

Senator Ann Millner proposes the following substitute bill:

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:



26 ▶ to Utah Board of Higher Education - Performance Funding Restricted Account as an
27 ongoing appropriation:

- 28 • from the Income Tax Fund, \$20,000,000

29 ▶ to Bridgerland Technical College - Education and General - Instruction as an
30 ongoing appropriation:

- 31 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
32 \$336,000

33 ▶ to Davis Technical College - Education and General - Instruction as an ongoing
34 appropriation:

- 35 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
36 \$234,600

37 ▶ to Dixie Technical College - Education and General - Instruction as an ongoing
38 appropriation:

- 39 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
40 \$255,800

41 ▶ to Mountainland Technical College - Education and General - Instruction as an
42 ongoing appropriation:

- 43 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
44 \$198,100

45 ▶ to Ogden-Weber Technical College - Education and General - Instruction as an
46 ongoing appropriation:

- 47 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
48 \$402,100

49 ▶ to Salt Lake Community College - Education and General - Instruction as an
50 ongoing appropriation:

- 51 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
52 \$471,300

53 ▶ to Salt Lake Community College - Career and Technical Education - Instruction as
54 an ongoing appropriation:

- 55 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
56 \$68,200

- 57 ▶ to Snow College - Education and General - Instruction as an ongoing appropriation:
- 58 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
- 59 \$303,000
- 60 ▶ to Snow College - Career and Technical Education - Instruction as an ongoing
- 61 appropriation:
- 62 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
- 63 \$93,600
- 64 ▶ to Southwest Technical College - Education and General - Instruction as an ongoing
- 65 appropriation:
- 66 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
- 67 \$61,200
- 68 ▶ to Southern Utah University - Education and General - Instruction as an ongoing
- 69 appropriation:
- 70 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
- 71 \$699,600
- 72 ▶ to Tooele Technical College - Education and General - Instruction as an ongoing
- 73 appropriation:
- 74 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
- 75 \$53,400
- 76 ▶ to Uintah Basin Technical College - Education and General - Instruction as an
- 77 ongoing appropriation:
- 78 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
- 79 \$137,200
- 80 ▶ to Utah State University - Education and General - Instruction as an ongoing
- 81 appropriation:
- 82 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
- 83 \$989,200
- 84 ▶ to Utah State University - USU - Eastern Career and Technical Education -
- 85 Instruction as an ongoing appropriation:
- 86 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
- 87 \$59,600

88 ▶ to Utah Tech University - Education and General - Instruction as an ongoing
89 appropriation:

90 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
91 \$279,500

92 ▶ to University of Utah - Education and General - Instruction as an ongoing
93 appropriation:

94 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
95 \$3,404,600

96 ▶ to Utah Valley University - Education and General - Instruction as an ongoing
97 appropriation:

98 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
99 \$829,100

100 ▶ to Weber State University - Education and General - Instruction as an ongoing
101 appropriation:

102 • from the Income Tax Fund Restricted - Performance Funding Rest. Acct.,
103 \$834,300

