cost of attendance at a Utah postsecondary institution, is a necessary
- 12104 component for ensuring access to postsecondary education and training.
- 12105 ~~[(2)]~~ (3) There is created the Utah Promise Program to provide financial assistance to
- 12106 students.
- 12107 ~~[(3)]~~ (4) The board shall annually submit an electronic report to the Higher Education
- 12108 Appropriations Subcommittee regarding the Utah Promise Program.
- 12109 (5)(a) As part of the Utah Promise Program and in accordance with this section, the
- 12110 board shall allocate available money to each Utah postsecondary institution to use to
- 12111 award promise grants to eligible students to pay the eligible student's cost of
- 12112 attendance.
- 12113 (b) An eligible student may apply for a promise grant in accordance with procedures
- 12114 established by board rule.
- 12115 (c) The amount of a promise grant to an eligible student may not exceed the amount
- 12116 equal to the difference between:
- 12117 (i) the eligible student's cost of attendance; and

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

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

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

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

(a) an application process;

(b) eligibility criteria, including:

(i) criteria related to academic achievement and enrollment status; and

(ii) a requirement that an applicant demonstrate completion of the Free Application for Federal Student Aid, unless the student or the student's parent opts out in accordance with board rule;

(c) how a student demonstrates financial need;

(d) a formula to determine the allocation of money to Utah postsecondary institutions in accordance with Subsection (5), taking into account:

(i) the cost of attendance for programs offered by Utah postsecondary institutions; and

(ii) the number of eligible students who attend each Utah postsecondary institution; and

(e) a methodology for prioritizing award of promise grants based primarily on financial need.

(8) A student is eligible for a promise grant until the student:

(a) earns a first bachelor's degree; or

(b) completes 120 credit hours.

(9) The board or a Utah postsecondary institution may not represent to a recipient or a potential recipient of a promise grant that promise grants will remain available in perpetuity.

(10)(a) The board may require a Utah postsecondary institution to enter into a participation agreement before the Utah postsecondary institution may award promise grants.

(b) In a participation agreement, the board shall include a requirement that the Utah postsecondary institution:

- (i) provide to the board information necessary to administer the promise grants;
- (ii) comply with this section and board rules related to the promise grants;
- (iii) submit reports related to the promise grants as required by board rule; and
- (iv) cooperate in any review or financial audit related to the promise grants that the board determines necessary.

(11)(a) The board may use up to 2% of the money appropriated for promise grants for costs related to administering the promise grants.

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

(12) The board may supplement state appropriations for the program with private contributions.

(13) As part of the Utah Promise Program, the board may select employers to be promise partners.

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

- (a) applies to the board to be a promise partner; and
- (b) meets other requirements established by the board in the rules described in Subsection (18).

(15) An individual employed by, or who is a dependent of an employee of, a promise partner is eligible to receive a partner award if the individual:

- (a) applies for a partner award;
- (b) is admitted to and enrolled in a Utah postsecondary institution; and
- (c) maintains the eligibility requirements described in this Subsection (15) for the full length of time the individual receives the partner award.

(16)(a) Subject to legislative appropriations and Subsection (16)(b), the board shall award a partner award to an individual who meets the requirements described in Subsection (15).

(b) The board may:

- (i) award a partner award for up to the portion of tuition and fees for a program at a Utah postsecondary institution that is not covered by a promise partnership described in Subsection (18)(a); and
- (ii) prioritize awarding partner awards if an appropriation for partner awards is not sufficient to provide a partner award to each individual who is eligible under Subsection (15).

- (c) The board may continue to award a partner award to a recipient who meets the requirements described in Subsection (15) until the earlier of:
- (i) four years after the day on which the individual initially receives a partner award;
 - (ii) when the recipient uses a partner award to attend a Utah postsecondary institution for eight semesters; or
 - (iii) when the recipient completes an approved program.

(17) The board may name a specific promise grant after the donating business.

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

- (a) a process for a business to seek and receive approval from the board to become a promise partner, including providing funds for tuition and fees to be distributed under the Utah Promise Program;
- (b) a process for an individual to apply for a partner award; and
- (c) criteria for the board to prioritize awarding partner awards to individuals.

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

Section 343. Section **53H-11-415**, which is renumbered from Section 53B-10-202 is renumbered and amended to read:

[53B-10-202] 53H-11-415 (Effective upon governor's approval). Talent Development Award Program.

(1) As used in this section:

- (a) "Award" means a monetary grant awarded in accordance with this section.
- (b) "Full-time" means the number of credit hours the board determines is full-time enrollment for a student for purposes of the program.
- (c) "GOEO" means the Governor's Office of Economic Opportunity created in Section 63N-1a-301.
- (d) "Program" means the Talent Development Award Program created in this section.
- (e) "Qualifying degree" means an associate's or a bachelor's degree that qualifies an individual to work in a qualifying job, as determined by GOEO under this section.
- (f) "Qualifying job" means a job:
 - (i) described in this section for which an individual may receive an award for the current two-year period; or
 - (ii)(A) that was identified in accordance with this section at the time a recipient received an award; and
 - (B) for which the recipient is pursuing a qualifying degree, for which the recipient

- 12220 completed a qualifying degree, or in which the recipient is working.
- 12221 (g) "Recipient" means an individual who receives an award.
- 12222 ~~[(1)]~~ (2) There is created the Talent Development Award Program to recruit and train
- 12223 individuals to work in certain jobs that have a high demand for new employees and offer
- 12224 high wages.
- 12225 ~~[(2)]~~ (3) Subject to available funds, an institution shall award an individual who:
- 12226 (a) is pursuing or declares an intent to pursue a qualifying degree;
- 12227 (b) declares an intent to work in a qualifying job described in ~~[Subsection~~
- 12228 ~~53B-10-201(7)(a)]~~ this section in Utah following graduation;
- 12229 (c) applies to the institution to receive an award; and
- 12230 (d) meets other criteria determined by the board in the rules described in ~~[Section~~
- 12231 ~~53B-10-205]~~ this section.
- 12232 ~~[(3)]~~ (4)(a) An institution may award a recipient in an amount up to the cost of resident
- 12233 tuition, fees, and books for the number of credit hours in which the recipient is
- 12234 enrolled each semester.
- 12235 (b) An institution may award a recipient for up to the expected amount of time for the
- 12236 recipient to complete the qualifying degree, as determined by the institution.
- 12237 (c) An institution may cancel an award in accordance with the rules described in [
- 12238 ~~Section 53B-10-205]~~ this section.
- 12239 ~~[(4)]~~ (5) An institution may use money from a partnership with an industry or business for
- 12240 funding or repaying an award.
- 12241 ~~[(5)]~~ (6) The board may use up to 5% of money appropriated for the program for
- 12242 administration.
- 12243 (7) Every other year, GOEO shall identify:
- 12244 (a) five qualifying jobs that:
- 12245 (i) have the highest demand for new employees; and
- 12246 (ii) offer high wages; and
- 12247 (b) the qualifying degrees for each qualifying job.
- 12248 (8) GOEO shall:
- 12249 (a) ensure that each qualifying job:
- 12250 (i) ranks in the top 40% of jobs based on an employment index that considers the
- 12251 job's growth rate and total openings;
- 12252 (ii) ranks in the top 40% of jobs for wages; and
- 12253 (iii) requires an associate's degree or a bachelor's degree; and

(b) report the five qualifying jobs and qualifying degrees to the board.

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

(a) establish an application process for an individual to apply for an award;

(b) subject to this section, establish qualifying criteria for an individual to receive an award, including enrollment status;

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

(d) establish how state funding available for awards is divided among institutions;

(e) establish how to determine an amount of money for an award;

(f) establish the circumstances under which an institution may cancel an award; and

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

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

Section 344. Section **53H-12-101** is enacted to read:

CHAPTER 12. Student Loan Collection

Part 1. General Provisions

53H-12-101 (Effective upon governor's approval). General provisions -- Definitions.

Reserved.

Section 345. Section **53H-12-201** is enacted to read:

Part 2. Collection of Student Loans

53H-12-201 (Effective upon governor's approval). General provisions -- Definitions.

Reserved.

Section 346. Section **53H-12-202**, which is renumbered from Section 53B-14-101 is renumbered and amended to read:

[~~53B-14-101~~] 53H-12-202 (Effective upon governor's approval). Student loan delinquent or in default -- Authority to collect.

If a National Direct Student Loan or a student loan made under [~~Title 53B, Chapter 11, Student Loan Program, or Chapter 12, Higher Education Assistance Authority~~] this title, is

delinquent or in default, the state college, university, or board of regents responsible for collection of the loan may proceed under this ~~[chapter]~~ part to collect the loan.

Section 347. Section **53H-12-203**, which is renumbered from Section 53B-14-102 is renumbered and amended to read:

~~[53B-14-102]~~ 53H-12-203 (Effective upon governor's approval). Mailing of notice of default -- Contents of notice.

(1) Upon default in payment of a student loan or an installment payment on a student loan, the entity responsible for collecting the loan may send a notice, by certified mail, to the borrower at the borrower's last known address.

(2) The notice shall state the following:

- (a) the date and amount of the loan;
- (b) the balance of the loan;
- (c) the amount of delinquent installments and the dates ~~[they]~~ the installments were due;
- (d) a demand for immediate payment of delinquent installments;
- (e) the right of the borrower to file a written response to the notice, to have a hearing, to be represented at the hearing, and to appeal any decision of the hearing examiner;
- (f) the time within which a written response must be filed; and
- (g) the power of the college, university, or board upon the failure of the borrower to respond or upon a decision of the hearing examiner adverse to the borrower, to obtain an order under this ~~[chapter]~~ part and to execute upon income tax overpayments or refunds of the borrower.

Section 348. Section **53H-12-204**, which is renumbered from Section 53B-14-103 is renumbered and amended to read:

~~[53B-14-103]~~ 53H-12-204 (Effective upon governor's approval). Failure to receive response or payment after notice -- Authority to collect balance.

If a written response or payment of delinquent installments is not received by the college, university, or board within 15 days from the date of receipt of the notice by the borrower, the college, university, or board may determine the balance due and proceed to collect the balance as provided in Section ~~[53B-14-106]~~ 53H-12-207.

Section 349. Section **53H-12-205**, which is renumbered from Section 53B-14-104 is renumbered and amended to read:

~~[53B-14-104]~~ 53H-12-205 (Effective upon governor's approval). Hearing set after receipt of written notice -- Notice of hearing.

If a written response to the notice sent under Section ~~[53B-14-102]~~ 53H-12-203 is

received by the college, university, or board, a hearing is set within 30 days of the receipt of the response, and written notice of the hearing is mailed to the borrower at least 15 days before the date for the hearing.

Section 350. Section **53H-12-206**, which is renumbered from Section 53B-14-105 is renumbered and amended to read:

[53B-14-105] 53H-12-206 (Effective upon governor's approval). Designation of hearing examiner -- Representation at hearing -- Findings and order of examiner -- Continuance of hearing.

- (1) The hearing under Section [~~53B-14-104~~] 53H-12-205 is held before a hearing examiner designated by the college, university, or board.
- (2) The examiner may not be an officer or employee of the division or office of the college, university, or board responsible for collecting or administering student loans.
- (3) The borrower and college, university, or board may be represented at the hearing by an attorney or other person, and may present evidence, exhibits, testimony, witnesses, and other material regarding the student loan, payments, and default as are relevant.
- (4) The hearing examiner shall make specific written findings on the student loan, payments, default, and the balance due and shall enter a written order.
- (5) If the hearing examiner finds the borrower has defaulted, the order shall state the fact of default and the balance due on the loan including interest. If the examiner finds no default, the order shall dismiss the claim.
- (6) The findings and order of the hearing examiner are filed with the college, university, or board and copies mailed to the borrower within 10 days after conclusion of the hearing.
- (7) The hearing may be continued by agreement of the parties and approval of the hearing examiner or upon order of the hearing examiner.

Section 351. Section **53H-12-207**, which is renumbered from Section 53B-14-106 is renumbered and amended to read:

[53B-14-106] 53H-12-207 (Effective upon governor's approval). Order stating default -- Filing with State Tax Commission -- Lien of order.

- (1) An abstract of an order of a hearing examiner stating a default under Section [~~53B-14-105~~] 53H-12-206 may be filed with the State Tax Commission and, when filed, constitutes a lien to the extent of the balance due plus interest against any state income tax refund or overpayment due or to become due to the borrower for a period of eight years from the date of the order unless satisfied or otherwise released in writing by the college, university, or board.

- (2) The lien created by this section is, for the purposes of Section 59-10-529 only, a judgment, but no credit of a tax refund or overpayment shall be made on account of the lien until 20 days after the date of the hearing examiner's order.

Section 352. Section **53H-12-208**, which is renumbered from Section 53B-14-107 is renumbered and amended to read:

[53B-14-107] 53H-12-208 (Effective upon governor's approval). Judicial review of order -- Filing complaint -- Hearing de novo -- Stay of action on lien by State Tax Commission.

- (1) Judicial review of an order of a hearing examiner issued under Section [53B-14-105] 53H-12-206 is obtained by any party by filing a complaint with the district court within 20 days after the date of the order.
- (2) If a complaint is filed, the matter is heard by the district court de novo.
- (3) A notice of the filing of a complaint may be filed with the State Tax Commission and, if filed, the tax commission shall take no action with respect to the lien created under Section [53B-14-106] 53H-12-207 until the matter is finally disposed of by the district court or on appeal from the district court, except as provided in this [chapter] part.

Section 353. Section **53H-12-209**, which is renumbered from Section 53B-14-108 is renumbered and amended to read:

[53B-14-108] 53H-12-209 (Effective upon governor's approval). Complaint filed -- Bond furnished by borrower -- Terms of bond.

- (1) If a complaint is filed under Section [53B-14-107] 53H-12-208, the borrower may furnish to the tax commission a bond, with good and sufficient sureties, in the amount of the balance of the loan or the amount of any overpayment or refund due, whichever is less.
- (2) The lien created under Section [53B-14-106] 53H-12-207 is then dissolved as to that overpayment or refund and the overpayment or refund released to the borrower.
- (3) The bond shall provide that the surety will pay, upon a final determination adverse to the borrower, the amount of the bond, or a lesser amount as the court may determine, to the tax commission for the use and benefit of the college, university, or board obtaining the order.

Section 354. Section **53H-12-210**, which is renumbered from Section 53B-14-109 is renumbered and amended to read:

[53B-14-109] 53H-12-210 (Effective upon governor's approval). Rules for hearings.

The board may adopt rules for the implementation of Sections ~~[53B-14-104]~~ 53H-12-205 and ~~[53B-14-105]~~ 53H-12-206, including rules for the conduct of hearings and appointment of hearing examiners.

Section 355. Section **53H-12-301**, which is renumbered from Section 53B-15-101 is renumbered and amended to read:

Part 3. Collection of Student Loans from Public Employees

~~[53B-15-101]~~ 53H-12-301 (Effective upon governor's approval). Definitions.

As used in this~~[chapter]~~ part:

- (1) "Disposable earnings" means the part of an employee's earnings remaining after the deduction of all amounts required by law to be withheld.
- (2) "Earnings" or "earnings from personal services" means compensation paid or payable for personal services, whether designated as wages, salary, commission, bonus, or otherwise, and includes periodic payments under a pension or retirement program.
- (3) "Public employee" means any employee, officer, or servant of the state of Utah, or any office, department, agency, authority, commission, board, institution, hospital, college, university, or other instrumentality of the state, or of any county, city, town, school district, special improvement or taxing district, or any other political subdivision or public corporation of or within the state.

