

HIGHER EDUCATION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Karen M. Peterson

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2025:

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

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

appropriation:

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

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

- 35A-13-603**, as last amended by Laws of Utah 2020, Chapter 365
- 36-28-102**, as last amended by Laws of Utah 2021, Chapter 78
- 49-12-204**, as last amended by Laws of Utah 2020, Chapters 24, 365
- 49-13-204**, as last amended by Laws of Utah 2020, Chapters 24, 365
- 49-22-204**, as last amended by Laws of Utah 2022, Chapter 171
- 51-8-303**, as last amended by Laws of Utah 2020, Chapter 365
- 53B-1-110**, as enacted by Laws of Utah 2007, Chapter 248
- 53B-1-112**, as last amended by Laws of Utah 2021, Chapter 187
- 53B-1-401**, as last amended by Laws of Utah 2023, Chapter 254
- 53B-1-402**, as last amended by Laws of Utah 2023, Chapter 254
- 53B-1-408**, as last amended by Laws of Utah 2023, Chapter 254
- 53B-2a-107**, as last amended by Laws of Utah 2021, Chapter 187
- 53B-2a-117**, as last amended by Laws of Utah 2022, Chapter 421
- 53B-3-103**, as last amended by Laws of Utah 2021, First Special Session, Chapter 7
- 53B-3-104**, as enacted by Laws of Utah 1987, Chapter 167
- 53B-3-105**, as enacted by Laws of Utah 1987, Chapter 167
- 53B-6-105**, as last amended by Laws of Utah 2021, Chapter 187
- 53B-6-105.9**, as last amended by Laws of Utah 2020, Chapter 365
- 53B-7-702**, as last amended by Laws of Utah 2021, Chapters 282, 351 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 187
- 53B-7-705**, as last amended by Laws of Utah 2023, Chapter 254

- 95 **53B-7-706**, as last amended by Laws of Utah 2023, Chapter 254
96 **53B-8-102**, as last amended by Laws of Utah 2023, Chapters 44, 50
97 **53B-8-201**, as last amended by Laws of Utah 2022, Chapter 370
98 **53B-8a-105**, as last amended by Laws of Utah 2023, Chapter 374
99 **53B-13-103**, as enacted by Laws of Utah 1987, Chapter 167
100 **53B-16-102**, as last amended by Laws of Utah 2023, Chapter 254
101 **53B-17-1203**, as last amended by Laws of Utah 2023, Chapter 328
102 **53B-22-102**, as last amended by Laws of Utah 1995, Chapter 332
103 **53B-22-103**, as enacted by Laws of Utah 1991, Chapter 32
104 **53B-22-104**, as last amended by Laws of Utah 1992, Chapter 177
105 **53B-22-105**, as enacted by Laws of Utah 1991, Chapter 32
106 **53B-22-106**, as last amended by Laws of Utah 2000, Chapter 143
107 **53B-22-107**, as enacted by Laws of Utah 1991, Chapter 32
108 **53B-22-109**, as last amended by Laws of Utah 1994, Chapter 209
109 **53B-22-111**, as enacted by Laws of Utah 1994, Chapter 209
110 **53B-22-112**, as enacted by Laws of Utah 1995, Chapter 332
111 **53B-22-113**, as enacted by Laws of Utah 1995, Chapter 332
112 **53B-22-114**, as enacted by Laws of Utah 1995, Chapter 332
113 **53B-22-204**, as last amended by Laws of Utah 2022, Chapter 421
114 **53B-23-106**, as last amended by Laws of Utah 2020, Chapter 365
115 **53B-27-405**, as enacted by Laws of Utah 2021, Chapter 364
116 **53B-28-401**, as last amended by Laws of Utah 2021, Chapter 332
117 **53B-28-502**, as enacted by Laws of Utah 2022, Chapter 461
118 **53B-33-202**, as last amended by Laws of Utah 2023, Chapter 84
119 **53E-3-505**, as last amended by Laws of Utah 2020, Chapters 365, 408
120 **63G-6a-202**, as last amended by Laws of Utah 2023, Chapter 16
121 ENACTS:
122 **53B-1-116**, Utah Code Annotated 1953
123 **53B-1-117**, Utah Code Annotated 1953
124 **53B-2-114**, Utah Code Annotated 1953
125 **53B-34-110**, Utah Code Annotated 1953
126 REPEALS AND REENACTS:
127 **53B-2-106**, as last amended by Laws of Utah 2021, Chapter 187
128 **53B-7-703**, as last amended by Laws of Utah 2022, Chapter 456

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

130 REPEALS:

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

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

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

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

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

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

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

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

139

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

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

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

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

145 (a) a designee of the assistant director;

146 (b) a designee of the Utah Board of Higher Education, whom the commissioner of
147 higher education selects under the direction of the Utah Board of Higher Education;

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

149 (d) four professional interpreters, [~~recommended by~~]the assistant director recommends;
150 and

151 (e) four individuals who are deaf or hard of hearing, [~~recommended by~~]the assistant
152 director recommends.

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

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

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

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

161 (c) If a vacancy occurs on the board for a reason other than the expiration of a term, the
162 director shall appoint a replacement for the remainder of the term in accordance with

Subsections (1) and (2).

- (4) The director may remove a board member for cause, which may include misconduct, incompetence, or neglect of duty.
- (5) The board shall annually elect a chair and vice chair from among its members.
- (6) The board shall meet as often as necessary to accomplish the purposes of this part, but not less than quarterly.
- (7) A member of the board may not receive compensation or benefits for the member's service, but may receive travel expenses in accordance with:
- (a) Section 63A-3-107; and
- (b) rules made by the Division of Finance in accordance with Section 63A-3-107.