104 **Other Special Clauses:**

105 This bill provides coordination clauses.

106 **Utah Code Sections Affected:**

107 **AMENDS:**

108 **35A-13-603**, as last amended by Laws of Utah 2020, Chapter 365

109 **36-28-102**, as last amended by Laws of Utah 2021, Chapter 78

110 **49-12-204**, as last amended by Laws of Utah 2020, Chapters 24, 365

111 **49-13-204**, as last amended by Laws of Utah 2020, Chapters 24, 365

112 **49-22-204**, as last amended by Laws of Utah 2022, Chapter 171

113 **51-8-303**, as last amended by Laws of Utah 2020, Chapter 365

114 **53B-1-110**, as enacted by Laws of Utah 2007, Chapter 248

115 **53B-1-112**, as last amended by Laws of Utah 2021, Chapter 187

116 **53B-1-401**, as last amended by Laws of Utah 2023, Chapter 254

117 **53B-1-402**, as last amended by Laws of Utah 2023, Chapter 254

118 **53B-1-408**, as last amended by Laws of Utah 2023, Chapter 254

119 **53B-2a-107**, as last amended by Laws of Utah 2021, Chapter 187
120 **53B-2a-117**, as last amended by Laws of Utah 2022, Chapter 421
121 **53B-3-103**, as last amended by Laws of Utah 2021, First Special Session, Chapter 7
122 **53B-3-104**, as enacted by Laws of Utah 1987, Chapter 167
123 **53B-3-105**, as enacted by Laws of Utah 1987, Chapter 167
124 **53B-6-105**, as last amended by Laws of Utah 2021, Chapter 187
125 **53B-6-105.9**, as last amended by Laws of Utah 2020, Chapter 365
126 **53B-7-702**, as last amended by Laws of Utah 2021, Chapters 282, 351 and last
127 amended by Coordination Clause, Laws of Utah 2021, Chapter 187
128 **53B-7-705**, as last amended by Laws of Utah 2023, Chapter 254
129 **53B-7-706**, as last amended by Laws of Utah 2023, Chapter 254
130 **53B-8-102**, as last amended by Laws of Utah 2023, Chapters 44, 50
131 **53B-8-201**, as last amended by Laws of Utah 2022, Chapter 370
132 **53B-8a-105**, as last amended by Laws of Utah 2023, Chapter 374
133 **53B-13-103**, as enacted by Laws of Utah 1987, Chapter 167
134 **53B-16-102**, as last amended by Laws of Utah 2023, Chapter 254
135 **53B-17-1203**, as last amended by Laws of Utah 2023, Chapter 328
136 **53B-22-102**, as last amended by Laws of Utah 1995, Chapter 332
137 **53B-22-103**, as enacted by Laws of Utah 1991, Chapter 32
138 **53B-22-104**, as last amended by Laws of Utah 1992, Chapter 177
139 **53B-22-105**, as enacted by Laws of Utah 1991, Chapter 32
140 **53B-22-106**, as last amended by Laws of Utah 2000, Chapter 143
141 **53B-22-107**, as enacted by Laws of Utah 1991, Chapter 32
142 **53B-22-109**, as last amended by Laws of Utah 1994, Chapter 209
143 **53B-22-111**, as enacted by Laws of Utah 1994, Chapter 209
144 **53B-22-112**, as enacted by Laws of Utah 1995, Chapter 332
145 **53B-22-113**, as enacted by Laws of Utah 1995, Chapter 332
146 **53B-22-114**, as enacted by Laws of Utah 1995, Chapter 332
147 **53B-22-204**, as last amended by Laws of Utah 2022, Chapter 421
148 **53B-23-106**, as last amended by Laws of Utah 2020, Chapter 365
149 **53B-27-405**, as enacted by Laws of Utah 2021, Chapter 364

150 **53B-28-401**, as last amended by Laws of Utah 2021, Chapter 332
151 **53B-28-502**, as enacted by Laws of Utah 2022, Chapter 461
152 **53B-33-202**, as last amended by Laws of Utah 2023, Chapter 84
153 **53E-3-505**, as last amended by Laws of Utah 2020, Chapters 365, 408
154 **63G-6a-202**, as last amended by Laws of Utah 2023, Chapter 16

ENACTS:

156 **53B-1-116**, Utah Code Annotated 1953
157 **53B-1-117**, Utah Code Annotated 1953
158 **53B-2-114**, Utah Code Annotated 1953
159 **53B-34-110**, Utah Code Annotated 1953

REPEALS AND REENACTS:

161 **53B-2-106**, as last amended by Laws of Utah 2021, Chapter 187
162 **53B-7-703**, as last amended by Laws of Utah 2022, Chapter 456
163 **53B-7-704**, as last amended by Laws of Utah 2021, Chapter 282

REPEALS:

165 **53B-6-105.7**, as last amended by Laws of Utah 2019, Chapter 444
166 **53B-26-201**, as enacted by Laws of Utah 2018, Chapter 354
167 **53B-26-202**, as last amended by Laws of Utah 2023, Chapter 328
168 **53B-26-301**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 1
169 **53B-26-302**, as enacted by Laws of Utah 2020, Chapter 361
170 **53B-26-303**, as last amended by Laws of Utah 2021, Chapter 282

Utah Code Sections Affected By Coordination Clause:

172 **53B-2-106**, as last amended by Laws of Utah 2021, Chapter 187

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

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

176 **35A-13-603. Board.**

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

179 (a) a designee of the assistant director;

180 (b) a designee of the Utah Board of Higher Education, whom the commissioner of

181 higher education, selects under the direction of the Utah Board of Higher Education;

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

183 (d) four professional interpreters, [~~recommended by~~] the assistant director