Section 356. Section **53H-12-302**, which is renumbered from Section 53B-15-102 is renumbered and amended to read:

~~[53B-15-102]~~ 53H-12-302 (Effective upon governor's approval). Collection of defaulted student loan from public employee.

If a National Direct Student Loan or a student loan made to a public employee under [Title ~~53B, State System of Higher Education~~] this title, is delinquent or in default, the state college, university, or board responsible for collection of the loan may proceed under this [~~chapter~~] part to collect the loan.

Section 357. Section **53H-12-303**, which is renumbered from Section 53B-15-103 is renumbered and amended to read:

~~[53B-15-103]~~ 53H-12-303 (Effective upon governor's approval). Proceedings -- Notice -- Inspection of records -- Repayment -- Hearing.

When a state college, university, or board determines that a public employee is indebted to the state for debts arising from a defaulted student loan, it may initiate proceedings to collect the debt through deductions from earnings by providing the public employee with the following:

- 12423 (1) a minimum of 30 days' written notice as provided in Section ~~[53B-14-102]~~ 53H-12-203;
- 12424 (2) an opportunity to inspect and copy college, university, or board records relating to the
- 12425 debt;
- 12426 (3) an opportunity to enter into a written agreement with the college, university, or board,
- 12427 under terms agreeable to the college, university, or board, to establish a schedule for the
- 12428 repayment of the debt; and
- 12429 (4) an opportunity for a hearing on the determination of the college, university, or board
- 12430 concerning the existence or the amount of the debt in accordance with Sections [
- 12431 ~~53B-14-104]~~ 53H-12-205 and [~~53B-14-105]~~ 53H-12-206 and judicial review of an order
- 12432 of a hearing examiner under Sections [~~53B-14-107]~~ 53H-12-208 and [~~53B-14-108]~~
- 12433 53H-12-209.

12434 Section 358. Section **53H-12-304**, which is renumbered from Section 53B-15-104 is renumbered

12435 and amended to read:

12436 **[53B-15-104] 53H-12-304 (Effective upon governor's approval). Lack of**

12437 **response.**

12438 If a written response or payment of delinquent installments is not received by the

12439 college, university, or board within 15 days from the date of receipt of the notice by the public

12440 employee, the college, university, or board may determine the balance due and proceed to

12441 collect the balance as provided in Section [~~53B-15-105]~~ 53H-12-305.

12442 Section 359. Section **53H-12-305**, which is renumbered from Section 53B-15-105 is renumbered

12443 and amended to read:

12444 **[53B-15-105] 53H-12-305 (Effective upon governor's approval). Filing of**

12445 **abstract of order of default -- Lien -- Deduction from wages.**

12446 An abstract of an order of a hearing examiner stating a default may be filed with the

12447 financial officer responsible for payment of the public employee's wages. When filed, the

12448 abstract constitutes a lien against 15% of the disposable earnings due, or to become due, to the

12449 public employee to the extent of the balance due plus interest. The financial officer shall

12450 deduct the amount subject to this lien from the public employee's disposable earnings, and

12451 remit the deducted amount to the college, university, or board, but no such amount shall be

12452 remitted to the college, university, or board until 20 days after the date of the hearing

12453 examiner's order.

12454 Section 360. Section **53H-12-306**, which is renumbered from Section 53B-15-106 is renumbered

12455 and amended to read:

12456 **[53B-15-106] 53H-12-306 (Effective upon governor's approval). Personnel**

information.

Upon written request of the state college, university, or board, persons with access to personnel information regarding public employees shall disclose the mailing address of individuals who have defaulted under Section ~~[53B-15-102]~~ 53H-12-302 and who are current public employees for use by the college, university, or board in locating those individuals to collect student loan obligations.

Section 361. Section **53H-12-307**, which is renumbered from Section 53B-15-107 is renumbered and amended to read:

~~[53B-15-107]~~ 53H-12-307 (Effective upon governor's approval). Reimbursed costs.

The public employer may obtain reimbursement for costs incurred in providing the information requested under Section ~~[53B-15-106]~~ 53H-12-306 through the state college, university, or board, which costs are the responsibility of and collectible from the public employee.

Section 362. Section **53H-13-101** is enacted to read:

CHAPTER 13. Workforce Development**Part 1. General Provisions**

53H-13-101 (Effective upon governor's approval). General provisions -- Definitions.

Reserved.

Section 363. Section **53H-13-201**, which is renumbered from Section 53B-32-102 is renumbered and amended to read:

Part 2. Career Readiness

~~[53B-32-102]~~ 53H-13-201 (Effective upon governor's approval). General provisions -- Definitions.

As used in this ~~[chapter]~~ part:

(1) "Education provider" means:

- (a) an institution of higher education~~[listed in Section 53B-2-101]~~; or
- (b) a nonprofit Utah provider of postsecondary education.

(2) "Student user" means:

- (a) a Utah student in kindergarten through grade 12;
- (b) a Utah postsecondary education student;
- (c) a parent or guardian of a Utah public education student; or

(d) a Utah potential postsecondary education student.

Section 364. Section **53H-13-202**, which is renumbered from Section 53B-32-201 is renumbered and amended to read:

[53B-32-201] 53H-13-202 (Effective upon governor's approval). State online career counseling program.

(1) The board shall develop and administer a state online career counseling program in accordance with this section.

(2) The board shall ensure, as funding allows and is feasible, that the program:

(a) allows a student user to:

(i) access, subject to Subsection (3), information about an education provider or a scholarship provider;

(ii) access information about different career opportunities and understand the related educational requirements to enter that career;

(iii) access information about education providers;

(iv) access up to date information about entrance requirements to education providers; and

(v) research open jobs from different companies within the user's career interest and apply for those jobs without having to leave the website to do so;

(b) allows all users to:

(i) access information about different career opportunities and understand the related educational requirements to enter that career;

(ii) access information about education providers; and

(iii) access up-to-date information about entrance requirements to education providers;

(c) allows an education provider to:

(i) request that the program send information to student users who are interested in various educational opportunities;

(ii) promote the education provider's programs and schools to student users; and

(iii) connect with student users within the program's website;

(d) allows a Utah business to:

(i) request that the program send information to student users who are pursuing educational opportunities that are consistent with jobs the Utah business is trying to fill now or in the future; and

(ii) market jobs and communicate with student users through the program's website

- 12524 as allowed by law; and
- 12525 (e) provide analysis and reporting on student user interests and education paths within
- 12526 the education system.
- 12527 (3) A student may access information described in Subsection (2)(a)(i) only if the program
- 12528 obtains written consent:
- 12529 (a) of a student's parent or legal guardian through the student's school or LEA; or
- 12530 (b) for a student who is ~~[age 18]~~ 18 years old or older or an emancipated minor, from the
- 12531 student.
- 12532 (4) The board:
- 12533 (a) may charge a fee to a Utah business for services provided by the program under this
- 12534 section; and
- 12535 (b) shall establish a fee described in Subsection (4)(a) in accordance with Section
- 12536 63J-1-504.
- 12537 Section 365. Section **53H-13-301**, which is renumbered from Section 53B-34-101 is renumbered
- 12538 and amended to read:

12539 **Part 3. Talent Ready Utah and Talent, Education, and Industry Alignment**

12540 **~~[53B-34-101]~~ 53H-13-301 (Effective upon governor's approval). General**

12541 **provisions -- Definitions.**

12542 As used in this ~~[chapter]~~ part:

- 12543 (1) "Apprenticeship program" means a program that:
- 12544 (a) combines paid on-the-job learning with formal classroom instruction to prepare
- 12545 students for careers; and
- 12546 (b) includes:
- 12547 (i) structured on-the-job learning for students under the supervision of a skilled
- 12548 employee;
- 12549 (ii) classroom instruction for students related to the on-the-job learning;
- 12550 (iii) ongoing student assessments using established competency and skills standards;
- 12551 and
- 12552 (iv) the student receiving an industry-recognized credential or degree upon
- 12553 completion of the program.
- 12554 (2) "Career and technical education region" means an economic service area created in
- 12555 Section 35A-2-101.
- 12556 (3) "GOEO" means the Governor's Office of Economic Opportunity created in Section
- 12557 63N-1a-301.

- 12558 (4) "High quality professional learning" means the professional learning standards for
12559 teachers and principals described in Section 53G-11-303.
- 12560 (5) "Institution of higher education" means the University of Utah, Utah State University,
12561 Southern Utah University, Weber State University, Snow College, Utah Tech
12562 University, Utah Valley University, or Salt Lake Community College.
- 12563 (6) "Local education agency" means a school district, a charter school, or the Utah Schools
12564 for the Deaf and the Blind.
- 12565 (7) "Master plan" means the computer science education master plan described in Section [
12566 ~~53B-34-105~~] 53H-13-305.
- 12567 (8) "Participating employer" means an employer that:
12568 (a) partners with an educational institution on a curriculum for an apprenticeship
12569 program or work-based learning program; and
12570 (b) provides an apprenticeship or work-based learning program for students.
- 12571 (9) "State board" means the State Board of Education.
- 12572 (10) "Talent board" means the Talent, Education, and Industry Alignment Board created in
12573 Section [~~53B-34-102~~] 53H-13-302.
- 12574 (11) "Talent program" means the Talent Ready Utah Program created in Section [
12575 ~~53B-34-103~~] 53H-13-303.
- 12576 (12) "Targeted industry" means an industry or group of industries targeted by GOEO for
12577 economic development in the state.
- 12578 (13) "Technical college" means:
12579 (a) the same as that term is defined in Section [~~53B-1-101.5~~] 53H-1-101; and
12580 (b) a degree-granting institution acting in the degree-granting institution's technical
12581 education role described in Section [~~53B-2a-201~~] 53H-3-608.
- 12582 (14)(a) "Work-based learning program" means a program that combines structured and
12583 supervised learning activities with authentic work experiences and that is
12584 implemented through industry and education partnerships.
- 12585 (b) "Work-based learning program" includes the following objectives:
12586 (i) providing students an applied workplace experience using knowledge and skills
12587 attained in a program of study that includes an internship, externship, or work
12588 experience;
12589 (ii) providing an educational institution with objective input from a participating
12590 employer regarding the education requirements of the current workforce; and
12591 (iii) providing funding for programs that are associated with high-wage, in-demand,

12592 or emerging occupations.

12593 (15) "Workforce programs" means education or industry programs that facilitate training
12594 the state's workforce to meet industry demand.

12595 Section 366. Section **53H-13-302**, which is renumbered from Section 53B-34-102 is renumbered
12596 and amended to read:

12597 **[53B-34-102] 53H-13-302 (Effective upon governor's approval). Talent,**
12598 **Education, and Industry Alignment Board -- Creation -- Membership -- Expenses --**
12599 **Duties.**

12600 (1) There is created the Talent, Education, and Industry Alignment Board composed of the
12601 following members:

- 12602 (a) the state superintendent of public instruction or the superintendent's designee;
- 12603 (b) the commissioner or the commissioner's designee;
- 12604 (c) the chair of the State Board of Education or the chair's designee;
- 12605 (d) the executive director of the Department of Workforce Services or the executive
12606 director's designee;
- 12607 (e) the executive director of the Governor's Office of Economic Opportunity or the
12608 executive director's designee;
- 12609 (f) the director of the Division of Professional Licensing or the director's designee;
- 12610 (g) the governor's education advisor or the advisor's designee;
- 12611 (h) one member of the Senate, appointed by the president of the Senate;
- 12612 (i) one member of the House of Representatives, appointed by the speaker of the House
12613 of Representatives;
- 12614 (j) the president of the Salt Lake Chamber or the president's designee;
- 12615 (k) six representatives of private industry chosen to represent targeted industries,
12616 appointed by GOEO;
- 12617 (l) the lieutenant governor or the lieutenant governor's designee; and
- 12618 (m) any additional individuals appointed by GOEO who represent:
 - 12619 (i) one or more individual educational institutions; or
 - 12620 (ii) education or industry professionals.

12621 (2) The talent board shall select a chair and vice chair from among the members of the
12622 talent board.

12623 (3) The talent board shall meet at least quarterly.

12624 (4) Attendance of a majority of the members of the talent board constitutes a quorum for
12625 the transaction of official talent board business.

- (5) Formal action by the talent board requires the majority vote of a quorum.
- (6) A member of the talent board:
- (a) may not receive compensation or benefits for the member's service; and
 - (b) who is not a legislator may receive per diem and travel expenses in accordance with:
 - (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (7) The talent board shall:
- (a)(i) review and develop metrics to measure the progress, performance, effectiveness, and scope of any state operation, activity, program, or service that primarily involves employment training or placement; and
 - (ii) ensure that the metrics described in Subsection (7)(a) are consistent and comparable for each state operation, activity, program, or service that primarily involves employment training or placement;
 - (b) make recommendations to the board and GOEO regarding how to better align training and education in the state with industry demand;
 - (c) make recommendations to the board and GOEO regarding how to better align technical education with current and future workforce needs;
 - (d) coordinate with the talent program to meet the responsibilities described in Section [~~53B-34-103~~] 53H-13-303;
 - (e) develop a computer science education master plan in accordance with Section [~~53B-34-105~~] 53H-13-305;
 - (f) coordinate with the talent program to meet the responsibilities described in Section [~~53B-34-107~~] 53H-13-310; and
 - (g) administer the Utah Works Program in accordance with Section [~~53B-34-108~~] 53H-13-307.
- (8) Nothing in this section prohibits an individual who, on June 30, 2022, is a member of a subcommittee within the Governor's Office of Economic Opportunity known as the Talent, Education, and Industry Alignment Subcommittee from serving as a member of the talent board.
- Section 367. Section **53H-13-303**, which is renumbered from Section 53B-34-103 is renumbered and amended to read:
- [~~53B-34-103~~] 53H-13-303 (Effective upon governor's approval). Talent Ready**

Utah Program.

- (1) There is created the Talent Ready Utah Program administered by the commissioner.
- (2) The commissioner, with the approval of the board, shall appoint a director of the talent program.
- (3) The director of the talent program:
 - (a) shall appoint, with the approval of the commissioner, an apprenticeship intermediary, to carry out the duties described in Subsection (5); and
 - (b) may appoint other staff with the approval of the commissioner.
- (4) The talent program shall coordinate with the talent board to:
 - (a) further education and industry alignment in the state;
 - (b) coordinate the development of new education programs that align with industry demand;
 - (c) coordinate or partner with other state agencies to administer grant programs;
 - (d) promote the inclusion of industry partners in education;
 - (e) provide outreach and information to employers regarding workforce programs and initiatives;
 - (f) develop and analyze stackable credential programs;
 - (g) determine efficiencies among workforce providers;
 - (h) map available workforce programs focusing on programs that successfully create high-paying jobs; and
 - (i) support initiatives of the talent board.
- (5) The apprenticeship intermediary appointed by the director under Subsection (3) shall, in coordination with the talent program and at the direction of the talent board, foster relationships between industry partners, local education agencies, and the talent program, including by:
 - (a) increasing awareness for the talent program;
 - (b) recruiting industry partners;
 - (c) connecting high school students to participating employers, apprenticeship opportunities, and work-based learning opportunities;
 - (d) working with local education agencies to:
 - (i) integrate talent program apprenticeship opportunities and work-based learning opportunities;
 - (ii) connect high school students with higher education opportunities;
 - (e) training mentors at participating employers in vocational education practices for

youth;

(f) holding meetings with education partners and industry partners to discuss curriculum needs and industry needs;

(g) working with institutions of higher education and local education agencies to ensure industry-recognized credential programs are fully stackable; and

(h) performing other duties as directed by the talent board.

Section 368. Section **53H-13-304**, which is renumbered from Section 53B-34-104 is renumbered and amended to read:

[53B-34-104] 53H-13-304 (Effective upon governor's approval). Talent program report to board.