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

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

- (1) There is created the Veterans and Military Affairs Commission.
- (2) The commission membership is composed of 19 permanent members, but may not exceed 24 members, and is as follows:
- (a) five legislative members to be appointed as follows:
- (i) three members from the House of Representatives, ~~[appointed by]~~ whom the speaker of the House of Representatives appoints, no more than two of whom may be from the same political party; and
- (ii) two members from the Senate, ~~[appointed by]~~ whom the president of the Senate appoints, no more than one of whom may be from the same political party;
- (b) the executive director of the Department of Veterans and Military Affairs or the director's designee;
- (c) the chair of the Utah Veterans Advisory Council;
- (d) the executive director of the Department of Workforce Services or the director's designee;
- (e) the executive director of the Department of Health and Human Services or the director's designee;
- ~~[(f) the executive director of the Department of Human Services or the director's designee;]~~
- ~~[(g)]~~ (f) the adjutant general of the Utah National Guard or the adjutant general's designee;
- ~~[(h)]~~ (g) the Guard and Reserve Transition Assistance Advisor;

[~~(f)~~] (h) a [~~member~~] designee of the Utah Board of Higher Education[~~or that member's~~
designee] , whom the commissioner of higher education selects, under the direction of
the board;

[~~(f)~~] (i) three representatives of veteran service organizations [~~recommended by~~] whom
the Veterans Advisory Council recommends and[~~confirmed by~~] the commission
confirms;

[~~(k)~~] (j) one member of the Executive Committee of the Utah Defense Alliance;

[~~(h)~~] (k) one military affairs representative from a chamber of commerce member,[
~~appointed by~~] the Utah State Chamber of Commerce appoints; and

[~~(m)~~] (l) a representative from the Veterans Health Administration.

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

(a) state or local government agencies;

(b) interest groups concerned with veterans issues; or

(c) the general public.

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

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

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

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

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

(8) 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.

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

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

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

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

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

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

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

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

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

(i) this system; or

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

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

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

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

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

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

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

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

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

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

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

(i) this system; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

private system, organization, or company, designated as described in Subsection (1)(c) ~~[or (d)]~~, shall, not later than January 1, 1979, elect to participate exclusively in this system or in an annuity contract allowed under this Subsection (1).

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

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

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

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

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

(i) this system; or

(ii) a public or private system, organization, or company designated by ~~[: (A) except as provided under Subsection (2)(b)(ii)(B),]~~ the Utah Board of Higher Education ~~[: or] _~~

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

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

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

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

(3) A regular full-time employee hired by an institution of higher education on or after July

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

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

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

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

- (a) shall be made in accordance with this section; and
- (b) is subject to requirements under federal law and rules made by the board.

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

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

(1) The Utah Board of Higher Education shall:

- (a) establish asset allocations for the institutional funds;
- (b) in consultation with the commissioner of higher education, establish guidelines for investing the funds; and
- (c) establish a written policy governing conflicts of interest.

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

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

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

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

- 435 (ii) a conflict of interest policy.
- 436 (b) The investment policy shall:
- 437 (i) define the groups, and the responsibilities of those groups, that must be involved
- 438 with investing the institutional funds;
- 439 (ii) ensure that the groups defined under Subsection (3)(b)(i) at least include the
- 440 board of trustees, an investment committee, institutional staff, and a custodian
- 441 bank;
- 442 (iii) create an investment committee that includes not more than two members of the
- 443 board of trustees and no less than two independent investment management
- 444 professionals;
- 445 (iv) determine an appropriate risk level for the institutional funds;
- 446 (v) establish allocation ranges for asset classes considered suitable for the
- 447 institutional funds;
- 448 (vi) determine prudent diversification of the institutional funds; and
- 449 (vii) establish performance objectives and a regular review process.

450 ~~[(e) Each higher education institution that adopts an investment policy, a conflict of~~

451 ~~interest policy, or both, shall submit the policy, and any subsequent amendments, to~~

452 ~~the Utah Board of Higher Education for approval.]~~

- 453 (4) Each higher education institution shall make monthly reports detailing the deposit and
- 454 investment of funds in the institution's custody or control to:
- 455 (a) the institution of higher education board of trustees; and
- 456 (b) the Utah Board of Higher Education.
- 457 (5) The state auditor may conduct or cause to be conducted an annual audit of the
- 458 investment program of each higher education institution.
- 459 (6) The Utah Board of Higher Education shall submit an annual report to the governor and
- 460 the Legislature summarizing all investments by higher education institutions under its
- 461 jurisdiction.

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

463 **53B-1-110 . Criminal background checks of prospective and existing employees**

464 **of higher education institutions -- Institutions to adopt policy.**

- 465 (1) As used in this section:

- 466 (a) "Institution" means an institution listed in Section 53B-1-102.
- 467 (b) "Minor" means a person younger than 21 years [of age] old.

- 468 (2) [The board] An institution shall adopt a policy providing for criminal background checks

469 of:

470 (a) prospective employees of institutions; and

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

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

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

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

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

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

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

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

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

489 (a) be fingerprinted; and

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

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

492 (ii) the Federal Bureau of Investigation.

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

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

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

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

501 (c) Information received by the Utah Bureau of Criminal Identification from entities
502 other than agencies or political subdivisions of the state may not be released to a

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

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

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

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

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

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

53B-1-112 . 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) "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) (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) "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) "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) "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 board or the board's designee]~~ 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 9. Section **53B-1-116** is enacted to read:

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

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

(2) An institution shall adopt policies providing at least three work days of paid bereavement leave for an employee following the end of the employee's pregnancy by 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 78B-6-103, of a child born as a result of the pregnancy; or

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

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

53B-1-117 . 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;

(4) an institution board of trustees; or

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

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

53B-1-401 . Definitions.

As used in this part:

(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.

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

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

53B-1-402 . 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;

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

(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;

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

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

- (iii) information technology services; and
- (iv) human resources, payroll, and benefits administration;
- (q) develop strategies for providing higher education, including career and technical education, in rural areas;
- (r) manage and facilitate a process for initiating, prioritizing, and implementing education reform initiatives, beginning with common applications and direct admissions;
- (s) provide ongoing quality review of programs ; and
- (t) before each annual legislative general session, provide to the Higher Education Appropriations Subcommittee a prioritization of all projects and proposals for which the board or an institution of higher education seeks an appropriation.

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

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

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

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

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

(6) The board may not take action relating to merging a technical college with another

institution of higher education without legislative approval.