184 recommends; and

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

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

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

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

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

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

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

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

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

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

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

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

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

208 **36-28-102. Veterans and Military Affairs Commission -- Creation -- Membership**
209 **-- Chairs -- Terms -- Per diem and expenses.**

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

211 (2) The commission membership is composed of 19 permanent members, but may not

212 exceed 24 members, and is as follows:

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

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

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

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

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

222 (d) the executive director of the Department of Workforce Services or the director's
223 designee;

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

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

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

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

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

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

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

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

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

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

242 (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 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 shall have a one-time irrevocable election to participate in this system if the employee:

(i) was hired after January 1, 1979;

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

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

(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 sponsored by the institution of higher education 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 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

336 eligible to participate in either this system or in a retirement system with a public or private
337 retirement system, organization, or company, designated as described in Subsection (1)(c) [~~or~~
338 ~~(d)~~], shall, not later than January 1, 1979, elect to participate exclusively in this system or in an
339 annuity contract allowed under this Subsection (1)(a).

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

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

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

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

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

355 (i) this system; or

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

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

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

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

366 (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

(ii) a conflict of interest policy.

(b) The investment policy shall:

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

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

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

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

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

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

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

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

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

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

(b) the Utah Board of Higher Education.

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

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

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

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

(1) As used in this section:

491 (a) "Institution" means an institution listed in Section 53B-1-102.
492 (b) "Minor" means a person younger than 21 years ~~[of age]~~ old.
493 (2) ~~[The board]~~ An institution shall adopt a policy providing for criminal background
494 checks of:
495 (a) prospective employees of institutions; and
496 (b) existing employees of institutions, where reasonable cause exists.
497 (3) (a) The policy shall require that:
498 (i) an applicant for any position that involves significant contact with minors or any
499 position considered to be security sensitive by ~~[the board]~~ an institution or its designee shall
500 submit to a criminal background check as a condition of employment; and
501 (ii) an existing employee submit to a criminal background check, where reasonable
502 cause exists.
503 (b) Subsection (3)(a)(i) does not apply to adjunct faculty positions.
504 (c) The policy may allow or require applicants for positions other than those described
505 in Subsection (3)(a)(i) to submit to a criminal background check as a condition of employment.
506 (d) The policy may allow criminal background checks for new employees to be phased
507 in over a two-year period.
508 (4) The applicant or employee shall receive written notice that the background check
509 has been requested.
510 (5) Each applicant or employee subject to a criminal background check under this
511 section shall, if required by the institution:
512 (a) be fingerprinted; and
513 (b) consent to a fingerprint background check by:
514 (i) the Utah Bureau of Criminal Identification; and
515 (ii) the Federal Bureau of Investigation.
516 (6) (a) Institutions may request the Utah Bureau of Criminal Identification to conduct
517 criminal background checks of prospective employees and, where reasonable cause exists,
518 existing employees pursuant to ~~[board]~~ an institution's policy.
519 (b) At the request of an institution, the Utah Bureau of Criminal Identification shall:
520 (i) release the individual's full record of criminal convictions to the administrator
521 requesting the information; and

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

(c) Information received by the Utah Bureau of Criminal Identification from entities 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:

646 (a) establish and promote a state-level vision and goals for higher education that
647 emphasize data-driven retrospective and prospective system priorities, including:
648 (i) quality;
649 (ii) affordability;
650 (iii) access and equity;
651 (iv) completion;
652 (v) workforce alignment and preparation for high-quality jobs; and
653 (vi) economic growth;
654 (b) establish system policies and practices that advance the vision and goals;
655 (c) establish metrics to demonstrate and monitor:
656 (i) performance related to the goals; and
657 (ii) performance on measures of operational efficiency;
658 (d) collect and analyze data including economic data, demographic data, and data
659 related to the metrics;
660 (e) govern data quality and collection across institutions;
661 (f) establish, approve, and oversee each institution's mission and role in accordance
662 with Section 53B-16-101;
663 (g) assess an institution's performance in accomplishing the institution's mission and
664 role;
665 (h) participate in the establishment and review of programs of instruction in accordance
666 with Section 53B-16-102;
667 (i) perform the following duties related to an institution of higher education president,
668 including:
669 (i) ~~[appointing]~~ hiring an institution of higher education president in accordance with
670 Section 53B-2-102;
671 (ii) through the commissioner and the board's executive committee:
672 (A) providing support and guidance to an institution of higher education president; and
673 (B) evaluating an institution of higher education president based on institution
674 performance and progress toward systemwide priorities;
675 (iii) setting the terms of employment for an institution of higher education president,
676 including performance-based compensation, through an employment contract or another