The talent program shall annually report to the board on the talent program's operations and recommendations, including the results of the apprenticeship pilot program described in Section ~~[53B-34-107]~~ 53H-13-310.

Section 369. Section **53H-13-305**, which is renumbered from Section 53B-34-105 is renumbered and amended to read:

[53B-34-105] 53H-13-305 (Effective upon governor's approval). Computer science education master plan.

The talent board, in consultation with the state board and the talent program, shall develop a computer science education master plan that:

- (1) includes a statement of the objectives and goals of the master plan;
- (2) describes how the talent board and the state board will administer the Computer Science for Utah Grant Program created in Section ~~[53B-34-106]~~ 53H-13-306;
- (3) provides guidance for local education agencies in implementing computer science education opportunities for students in high school, middle school, and elementary school;
- (4) integrates recommendations and best practices from private and public entities that are seeking to improve and expand the opportunities for computer science education, including the Expanding Computer Education Pathways Alliance; and
- (5) makes recommendations to assist a local education agency in creating a local education agency computer science plan described in Subsection ~~[53B-34-106(6)]~~ 53H-13-306(6), including:
 - (a) providing recommendations regarding course offerings in computer science;
 - (b) providing recommendations regarding professional development opportunities in computer science for licensed teachers;

- 12728 (c) providing recommendations regarding curriculum software for computer science
12729 courses;
- 12730 (d) providing recommendations regarding assessment solutions to measure the learning
12731 outcomes of students in computer science courses; and
- 12732 (e) providing information regarding how a local education agency can receive technical
12733 support from the talent board in providing computer science education opportunities
12734 for students.

12735 Section 370. Section **53H-13-306**, which is renumbered from Section 53B-34-106 is renumbered
12736 and amended to read:

12737 **~~[53B-34-106]~~ 53H-13-306 (Effective upon governor's approval). Computer**
12738 **Science for Utah Grant Program.**

- 12739 (1) As used in this section, "grant program" means the Computer Science for Utah Grant
12740 Program created in Subsection (2).
- 12741 (2) The Computer Science for Utah Grant Program is created to provide grants to eligible
12742 local education agencies for improving computer science learning outcomes and course
12743 offerings as demonstrated by:
- 12744 (a) the creation and implementation of a local education agency computer science plan
12745 as described in Subsection (6); and
- 12746 (b) the effective implementation of approved courses and the provision of effective
12747 training opportunities for licensed teachers.
- 12748 (3) Subject to appropriations from the Legislature, the state board, in consultation with the
12749 talent board, shall distribute to local education agencies money appropriated for the
12750 grant program in accordance with this section.
- 12751 (4) In administering the Computer Science for Utah Grant Program, the state board, in
12752 consultation with the talent board, may make rules, in accordance with this part and Title
12753 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
- 12754 (a) describe the form and deadlines for a grant application by a local education agency
12755 under this section; and
- 12756 (b) describe the reporting requirements required by a local education agency after
12757 receiving a grant under this section.
- 12758 (5) In awarding a grant under Subsection (3), the state board shall consider the effectiveness
12759 of the local education agency in creating and implementing a local education agency
12760 computer science plan as described in Subsection (6).
- 12761 (6) Each local education agency that seeks a grant as described in this section shall submit a

written computer science plan, in a form approved by the state board, that:

- (a) covers at least four years;
- (b) addresses the recommendations of the talent board's computer science education master plan described in Section ~~[53B-34-105]~~ 53H-13-305;
- (c) identifies targets for improved computer science offerings, student learning, and licensed teacher training;
- (d) describes a computer science professional development program and other opportunities for high quality professional learning for licensed teachers or individuals training to become licensed teachers;
- (e) provides a detailed budget, communications, and reporting structure for implementing the computer science plan;
- (f) commits to provide one computer science course offering, approved by the talent board, in every middle and high school within the local education agency;
- (g) commits to integrate computer science education into the curriculum of each elementary school within the local education agency; and
- (h) includes any other requirement established by the state board by rule, in consultation with the talent board, in accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(7) Each local education agency that receives a grant as described in this section shall provide an annual written assessment to the state board and the talent board for each year that the local education agency receives a grant or expends grant money that includes:

- (a) how the grant money was used;
- (b) any improvements in the number and quality of computer science offerings provided by the local education agency and any increase in the number of licensed teachers providing computer science teaching to students;
- (c) any difficulties encountered during implementation of the local education agency's written computer science plan and steps that will be taken to address the difficulties; and
- (d) any other requirement established by the state board by rule, in consultation with the talent board, in accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(8)(a) The state board and the talent board shall review each annual written assessment described in Subsection (7).

(b) As a result of the review described in Subsection (8)(a):

(i) the state board or the talent board may provide recommendations to improve the progress of the local education agency in meeting the objectives of the written computer science plan;

(ii) the state board may determine not to renew or extend a grant under this section; or

(iii) the state board or the talent board may take other action to assist the local education agency.

Section 371. Section **53H-13-307**, which is renumbered from Section 53B-34-108 is renumbered and amended to read:

[53B-34-108] 53H-13-307 (Effective upon governor's approval). Utah Works Program.

(1) There is created the Utah Works Program.

(2) The Utah Works Program, under the direction of the talent board, shall partner with the following entities to develop short-term pre-employment training and short-term early employment training for student and workforce participants that meet the needs of businesses that are creating jobs and economic growth in the state:

(a) the Department of Workforce Services;

(b) the Governor's Office of Economic Opportunity; and

(c) businesses that have significant hiring demands for primarily newly created jobs in the state.

(3) In addition to the duties described in Subsection (2), the Utah Works Program may:

(a) coordinate with the Department of Workforce Services, education agencies, and employers to create effective recruitment initiatives to attract student and workforce participants and business participants to the program;

(b) coordinate with the board to develop educational and training resources to provide student participants in the program qualifications to be hired by business participants in the program; and

(c) coordinate with the state board and local education agencies when appropriate to develop educational and training resources to provide student participants in the program qualifications to be hired by business participants in the program.

(4) The board, in consultation with the talent board, may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules regarding the development and administration of the Utah Works Program.

(5) The Utah Works Program shall annually report the following metrics to the board:

- 12830 (a) the number of participants in the program;
- 12831 (b) how program participants learned about or were referred to the program;
- 12832 (c) the number of participants who have completed training offered by the program; and
- 12833 (d) the number of participants who have been hired by a business participating in the
- 12834 program.

12835 Section 372. Section **53H-13-308**, which is renumbered from Section 53B-34-109 is renumbered

12836 and amended to read:

12837 **[53B-34-109] 53H-13-308 (Effective upon governor's approval). Grants for**

12838 **business entities offering employee return to work programs.**

- 12839 (1) As used in this section, "business entity" means a for-profit or nonprofit entity.
- 12840 (2) Subject to appropriations from the Legislature, the talent program, in consultation with
- 12841 the talent board, may award grants to business entities to offer innovative return to work
- 12842 programs for employees.
- 12843 (3) A business entity that receives grant funds under this section may only use grant funds
- 12844 for:
- 12845 (a) costs associated with developing a new return to work program; or
- 12846 (b) costs associated with expanding an existing return to work program.
- 12847 (4) The talent program shall include the following information in the report described in
- 12848 Section ~~[53B-34-104]~~ **53H-13-304**:
- 12849 (a) the process by which the talent program determines which business entities shall
- 12850 receive grants; and
- 12851 (b) the formula for awarding grants.
- 12852 (5) The talent program shall award grant funds on a rolling basis, until the earlier of funds
- 12853 being exhausted or June 30, 2025.

12854 Section 373. Section **53H-13-309**, which is renumbered from Section 53B-34-110 is renumbered

12855 and amended to read:

12856 **[53B-34-110] 53H-13-309 (Effective upon governor's approval). Talent advisory**

12857 **councils.**

- 12858 (1) As used in this section:
- 12859 (a) "Advisory council" means an advisory council the talent board creates under
- 12860 Subsection (10).
- 12861 ~~[(b) "Institution of higher education" means the same as the term is defined in Section~~
- 12862 ~~53B-1-102.]~~
- 12863 ~~[(e)]~~ (b) "Talent initiative" means an initiative the board creates under Subsection (2).

- 12864 (2)(a) Subject to legislative appropriations and in accordance with the proposal process
12865 and other provisions of this section, the board shall develop and oversee one or more
12866 talent initiatives that include providing funding for expanded programs at an
12867 institution of higher education related to the talent initiative.
- 12868 (b) The board shall ensure that a talent initiative the board creates:
- 12869 (i) uses a name for the talent initiative that reflects the area the initiative is targeting;
12870 (ii) contains an outline of the disciplines, industries, degrees, certifications,
12871 credentials, and types of skills the talent initiative will target; and
12872 (iii) uses a corresponding advisory council created in Subsection (10).
- 12873 (3) In creating a talent initiative, the board shall facilitate collaborations between an
12874 institution of higher education and participating employers that:
- 12875 (a) create expanded, multidisciplinary programs or stackable credential programs offered
12876 at a technical college, undergraduate, or graduate level of study; and
12877 (b) prepare students to be workforce participants in jobs requiring skills related to a
12878 talent initiative.
- 12879 (4)(a) An institution of higher education seeking to partner with one or more
12880 participating employers to create a program related to a talent initiative shall submit a
12881 proposal to the talent board through a process the talent board creates.
- 12882 (b) An institution of higher education shall submit a proposal that contains:
- 12883 (i) a description of the proposed program, including:
- 12884 (A) implementation timelines for the program;
12885 (B) a demonstration of how the program will be responsive to the talent needs
12886 related to the talent initiative;
12887 (C) an outline of relevant industry involvement that includes at least one
12888 participating employer that partners with the institution of higher education; and
12889 (D) an explanation of how the program addresses an unmet regional workforce
12890 need related to a talent initiative;
- 12891 (ii) an estimate of:
- 12892 (A) projected student enrollment and completion rates for a program;
12893 (B) the academic credit or credentials that a program will provide; and
12894 (C) occupations for which a graduate will qualify;
- 12895 (iii) evidence that each participating employer is committed to participating and
12896 contributing to the program by providing any combination of:
- 12897 (A) instruction;

- 12898 (B) curriculum review;
- 12899 (C) feedback regarding effectiveness of program graduates as employees;
- 12900 (D) work-based learning opportunities; or
- 12901 (E) mentoring;
- 12902 (iv) a description of any resources a participating employer will provide within the
- 12903 program; and
- 12904 (v) the amount of funding requested for the program, including:
- 12905 (A) the justification for the funding; and
- 12906 (B) the cost per student served as estimated under Subsection (4)(b)(ii).
- 12907 (5) In reviewing a proposal, the talent board shall provide a proposal to the relevant
- 12908 advisory council described in Subsections (10) and (11).
- 12909 (6) The relevant advisory council shall:
- 12910 (a) review and prioritize each proposal the advisory council receives; and
- 12911 (b) recommend to the talent board whether the proposal should be funded and the
- 12912 funding amount based on:
- 12913 (i) the quality and completeness of the elements of the proposal described in
- 12914 Subsection (4)(b);
- 12915 (ii) to what extent the proposed program:
- 12916 (A) would expand the capacity to meet state or regional workforce needs related
- 12917 to the talent initiative;
- 12918 (B) would integrate industry-relevant competencies with disciplinary expertise;
- 12919 (C) would incorporate internships or significant project experiences, including
- 12920 team-based experiences;
- 12921 (D) identifies how industry professionals would participate in elements described
- 12922 in Subsection (4)(b)(iii); and
- 12923 (E) would be cost effective; and
- 12924 (iii) other relevant criteria as the relevant advisory council and the talent board
- 12925 determines.
- 12926 (7) The board shall review the recommendations of an advisory council and may provide
- 12927 funding for a program related to a talent initiative using the criteria described in
- 12928 Subsection (6)(b).
- 12929 (8) In a form that the board approves, each institution of higher education that receives
- 12930 funding shall annually provide written information to the board regarding the activities,
- 12931 successes, and challenges related to administering the program related to the talent

12932 initiative, including:

- 12933 (a) specific entities that received funding under this section;
- 12934 (b) the amount of funding provided to each entity;
- 12935 (c) the number of participating students in each program;
- 12936 (d) the number of graduates of the program;
- 12937 (e) the number of graduates of the program employed in jobs requiring skills related to
- 12938 the talent initiative; and
- 12939 (f) progress and achievements relevant to the implementation timeline submitted under
- 12940 Subsection (4)(b)(i)(A).

12941 (9) On or before October 1 of each year, the board shall provide an annual written report
12942 containing the information described in Subsection (8) to the:

- 12943 (a) Education Interim Committee; and
- 12944 (b) Higher Education Appropriations Subcommittee.

12945 (10) The talent board shall create a talent advisory council for each talent initiative created
12946 under Subsection (2) to make recommendations to the board regarding the
12947 administration of a talent initiative including:

- 12948 (a) a deep technology initiative;
- 12949 (b) a life sciences workforce initiative;
- 12950 (c) engineering and computer technology; and
- 12951 (d) health professions initiatives including a nursing initiative.

12952 (11) An advisory council shall consist of the following members:

- 12953 (a) a minimum of four members who have extensive experience in the talent initiative's
12954 subject matter from the private sector whom the chair of the talent board appoints and
12955 the board approves;
- 12956 (b) a representative of the board described in Section [53B-1-402] 53H-1-203 whom the
12957 chair of the board appoints;
- 12958 (c) a representative of the Governor's Office of Economic Opportunity whom the
12959 executive director of the Governor's Office of Economic Opportunity appoints;
- 12960 (d) a representative from Talent Ready Utah; and
- 12961 (e) any other specialized industry experts whom a majority of the advisory council may
12962 invite to participate as needed as nonvoting members.

12963 (12) Talent Ready Utah shall provide staff support for an advisory council.

12964 (13)(a) Two advisory council members appointed under Subsection (11)(a) shall serve
12965 an initial term of two years.

(b) Except as described in Subsection (13)(a), all other advisory council members shall serve an initial term of four years.

(c) Successor advisory council members upon appointment or reappointment shall each serve a term of four years.

(d) When a vacancy occurs in the membership for any reason, the initial appointing authority shall appoint a replacement for the unexpired term.

(e) An advisory council member may not serve more than two consecutive terms.

(14) A vote of a majority of the advisory council members constitutes an action of the advisory council.

(15) The duties of the advisory council include reviewing, prioritizing, and making recommendations to the board regarding proposals for funding under the talent initiative created in accordance with Subsection (2) for which the council was created.

(16) An advisory council member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Sections 63A-3-106 and 63A-3-107; and

(b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(17) The board may discontinue a talent initiative and the related talent advisory council by majority vote.

Section 374. Section **53H-13-310**, which is renumbered from Section 53B-34-107 is renumbered and amended to read:

[53B-34-107] 53H-13-310 (Effective upon governor's approval). Apprenticeships and work-based learning.

(1) The talent program, in collaboration with the talent board, may partner with one or more of the following to facilitate and encourage apprenticeship opportunities and work-based learning opportunities for Utah students:

(a) the State Board of Education;

(b) the Utah system of higher education; or

(c) a participating employer in the state.

(2) Subject to appropriations from the Legislature and in accordance with the proposal process and other provisions of this section, the talent board, in coordination with the talent program, may provide funding for approved apprenticeship opportunities and work-based learning opportunities.