(7) This section does not affect the power and authority vested in the State Board of Education to apply for, accept, and manage federal appropriations for the establishment 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 for the following fiscal year; and

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

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

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

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

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

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

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

~~[(iii) 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 78B-6-103, of a~~

~~child born as a result of the pregnancy; or]~~

~~[(iv) under a valid gestational agreement in accordance with Title 78B, Chapter 15, Part 8,~~

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

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

53B-1-408 . 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:
- (i) set the salary of the commissioner;
 - (ii) subject to Subsection (3), prescribe the duties and functions of the commissioner; and
 - (iii) select a commissioner on the basis of outstanding professional qualifications.
- (2) (a) The commissioner may appoint associate commissioners.
- (b) An associate commissioner described in Subsection (2)(a) is not subject to the approval of the board.
- (3) The commissioner is responsible to the board to:
- (a) ensure the proper execution of the policies, programs, and strategic plan of the board;
 - (b) furnish information about the Utah [~~system of higher education~~] System of Higher Education and make recommendations regarding that information to the board;
 - (c) provide state-level leadership in any activity affecting an institution of higher education;
 - (d) in consultation with the board's executive committee and in accordance with Subsection 53B-1-402(2), evaluate and provide support and guidance to an institution of higher education president; and
 - (e) perform other duties the board assigns in carrying out the board's duties and responsibilities.
- (4) The commissioner is responsible to the governor to:
- (a) inform the governor about the board's strategic plan and progress on accomplishing the strategic plan;
 - (b) inform the governor of significant issues impacting the Utah System of Higher

Education; and

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

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

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

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

(1) As used in this section:

(a) "Institution" means:

(i) a degree-granting institution; or

(ii) a technical college.

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

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

(3) A president may:

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

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

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

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

(i) policies governing personnel;

(ii) furloughs;

(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, 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; 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) 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 instructions;
 - (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) the 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 system of tenure; and
 - (c) may authorize the faculty to determine the general initiation and direction of instruction and of the examination, admission, and classification of students.
- (7) A president may establish policies for the administration and operation of the institution that:
- (a) are consistent with the institution's role that the board establishes, rules which the

board enacts, and the laws of the state; and

(b) may provide for:

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

(ii) student government and student affairs organizations;

(iii) the establishment of institutional standards in furtherance of the ideals of higher education to which the institution and the institution's administration, faculty, and students subscribe and foster; and

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

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

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

(10) The board shall establish guidelines relating to the roles and relationships between presidents and boards of trustees, including those matters for which law requires the approval of a board of trustees before implementation by the president.

(11) (a) A president is subject to regular review and evaluation that the board administers, in consultation with the institution's board of trustees, through a process the board approves.

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

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

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

(1) Recognizing the status of 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 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;

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

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

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

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

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

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

53B-2a-117 . 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.

(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, 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;

(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 Infrastructure and General Government 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).

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

(8)(a).

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

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

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

~~[(1)]~~ (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.

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

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

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

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

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

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

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

~~[(iii) 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 its use; and]~~

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

1047 ~~[(e)]~~ (b) (i) The board and an institution may not require proof of vaccination as a
1048 condition for enrollment or attendance within the system of higher education
1049 unless the board or an institution allows for the following exemptions:

1050 (A) a medical exemption if the student provides to the institution a statement that
1051 the claimed exemption is for a medical reason; and

1052 (B) a personal exemption if the student provides to the institution a statement that
1053 the claimed exemption is for a personal or religious belief.

1054 (ii) An institution that offers both remote and in-person learning options may not
1055 deny a student who is exempt from a requirement to receive a vaccine under
1056 Subsection ~~[(2)(e)(i)]~~ (2)(b)(i) to participate in an in-person learning option based
1057 upon the student's vaccination status.

1058 (iii) Subsections ~~[(2)(e)(i)]~~ (2)(b)(i) and (ii) do not apply to a student studying in a
1059 medical setting at an institution of higher education.

1060 (iv) Nothing in this section restricts a state or local health department from acting
1061 under applicable law to contain the spread of an infectious disease.

1062 ~~[(d)]~~ (c) (i) For purposes of this Subsection ~~[(2)(d)]~~ (2)(c), "face covering" means the
1063 same as that term is defined in Section 53G-9-210.

1064 (ii) The board or an institution may not require an individual to wear a face covering
1065 as a condition of attendance for in-person instruction, institution-sponsored
1066 athletics, institution-sponsored extracurricular activities, in dormitories, or in any
1067 other place on a campus of an institution within the system of higher education at
1068 any time after the end of the spring semester in 2021.

1069 (iii) Subsection ~~[(2)(d)(ii)]~~ (2)(c)(ii) does not apply to an individual in a medical
1070 setting at an institution of higher education.

1071 ~~[(3)]~~ (4) The board shall enact regulations that require all testimony be given under oath
1072 during an employee grievance hearing for a non-faculty employee of an institution of
1073 higher education if the grievance hearing relates to the non-faculty employee's:

1074 (a) demotion; or

1075 (b) termination.

1076 (5) Acknowledging that the Legislature has the authority to regulate, by law, firearms at
1077 higher education institutions, the board may:

1078 (a) authorize higher education institutions to establish no more than one secure area at
1079 each institution as a hearing room in accordance with Section 76-8-311.1, but not
1080 otherwise restrict the lawful possession or carrying of firearms; and

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

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

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

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

(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.

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

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

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

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

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

(2) ~~[The board]~~ 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 20. Section **53B-3-105** is amended to read:

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

- (1) As used in this section, "institution" means an institution listed in Section 53B-1-102.
- (2) ~~[Members]~~ An institution shall appoint members of the police or security department of [~~any college or university are appointed by the board~~] the institution.
- ~~[(3)]~~ (3) Upon appointment, ~~[they]~~ members described in Subsection (2) are peace officers and have all the powers ~~[possessed by policemen]~~ of police in cities and ~~[by]~~ of sheriffs, including the power to make arrests on view or on warrant of violation of state statutes and city or county ordinances.
- ~~[(3)]~~ (4) Members of the police or security department of any ~~[college or university]~~ institution also have the power to enforce all rules and regulations ~~[promulgated by]~~ that the institution or the board promulgates as related to the institution.