677 method of establishing employment; and
678 (iv) establishing, through a public process, a statewide succession plan to develop
679 potential institution presidents from within the system;
680 (j) create and implement a strategic finance plan for higher education, including by:
681 (i) establishing comprehensive budget and finance priorities for academic education
682 and technical education;
683 (ii) allocating statewide resources to institutions;
684 (iii) setting tuition for each institution;
685 (iv) administering state financial aid programs;
686 (v) administering performance funding in accordance with Chapter 7, Part 7,
687 Performance Funding; and
688 (vi) developing a strategic capital facility plan and prioritization process in accordance
689 with Chapter 22, Part 2, Capital Developments, and Sections 53B-2a-117 and 53B-2a-118;
690 (k) create and annually report to the Higher Education Appropriations Subcommittee
691 on a seamless articulated education system for Utah students that responds to changing
692 demographics and workforce, including by:
693 (i) providing for statewide prior learning assessment, in accordance with Section
694 53B-16-110;
695 (ii) establishing and maintaining clear pathways for articulation and transfer, in
696 accordance with Section 53B-16-105;
697 (iii) establishing degree program requirement guidelines, including credit hour limits;
698 (iv) aligning general education requirements across degree-granting institutions;
699 (v) coordinating and incentivizing collaboration and partnerships between institutions
700 in delivering programs;
701 (vi) coordinating distance delivery of programs;
702 (vii) coordinating work-based learning; and
703 (viii) emphasizing the system priorities and metrics described in Subsections (2)(a) and
704 (c);
705 (l) coordinate with the public education system:
706 (i) regarding public education programs that provide postsecondary credit or
707 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

739 against the board's goals and metrics to:

740 (a) the Education Interim Committee;

741 (b) the Higher Education Appropriations Subcommittee;

742 (c) the governor; and

743 (d) each institution of higher education.

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

748 (a) how institutions of higher education are meeting the career and technical education
749 needs of secondary students;

750 (b) how the system emphasized high demand, high wage, and high skill jobs in
751 business and industry;

752 (c) performance outcomes, including:

753 (i) entered employment;

754 (ii) job retention; and

755 (iii) earnings;

756 (d) an analysis of workforce needs and efforts to meet workforce needs; and

757 (e) student tuition and fees.

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

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

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

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

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

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

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

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

776 (10) If the Higher Education Appropriations Subcommittee finds the board to be out of
777 compliance with Subsection (9), the Legislature shall:

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

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

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

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

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

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

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

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

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

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

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

799 **53B-1-408. Appointment of commissioner of higher education -- Qualifications --**
800 **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 ~~by, as determined by the president,~~ :

(i) ~~enacting and implementing rules~~ ;

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

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

(B) course curriculum and instruction;

(iii) permitting faculty to have jurisdiction over a matter other than a matter described in Subsection (6)(b)(ii) only if the following entities expressly authorize or delegate such power:

(A) the Legislature;

(B) the board;

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

(D) the institution's president; and

~~including the establishment of a prescribed system of tenure~~ (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

888 board enacts, and the laws of the state; and

889 (b) may provide for:

890 (i) administrative, faculty, student, and joint committees with jurisdiction over

891 specified institutional matters;

892 (ii) student government and student affairs organizations;

893 (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;

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

(iii) issue a formal legal opinion; and

(b) shall cooperate with the Office of the Attorney General in providing legal

representation to a degree-granting institution.

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

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

(1) The board shall appoint a president for each technical college in accordance with Section **53B-2-102**.

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

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

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

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

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

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

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

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

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

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

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

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

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

[~~(i)~~] (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:

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

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

989 (5) A dedicated project:

990 (a) is subject to the recommendation of the Division of Facilities Construction and
991 Management as described in Section [63A-5b-403](#); and

992 (b) is not subject to the prioritization of the Division of Facilities Construction and
993 Management as described in Section [63A-5b-403](#).

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

996 (i) growth and capacity;

997 (ii) effectiveness and support of critical programs;

998 (iii) cost effectiveness;

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

1000 (v) alternative funding sources.