(3) To receive funding under this section, an entity described in Subsection (1) seeking to

partner with the talent program shall submit a proposal through the talent program, in a form approved by the talent program and in accordance with deadlines determined by the talent program, that contains the following elements:

(a) the proposal shall include:

(i) a description of the proposed apprenticeship program or work-based learning program that demonstrates the program will be:

(A) responsive to the workforce needs of a high demand industry or occupation; and

(B) a partnership between at least one participating employer and at least one public high school, technical college, or institution of higher education;

(ii) an estimate of:

(A) student enrollment in the program;

(B) what school credit, credentials, certifications, or other workforce attainments will be provided by the program; and

(C) job-placement rates for students who complete the program;

(iii) a description of any financial contributions or in-kind contributions that will be provided by each participating employer in the program;

(iv) if the program would require state board approval under the provisions of Section [53B-16-102] 53H-3-603, evidence that the state board has approved the program; and

(v) the amount of funding requested for the program, including justification for the funding; and

(b) while not required, a preference may be given to a proposal that includes:

(i) a description of a stackable credentialing pathway for participating students that will be created by the program between at least two of the following:

(A) a public high school;

(B) a technical college; and

(C) an institution of higher education; or

(ii) the potential for participating students to obtain full-time employment with the participating employer upon completion of the program.

(4) The talent board shall review and prioritize each proposal received and determine whether the proposal should be funded, using the following criteria:

(a) the quality and completeness of the elements of the proposal described in Subsection (3)(a);

- (b) the quality of the optional elements of the proposal described in Subsection (3)(b);
- (c) to what extent the proposal would expand the capacity to meet state or regional workforce needs; and
- (d) other relevant criteria as determined by the talent board.
- (5) A partnership that receives funding under this section:
- (a) shall use the money to accomplish the proposed apprenticeship program or work-based learning program;
- (b) may use the money to offset a participating employer's direct operational costs associated with employing students as part of an approved apprenticeship program or work-based learning program;
- (c) except as provided in Subsection (5)(d), may not use the money for educational administration; and
- (d) may use the money to support one full-time employee within a career and technical education region if:
- (i) each participating local education agency, public high school, technical college, and institution of higher education agree on which entity will house the full-time employee;
- (ii) the full-time employee spends all of the employee's time working exclusively to develop apprentice programs or work-based learning programs; and
- (iii) the full-time employee is responsible for regular reporting to and receiving training from the director of the talent program.
- (6) The talent program shall be responsible for the administration of apprenticeship programs and work-based learning programs described in this section, including:
- (a) working with and providing technical assistance to the participating partners that establish apprentice programs and work-based learning programs and that receive funding under the provisions of this section;
- (b) establishing reporting requirements for participating partners that establish apprentice programs and work-based learning programs and that receive funding under the provisions of this section;
- (c) providing outreach and marketing to encourage more employers to participate; and
- (d) annually reporting on the activities, successes, and challenges of the talent program related to administering apprentice programs and work-based learning programs for inclusion in the report described in Section ~~[53B-34-104]~~ 53H-13-304, including:
- (i) specific entities that received funding under this section;

- (ii) the amount of funding provided to each entity; and
- (iii) the number of participating students in each apprentice program and work-based learning program.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the talent program may make rules regarding:

- (a) the method and deadlines for applying for funding under this section;
- (b) the distribution of funding under this section; and
- (c) the reporting requirements of each entity receiving funding under this section.

Section 375. Section **53H-13-311**, which is renumbered from Section 53B-34-111 is renumbered and amended to read:

[53B-34-111] 53H-13-311 (Effective upon governor's approval). Youth apprenticeship governance study.

(1) As used in this section:

- (a) "Apprenticeship" means the same as the term is defined in Section 35A-6-102.
- (b) "Study" means the study created in Subsection (2).

(2) There is created a study to design a framework and system for maximizing efficiencies and expanding youth apprenticeship opportunities for students.

(3) The study shall be conducted collaboratively by the following entities:

- (a) the governor's office;
- (b) the State Board of Education;
- (c) the Department of Workforce Services;
- (d) the Talent Ready Utah Program; and
- (e) relevant participating employers as determined by the entities described in Subsections (3)(a) through (d).

(4) The study shall examine framework and system design recommendations regarding:

- (a) ways to increase youth apprenticeship offerings;
- (b) increasing student and employer participation in youth apprenticeships;
- (c) formalizing roles and streamlining use of existing infrastructure described in:
 - (i) Title 35A, Chapter 6, Apprenticeship Act;
 - (ii) ~~[Title 53B, Chapter 34, Talent, Education, and Industry Alignment]~~ this part, including the role of the state apprenticeship intermediary described in ~~[Section 53B-34-103]~~ Section 53H-13-303; and
 - (iii) Section 53G-7-902;
- (d) aligning youth apprenticeship efforts to meet the definition of youth apprenticeship

defined in Section 35A-6-102;

(e) identifying metrics to assess the success of youth apprenticeship programs;

(f) opportunities to leverage secondary and post-secondary educational programs in conjunction with youth apprenticeships, including:

(i) career and technical education;

(ii) concurrent enrollment; and

(iii) stackable credentials; and

(g) the creation of career competencies to prepare a qualified workforce.

(5) The staff of the Talent Ready Utah Program shall staff the study.

(6) No later than May 1, 2025, the entities described in Subsection (3) shall report the recommendations described in Subsection (4) to the talent board.

Section 376. Section **53H-13-401**, which is renumbered from Section 53B-38-102 is renumbered and amended to read:

Part 4. Talent Connect

[53B-38-102] 53H-13-401 (Effective upon governor's approval). General provisions -- Definitions.

As used in this [chapter] part:

(1) "Co-op employee" means a student who participates in a cooperative education program and is employed by a participating cooperative education employer.

(2) "Cooperative education employer" means a business or organization participating in the cooperative education program that provides structured work opportunities for students.

(3) "Cooperative education program" or "co-op" means a structured educational pilot program that integrates academic learning with full-time paid work experience aligned with the student's academic discipline and career goals.

(4) "High-demand job" means an occupation or position that:

(a) has a higher than average projected growth rate in Utah;

(b) offers wages at or above the state median wage;

(c) follows star ranking criteria established by the Department of Workforce Services;

and

(d) considers occupations that have a high societal demand and impact.

(5) "Participating institution" means the following institutions of higher education:

(a) Weber State University;

(b) University of Utah;

(c) Southern Utah University;

- (d) Utah State University;
(e) Utah Tech University; and
(f) Utah Valley University.

(6) "Recent graduate" means a graduate of a program or degree within a year of completion.

(7) "Talent portal" means the Utah High-Demand Talent Portal created in Section [~~53B-38-103~~] 53H-13-402.

(8) "Talent portal administrator" means the Talent, Education, and Industry Alignment Board created in Section [~~53B-34-102~~] 53H-13-302.

(9) "Talent Ready Utah" means the program within the Utah System of Higher Education established in Section [~~53B-34-103~~] 53H-13-303.

Section 377. Section **53H-13-402**, which is renumbered from Section 53B-38-103 is renumbered and amended to read:

[~~53B-38-103~~] 53H-13-402 (Effective upon governor's approval). Utah High-Demand Talent Portal -- Creation -- Purpose.

(1) There is created the Utah High-Demand Talent Portal within Talent Ready Utah.

(2) The purpose of the talent portal is to:

- (a) connect Utah employers with qualified, trained, and educated talent from higher education institutions;
- (b) provide students within the Utah System of Higher Education with high-demand and high-wage employment opportunities;
- (c) connect recent graduate job seekers with high-demand employment opportunities in Utah;
- (d) provide a platform to post high-demand job openings;
- (e) highlight skills and qualifications needed for high-demand jobs;
- (f) integrate with workforce development, work-based learning;
- (g) support career pathway development and promote long-term workforce alignment; and
- (h) utilize matchmaking software strategies to intuitively match employers with students across the Utah System of Higher Education.

Section 378. Section **53H-13-403**, which is renumbered from Section 53B-38-104 is renumbered and amended to read:

[~~53B-38-104~~] 53H-13-403 (Effective upon governor's approval). Talent portal requirements -- Administration -- Labor market data integration.

(1) The talent portal shall:

- (a) focus on industries and occupations identified as high-demand in collaboration with Talent Ready Utah, the Governor's Office of Economic Opportunity, and the Department of Workforce Services and in coordination with state labor market data;
- (b) provide an intuitive, user-friendly interface for job seekers and employers;
- (c) include robust search, filtering, and geolocation options;
- (d) offer mobile-optimized access;
- (e) allow users to create profiles and upload resumes;
- (f) integrate with relevant training, credentialing, and educational resources;
- (g) connect prospective talent to industry requirements for posted high-demand jobs;
- (h) highlight internships, apprenticeships, and career pathway opportunities;
- (i) provide data analytics to employers on job listing performance;
- (j) implement security measures to protect user data and verify employer listings; and
- (k) be accessible to users with disabilities in compliance with the Americans with Disabilities Act.

(2) In accordance with Subsection (3), the talent portal administrator shall:

- (a) partner with:
 - (i) Talent Ready Utah;
 - (ii) the Governor's Office of Economic Opportunity;
 - (iii) the Department of Workforce Services;
 - (iv) industry associations; and
 - (v) employers to enhance talent portal offerings;
- (b) partner with the State Tax Commission to reconcile that employers registering to utilize the talent portal are businesses registered to do business in the state of Utah and are in good standing;
- (c) conduct targeted outreach to promote the talent portal to:
 - (i) institutions of higher education within the Utah System of Higher Education;
 - (ii) students; and
 - (iii) Utah employers;
- (d) regularly collect and analyze user feedback to improve the talent portal; and
- (e) provide annual reports on talent portal performance metrics, including:
 - (i) usage statistics;
 - (ii) placement rates; and
 - (iii) user demographics.

(3) The talent portal administrator shall:

- 13204 (a) utilize current labor market data to inform job listings, industry focus, and emerging
13205 opportunities;
- 13206 (b) update high-demand job categories at least annually based on projected growth,
13207 wage data, and workforce needs; and
- 13208 (c) provide labor market insights to users, including salary ranges, career growth trends,
13209 and skill requirements.

- 13210 (4) The talent portal administrator shall ensure that the talent portal has the ability to
13211 dynamically adjust to reflect changes in labor market trends and high-demand
13212 occupations.

13213 Section 379. Section **53H-13-404**, which is renumbered from Section 53B-38-105 is renumbered
13214 and amended to read:

13215 **[53B-38-105] 53H-13-404 (Effective upon governor's approval). Cooperative**
13216 **Education Program -- Creation -- Purpose.**

- 13217 (1) A cooperative education program is established within the Utah System of Higher
13218 Education beginning July 1, 2025 and ending December 31, 2027.
- 13219 (2) The purpose of the co-op is to:
- 13220 (a) provide students with structured, credit-bearing cooperative education opportunities
13221 that align with academic disciplines, program accreditation requirements, and career
13222 outcomes while maintaining full-time student status;
- 13223 (b) foster partnerships between higher education institutions and employers to offer
13224 valuable employment opportunities;
- 13225 (c) establish clear roles and responsibilities for participating institutions and employers;
13226 and
- 13227 (d) maintain accountability and program effectiveness through regular evaluation.

13228 Section 380. Section **53H-13-405**, which is renumbered from Section 53B-38-106 is renumbered
13229 and amended to read:

13230 **[53B-38-106] 53H-13-405 (Effective upon governor's approval). Cooperative**
13231 **education program -- Requirements -- Administration and oversight.**

- 13232 (1) The following entities shall collaborate to create and implement the co-op:
- 13233 (a) the Office of the Commissioner of Higher Education;
- 13234 (b) an engineering focused trade association that the Talent, Education, and Industry
13235 Alignment Board created in Section [53B-34-102] 53H-13-302 selects;
- 13236 (c) Weber State University;
- 13237 (d) University of Utah;

- (e) Utah State University;
- (f) Utah Tech University;
- (g) Southern Utah University;
- (h) Utah Valley University; and
- (i) Talent Ready Utah established in Section [~~53B-34-103~~] 53H-13-303.

(2) The entities listed in Subsection (1) shall collaborate to:

- (a) establish program requirements and standards for cooperative education experiences that:
 - (i) occur during a student's third or fourth academic year;
 - (ii) are equivalent to two continuous academic terms; and
 - (iii) align with degree requirements and career pathways;
- (b) develop the policies for academic credit recognition;
- (c) create program evaluation metrics;
- (d) maintain oversight of program implementation; and
- (e) focus the program's initial efforts on high-demand jobs in fields that require an engineering degree, including the life-sciences sector.

(3) In accordance with the program components described under Subsection (2), a participating institution shall:

- (a) establish admission criteria for the cooperative education program;
- (b) create preparatory workshops that address:
 - (i) career development;
 - (ii) professional skill building;
 - (iii) workplace communication; and
 - (iv) employment preparation;
- (c) develop procedures for:
 - (i) program orientation;
 - (ii) academic progress monitoring;
 - (iii) experience documentation; and
 - (iv) performance evaluation;
- (d) assign a cooperative education advisor who will:
 - (i) provide regular guidance;
 - (ii) monitor academic alignment;
 - (iii) coordinate with workplace mentors; and
 - (iv) assess learning outcomes; and

(e) maintain records of:

(i) placement details;

(ii) student progress;

(iii) completed evaluations; and

(iv) program outcomes.

(4) The engineering focused trade association described in Subsection (1) shall:

(a) identify and recruit qualified employers from the engineering focused trade association's membership;

(b) communicate industry needs to participating institutions;

(c) facilitate employer participation in co-op development; and

(d) promote co-op opportunities within engineering sectors, including the life sciences sector.

(5) The Office of the Commissioner of Higher Education shall establish employment standards that require participating employers to:

(a) provide compensation that:

(i) meets or exceeds minimum wage requirements; and

(ii) reflects industry standards for the position;

(b) schedule work hours that:

(i) total at least 32 hours per week; and

(ii) accommodate academic requirements; and

(c) maintain compliance with:

(i) federal employment laws;

(ii) state employment laws; and

(iii) program participation requirements.

(6) A cooperative education employer shall:

(a) submit to the relevant participating institution:

(i) detailed position descriptions;

(ii) work location information;

(iii) scheduling requirements; and

(iv) supervisor contact details;

(b) provide structured workplace experiences for a cooperative education employee that:

(i) align with academic programs;

(ii) develop professional skills;

(iii) include regular supervision; and

- 13306 (iv) offer meaningful work assignments;
- 13307 (c) assign qualified workplace mentors for a cooperative education employee who will:
- 13308 (i) provide professional guidance;
- 13309 (ii) monitor work performance;
- 13310 (iii) coordinate with academic advisors; and
- 13311 (iv) complete required evaluations; and
- 13312 (d) conduct regular evaluations and monitoring as directed by the participating
- 13313 institution in consultation with the Office of the Commissioner of Higher Education.

13314 Section 381. Section **53H-13-406**, which is renumbered from Section 53B-38-107 is renumbered

13315 and amended to read:

13316 **[53B-38-107] 53H-13-406 (Effective upon governor's approval). Cooperative**

13317 **education program -- Liability and risk management.**

13318 (1)(a) The Utah System of Higher Education and participating institutions are not liable

13319 for any act, omission, or conduct of cooperative education employees or cooperative

13320 education employers.

13321 (b) A cooperative education employer shall indemnify and hold harmless all

13322 participating institutions against claims arising from co-op placements.

13323 (2) The Office of the Commissioner of Higher Education shall:

13324 (a) establish procedures for:

- 13325 (i) program administration;
- 13326 (ii) risk management;
- 13327 (iii) issue resolution; and
- 13328 (iv) early termination protocols; and

13329 (b) develop policies regarding:

- 13330 (i) liability coverage;
- 13331 (ii) workplace safety;
- 13332 (iii) co-op performance standards; and
- 13333 (iv) professional conduct requirements for a cooperative education employee.