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

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

- (1) (a) (i) The commissioner of higher education, under the direction of the board shall develop, establish, and maintain an Engineering and Computer Science Initiative within the state system of higher education to increase the number of graduates in engineering, computer science, and related technology.
- (ii) 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, providing the criteria for those fields of study that qualify as "related technology" under this section and Section 53B-6-105.9.
- (b) The initiative shall include components that:
- (i) improve the quality of instructional programs in engineering, computer science, and related technology by providing supplemental money for equipment purchases; and
- (ii) provide incentives to institutions to hire and retain faculty under Section 53B-6-105.9.
- (2) The increase in program capacity under Subsection (1)(a) shall include funding for new and renovated capital facilities and funding for new engineering and computer science programs.
- (3) The Legislature shall provide an annual appropriation to the board to fund the initiative.

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

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

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

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

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

1169 As used in this part:

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

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

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

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

53B-7-705 . 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) (a) Before January 1, 2024, the Legislature shall annually allocate:]~~

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

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

~~[(b) After January 1, 2024, the]~~

(2) The Legislature shall annually allocate:

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

~~[(ii)]~~ (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:

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

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

(b) In determining a degree-granting institution's full new performance funding amount,

1285 the Legislature shall give equal weight to the factors described in Subsections
1286 (3)(a)(i) and (ii).

1287 (4) (a) The Legislature shall determine a technical college's full new performance
1288 funding amount based on the technical college's prior year share of:
1289 [(i) (A) before January 1, 2024, membership hours for all technical colleges; and]
1290 [(B) after January 1, 2024,]
1291 (i) full-time equivalent enrollment for all technical colleges; and
1292 (ii) the total state-funded appropriated budget for all technical colleges.

1293 (b) In determining a technical college's full new performance funding amount, the
1294 Legislature shall give equal weight to the factors described in Subsections (4)(a)(i)
1295 and (ii).

1296 (5) Annually, at least 30 days before the first day of the legislative general session the board
1297 shall submit a report to the Higher Education Appropriations Subcommittee on each
1298 degree-granting institution's and each technical college's performance.

1299 (6) (a) In accordance with this Subsection (6), and based on the report described in
1300 Subsection (5), the Legislature shall determine for each degree-granting institution
1301 and each technical college:
1302 (i) the portion of the full new performance funding amount earned; and
1303 (ii) the amount of new performance funding to recommend that the Legislature
1304 appropriate, from the account, to the degree-granting institution or technical
1305 college.

1306 [(b) (i) This Subsection (6)(b) applies before January 1, 2024.]
1307 [(ii) A degree-granting institution earns the full new performance funding amount if the
1308 degree-granting institution has a positive change in performance of at least 1%
1309 compared to the degree-granting institution's average performance over the previous
1310 five years.]
1311 [(iii) A technical college earns the full new performance funding amount if the technical
1312 college has a positive change in the technical college's performance of at least 5%
1313 compared to the technical college's average performance over the previous five years.]

1314 [(e)] (b) [After January 1, 2024, a] A degree-granting institution or technical college earns
1315 the full new performance funding amount if the degree-granting institution or
1316 technical college meets the annual performance goals the board sets under Subsection
1317 53B-7-706(1)(a)(ii).

1318 [(d) Before January 1, 2024, a degree-granting institution or technical college that has a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- determining a degree-granting institution's or technical college's performance.
- (ii) ~~[Beginning in May 2021, the]~~ The board shall:
- (A) set a five-year goal for the Utah System of Higher Education for each metric described in Subsection ~~[(2)(a)(ii)]~~ (2)(a);
- (B) adopt five-year goals for each degree-granting institution and technical college that align with each goal described in Subsection (1)(a)(ii)(A)~~[-and]~~ ;
- (C) ensure the goals the board adopts for each degree-granting institution and technical college described in Subsection (1)(a)(ii)(B) are sufficiently rigorous to meet the goals described in Subsection (1)(a)(ii)(A); and
- (b) (i) The board shall submit a draft of the model described in this section to the Higher Education Appropriations Subcommittee and the governor for comments and recommendations.
- (ii) ~~[Beginning in 2021, and every]~~ Every five years~~[-thereafter]~~, the board shall:
- (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) ~~[Beginning in 2021, and every]~~ Every five years~~[-thereafter]~~, 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) ~~[(i) The model described in Subsection (1)(a)(i)(A) shall include metrics, including:]~~
- ~~[(A) completion, measured by degrees and certificates awarded;]~~
- ~~[(B) completion by underserved students, measured by degrees and certificates awarded to underserved students;]~~
- ~~[(C) responsiveness to workforce needs, measured by degrees and certificates awarded in high market demand fields;]~~
- ~~[(D) institutional efficiency, measured by degrees and certificates awarded per full-time equivalent student; and]~~
- ~~[(E) for a research university, research, measured by total research expenditures. (ii)]~~

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

- (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 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) to each degree-granting institution and each technical college 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 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 28. Section **53B-8-102** is amended to read:
- 53B-8-102 . Definitions -- Resident student status -- Exceptions.**
- (1) As used in this section:
- (a) "Eligible person" means an individual who is entitled to post-secondary educational benefits under Title 38 U.S.C., Veterans' Benefits.
- (b) "Immediate family member" means an individual's spouse or dependent child.
- (c) "Military service member" means an individual who:
- (i) is serving on active duty in the United States Armed Forces within the state of Utah;
- (ii) is a member of a reserve component of the United States Armed Forces assigned in Utah;
- (iii) is a member of the Utah National Guard; or
- (iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned outside of Utah pursuant to federal permanent change of station orders.
- (d) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.

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

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

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

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

1591 entitled to resident student status.

1592 (11) A Job Corps student is entitled to resident student status if the student:

1593 (a) is admitted as a full-time, part-time, or summer school student in a program of study
1594 leading to a degree or certificate; and

1595 (b) submits verification that the student is a current Job Corps student.

1596 (12) A person is entitled to resident student status and may immediately apply for resident
1597 student status if the person:

1598 (a) marries a Utah resident eligible to be a resident student under this section; and

1599 (b) establishes his or her domicile in Utah as demonstrated by objective evidence as
1600 provided in Subsection (3).

1601 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent
1602 who has been domiciled in Utah for at least 12 months prior to the student's application
1603 is entitled to resident student status.