1001 (b) The board shall establish:

1002 (i) how the board will measure each factor described in Subsection (6)(a); and

1003 (ii) procedures for prioritizing funding requests for capital development projects
1004 described in this section.

1005 (7) (a) Subject to Subsection (7)(b), and in accordance with Subsection (6), the board
1006 may annually prioritize:

1007 (i) up to three nondedicated projects if the ongoing appropriation to the fund is less
1008 than \$7,000,000;

1009 (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least
1010 \$7,000,000 but less than \$14,000,000; or

1011 (iii) one nondedicated project if the ongoing appropriation to the fund is at least
1012 \$14,000,000.

1013 (b) For each calendar year beginning on or after January 1, 2020, the dollar amounts
1014 described in Subsection (7)(a) shall be adjusted by an amount equal to the percentage
1015 difference between:

1016 (i) the Consumer Price Index for the 2019 calendar year; and

1017 (ii) the Consumer Price Index for the previous calendar year.

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

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

(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.

~~[(H)]~~ (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;]~~

1049 ~~[(ii) an individual required or requested to attend a hearing in a secure area hearing~~
1050 ~~room is notified in writing of the requirements related to entering a secured area hearing room~~
1051 ~~under this Subsection (2)(b) and Section 76-8-311.1;]~~

1052 ~~[(iii) the restriction of firearms, ammunition, or dangerous weapons in the secure area~~
1053 ~~hearing room is in effect only during the time the secure area hearing room is in use for~~
1054 ~~hearings and for a reasonable time before and after its use; and]~~

1055 ~~[(iv) reasonable space limitations are applied to the secure area hearing room as~~
1056 ~~warranted by the number of individuals involved in a typical hearing.]~~

1057 ~~[(c)]~~ (b) (i) The board and an institution may not require proof of vaccination as a
1058 condition for enrollment or attendance within the system of higher education unless the board
1059 or an institution allows for the following exemptions:

1060 (A) a medical exemption if the student provides to the institution a statement that the
1061 claimed exemption is for a medical reason; and

1062 (B) a personal exemption if the student provides to the institution a statement that the
1063 claimed exemption is for a personal or religious belief.

1064 (ii) An institution that offers both remote and in-person learning options may not deny
1065 a student who is exempt from a requirement to receive a vaccine under Subsection ~~[(2)(c)(i)]~~
1066 (2)(b)(i) to participate in an in-person learning option based upon the student's vaccination
1067 status.

1068 (iii) Subsections ~~[(2)(c)(i)]~~ (2)(b)(i) and (ii) do not apply to a student studying in a
1069 medical setting at an institution of higher education.

1070 (iv) Nothing in this section restricts a state or local health department from acting
1071 under applicable law to contain the spread of an infectious disease.

1072 ~~[(d)]~~ (c) (i) For purposes of this Subsection ~~[(2)(d)]~~ (2)(c), "face covering" means the
1073 same as that term is defined in Section 53G-9-210.

1074 (ii) The board or an institution may not require an individual to wear a face covering as
1075 a condition of attendance for in-person instruction, institution-sponsored athletics,
1076 institution-sponsored extracurricular activities, in dormitories, or in any other place on a
1077 campus of an institution within the system of higher education at any time after the end of the
1078 spring semester in 2021.

1079 (iii) Subsection ~~[(2)(d)(ii)]~~ (2)(c)(ii) does not apply to an individual in a medical setting

at an institution of higher education.

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

(a) demotion; or

(b) termination.

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

(a) authorize higher education institutions to establish no more than one secure area at each institution as a hearing room in accordance with 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 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.
~~[(2)]~~ (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.

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

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

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

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

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

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

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

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

53B-7-702. Definitions.

As used in this part:

(1) "Account" means the Performance Funding Restricted Account created in Section **53B-7-703**.

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

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

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

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

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

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

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

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

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

~~[(11)]~~ (7) "Targeted job" means a four- and five-star job that requires postsecondary training as designated by the Department of Workforce Services ~~[or the GO Utah office in~~

1204 accordance with Section ~~53B-7-704~~].

1205 ~~[(12)]~~ (8) "Technical college" means:

1206 (a) the same as that term is defined in Section ~~53B-1-101.5~~; and

1207 (b) a degree-granting institution acting in the degree-granting institution's technical

1208 education role described in Section ~~53B-2a-201~~.