13334 (3) A participating institution shall:

13335 (a) maintain documentation systems for:

- 13336 (i) placement agreements;
- 13337 (ii) performance reports;
- 13338 (iii) incident records; and
- 13339 (iv) program evaluations; and

(b) implement procedures for:

(i) issue resolution;

(ii) performance intervention;

(iii) placement modification; and

(iv) program termination.

(4) A cooperative education employer shall:

(a) maintain appropriate insurance coverage;

(b) in accordance with Subsection (1), indemnify participating institutions against claims arising from cooperative education placements;

(c) regarding a cooperative education employee, notify the relevant participating institution of:

(i) performance concerns;

(ii) policy violations;

(iii) workplace incidents; and

(iv) proposed terminations; and

(d) regarding a cooperative education employee, document and report to the relevant participating institution:

(i) workplace injuries;

(ii) safety incidents;

(iii) policy violations; and

(iv) program departures.

Section 382. Section **53H-13-407**, which is renumbered from Section 53B-38-108 is renumbered and amended to read:

[53B-38-108] 53H-13-407 (Effective upon governor's approval). Cooperative education program -- Evaluation and reporting.

(1) No later than September 15 of each year, the Office of the Commissioner of Higher Education, in collaboration with the entities described in Subsection [53B-37-106(1)] 53H-13-405(1), shall prepare an annual report for submission to:

(a) the Talent, Education, and Industry Alignment Board created in Section [53B-34-102] 53H-13-302;

(b) the Utah Board of Higher Education; and

(c) the Education Interim Committee and the Economic Development and Workforce Services Interim Committee.

(2) The annual report described in Subsection (1) shall:

(a) include:

- (i) the number of student placements and cooperative education employers;
- (ii) student and cooperative education employer feedback;
- (iii) key workforce impact metrics; and
- (iv) recommendations for additional on-going resources to scale cooperative education program offerings; and

(b) provide analysis on the co-op's effectiveness in:

- (i) enhancing student career readiness;
- (ii) addressing Utah workforce needs and retention; and
- (iii) improving competency validation practices based on cooperative education employers' input.

Section 383. Section **53H-14-101** is enacted to read:

CHAPTER 14. Data, Records, and Privacy

Part 1. General Provisions

53H-14-101 (Effective upon governor's approval). General provisions --

Definitions.

Reserved.

Section 384. Section **53H-14-201**, which is renumbered from Section 53B-16-301 is renumbered and amended to read:

Part 2. Restricted Records

[53B-16-301] 53H-14-201 (Effective upon governor's approval). General provisions -- Definitions.

As used in this part:

(1) "Person" means:

- (a) a federal, state, or local governmental entity:
 - (i) that sponsors sponsored research; or
 - (ii) participates in a technology transfer;
- (b) an individual;
- (c) a nonprofit or profit corporation;
- (d) a partnership;
- (e) a sole proprietorship; or
- (f) other type of business organization.

~~[(2) "Public institution of higher education" means an institution within the state system of~~

higher education defined in Section 53B-1-102.]

[(3)] (2) "Restricted record" means a record that is restricted as provided by Section [53B-16-303] 53H-14-203.

[(4)] (3) "Sponsored research" refers to research, training, and other sponsored activities as defined by the federal Executive Office of the President, Office of Management and Budget:

(a) conducted by [a public institution of higher education] an institution through an office responsible for sponsored projects or programs; and

(b) funded or otherwise supported by an external person that is not created or controlled by the [public institution of higher education] institution.

[(5)] (4) "Technology transfer" refers to transferring information, commercializing research, or providing technical assistance between [a public institution of higher education] an institution and external persons for the purpose of economic development.

Section 385. Section **53H-14-202**, which is renumbered from Section 53B-16-302 is renumbered and amended to read:

[53B-16-302] 53H-14-202 (Effective upon governor's approval). Records that may be classified as restricted.

[A public institution of higher education] An institution may classify only the following records as restricted:

(1) that portion of a technology transfer record or sponsored research record to which access must be restricted for the purpose of securing and maintaining proprietary protection of intellectual property rights, including but not limited to patents, copyrights, trademarks, and trade secrets; or

(2) that portion of a technology transfer record or sponsored research record to which access is restricted for competitive or proprietary purposes, as a condition of actual or potential participation in a sponsored research or technology transfer agreement; provided, however, that upon receipt of a written request for a reasonably identifiable record, the [public institution of higher education] institution shall disclose:

(a) prior to a memorandum of intent to contract or an agreement in principle between the parties:

(i) the names of the parties, or, if the disclosure of names would cause competitive harm, a general description of the type of parties negotiating the technology transfer or sponsored research agreement; and

(ii) a general description of the nature of the technology transfer or sponsored

- research under consideration, excluding proprietary or competitive information; or
- (b) after a memorandum of intent to contract or an agreement in principle between the parties:
- (i) the names of the parties involved in the technology transfer or sponsored research;
 - (ii) a general description of the nature of the technology transfer or sponsored research to be conducted, excluding proprietary or competitive information; and
 - (iii) records of the technology transfer or sponsored research to be conducted, excluding those portions of records to which access is limited under this part or Title 63G, Chapter 2, Government Records Access and Management Act.

Section 386. Section **53H-14-203**, which is renumbered from Section 53B-16-303 is renumbered and amended to read:

[53B-16-303] 53H-14-203 (Effective upon governor's approval). Access to restricted records.

- (1) Notwithstanding any other provision of Title 63G, Chapter 2, Government Records Access and Management Act, access to records restricted by this part shall only be permitted upon:
- (a) written consent of the ~~[public institution of higher education]~~ institution originating, receiving, or maintaining the records; or
 - (b) a finding by the director of the Government Records Office or a court that the record has not been properly classified as restricted under Section 63G-2-302, provided that the review of a restricted classification of a record shall not include considerations of weighing public and private interests regarding access to a properly classified record as contained in Subsection 63G-2-403(11)(b) or 63G-2-404(7) or Section 63G-2-309.
- (2) Subsection (1)(b) does not limit the authority of the board to reclassify and disclose a record of ~~[a public institution of higher education]~~ an institution.

Section 387. Section **53H-14-204**, which is renumbered from Section 53B-16-304 is renumbered and amended to read:

[53B-16-304] 53H-14-204 (Effective upon governor's approval). Business confidentiality claims.

- (1)(a) Any person who provides to ~~[a public institution of higher education]~~ an institution a record that the person believes should be protected under a provision listed in Subsection 63G-2-309(1)(b)(i), restricted under Section ~~[53B-16-302]~~ 53H-14-202, or both protected under a provision listed in Subsection 63G-2-309(1)(b)(i) and restricted under Section ~~[53B-16-302]~~ 53H-14-202, shall provide the ~~[public~~

~~institution of higher education]~~ institution:

(i) a written claim of business confidentiality; and

(ii) a concise statement of reasons supporting the claim of business confidentiality.

(b) The person described in Subsection (1)(a) shall make the filing at the commencement of:

(i) the sponsored research project; or

(ii) the technology transfer process.

(c) A claim of business confidentiality submitted under this Subsection (1) shall cover all protected and restricted records exchanged during the:

(i) sponsored research project; or

(ii) technology transfer process.

(2) The inadvertent failure to make a legally adequate claim of business confidentiality at the time required by Subsection (1) does not prejudice the claimant's right to make a legally adequate claim at a different time before disclosure of the record.

Section 388. Section **53H-14-205**, which is renumbered from Section 53B-16-305 is renumbered and amended to read:

[53B-16-305] 53H-14-205 (Effective upon governor's approval). Applicability of the Government Records Access and Management Act.

Except as otherwise provided by this part, the provisions of Title 63G, Chapter 2, Government Records Access and Management Act, will apply to restricted technology transfer or sponsored research records as defined in this part, as if the records were protected records as defined by Title 63G, Chapter 2, Government Records Access and Management Act.

Section 389. Section **53H-14-301**, which is renumbered from Section 53B-25-102 is renumbered and amended to read:

Part 3. Internet Postsecondary Institution Privacy

[53B-25-102] 53H-14-301 (Effective upon governor's approval). General provisions -- Definitions.

As used in this ~~chapter~~ part:

(1)~~(a)~~ "Personal Internet account" means an online account that is used by a student or prospective student exclusively for personal communications unrelated to any purpose of ~~[the postsecondary]~~ an institution.

~~(b)~~ (2) "Personal Internet account" does not include an account created, maintained, used, or accessed by a student or prospective student for education related communications or for an educational purpose of the ~~[postsecondary]~~ institution.

[~~(2) "Postsecondary institution" means an institution that provides educational services offered primarily to persons who have completed or terminated their secondary or high school education or who are beyond the age of compulsory school attendance.~~]

Section 390. Section **53H-14-302**, which is renumbered from Section 53B-25-201 is renumbered and amended to read:

[53B-25-201] 53H-14-302 (Effective upon governor's approval). Prohibited activities.

~~[A postsecondary]~~ An institution may not do any of the following:

- (1) request a student or prospective student to disclose a username and password, or a password that allows access to the student's or prospective student's personal Internet account; or
- (2) expel, discipline, fail to admit, or otherwise penalize a student or prospective student for failure to disclose information specified in Subsection (1).

Section 391. Section **53H-14-303**, which is renumbered from Section 53B-25-202 is renumbered and amended to read:

[53B-25-202] 53H-14-303 (Effective upon governor's approval). Permitted activities.

- (1) This ~~[chapter]~~ part does not prohibit ~~[a postsecondary]~~ an institution from requesting or requiring a student to disclose a username or password to gain access to or operate the following:

- (a) an electronic communications device supplied by or paid for in whole or in part by the ~~[postsecondary]~~ institution; or
- (b) an account or service provided by the ~~[postsecondary]~~ institution that is either obtained by virtue of the student's admission to the ~~[postsecondary]~~ institution or used by the student for educational purposes.

- (2) This ~~[chapter]~~ part does not prohibit or restrict ~~[a postsecondary]~~ an institution from viewing, accessing, or using information about a student or prospective student that can be obtained without the information described in Subsection ~~[53B-25-201(1)]~~ 53H-14-302(1) or that is available in the public domain.

Section 392. Section **53H-14-304**, which is renumbered from Section 53B-25-203 is renumbered and amended to read:

[53B-25-203] 53H-14-304 (Effective upon governor's approval). Duties not created.

- (1) This ~~[chapter]~~ part does not create a duty for ~~[a postsecondary]~~ an institution to search or

monitor the activity of a personal Internet account.

- (2) ~~[A postsecondary]~~ An institution is not liable under this ~~[chapter]~~ part for failure to request or require that a student or prospective student grant access to, allow observation of, or disclose information that allows access to or observation of the student's or prospective student's personal Internet account.

Section 393. Section **53H-14-305**, which is renumbered from Section 53B-25-301 is renumbered and amended to read:

~~[53B-25-301]~~ 53H-14-305 (Effective upon governor's approval). Private right of action.

- (1) A person aggrieved by a violation of this ~~[chapter]~~ part may bring a civil cause of action against ~~[a postsecondary]~~ an institution in a court of competent jurisdiction.
- (2) In an action brought under Subsection (1), if the court finds a violation of this ~~[chapter]~~ part, the court shall award the aggrieved person not more than \$500.

Section 394. Section **53H-14-401**, which is renumbered from Section 53B-28-201 is renumbered and amended to read:

Part 4. Confidential Communications for Institutional Advocacy Services

~~[53B-28-201]~~ 53H-14-401 (Effective upon governor's approval). General provisions -- Definitions.

As used in this part:

- (1) "Certified advocate" means an individual who:
- (a) is employed by or volunteers at a qualified institutional victim services provider;
 - (b) has completed at least 40 hours of training in counseling and assisting victims of sexual harassment, sexual assault, rape, dating violence, domestic violence, or stalking; and
 - (c) acts under the supervision of the director or director's designee of a qualified institutional victim services provider.
- (2)(a) "Confidential communication" means information that is communicated by a victim, in the course of the victim seeking an institutional advocacy service, to:
- (i) a certified advocate;
 - (ii) a qualified institutional victim services provider;
 - (iii) a person reasonably necessary for the transmission of the information;
 - (iv) an individual who is present at the time the information is transmitted for the purpose of furthering the victim's interests; or
 - (v) another individual, in the context of group counseling at a qualified institutional

- 13577 victim services provider.
- 13578 (b) "Confidential communication" includes a record that is created or maintained as a
13579 result of the communication described in Subsection (2)(a).
- 13580 (3) "Institution" means a Utah institution that is a private postsecondary educational
13581 institution or a public institution, including an institution of higher education listed in
13582 Section 53H-1-102.
- 13583 [(3)] (4) "Institutional advocacy service" means a safety planning, counseling,
13584 psychological, support, advocacy, medical, or legal service that:
- 13585 (a) addresses issues involving:
- 13586 (i) sexual harassment;
- 13587 (ii) sexual assault;
- 13588 (iii) rape;
- 13589 (iv) domestic violence;
- 13590 (v) dating violence; or
- 13591 (vi) stalking; and
- 13592 (b) is provided by a qualified institutional victim services provider.
- 13593 [(4)] (5)(a) "Qualified institutional victim services provider" means an organization that:
- 13594 (i) is affiliated with an institution;
- 13595 (ii) employs or provides volunteer opportunities for certified advocates;
- 13596 (iii) provides an institutional advocacy service to victims or families of victims; and
- 13597 (iv) is designated by the affiliated institution as a qualified institutional victim
13598 services provider.
- 13599 (b) "Qualified institutional victim services provider" may include an institution's:
- 13600 (i) sexual assault center;
- 13601 (ii) victim advocacy center;
- 13602 (iii) women's center;
- 13603 (iv) health center; or
- 13604 (v) counseling service center.
- 13605 [(5)] (6) "Record" means a book, letter, document, paper, map, plan, photograph, film, card,
13606 tape, recording, electronic data, or other documentary material regardless of physical
13607 form or characteristics.
- 13608 [(6)] (7) "Victim" means an individual who seeks an institutional advocacy service.
- 13609 Section 395. Section **53H-14-402**, which is renumbered from Section 53B-28-202 is renumbered
13610 and amended to read:

[53B-28-202] 53H-14-402 (Effective upon governor's approval). Confidentiality of information -- Disclosure of confidential communication.

(1) Except as provided in Subsection (2), and notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, a person may not disclose a confidential communication.

(2) A person may disclose a confidential communication if:

(a) the victim gives written and informed consent to the disclosure;

(b) the person has an obligation to disclose the confidential communication under Section 26B-6-205, 80-2-602, or 78B-3-502;

(c) the disclosure is required by federal law; or

(d) a court of competent jurisdiction orders the disclosure.

Section 396. Section **53H-14-501**, which is renumbered from Section 53B-28-501 is renumbered and amended to read:

Part 5. Higher Education Student Data Protection

[53B-28-501] 53H-14-501 (Effective upon governor's approval). General provisions -- Definitions.

As used in this part:

(1) "Advisory group" means the institution of higher education privacy advisory group established by the state privacy [officer] auditor under Section [53B-28-502] 53H-14-502.

(2) "Aggregate data" means data that:

(a) are totaled and reported at the group, cohort, class, course, institution, region, or state level, with at least 10 individuals in the level; and

(b) do not reveal personally identifiable student data.

(3) "Data breach" means an unauthorized release of or unauthorized access to personally identifiable student data that an education entity maintains.