1604 (14) (a) A person who has established domicile in Utah for full-time permanent
1605 employment may rebut the presumption of a nonresident classification by providing
1606 substantial evidence that the reason for the individual's move to Utah was, in good
1607 faith, based on an employer requested transfer to Utah, recruitment by a Utah
1608 employer, or a comparable work-related move for full-time permanent employment
1609 in Utah.

1610 (b) All relevant evidence concerning the motivation for the move shall be considered,
1611 including:

1612 (i) the person's employment and educational history;

1613 (ii) the dates when Utah employment was first considered, offered, and accepted;

1614 (iii) when the person moved to Utah;

1615 (iv) the dates when the person applied for admission, was admitted, and was enrolled
1616 as a postsecondary student;

1617 (v) whether the person applied for admission to an institution of higher education
1618 sooner than four months from the date of moving to Utah;

1619 (vi) evidence that the person is an independent person who is:

1620 (A) at least 24 years old; or

1621 (B) not claimed as a dependent on someone else's tax returns; and

1622 (vii) any other factors related to abandonment of a former domicile and establishment
1623 of a new domicile in Utah for purposes other than to attend an institution of higher
1624 education.

- (15) (a) A person who is in residence in Utah to participate in a United States Olympic athlete training program, at a facility in Utah, approved by the governing body for the athlete's Olympic sport, shall be entitled to resident status for tuition purposes.
- (b) Upon the termination of the athlete's participation in the training program, the athlete shall be subject to the same residency standards applicable to other persons under this section.
- (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah counts for Utah residency for tuition purposes upon termination of the athlete's participation in a Utah Olympic athlete training program.
- (16) (a) A person who has established domicile in Utah for reasons related to divorce, the death of a spouse, or long-term health care responsibilities for an immediate family member, including the person's spouse, parent, sibling, or child, may rebut the presumption of a nonresident classification by providing substantial evidence that the 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

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

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

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

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

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

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

1675

Part 2. Opportunity Scholarship Program

53B-8-201 . Opportunity Scholarship Program.

1676
 1677 (1) As used in this section:

1678 (a) "Eligible institution" means:

- 1679 (i) a degree-granting institution of higher education within the state system of higher
 1680 education; or
- 1681 (ii) a private, nonprofit college or university in the state that is accredited by the
 1682 Northwest Commission on Colleges and Universities.

1683 (b) "Eligible student" means a student who:

- 1684 (i) applies to the board in accordance with the rules described in Subsection (5);
- 1685 (ii) is enrolled in an eligible institution; and
- 1686 (iii) meets the criteria established by the board in rules described in Subsection (5).

1687 (c) "Fee" means:

- 1688 (i) for an eligible institution that is a degree-granting institution, a fee approved by
 1689 the board; or
- 1690 (ii) for an eligible institution that is a technical college, a fee approved by the eligible
 1691 institution.

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

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

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

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

(ii) money available for the program.

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

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

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

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

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

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

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

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

(4) The board may:

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

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

- 1726 Opportunity scholarship; and
- 1727 (c) require an eligible institution to enter into a written agreement with the board in
- 1728 which the eligible institution agrees to provide the board with access to information
- 1729 and data necessary for the purposes of the program.
- 1730 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1731 board shall make rules that establish:
- 1732 (a) requirements related to an eligible institution's administration of Opportunity
- 1733 scholarships;
- 1734 (b) a process for a student to apply to the board to determine the student's eligibility for
- 1735 an Opportunity scholarship;
- 1736 (c) criteria to determine a student's eligibility for an Opportunity scholarship, including:
- 1737 (i) minimum secondary education academic performance standards; and
- 1738 (ii) the completion of a Free Application for Federal Student Aid or a process
- 1739 approved by the board in lieu of the Free Application for Federal Student Aid;
- 1740 (d) a requirement for each eligible institution to annually report to the board on all
- 1741 Opportunity scholarships awarded by the eligible institution; and
- 1742 (e) a process for a student to apply to the board for an Opportunity scholarship who
- 1743 would have likely received the scholarship but for an irreconcilable error in the
- 1744 application process described in Subsection (5)(b).
- 1745 (6) The board shall annually report on the program to the Higher Education Appropriations
- 1746 Subcommittee.
- 1747 (7) The State Board of Education, a school district, or a public high school shall cooperate
- 1748 with the board and eligible institutions to facilitate the program, including by
- 1749 exchanging relevant data where allowed by law.
- 1750 Section 30. Section **53B-8a-105** is amended to read:
- 1751 **53B-8a-105 . Powers and duties of board.**
- 1752 (1) There is created the Utah Education Savings Board of Trustees.
- 1753 (2) The Utah Board of Higher Education shall:
- 1754 (a) appoint the members of the board as follows:
- 1755 (i) not more than three members from the Utah Board of Higher Education; and
- 1756 (ii) at least four public members, each of whom possesses skills in one or more of the
- 1757 following:
- 1758 (A) investments;
- 1759 (B) accounting;

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

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

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

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

1846 **53B-16-102 . Changes in curriculum -- Substantial alterations in institutional**
1847 **operations -- Program approval -- Periodic review of programs -- Career and**
1848 **technical education curriculum changes.**

1849 (1) As used in this section:

- 1850 (a) "Institution of higher education" means an institution described in Section 53B-1-102.
1851 (b) "Program of instruction" means a program of curriculum that leads to the completion
1852 of a degree, diploma, certificate, or other credential.

1853 (2) (a) Under procedures and policies approved by the board and developed in
1854 consultation with each institution of higher education, each institution of higher
1855 education may make such changes in the institution of higher education's curriculum
1856 as necessary to better effectuate the institution of higher education's primary role[-] ;

1857 and

1858 (b) subject to Subsection (2)(a), an institution of higher education's faculty shall
1859 establish and have primary responsibility for the curriculum of a course within a
1860 program of instruction at the institution.

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

1862 approve a new program of instruction, including criteria related to whether:

1863 (a) the program of instruction meets identified workforce needs;

1864 (b) the institution of higher education is maximizing collaboration with other institutions
1865 of higher education to provide for efficiency in offering the program of instruction;

1866 (c) the new program of instruction is within the institution of higher education's mission
1867 and role; and

1868 (d) the new program of instruction meets other criteria determined by the board.