1209 ~~[(13) "Technical college graduate" means an individual who:]~~

1210 ~~[(a) has earned a certificate from an accredited program at a technical college; and]~~

1211 ~~[(b) is no longer enrolled in the technical college.]~~

1212 Section 24. Section ~~53B-7-703~~ is repealed and reenacted to read:

1213 **53B-7-703. Performance Funding Restricted Account -- Creation -- Deposits into**

1214 **account -- Legislative review.**

1215 (1) As used in this section:

1216 (a) "Account" means the Performance Funding Restricted Account created in

1217 Subsection (2).

1218 (b) "Baseline amount" means the simple five-year average amount of personal income

1219 tax withholding over fiscal years 2019-2023.

1220 (c) "Personal income tax withholding means" means income tax withholding required

1221 under Title 59, Chapter 10, Part 4, Withholding of Tax.

1222 (2) There is created within the Income Tax Fund a restricted account known as the

1223 Performance Funding Restricted Account.

1224 (3) The Legislature may appropriate money to the account.

1225 (4) Money in the account shall be:

1226 (a) used for performance funding for:

1227 (i) degree-granting institutions; and

1228 (ii) technical colleges; and

1229 (b) appropriated by the Legislature in accordance with Section ~~53B-7-705~~.

1230 (5) (a) Money in the account shall earn interest.

1231 (b) All interest earned on account money shall be deposited into the account.

1232 (6) (a) Except as provided in Subsection (6)(b) or (6)(c) and beginning December 1,

1233 2025, before the end of each calendar year, the Executive Appropriations Committee shall

1234 appropriate to the account an amount equal to 6% of the difference between the five-year

average amount from the most recent five years of personal income tax withholdings and the baseline amount.

(b) (i) As used in this Subsection (6)(b), "total higher education appropriations" means, for the current fiscal year, the total state funded appropriations to:

(A) the board;

(B) degree-granting institutions; and

(C) technical colleges.

(ii) If an appropriation described in Subsection (6)(a) would exceed 10% of total higher education appropriations, the Executive Appropriations Committee shall appropriate to the account an amount equal to 10% of total higher education appropriations.

(c) If, after appropriating to the Public Education Economic Stabilization Restricted Account as defined in Section 53F-9-204, the remaining available revenue from the personal income tax withholdings is less than the lesser of the amounts in Subsection (6)(a) or Subsection (6)(b)(ii), the Executive Appropriations Committee shall appropriate to the account the remaining available revenue from the personal income tax withholdings.

Section 25. Section 53B-7-704 is repealed and reenacted to read:

53B-7-704. Reporting of estimated revenue growth from targeted jobs.

(1) On or before October 1, 2030 and each subsequent fifth year, the Department of Workforce Services shall report to the Higher Education Appropriations Subcommittee on:

(a) the total wages in Utah according to the Quarterly Census of Employment and Wages program over the previous five years;

(b) total wages in Utah attributable to four- and five-star jobs that require postsecondary training according to the Occupational Employment and Wage Statistics program over the previous five years;

(c) total wages in Utah for all occupations according to the Occupational Employment and Wage Statistics program over the previous five years;

(d) the quotient of total wages in Subsection (1)(a) and total wages in Subsection (1)(b); and

(e) the quotient of total wages in Subsection (1)(c) and total wages in Subsection (1)(b).

(2) On or before October 1, 2030 and each subsequent fifth year, the commissioner

1266 shall report to the Higher Education Appropriations Subcommittee on:

1267 (a) all institutions' high yield awards over the previous five years;

1268 (b) the estimated revenue growth from targeted jobs associated with high yield awards
1269 over the previous five years;

1270 (c) the connection between the data described in Subsections (2)(a) and (2)(b); and

1271 (d) the estimated median effective income tax rate.

1272 Section 26. Section **53B-7-705** is amended to read:

1273 **53B-7-705. Determination of full new performance funding amount -- Role of**
1274 **appropriations subcommittee -- Program review.**

1275 (1) In accordance with this section, and based on money deposited into the account, the
1276 Legislature shall, as part of the higher education appropriations budget process, annually
1277 determine the full new performance funding amount for each:

1278 (a) degree-granting institution; and

1279 (b) technical college.