(4) "Data governance plan" means an education entity's comprehensive plan for managing education data that:

(a) incorporates reasonable data industry best practices to maintain and protect student data and other education-related data;

(b) describes the role, responsibility, and authority of the board or an institution privacy officer;

(c) provides for necessary technical assistance, training, support, and auditing;

(d) describes the process for sharing student data between the education entity and another person;

(e) describes the education entity's data expungement process, including how to respond to requests for expungement;

(f) describes the data breach response process; and

(g) is published annually and available on the institution's website or the Utah System of Higher Education's website.

(5) "Education entity" means the Utah Board of Higher Education or an institution.

(6) "Higher education privacy officer" means a privacy officer that the board designates under Section ~~[53B-28-503]~~ 53H-14-503.

~~[(7) "Institution" means an institution of higher education described in Section 53B-1-102.]~~

~~[(8)]~~ (7) "Minor" means a person younger than 18 years old.

~~[(9)]~~ (8)(a) "Personally identifiable student data" means student data that identifies or is used by the holder to identify a student.

(b) "Personally identifiable student data" includes:

(i) a student's first and last name;

(ii) the first and last name of a student's family member;

(iii) a student's or a student's family's home or physical address;

(iv) a student's email address or other online contact information;

(v) a student's telephone number;

(vi) a student's social security number;

(vii) a student's biometric identifier;

(viii) a student's health or disability data;

(ix) a student's education entity student identification number;

(x) a student's social media user name and password or alias;

(xi) if associated with personally identifiable student data, the student's persistent identifier, including:

(A) a customer number held in a cookie; or

(B) a processor serial number;

(xii) a combination of a student's last name or photograph with other information that together permits a person to contact the student online;

(xiii) information about a student or a student's family that a person collects online and combines with other personally identifiable student data to identify the student; and

(xiv) information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does

not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

~~[(10)]~~ (9) "State privacy ~~[officer]~~ auditor" means the state privacy ~~[officer]~~ auditor described in Section 67-3-13.

~~[(11)]~~ (10) "Student" means an individual enrolled in an institution.

~~[(12)]~~ (11)(a) "Student data" means information about a student at the individual student level.

(b) "Student data" does not include aggregate or de-identified data.

~~[(13)]~~ (12) "Third-party contractor" means a person who:

(a) is not an institution or an employee of an institution; and

(b) pursuant to a contract with an education entity, collects or receives student data in order to provide a product or service, as described in the contract, if the product or service is not related to school photography, yearbooks, graduation announcements, or a similar product or service.

Section 397. Section **53H-14-502**, which is renumbered from Section 53B-28-502 is renumbered and amended to read:

~~[53B-28-502]~~ 53H-14-502 (Effective upon governor's approval). State student data protection governance.

(1) The state privacy ~~[officer]~~ auditor shall establish a higher education privacy advisory group to advise institutions and institution boards of trustees on student data protection.

(2) The advisory group shall consist of:

(a) the state privacy ~~[officer]~~ auditor;

(b) the higher education privacy officer; and

(c) the following members, appointed by the commissioner:

(i) at least one Utah System of Higher Education employee; and

(ii) at least one representative of the Utah Board of Higher Education.

(3) The advisory group shall:

(a) discuss and make recommendations to the board and institutions regarding:

(i) existing and proposed:

(A) board rules; or

(B) board policies of the Utah Board of Higher Education or institutions; and

(ii) training on protecting student data privacy; and

(b) perform other tasks related to student data protection as designated by the Utah Board of Higher Education.

(4) The higher education privacy officer shall:

- (a) provide training and support to institution boards and employees; and
- (b) produce:
 - (i) resource materials;
 - (ii) model data governance plans;
 - (iii) model forms for institution student data protection governance; and
 - (iv) a model data collection notice.

(5) The board shall:

- (a)(i) create and maintain a data governance plan; and
- (ii) annually publish the data governance plan on the Utah System of Higher Education website; and
- (b) establish standards for:
 - (i) institution policies to protect student data;
 - (ii) institution data governance plans; and
 - (iii) a third-party contractor's use of student data.

Section 398. Section **53H-14-503**, which is renumbered from Section 53B-28-503 is renumbered and amended to read:

[53B-28-503] 53H-14-503 (Effective upon governor's approval). Institution student data protection governance.

(1)(a) An institution shall adopt policies to protect student data in accordance with this part and board rule, including the standards the board establishes under Subsection [53B-28-502(5)] 53H-14-502(5).

(b) The policies described in Subsection (1)(a) shall take into account the specific needs and priorities of the institution.

(2) The board shall designate a higher education privacy officer.

(3) The higher education privacy officer shall:

- (a) verify compliance with student privacy laws, rules, and policies throughout the Utah System of Higher Education;
- (b) support institutions in developing data governance plans and student data privacy training; and
- (c) act as the primary point of contact for the state privacy [officer] auditor.

(4) An institution shall:

- (a) designate an individual to act as the primary contact for the higher education privacy officer;

(b) create and maintain an institution:

(i) data governance plan that complies with the standards the board establishes under Subsection ~~[53B-28-502(5)]~~ 53H-14-502(5); and

(ii) record of student data privacy training; and

(c) annually publish the institution's data governance plan on the institution's website.

Section 399. Section **53H-14-504**, which is renumbered from Section 53B-28-504 is renumbered and amended to read:

[53B-28-504] 53H-14-504 (Effective upon governor's approval). Notification of significant data breach.

(1) If a significant data breach occurs at an institution, the institution shall notify each student whose personally-identifiable student data was disclosed.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to define a significant data breach described in Subsection (1).

Section 400. Section **53H-14-505**, which is renumbered from Section 53B-28-505 is renumbered and amended to read:

[53B-28-505] 53H-14-505 (Effective upon governor's approval). Third-party contractors.

(1) A third-party contractor shall use personally identifiable student data received under a contract with an education entity strictly for the purpose of providing the contracted product or service within the negotiated contract terms.

(2) When contracting with a third-party contractor~~[on or after January 1, 2024]~~, an education entity, or a government agency contracting on behalf of an education entity, shall:

(a) ensure that the contract terms comply with the standards the board establishes under Subsection ~~[53B-28-502(5)]~~ 53H-14-502(5); and

(b) require the following provisions in the contract:

(i) requirements and restrictions related to the collection, use, storage, or sharing of student data by the third-party contractor that are necessary for the education entity to ensure compliance with the provisions of this part and board rule;

(ii) a description of a person, or type of person, including an affiliate of the third-party contractor, with whom the third-party contractor may share student data;

(iii) provisions that, at the request of the education entity, govern the deletion of the student data received by the third-party contractor;

(iv) except as provided in Subsection (4) and if required by the education entity, provisions that prohibit the secondary use of personally identifiable student data by the third-party contractor; and

(v) an agreement by the third-party contractor that, at the request of the education entity that is a party to the contract, the education entity or the education entity's designee may audit the third-party contractor to verify compliance with the contract.

(3) As authorized by law or court order, a third-party contractor shall share student data as requested by law enforcement.

(4) A third-party contractor may:

(a) use student data for adaptive learning or customized student learning purposes;

(b) market an educational application or product to a student if the third-party contractor does not use student data, shared by or collected on behalf of an education entity, to market the educational application or product;

(c) use a recommendation engine to recommend to a student:

(i) content that relates to learning or employment, within the third-party contractor's application, if the recommendation is not motivated by payment or other consideration from another party; or

(ii) services that relate to learning or employment, within the third-party contractor's application, if the recommendation is not motivated by payment or other consideration from another party;

(d) respond to a student request for information or feedback, if the content of the response is not motivated by payment or other consideration from another party;

(e) use student data to allow or improve operability and functionality of the third-party contractor's application; or

(f) identify for a student nonprofit institutions of higher education or scholarship providers that are seeking students who meet specific criteria:

(i) regardless of whether the identified nonprofit institutions of higher education or scholarship providers provide payment or other consideration to the third-party contractor; and

(ii) only if the third-party contractor obtains authorization in writing from:

(A) the student's parent, if the student is a minor; or

(B) the student.

(5) At the completion of a contract with an education entity, if the contract has not been

renewed, a third-party contractor shall return or delete upon the education entity's request all personally identifiable student data under the control of the education entity unless a student or a minor student's parent consents to the maintenance of the personally identifiable student data.

(6)(a) A third-party contractor may not:

(i) except as provided in Subsection (6)(b), sell student data;

(ii) collect, use, or share student data, if the collection, use, or sharing of the student data is inconsistent with the third-party contractor's contract with the education entity; or

(iii) use student data for targeted advertising.

(b) A person may obtain student data through the purchase of, merger with, or otherwise acquiring a third-party contractor if the third-party contractor remains in compliance with this section.

(7) The provisions of this section do not:

(a) apply to the use of a general audience application, including the access of a general audience application with login credentials created by a third-party contractor's application;

(b) apply if the student data is shared in accordance with the education entity's directory information policy, as described in 34 C.F.R. Sec. 99.37;

(c) apply to the providing of Internet service; or

(d) impose a duty on a provider of an interactive computer service, as defined in 47 U.S.C. Sec. 230, to review or enforce compliance with this section.

(8) A provision of this section that relates to a student's student data does not apply to a third-party contractor if the education entity or third-party contractor obtains authorization from the following individual, in writing, to waive that provision:

(a) the student's parent, if the student is a minor; or

(b) the student.

Section 401. Section **53H-14-506**, which is renumbered from Section 53B-28-506 is renumbered and amended to read:

[53B-28-506] 53H-14-506 (Effective upon governor's approval). Penalties.

(1) A third-party contractor that knowingly or recklessly permits unauthorized collecting, sharing, or use of student data under this part:

(a) except as provided in Subsection (2), may not enter into a future contract with an institution;

- (b) may be required by the board to pay a civil penalty of up to \$25,000; and
- (c) may be required to pay:
- (i) an institution's cost of notifying parents and students of the unauthorized sharing or use of student data; and
 - (ii) any expense incurred by the institution as result of the unauthorized sharing or use of student data.
- (2) An education entity may enter into a contract with a third-party contractor that knowingly or recklessly permitted unauthorized collecting, sharing, or use of student data if:
- (a) the education entity determines that the third-party contractor has corrected the errors that caused the unauthorized collecting, sharing, or use of student data; and
 - (b) the third-party contractor demonstrates:
 - (i) if the third-party contractor is under contract with the education entity, current compliance with this part; or
 - (ii) an ability to comply with the requirements of this part.
- (3)(a) If necessary, the board may bring an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to enforce payment of the civil penalty described in Subsection (1)(b).
- (b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the board shall bring an action described in Subsection (3)(a) in the county in which the office of the education entity is located if the action is brought in the district court.
- (4) An individual who knowingly or intentionally permits unauthorized collecting, sharing, or use of student data may be found guilty of a class A misdemeanor.
- (5)(a) A student or a minor student's parent may bring an action against a third-party contractor in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, for damages caused by a knowing or reckless violation of Section [~~53B-28-505~~] 53H-14-505 by a third-party contractor.
- (b) If the court finds that a third-party contractor has violated Section [~~53B-28-505~~] 53H-14-505, the court may award to the parent or student:
- (i) damages; and
 - (ii) costs.

Section 402. Section **53H-15-101**, which is renumbered from Section 53B-33-101 is renumbered and amended to read:

CHAPTER 15. Utah Data Research Center

Part 1. General Provisions**[53B-33-101] 53H-15-101 (Effective upon governor's approval). General provisions -- Definitions.**

As used in this chapter:

- (1) "Advisory board" means the Utah Data Research Advisory Board created in Section [53B-33-202] 53H-15-203.
- (2) "Center" means the Utah Data Research Center created in [~~Section 53B-33-201~~] Section 53H-15-202.
- (3) "Data" means any information about a person stored in a physical or electronic record.
- (4) "Data research program" means the data maintained by the center in accordance with Section [~~53B-33-301~~] 53H-15-302.
- (5) "De-identified data" means data about a person that cannot, without additional information, identify the person to another person or machine.
- (6) "Director" means the director of the Utah Data Research Center created in Section [53B-33-201] 53H-15-202.
- ~~[(7) "Institution of higher education" means an institution of higher education described in Section 53B-1-102.]~~
- ~~[(8)]~~ (7) "Office" means the Office of the Legislative Auditor General created in Section 36-12-15.
- ~~[(9)]~~ (8) "Participating entity" means:
 - (a) the State Board of Education, which includes the director as defined in Section 53E-10-701;
 - (b) the board;
 - (c) the Department of Workforce Services;
 - (d) the Department of Health and Human Services; and
 - (e) the Department of Commerce.
- ~~[(10)]~~ (9) "Unique student identifier" means the same as that term is defined in Section 53E-4-308.

Section 403. Section **53H-15-201** is enacted to read:

Part 2. Council Duties**53H-15-201 (Effective upon governor's approval). General provisions -- Definitions.**
Reserved.

Section 404. Section **53H-15-202**, which is renumbered from Section 53B-33-201 is renumbered and amended to read:

[53B-33-201] 53H-15-202 (Effective upon governor's approval). Utah Data Research Center -- Creation.

The Utah Data Research Center is created within the Utah system of higher education.

Section 405. Section **53H-15-203**, which is renumbered from Section 53B-33-202 is renumbered and amended to read:

[53B-33-202] 53H-15-203 (Effective upon governor's approval). Utah Data Research Advisory Board -- Composition -- Appointment.

(1) There is created the Utah Data Research Advisory Board.

(2) The advisory board is composed of the following members:

(a) the state superintendent of the State Board of Education or the state superintendent's designee;

(b) the commissioner or the commissioner's designee;

(c) the executive director of the Department of Workforce Services or the executive director's designee;

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

(e) the executive director of the Department of Commerce or the executive director's designee.

(3) The commissioner or the commissioner's designee shall serve as chair.

(4) A member of the advisory board:

(a) except to the extent a member's service on the advisory board is related to the member's duties outside of the advisory board, may not receive compensation or benefits for the member's service; and

(b) may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

Section 406. Section **53H-15-204**, which is renumbered from Section 53B-33-203 is renumbered and amended to read:

[53B-33-203] 53H-15-204 (Effective upon governor's approval). Director -- Additional staff -- Administrative support.

(1) The commissioner shall appoint a director to manage the day-to-day operations of the

center.

(2) The director may, with the commissioner's approval, hire staff, including:

(a) data scientists;

(b) data technology experts; and

(c) data security experts.

Section 407. Section **53H-15-301** is enacted to read:

Part 3. Data Research Program

53H-15-301 (Effective upon governor's approval). General Provisions --

Definitions.

Reserved.

Section 408. Section **53H-15-302**, which is renumbered from Section 53B-33-301 is renumbered and amended to read:

[53B-33-301] 53H-15-302 (Effective upon governor's approval). Data research program.

(1) The center shall establish a data research program for the purpose of analyzing data that is:

(a) collected over time;

(b) aggregated from multiple sources; and

(c) connected and de-identified.

(2) The center may, in order to establish the data research program described in Subsection (1):

(a) acquire property or equipment in order to store aggregated, connected, and

de-identified data derived from data contributed by the participating entities; or

(b) contract with a private entity in accordance with Title 63G, Chapter 6a, Utah

Procurement Code, or with a state government entity to:

(i) store aggregated, connected, and de-identified data derived from data contributed by the participating entities; or

(ii) utilize existing aggregated, connected, and de-identified data maintained by a state government entity.

(3) A participating entity shall contribute data to the data research program described in Subsection (1) within guidelines established by the center.

(4) The center may only release data maintained by the center in accordance with the procedures described in this chapter.