1869 (4) (a) Except as [~~provided in Subsection (4)(b), without the approval of the board]~~ board
1870 policy permits, an institution of higher education may not~~[(i)]~~ establish a branch,
1871 extension center, college, or professional school~~[; or]~~ .

1872 [~~(ii) establish a new program of instruction.~~]

1873 (b) [~~An~~] The president of an institution of higher education may, with the approval of the
1874 institution of higher education's board of trustees, establish a new program of
1875 instruction that meets the criteria described in Subsection (3), subject to board review
1876 for pathway articulation.

1877 (5) (a) An institution of higher education shall notify the board of a proposed new
1878 program of instruction, including how the proposed new program of instruction
1879 meets the criteria described in Subsection (3).

1880 (b) The board shall establish procedures and guidelines for institutional boards of
1881 trustees to consider an institutional proposal for a new program of instruction
1882 described in Subsection (4)(b).

1883 (6) The president of an institution of higher education may discontinue a program of
1884 instruction in accordance with criteria that the president and the institution of higher
1885 education's board of trustees establish.

1886 [~~(6)~~] (7) (a) The board shall conduct a periodic review of all new programs of instruction,
1887 including those funded by gifts, grants, and contracts, no later than two years after the
1888 first cohort to begin the program of instruction completes the program of instruction.

1889 (b) The board may conduct a periodic review of any program of instruction at an
1890 institution of higher education, including a program of instruction funded by a gift,
1891 grant, or contract.

1892 (c) The board shall conduct:

1893 (i) at least once every seven years, at least one review described in Subsection [~~(6)(b)~~]
1894 (7)(b) of each program of instruction at each institution; and

1895 (ii) annually, a qualitative and quantitative review of academic disciplines across the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1930 designee of the Utah Board of Higher Education, whom the commissioner selects
 1931 under direction of the board;

1932 (d) one member who represents the Department of Health and Human Services, [
 1933 ~~appointed by~~] whom the executive director of the Department of Health and Human
 1934 Services appoints;

1935 (e) one member of the House of Representatives, [~~appointed by~~] whom the speaker of the
 1936 House of Representatives appoints;

1937 (f) one member of the Senate, [~~appointed by~~] whom the president of the Senate appoints;

1938 (g) one member who represents the University Neuropsychiatric Institute, [~~appointed by~~]
 1939 whom the chair of the commission appoints;

1940 (h) one member who represents law enforcement who has extensive experience in
 1941 emergency response, [~~appointed by~~] whom the chair of the commission appoints;

1942 (i) one member who represents the Department of Health and Human Services who has
 1943 experience in youth services or treatment services, [~~appointed by~~] whom the executive
 1944 director of the Department of Health and Human Services appoints; and

1945 (j) two members of the public, [~~appointed by~~] whom the chair of the commission appoints.

1946 (2) (a) Except as provided in Subsection (2)(b), members of the commission shall be
 1947 appointed to four-year terms.

1948 (b) The length of the terms of the members shall be staggered so that approximately half
 1949 of the committee is appointed every two years.

1950 (c) When a vacancy occurs in the membership of the commission, the replacement shall
 1951 be appointed for the unexpired term.

1952 (3) (a) The attorney general's designee shall serve as chair of the commission.

1953 (b) The chair shall set the agenda for commission meetings.

1954 (4) Attendance of a simple majority of the members constitutes a quorum for the
 1955 transaction of official commission business.

1956 (5) Formal action by the commission requires a majority vote of a quorum.

1957 (6) (a) Except as provided in Subsection (6)(b), a member may not receive
 1958 compensation, benefits, per diem, or travel expenses for the member's service.

1959 (b) Compensation and expenses of a member who is a legislator are governed by Section
 1960 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

1961 (7) The Office of the Attorney General shall provide staff support to the commission.

1962 Section 34. Section **53B-22-102** is amended to read:

1963 **53B-22-102 . Utah State University revenue bonds -- Student family housing and**

1964 **Human Resource Research Center.**

- 1965 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf
1966 of Utah State University, may issue, sell, and deliver revenue bonds or other evidences
1967 of indebtedness of Utah State University to borrow money on the credit of the income
1968 and revenues of Utah State University, other than appropriations of the Legislature, to
1969 finance the cost of constructing, furnishing, and equipping a student family housing
1970 project and a Human Resource Research Center.
- 1971 (2) The bonds or other evidences of indebtedness authorized by this section may not exceed
1972 \$6,600,000 for the student family housing project and \$6,000,000 for the Human
1973 Resource Research Center, and shall be issued in accordance with Title 53B, Chapter 21,
1974 Revenue Bonds, under such terms and conditions and in such amounts as the board, by
1975 resolution, determines are reasonable and necessary.

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

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

- 1978 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf
1979 of Weber State University, may issue, sell, and deliver revenue bonds or other evidences
1980 of indebtedness of Weber State University to borrow money on the credit of the income
1981 and revenues of Weber State University, other than appropriations of the Legislature, to
1982 finance the partial cost of constructing, furnishing, and equipping a student services
1983 building.
- 1984 (2) The bonds or other evidences of indebtedness authorized by this section may not exceed
1985 \$5,800,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue
1986 Bonds, under such terms and conditions and in such amounts as the board, by resolution,
1987 determines are reasonable and necessary.

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

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

- 1991 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on behalf
1992 of Southern Utah University, may issue, sell, and deliver revenue bonds or other
1993 evidences of indebtedness of Southern Utah University to borrow money on the credit of
1994 the income and revenues of Southern Utah University, other than appropriations of the
1995 Legislature, to finance the cost of constructing, furnishing, and equipping a student
1996 housing project and a student center addition.
- 1997 (2) The bonds or other evidences of indebtedness authorized by this section may not exceed

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

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

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

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

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

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

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

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

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

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

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

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

2032 credit of the income and revenues of Salt Lake Community College, other than
2033 appropriations of the Legislature, to finance the partial cost of constructing, furnishing,
2034 and equipping a classroom/physical education facility.
2035 (2) The bonds or other evidences of indebtedness authorized by this section may not exceed
2036 \$5,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue
2037 Bonds, under such terms and conditions and in such amounts as the board, by resolution,
2038 determines are reasonable and necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2100 determines are reasonable and necessary.