(5) The center shall:

- 13984 (a) as directed by the board, serve as a repository in the state of data from institutions of
13985 higher education;
- 13986 (b) collaborate with the board and the State Board of Education to coordinate access to
13987 the unique student identifier of a public education student who later attends an
13988 institution of higher education in accordance with Sections [53B-1-109] 53H-1-207
13989 and 53E-4-308;
- 13990 (c) develop, establish, and maintain programs that promote access to data from
13991 institutions of higher education;
- 13992 (d) identify initiatives that leverage education data that will improve a state citizen's
13993 ability to:
- 13994 (i) access services at an institution of higher education; or
13995 (ii) graduate with a postsecondary certificate or degree; and
- 13996 (e) perform all other duties provided in this chapter.
- 13997 (6) The director shall identify the resources necessary to successfully implement initiatives
13998 described in Subsection (5)(d), in accordance with Section [53B-7-101] 53H-8-202.
- 13999 (7) The center may:
- 14000 (a) employ staff necessary to carry out the center's duties;
- 14001 (b) purchase, own, create, or maintain equipment necessary to:
- 14002 (i) collect data from the participating entities;
- 14003 (ii) connect and de-identify data collected by the center;
- 14004 (iii) store connected and de-identified data; or
- 14005 (iv) conduct research on data stored or obtained by the center; or
- 14006 (c) contract with a private entity, another state or federal entity, or a political subdivision
14007 of the state to carry out the center's duties as provided in this chapter.
- 14008 (8) The data research program is not subject to Title 63G, Chapter 2, Government Records
14009 Access and Management Act.
- 14010 (9)(a) The center:
- 14011 (i) shall, in connection with the office's audit of an entity, provide the office, at the
14012 office's request, with access to all records, data, and other materials in possession
14013 of the center; and
- 14014 (ii) is otherwise subject to the authority of the legislative auditor general in
14015 accordance with Utah Constitution, Article VI, Section 33, and Section 36-12-15.
- 14016 (b) The office's request for access to records, data, and other materials under Subsection
14017 (9)(a)(i) is not:

(i) a data research request under [~~Subsection 53B-33-302(3)(a) or (4)~~] Subsection 53H-15-303(3)(a) or (4); or

(ii) a request for a data set under [~~Subsection 53B-33-302(10)~~] Subsection 53H-15-303(10).

(c) The center, in complying with Subsection (9)(a)(i):

(i) shall, upon the office's request, provide the office with records, data, and other materials that are not de-identified; and

(ii) may not charge the office a fee for completing the request.

Section 409. Section **53H-15-303**, which is renumbered from Section 53B-33-302 is renumbered and amended to read:

[~~53B-33-302~~] 53H-15-303 (Effective upon governor's approval). Data research requests.

(1) The center shall use data that the center maintains or that a participating entity contributes to the data research program under Section [~~53B-33-301~~] 53H-15-302 to conduct research for the purpose of developing public policy for the state.

(2) The director, with consultation by the advisory board, shall create a prioritized list of data research for the center to conduct using the data research program each year.

(3)(a) In developing the list described in Subsection (2), the center shall accept data research requests from:

(i) a legislative committee or a legislative staff office;

(ii) the governor or an executive branch agency;

(iii) the State Board of Education; and

(iv) the board.

(b) The center shall report the list described in Subsection (2) to the Education Interim Committee before December 1 of each year.

(4) In addition to conducting data research in accordance with the prioritized list described in Subsection (2), the center may use additional resources to prepare data research at the request of:

(a) a state government entity;

(b) a political subdivision of the state;

(c) a private entity; or

(d) a member of the public.

(5) The director, with approval by the advisory board, shall determine, for a data research request described in Subsection (4):

- 14052 (a) whether the center has the resources to complete the data research request;
- 14053 (b) the order in which the center shall complete the data research request, if at all; and
- 14054 (c) a reasonable estimated cost for the request.
- 14055 (6) The center, after evaluating a request under Subsection (5), shall:
- 14056 (a) provide the person that requested the data research with a cost estimate; and
- 14057 (b) require, before accepting a data research request, that the person that submitted the
- 14058 data research request agree to pay, once the data research is complete, the full cost of
- 14059 completing the data research request as determined by the center under Subsection (5).
- 14060 (7) The center shall make available to the public, on a website maintained by the center, any
- 14061 data research request that the center completes under this section.
- 14062 (8) The center shall ensure that any data contained in a completed data research request is
- 14063 de-identified.
- 14064 (9) The center shall:
- 14065 (a) establish, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
- 14066 Rulemaking Act:
- 14067 (i) procedures for submitting a data research request under this section;
- 14068 (ii) criteria to determine how to prioritize data research requests; and
- 14069 (iii) minimum standards for information a person is required to include in a data
- 14070 research request; and
- 14071 (b) create a fee schedule in accordance with Section 63J-1-504 for completing a data
- 14072 research request.
- 14073 (10) In addition to submitting a data research request under Subsection (4), a participating
- 14074 entity, executive branch agency, or legislative staff office may request, and the center
- 14075 may release, a data set from the data research program if the data set is:
- 14076 (a) connected;
- 14077 (b) aggregated; and
- 14078 (c) de-identified.
- 14079 (11)(a) The center shall use any fee the center collects under this section to cover the
- 14080 center's costs to administer this chapter.
- 14081 (b) The center shall deposit any fee the center collects under this section not used to
- 14082 cover the center's costs into the General Fund.
- 14083 Section 410. Section **53H-15-304**, which is renumbered from Section 53B-33-303 is renumbered
- 14084 and amended to read:
- 14085 **[53B-33-303] 53H-15-304 (Effective upon governor's approval). Data**

visualization access.

(1) In addition to performing data research and responding to data research requests under Section ~~[53B-33-302]~~ 53H-15-303, the center shall create an online data visualization portal that provides access to the public to connected, aggregated, and de-identified data in the program.

(2) The data visualization portal described in Subsection (1) shall include role-based dashboards that:

(a) allow a user to query data in the program;

(b) integrate real-time data; and

(c) allow a user to view queried data in a customizable environment.

Section 411. Section **53H-15-305**, which is renumbered from Section 53B-33-304 is renumbered and amended to read:

~~[53B-33-304]~~ 53H-15-305 (Effective upon governor's approval). Reporting.

(1) The center shall report to the Education Interim Committee and Business and Labor Interim Committee:

(a) before July 1 of each year regarding the center's:

(i) research and services priorities for the year;

(ii) completed research from the previous year; and

(iii) activities and accomplishments in the previous year; and

(b) before December 1 of each year, the center's ongoing data research and services priority list described in Subsection ~~[53B-33-302(2)]~~ 53H-15-303(2).

(2) The Education Interim Committee shall provide the center ongoing input regarding the center's activities and data research priorities.

Section 412. Section **53H-16-101** is enacted to read:

CHAPTER 16. Nucleus Institute

Part 1. General Provisions

53H-16-101 (Effective upon governor's approval). General provisions --

Definitions.

Reserved.

Section 413. Section **53H-16-201**, which is renumbered from Section 53B-37-101 is renumbered and amended to read:

Part 2. Nucleus Institute

~~[53B-37-101]~~ 53H-16-201 (Effective upon governor's approval). General

provisions -- Definitions.

As used in this ~~chapter~~ part:

- (1) "Executive director" means the executive director of the institute appointed under Section ~~[53B-37-203]~~ 53H-16-304.
- (2) "Institute board" means the board of directors of the Nucleus Institute as described in Section ~~[53B-37-201]~~ 53H-16-302.
- (3) "Investment committee" means the investment committee of the Utah innovation fund created in Section ~~[53B-37-302]~~ 53H-16-403.
- (4) "Nucleus Institute" or "institute" means the Nucleus Institute created in Section ~~[53B-37-102]~~ 53H-16-202.
- (5) "Qualified business" means a business entity that:
 - (a) is established to commercialize a technology, product, or service developed in partnership with a technology commercialization program at a public institution or ~~private institution of higher education~~ private postsecondary educational institution in the state; and
 - (b) maintains the business's principal business operations in the state.
- (6) "Qualified investment" means any distribution or payment of funds to a qualified business from the Utah innovation fund, including:
 - (a) a direct investment of capital in a qualified business for the purchase of shares of stock;
 - (b) a secured loan or revolving line of credit to a qualified business; or
 - (c) a financial grant to a qualified business.
- (7) "Utah innovation fund" means a limited liability company organized under Section ~~[53B-37-301]~~ 53H-16-402.

Section 414. Section **53H-16-202**, which is renumbered from Section 53B-37-102 is renumbered and amended to read:

~~[53B-37-102]~~ 53H-16-202 (Effective upon governor's approval). Creation of Nucleus Institute -- Status and applicability of other law -- Powers and purposes.

- (1) There is created the Nucleus Institute.
- (2) The institute is:
 - (a) an independent, nonprofit, quasi-public corporation as defined in Section 63E-1-102; and
 - (b) subject to and governed by Sections 63E-2-106, 63E-2-108, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed by Title 63E, Independent

Entities Code.

- (3) The institute and the Utah innovation fund are not subject to:
- (a) Title 52, Chapter 4, Open and Public Meetings Act; or
 - (b) Title 63G, Chapter 2, Government Records Access and Management Act.
- (4) Pursuant to [~~Subsection 53B-1-402(2)(p)(i)~~] Subsection 53H-1-203(2)(p)(i), in coordination with the board and the commissioner, the institute shall promote efficiency and support of the Utah System of Higher Education on commercialization efforts as provided in this chapter.
- (5) The institute shall:
- (a) organize and administer the Utah innovation fund; and
 - (b) coordinate and support innovation districts that have a connection with higher education.
- (6) The institute may:
- (a) engage consultants and legal counsel;
 - (b) invest and expend funds;
 - (c) apply for grants;
 - (d) enter into contracts;
 - (e) insure against loss;
 - (f) receive private donations;
 - (g) hire employees;
 - (h) sue and be sued in the institute's own name; and
 - (i) perform any other act necessary to carry out the purposes of the institute.
- (7) The institute may not:
- (a) issue debt or borrow funds;
 - (b) exercise governmental functions;
 - (c) have members; or
 - (d) pledge the credit or taxing power of the state or any political subdivision of the state.

Section 415. Section **53H-16-203**, which is renumbered from Section 53B-37-103 is renumbered and amended to read:

[~~53B-37-103~~] 53H-16-203 (Effective upon governor's approval). Office facilities, clerical, and administrative support for the Nucleus Institute.

- (1) The Utah Board of Higher Education shall provide to the institute, by agreement, administrative support, office facilities, and space.
- (2) The Utah Board of Higher Education may levy reasonable charges or fees against the

institute pursuant to the agreement for the services provided by the Utah Board of Higher Education.

Section 416. Section **53H-16-301** is enacted to read:

Part 3. Nucleus Institute Governance

53H-16-301 (Effective upon governor's approval). General provisions -- Definitions.

Reserved.

Section 417. Section **53H-16-302**, which is renumbered from Section 53B-37-201 is renumbered and amended to read:

[53B-37-201] 53H-16-302 (Effective upon governor's approval). Board of directors -- Membership -- Limitations.

- (1) The institute shall be governed by a board of directors which shall manage and conduct the business and affairs of the institute.
- (2) The institute board shall consist of seven voting members as follows:
 - (a) the executive director, appointed as described in Section [53B-37-203] 53H-16-304;
 - (b) the director of the Talent Ready Utah Program, described in Section [53B-34-103] 53H-13-303; and
 - (c) five individuals with relevant experience, jointly appointed by the commissioner, the executive director, and the director of the Talent Ready Utah Program described in Section [53B-34-103] 53H-13-303.
- (3)(a) A member described in Subsection (2)(c):
 - (i) shall serve a term of two years; and
 - (ii) may serve more than one term.
- (b) The commissioner, jointly with the executive director and the director of the Talent Ready Utah Program described in Section [53B-34-103] 53H-13-303, may remove a member from the institute board.
- (c) If a vacancy occurs for a member described in Subsection (2)(c), the commissioner, jointly with the executive director and the director of the Talent Ready Utah Program described in Section [53B-34-103] 53H-13-303, shall appoint a replacement to serve the remainder of the member's term.
- (4) The executive director shall serve as the chair of the institute board.
- (5)(a) A majority of the members of the institute board constitutes a quorum of the institute board.
- (b) The action by a majority of the members of a quorum constitutes the action of the

institute board.

(6) A member of the institute board:

(a) is subject to any restrictions on conflicts of interest specified in the organizational documents of the institute;

(b) may not influence a vote by the investment committee related to a qualified investment by the Utah innovation fund, if the member has an interest in the qualified investment; and

(c) except for the executive director, may not receive compensation or benefits for the member's service.

Section 418. Section **53H-16-303**, which is renumbered from Section 53B-37-202 is renumbered and amended to read:

[53B-37-202] 53H-16-303 (Effective upon governor's approval). Institute board duties and powers.

(1) The institute board shall:

(a) manage and conduct the business and affairs of the institute and determine all questions of institute and Utah innovation fund policy;

(b) provide strategic oversight for all institute initiatives;

(c) support and guide workforce development, innovation, and policy integration across institutions and industry;

(d) consistent with this chapter, oversee the Utah innovation fund and investment committee;

(e) coordinate efforts and collaborations across innovation districts;

(f) create opportunities for students through projects and partnerships;

(g) set compensation and incentives for the executive director;

(h) advance the purposes of the Utah innovation fund as described in Section [~~53B-37-301~~] 53H-16-402; and

(i) consider investment proposals and determine whether a proposal furthers the objectives of the fund.

(2) The institute board may establish independent committees for the purpose of assisting the institute board in an advisory role.

(3) In coordination with the Governor's Office of Economic Opportunity, the institute board shall convene and facilitate discussions with industry, education, and policy makers to promote regulatory innovation.

Section 419. Section **53H-16-304**, which is renumbered from Section 53B-37-203 is renumbered

and amended to read:

[53B-37-203] 53H-16-304 (Effective upon governor's approval). Executive director appointment -- Duties and powers.

- (1) The commissioner shall appoint an executive director for the institute.
- (2) The executive director shall serve as the chair of the institute board as described in Section ~~[53B-37-202]~~ 53H-16-302.
- (3) The executive director shall:
 - (a) manage the day-to-day operations of the institute and the Utah innovation fund;
 - (b) execute the policies of the institute board;
 - (c) oversee the investment and expenditure of funds;
 - (d) oversee qualified investments made by the Utah innovation fund;
 - (e) assess reasonable fees for management of assets in the Utah innovation fund for reasonable costs of the Utah innovation fund;
 - (f) consult with the institute board regarding policies and direction of the institute;
 - (g) prepare an operating budget for the institute and submit the operating budget to the Utah Board of Higher Education for approval;
 - (h) adopt a budget submitted by the chair of the investment committee;
 - (i) establish job descriptions and, within budgetary constraints, employ staff necessary to accomplish the purposes of the institute and Utah innovation fund; and
 - (j) execute other duties as assigned by the institute board.
- (4) The executive director may:
 - (a) hire and supervise necessary staff for the institute;
 - (b) manage contracts and collaborations with consultants; and
 - (c) enter into contracts on behalf of the institute.

Section 420. Section **53H-16-401** is enacted to read:

Part 4. Utah Innovation Fund

53H-16-401 (Effective upon governor's approval). General provisions -- Definitions.

Reserved.

Section 421. Section **53H-16-402**, which is renumbered from Section 53B-37-301 is renumbered and amended to read:

[53B-37-301] 53H-16-402 (Effective upon governor's approval). Organization of Utah innovation fund -- Powers and purposes -- Use of investment proceeds.

- (1)(a) The institute shall organize, and be the sole member and manager of, the Utah

14289 innovation fund.

14290 (b) The Utah innovation fund shall be organized as a limited liability company.

14291 (c) The Utah innovation fund may:

14292 (i) engage consultants and legal counsel;

14293 (ii) invest and expend funds;

14294 (iii) use funds for operations of the Utah innovation fund;

14295 (iv) enter into contracts;

14296 (v) insure against loss;

14297 (vi) hire employees; and

14298 (vii) perform any other act necessary to carry out the purposes of the Utah innovation
14299 fund.

14300 (2) The Utah innovation fund shall, subject to investment committee approval, make
14301 qualified investments in a manner and for the following purposes:

14302 (a) to advance innovative technologies developed in Utah;

14303 (b) to strengthen Utah's economy and facilitate job creation;

14304 (c) to help qualified businesses gain access to capital;

14305 (d) to attract entrepreneurs and innovation to Utah;

14306 (e) to facilitate the commercialization of technologies discovered, advanced, or
14307 developed at [state] institutions of higher education;

14308 (f) to advance the competitiveness of Utah businesses in the global economy;

14309 (g) to ensure that the Utah innovation fund remains financially self-sustaining; and

14310 (h) to encourage other investors to invest in qualified businesses alongside the Utah
14311 innovation fund.

14312 (3) The Utah innovation fund shall hold and manage qualified investments made by the
14313 Utah innovation fund and the proceeds of those qualified investments.

14314 (4) The Utah innovation fund may charge a fee on assets under management in the Utah
14315 innovation fund to pay for reasonable and necessary costs of the Utah innovation fund,
14316 including the costs of the annual audit required under Section [53B-37-306] 53H-16-407.

14317 Section 422. Section **53H-16-403**, which is renumbered from Section 53B-37-302 is renumbered
14318 and amended to read:

14319 **[53B-37-302] 53H-16-403 (Effective upon governor's approval). Utah innovation**
14320 **fund investment committee.**

14321 (1) The Utah innovation fund shall be governed by an investment committee.

14322 (2) The investment committee shall consist of five members appointed by the institute

board.

(3)(a) A member of the investment committee:

(i) shall serve a term of two years; and

(ii) may serve more than one term.

(b) If a vacancy occurs for a member of the investment committee, the institute board shall appoint a replacement to serve the remainder of the member's term.

(c) The commissioner or the institute board may remove a member of the investment committee for cause.

(4) The institute board shall appoint a chair of the investment committee.

(5) The investment committee may appoint up to two additional nonvoting members to provide industry and technical expertise.

(6)(a) A member of the investment committee:

(i) shall have significant experience in venture capital or entrepreneurship;

(ii) is subject to any restrictions on conflicts of interest specified in the organizational documents of the institute;

(iii) may not participate in a vote by the investment committee related to a qualified investment by the Utah innovation fund if the member has an interest in the qualified investment; and

(iv) except as provided in Subsection (6)(b), may not receive compensation or benefits for the member's service.

(b) The chair of the investment committee may receive compensation or benefits for the chair's service.

(7)(a) A majority of the members of the investment committee constitutes a quorum of the investment committee.

(b) The action by a majority of the members of a quorum constitutes the action of the investment committee.

Section 423. Section **53H-16-404**, which is renumbered from Section 53B-37-303 is renumbered and amended to read:

[53B-37-303] 53H-16-404 (Effective upon governor's approval). Utah innovation fund investment committee duties.

(1) The investment committee shall:

(a) comply with guidelines and directives from the institute board;

(b) manage and conduct business affairs of the Utah innovation fund;

(c) establish policies for the management of the Utah innovation fund, including:

- 14357 (i) an investment management code of conduct and associated compliance policy;
14358 (ii) a policy for the strategic allocation of Utah innovation fund assets; and
14359 (iii) a policy articulating the investment committee's investment philosophy for Utah
14360 innovation fund assets; and
14361 (d) ensure that policies adopted by the investment committee are:
14362 (i) consistent with this chapter, the Utah Constitution, and other applicable law;
14363 (ii) consistent with sound fiduciary principles; and
14364 (iii) designed to maintain the integrity of the Utah innovation fund and prevent the
14365 misapplication of money in the Utah innovation fund.
14366 (2) The investment committee shall engage a third-party to audit the Utah innovation fund
14367 at least annually.

14368 Section 424. Section **53H-16-405**, which is renumbered from Section 53B-37-304 is renumbered
14369 and amended to read:

14370 **[53B-37-304] 53H-16-405 (Effective upon governor's approval). Utah innovation**
14371 **fund investment committee chair -- Duties.**

- 14372 (1) The institute board shall appoint and determine compensation for a chair of the
14373 investment committee.
14374 (2) The committee chair shall:
14375 (a) manage and execute the policies established by the institute board and the investment
14376 committee;
14377 (b) in consultation with the investment committee, manage qualified investments made
14378 by the Utah innovation fund;
14379 (c) annually submit to the institute:
14380 (i) a budget for the Utah innovation fund; and
14381 (ii) a financial plan for operations of the Utah innovation fund;
14382 (d) in accordance with generally accepted principles of fund accounting, establish a
14383 system to identify and account for Utah innovation fund assets;
14384 (e) maintain appropriate records of Utah innovation fund activities to enable auditors to
14385 conduct periodic audits as described in Section [53B-37-306] 53H-16-407; and
14386 (f) fulfill other duties as provided by the investment committee.

14387 Section 425. Section **53H-16-406**, which is renumbered from Section 53B-37-305 is renumbered
14388 and amended to read:

- 14389 **[53B-37-305] 53H-16-406 (Effective upon governor's approval). Annual report.**
14390 (1) On or before October 1 of each year, the institute shall publish an annual report of the

activities conducted by the Utah innovation fund and submit, in accordance with Section 68-3-14, the written report to:

- (a) the governor;
- (b) the Economic Development and Workforce Services Interim Committee; and
- (c) the Executive Appropriations Committee.

(2) The annual report shall:

- (a) be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature;
- (b) include a copy of the annual audit required under Section [53B-37-306] 53H-16-407;
- (c) describe the policies adopted by the institute board under Subsection [53B-37-303(1)(e)] 53H-16-404(1)(c);
- (d) include detailed information regarding:
 - (i) the name and location of each qualified business that received capital from the Utah innovation fund;
 - (ii) the amount of each qualified investment made by the Utah innovation fund;
 - (iii) the aggregate amount of capital provided to qualified businesses; and
 - (iv) realized gains from qualified investments and any realized losses;
- (e) include detailed information regarding the institute's yearly expenditures, including:
 - (i) administrative, operating, and financing expenses; and
 - (ii) aggregate compensation information for full-time and part-time employees, including benefit and travel expenses;
- (f) include detailed information regarding all funding sources for administrative, operating, and financing expenses, including any fees charged by the institute to the Utah innovation fund under Subsection [53B-37-203(3)(e)] 53H-16-304(3)(e); and
- (g) include an explanation of the Utah innovation fund's progress in achieving the purposes described in Subsection [53B-37-301(2)] 53H-16-402(2).

Section 426. Section **53H-16-407**, which is renumbered from Section 53B-37-306 is renumbered and amended to read:

[53B-37-306] 53H-16-407 (Effective upon governor's approval). Annual audit.

(1) Each calendar year, an audit of the activities of the Utah innovation fund shall be conducted by:

- (a) the state auditor; or
- (b) the state auditor's designee.

(2) A designee described in Subsection (1)(b) may not have a business, contractual, or other

connection to the institute or the Utah innovation fund.

(3) The annual audit shall:

(a) include a valuation of the assets owned by the Utah innovation fund as of the end of the reporting year, using market-standard techniques for assets typically held by early stage private investment and venture capital funds;

(b) include an opinion regarding the accuracy of the information provided in the annual report described in Section ~~[53B-37-305]~~ 53H-16-406; and

(c) on or before September 1, be delivered to:

(i) the institute; and

(ii) the state treasurer.

(4) The institute shall pay the costs associated with the annual audit.

Section 427. **Repealer.**

This bill repeals:

Section **53B-1-108, Board succeeds to rights and duties of predecessor board and council.**

Section **53B-2a-100.5, Title.**

Section **53B-2a-119, Technical college required to provide leave to a legislator on an authorized legislative day.**

Section **53B-3-102, State institution of higher education defined.**

Section **53B-7-501, Purpose.**

Section **53B-7-701, Title.**

Section **53B-7-805, Gifts to the endowment.**

Section **53B-8a-102, Definitions for chapter.**

Section **53B-8c-101, Title.**

Section **53B-8c-103, Tuition waivers for surviving spouses and children of police officers and firefighters killed in the line of duty -- Qualifications -- Limitations.**

Section **53B-8c-104, Notice of tuition waiver approval -- Annual appropriation.**

Section **53B-8d-101, Title.**

Section **53B-8d-103, Tuition waivers for wards of the state.**

Section **53B-8d-104, Notice of tuition waiver approval -- Annual appropriation.**

Section **53B-8e-101, Title.**

Section **53B-8e-103, Tuition waivers for Purple Heart recipients -- Qualifications -- Limitations.**

Section **53B-9-102, Enrollment on space-available basis -- Enrollment reports.**

Section **53B-9-103, Rules.**

14459 Section **53B-10-101, Terrel H. Bell Teaching Incentive Loans program -- Eligible**
14460 **students -- Cancellation of incentive loans -- Repayment by recipient who fails to meet**
14461 **requirements -- Duration of incentive loans.**

14462 Section **53B-10-201, Definitions.**

14463 Section **53B-10-203, Identification of qualifying jobs and qualifying degrees.**

14464 Section **53B-10-205, Rulemaking -- Program administration.**

14465 Section **53B-13-101, Short title of chapter.**

14466 Section **53B-13a-102, Definitions.**

14467 Section **53B-13a-104, Promise grants.**

14468 Section **53B-13a-106, Utah promise partners.**

14469 Section **53B-13b-101, Title.**

14470 Section **53B-13b-102, Definitions.**

14471 Section **53B-13b-104, Guidelines for administration of the program.**

14472 Section **53B-13c-101, Definitions.**

14473 Section **53B-16-111, In-person instruction.**

14474 Section **53B-16-207, Utah State University regional institutions -- Career and technical**
14475 **education.**

14476 Section **53B-16-208, Utah State University career and technical education advisory**
14477 **committee -- Membership -- Duties.**

14478 Section **53B-17-101.5, Definitions.**

14479 Section **53B-17-202, Use of funds -- Rehabilitation building.**

14480 Section **53B-17-302, Receipt for dead body -- Records.**

14481 Section **53B-17-303, Use of unclaimed dead bodies for promotion of science.**

14482 Section **53B-17-304, Failure to comply with chapter is a misdemeanor.**

14483 Section **53B-17-402, Utah Engineering Experiment Station.**

14484 Section **53B-17-403, Functions of the station.**

14485 Section **53B-17-501, Research park authorized.**

14486 Section **53B-17-502, Definitions.**

14487 Section **53B-17-503, Administration through nonprofit corporations or foundations --**
14488 **Control -- Authority of corporations or foundations -- Personnel considered employees of**
14489 **university.**

14490 Section **53B-17-505, City to provide services and facilities to research park -- Fees and**
14491 **charges -- Disallowance of special improvement district or special taxes.**

14492 Section **53B-17-506, Agreements with Department of Transportation regarding research**

14493 **park roads.**

14494 Section **53B-17-601, Utah Museum of Natural History -- Traveling exhibits and**
14495 **Outreach Programs.**

14496 Section **53B-17-602, Acceptance of gifts.**

14497 Section **53B-17-702, Acceptance of gifts.**

14498 Section **53B-17-901, Admissions -- Increase authorized.**

14499 Section **53B-17-903, Education in pain treatment.**

14500 Section **53B-17-904, Agreement for out-of-state students.**

14501 Section **53B-17-1101, Definitions.**

14502 Section **53B-17-1201, Definitions.**

14503 Section **53B-17-1203, SafeUT and School Safety Commission established -- Members.**

14504 Section **53B-17-1204, SafeUT and School Safety Commission duties -- LEA governing**
14505 **board duties -- Fees.**

14506 Section **53B-17-1301, Definitions.**

14507 Section **53B-17-1401, Definitions.**

14508 Section **53B-18-101, Agricultural experiment station.**

14509 Section **53B-18-102, Purchases of land -- Equipment -- Personnel.**

14510 Section **53B-18-103, Cooperative agreements.**

14511 Section **53B-18-105, Climate center.**

14512 Section **53B-18-201, Agricultural extension service.**

14513 Section **53B-18-202, Cooperative contracts for expenses.**

14514 Section **53B-18-203, Federal aid for experiment station.**

14515 Section **53B-18-205, State guarantee of federal funds.**

14516 Section **53B-18-206, Treasurer to receive appropriations.**

14517 Section **53B-18-301, Regional campuses -- Administration -- Location.**

14518 Section **53B-18-302, Courses offered at regional campuses.**

14519 Section **53B-18-401, Control and supervision.**

14520 Section **53B-18-601, Program creation -- Location.**

14521 Section **53B-18-1001, Definitions.**

14522 Section **53B-18-1202, Utah State University Blanding -- Establishment -- Regional**
14523 **advisory council.**

14524 Section **53B-18-1601, Definitions.**

14525 Section **53B-18-1701, Definitions.**

14526 Section **53B-18-1703, Duties of Food Security Council -- Reporting.**

14527 Section **53B-18-1901, Definitions.**

14528 Section **53B-19-102, Establishment of state arboreta at University of Utah and Utah State**

14529 **University.**

14530 Section **53B-19-103, Acceptance of gifts by University of Utah and Utah State**

14531 **University.**

14532 Section **53B-22-103, Weber State University revenue bonds -- Student services building.**

14533 Section **53B-22-104, Southern Utah University revenue bonds -- Student housing and**

14534 **student center addition.**

14535 Section **53B-22-105, Utah Tech University revenue bonds -- Student center building.**

14536 Section **53B-22-106, Utah Valley University revenue bonds -- Student center addition.**

14537 Section **53B-22-107, Salt Lake Community College revenue bonds --**

14538 **Classroom/physical education facility.**

14539 Section **53B-22-109, Salt Lake Community College revenue bonds -- Science/major**

14540 **industry building.**

14541 Section **53B-22-111, Southern Utah University revenue bonds -- Stadium expansion.**

14542 Section **53B-22-112, University of Utah revenue bonds -- Biology research building.**

14543 Section **53B-22-113, University of Utah revenue bonds -- Robert L. Rice Stadium**

14544 **renovation and expansion.**

14545 Section **53B-22-114, Utah State University Eastern revenue bonds -- Student center.**

14546 Section **53B-23-101, Title.**

14547 Section **53B-25-101, Title.**

14548 Section **53B-27-101, Title.**

14549 Section **53B-27-102, Definitions.**

14550 Section **53B-27-201, Title.**

14551 Section **53B-28-101, Title.**

14552 Section **53B-28-102, Definitions.**

14553 Section **53B-29-101, Title.**

14554 Section **53B-29-201, Definitions.**

14555 Section **53B-29-301, Definitions.**

14556 Section **53B-30-101, Title.**

14557 Section **53B-30-201, Title.**

14558 Section **53B-31-101, Title.**

14559 Section **53B-32-101, Title.**

14560 Section **53B-35-201, Higher Education and Corrections Council.**

14561 Section **53B-35-202, Council duties -- Reporting.**
14562 Section **53B-35-301, Higher education student advisors.**
14563 Section **53B-38-101, Title.**
14564 Section 428. **Effective Date.**
14565 This bill takes effect:
14566 (1) except as provided in Subsection (2), December 6, 2025; or
14567 (2) if approved by two-thirds of all members elected to each house:
14568 (a) upon approval by the governor;
14569 (b) without the governor's signature, the day following the constitutional time limit of
14570 Utah Constitution, Article VII, Section 8; or
14571 (c) in the case of a veto, the date of veto override.