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

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

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

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

2109 (3) The board shall:

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

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

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

2113 (iii) fulfills a critical institutional facility need;

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

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

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

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

2119 (i) the governor;

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

2121 (iii) the Higher Education Appropriations Subcommittee; and

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

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

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

2126 (4) A dedicated project:

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

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

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

2133 (i) capital facility need;

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

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

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

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

2177 (1) An institution shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2304 (4) The higher education privacy officer shall:

2305 (a) provide training and support to institution boards and employees; and

2306 (b) produce:

2307 (i) resource materials;

2308 (ii) model data governance plans;

2309 (iii) model forms for institution student data protection governance; and

2310 (iv) a model data collection notice.

2311 (5) The board shall:

2312 (a) (i) create and maintain a data governance plan; and

2313 (ii) annually publish the data governance plan on the Utah System of Higher
2314 Education website; and

2315 (b) establish standards for:

2316 (i) institution policies to protect student data;

2317 (ii) institution data governance plans; and

2318 (iii) a third-party contractor's use of student data.

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

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

2321 **Appointment.**

2322 (1) There is created the Utah Data Research Advisory Board.

2323 (2) The advisory board is composed of the following members:

2324 (a) the state superintendent of the State Board of Education or the state superintendent's
2325 designee;

2326 (b) the commissioner or the commissioner's designee;

2327 (c) the executive director of the Department of Workforce Services or the executive
2328 director's designee;

2329 (d) the executive director of the Department of Health and Human Services or the
2330 executive director's designee; and

2331 (e) the executive director of the Department of Commerce or the executive director's
2332 designee.

2333 (3) The commissioner or the commissioner's designee shall serve as chair.

2334 (4) A member of the advisory board:

2335 (a) except to the extent a member's service on the advisory board is related to the
2336 member's duties outside of the advisory board, may not receive compensation or
2337 benefits for the member's service; and

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

53B-34-110 . Talent advisory councils.

(1) As used in this section:

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

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

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

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

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

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

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

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

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

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

2474 Section 52. Section **53E-3-505** is amended to read:

2475 **53E-3-505 . Financial and economic literacy education.**

2476 (1) As used in this section:

2477 (a) "Financial and economic activities" include activities related to the topics listed in
2478 Subsection (1)(b).

2479 (b) "Financial and economic literacy concepts" include concepts related to the following
2480 topics:

2481 (i) basic budgeting;

2482 (ii) saving and financial investments;

2483 (iii) banking and financial services, including balancing a checkbook or a bank
2484 account and online banking services;

2485 (iv) career management, including earning an income;

2486 (v) rights and responsibilities of renting or buying a home;

2487 (vi) retirement planning;

2488 (vii) loans and borrowing money, including interest, credit card debt, predatory
2489 lending, and payday loans;

2490 (viii) insurance;

2491 (ix) federal, state, and local taxes;

2492 (x) charitable giving;

2493 (xi) identity fraud and theft;

2494 (xii) negative financial consequences of gambling;

2495 (xiii) bankruptcy;

2496 (xiv) economic systems, including a description of:

2497 (A) a command system such as socialism or communism, a market system such as
2498 capitalism, and a mixed system; and

2499 (B) historic and current examples of the effects of each economic system on
2500 economic growth;

2501 (xv) supply and demand;

2502 (xvi) monetary and fiscal policy;

2503 (xvii) effective business plan creation, including using economic analysis in creating
2504 a plan;

2505 (xviii) scarcity and choices;

2506 (xix) opportunity cost and tradeoffs;

2507 (xx) productivity;

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

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

- 2576 (iii) the Utah [~~Board~~] System of Higher Education; and
- 2577 (iv) private or public entities that teach financial education and share a commitment
- 2578 to empower individuals and families to achieve economic stability, opportunity,
- 2579 and upward mobility.
- 2580 (c) The state board shall convene the task force at least once every three years to review
- 2581 and recommend adjustments to the standards and objectives of the general financial
- 2582 literacy course.
- 2583 Section 53. Section **63G-6a-202** is amended to read:
- 2584 **63G-6a-202 . Creation of Utah State Procurement Policy Board.**
- 2585 (1) There is created the Utah State Procurement Policy Board.
- 2586 (2) The board consists of up to 15 members as follows:
- 2587 (a) two representatives of state institutions of higher education, [~~appointed by~~] whom the
- 2588 commissioner of higher education, under the direction of the Utah Board of Higher
- 2589 Education, appoints;
- 2590 (b) a representative of the Department of Human Services, [~~appointed by~~] whom the
- 2591 executive director of that department appoints;
- 2592 (c) a representative of the Department of Transportation, [~~appointed by~~] whom the
- 2593 executive director of that department appoints;
- 2594 (d) two representatives of school districts, [~~appointed by~~] whom the State Board of
- 2595 Education appoints;
- 2596 (e) a representative of the Division of Facilities Construction and Management, [~~appointed by~~] whom the director of that division appoints;
- 2597
- 2598 (f) one representative of a county, [~~appointed by~~] whom the Utah Association of Counties
- 2599 appoints;
- 2600 (g) one representative of a city or town, [~~appointed by~~] whom the Utah League of Cities
- 2601 and Towns appoints;
- 2602 (h) two representatives of special districts or special service districts, [~~appointed by~~]
- 2603 whom the Utah Association of Special Districts appoints;
- 2604 (i) the director of the Division of Technology Services or the executive director's
- 2605 designee;
- 2606 (j) the chief procurement officer or the chief procurement officer's designee; and
- 2607 (k) two representatives of state agencies, other than a state agency already represented
- 2608 on the board, [~~appointed by~~] whom the executive director of the Department of
- 2609 Government Operations, with the approval of the executive director of the state

2610 agency that employs the employee, appoints.

2611 (3) Members of the board shall be knowledgeable and experienced in, and have supervisory
2612 responsibility for, procurement in their official positions.

2613 (4) A board member may serve as long as the member meets the description in Subsection
2614 (2) unless removed by the person or entity with the authority to appoint the board
2615 member.

2616 (5) (a) The board shall:

2617 (i) adopt rules of procedure for conducting its business; and
2618 (ii) elect a chair to serve for one year.

2619 (b) The chair of the board shall be selected by a majority of the members of the board
2620 and may be elected to succeeding terms.

2621 (c) The chief procurement officer shall designate an employee of the division to serve as
2622 the nonvoting secretary to the policy board.

2623 (6) A member of the board may not receive compensation or benefits for the member's
2624 service, but may receive per diem and travel expenses in accordance with:

2625 (a) Section 63A-3-106;
2626 (b) Section 63A-3-107; and
2627 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2628 63A-3-107.

2629 Section 54. **Repealer.**
2630 This bill repeals:
2631 Section **53B-6-105.7, Initiative student scholarship program.**
2632 Section **53B-26-201, Definitions.**
2633 Section **53B-26-202, Nursing initiative -- Reporting requirements -- Proposals --**
2634 **Funding.**
2635 Section **53B-26-301, Definitions.**
2636 Section **53B-26-302, Deep technology initiative.**
2637 Section **53B-26-303, Deep Technology Talent Advisory Council.**
2638 Section 55. **FY 2025 Appropriation.**
2639 The following sums of money are appropriated for the fiscal year beginning July 1,
2640 2024, and ending June 30, 2025. These are additions to amounts previously
2641 appropriated for fiscal year 2025.

2642 Subsection 55(a) **Operating and Capital Budgets**
2643 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act,

2644 the Legislature appropriates the following sums of money from the funds or accounts
 2645 indicated for the use and support of the government of the state of Utah.

2646 ITEM 1 To University of Utah - Education and General
 2647 From Income Tax Fund Restricted - Performance
 2648 Funding Rest. Acct. \$3,404,600
 2649 Schedule of Programs:
 2650 Instruction \$3,404,600

2651 ITEM 2 To Utah State University - USU - Eastern Career and Technical Education
 2652 From Income Tax Fund Restricted - Performance
 2653 Funding Rest. Acct. \$59,600
 2654 Schedule of Programs:
 2655 Instruction \$59,600

2656 ITEM 3 To Utah State University - Education and General
 2657 From Income Tax Fund Restricted - Performance
 2658 Funding Rest. Acct. \$989,200
 2659 Schedule of Programs:
 2660 Instruction \$989,200

2661 ITEM 4 To Weber State University - Education and General
 2662 From Income Tax Fund Restricted - Performance
 2663 Funding Rest. Acct. \$834,300
 2664 Schedule of Programs:
 2665 Instruction \$834,300

2666 ITEM 5 To Southern Utah University - Education and General
 2667 From Income Tax Fund Restricted - Performance
 2668 Funding Rest. Acct. \$699,600
 2669 Schedule of Programs:
 2670 Instruction \$699,600

2671 ITEM 6 To Utah Valley University - Education and General
 2672 From Income Tax Fund Restricted - Performance
 2673 Funding Rest. Acct. \$829,100
 2674 Schedule of Programs:
 2675 Instruction \$829,100

2676 ITEM 7 To Snow College - Education and General
 2677 From Income Tax Fund Restricted - Performance

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

2712	From Income Tax Fund Restricted - Performance	
2713	Funding Rest. Acct.	\$255,800
2714	Schedule of Programs:	
2715	Instruction	\$255,800
2716	ITEM 15 To Mountainland Technical College - Education and General	
2717	From Income Tax Fund Restricted - Performance	
2718	Funding Rest. Acct.	\$198,100
2719	Schedule of Programs:	
2720	Instruction	\$198,100
2721	ITEM 16 To Ogden-Weber Technical College - Education and General	
2722	From Income Tax Fund Restricted - Performance	
2723	Funding Rest. Acct.	\$402,100
2724	Schedule of Programs:	
2725	Instruction	\$402,100
2726	ITEM 17 To Southwest Technical College - Education and General	
2727	From Income Tax Fund Restricted - Performance	
2728	Funding Rest. Acct.	\$61,200
2729	Schedule of Programs:	
2730	Instruction	\$61,200
2731	ITEM 18 To Tooele Technical College - Education and General	
2732	From Income Tax Fund Restricted - Performance	
2733	Funding Rest. Acct.	\$53,400
2734	Schedule of Programs:	
2735	Instruction	\$53,400
2736	ITEM 19 To Uintah Basin Technical College - Education and General	
2737	From Income Tax Fund Restricted - Performance	
2738	Funding Rest. Acct.	\$137,200
2739	Schedule of Programs:	
2740	Instruction	\$137,200
2741	Subsection 55(b) Restricted Fund and Account Transfers	
2742	The Legislature authorizes the State Division of Finance to transfer the following	
2743	amounts between the following funds or accounts as indicated. Expenditures and	
2744	outlays from the funds to which the money is transferred must be authorized by an	
2745	appropriation.	

2746 ITEM 20 To Performance Funding Restricted Account
 2747 From Income Tax Fund \$20,000,000
 2748 Schedule of Programs:
 2749 Performance Funding Restricted Account \$20,000,000
 2750 Section 56. **Effective date.**
 2751 This bill takes effect on May 1, 2024.
 2752 Section 57. **Coordinating S.B. 192 with H.B. 438**
 2753 If S.B. 192, Higher Education Amendments, and H.B. 438, Higher Education
 2754 Revisions, both pass and become law, the Legislature intends that, on May 1, 2024,
 2755 Subsection 53B-2-106(6)(b) in S.B. 192 be amended to read:
 2756 "(b) subject to Section 53B-2-106.1, shall provide for the constitution,
 2757 government, and organization of the faculty and administration, including:
 2758 (i) enacting and implementing rules;
 2759 (ii) ensuring that the faculty may only have jurisdiction over:
 2760 (A) academic requirements for admission, degrees, and certificates; and
 2761 (B) course curriculum and instruction;
 2762 (iii) permitting faculty to have jurisdiction over a matter other than a matter
 2763 described in Subsection (6)(b)(ii) only if the following entities expressly authorize or
 2764 delegate such power:
 2765 (A) the Legislature;
 2766 (B) the board;
 2767 (C) the institution's board of trustees; or
 2768 (D) the institution's president; and
 2769 (iv) if the institution is a degree-granting institution, the establishment of a
 2770 prescribed system of tenure;".