1280 ~~[(2)(a) Before January 1, 2024, the Legislature shall annually allocate:]~~

1281 ~~[(i) 90% of the money in the account to degree-granting institutions; and]~~

1282 ~~[(ii) 10% of the money in the account to technical colleges.]~~

1283 ~~[(b) After January 1, 2024, the]~~

1284 (2) The Legislature shall annually allocate:

1285 ~~[(i)]~~ (a) 80% of the money in the account to degree-granting institutions; and

1286 ~~[(ii)]~~ (b) 20% of the money in the account to technical colleges.

1287 (3) (a) The Legislature shall determine a degree-granting institution's full new
1288 performance funding amount based on the degree-granting institution's prior year share of:

1289 (i) full-time equivalent enrollment in all degree-granting institutions; and

1290 (ii) the total state-funded appropriated budget for all degree-granting institutions.

1291 (b) In determining a degree-granting institution's full new performance funding
1292 amount, the Legislature shall give equal weight to the factors described in Subsections (3)(a)(i)
1293 and (ii).

1294 (4) (a) The Legislature shall determine a technical college's full new performance
1295 funding amount based on the technical college's prior year share of:

1296 ~~[(i) (A) before January 1, 2024, membership hours for all technical colleges; and]~~

1297 ~~[(B) after January 1, 2024,]~~
1298 (i) full-time equivalent enrollment for all technical colleges; and
1299 (ii) the total state-funded appropriated budget for all technical colleges.
1300 (b) In determining a technical college's full new performance funding amount, the
1301 Legislature shall give equal weight to the factors described in Subsections (4)(a)(i) and (ii).
1302 (5) Annually, at least 30 days before the first day of the legislative general session the
1303 board shall submit a report to the Higher Education Appropriations Subcommittee on each
1304 degree-granting institution's and each technical college's performance.
1305 (6) (a) In accordance with this Subsection (6), and based on the report described in
1306 Subsection (5), the Legislature shall determine for each degree-granting institution and each
1307 technical college:
1308 (i) the portion of the full new performance funding amount earned; and
1309 (ii) the amount of new performance funding to recommend that the Legislature
1310 appropriate, from the account, to the degree-granting institution or technical college.
1311 ~~[(b) (i) This Subsection (6)(b) applies before January 1, 2024.]~~
1312 ~~[(ii) A degree-granting institution earns the full new performance funding amount if the~~
1313 ~~degree-granting institution has a positive change in performance of at least 1% compared to the~~
1314 ~~degree-granting institution's average performance over the previous five years.]~~
1315 ~~[(iii) A technical college earns the full new performance funding amount if the~~
1316 ~~technical college has a positive change in the technical college's performance of at least 5%~~
1317 ~~compared to the technical college's average performance over the previous five years.]~~
1318 ~~[(c)]~~ (b) ~~[After January 1, 2024, a]~~ A degree-granting institution or technical college
1319 earns the full new performance funding amount if the degree-granting institution or technical
1320 college meets the annual performance goals the board sets under Subsection
1321 53B-7-706(1)(a)(ii).
1322 ~~[(d) Before January 1, 2024, a degree-granting institution or technical college that has a~~
1323 ~~positive change in performance that is less than a change described in Subsection (6)(b) is~~
1324 ~~eligible to receive a prorated amount of the full new performance funding amount.]~~
1325 ~~[(e) Before January 1, 2024, a degree-granting or technical college that has a negative~~
1326 ~~change, or no change, in performance over a time period described in Subsection (6)(b) is not~~
1327 ~~eligible to receive new performance funding.]~~

1328 ~~[(f)]~~ (c) ~~[After January 1, 2024, a]~~ A degree-granting institution or technical college
 1329 that does not meet the goals the board sets under Subsection **53B-7-706**(1)(a)(ii):

- 1330 (i) is not eligible to receive the full new performance funding amount; and
- 1331 (ii) is eligible to receive a prorated amount of the full new performance funding
 1332 amount for performance that is greater than zero as measured by the model the board
 1333 establishes under Subsection **53B-7-706**(1)(a)(i)(B).

1334 ~~[(g)]~~ (d) ~~[After January 1, 2024, if]~~ If a degree-granting institution or technical college
 1335 does not earn the full new performance funding amount as described in Subsection ~~[(6)(c)]~~
 1336 (6)(b), the ~~[board]~~ Legislature:

- 1337 (i) shall set aside the unearned new performance funding; and
- 1338 (ii) may, at the end of an annual performance goal period within a five-year period for
 1339 which the board sets goals under Subsection **53B-7-706**(1)(a)(ii), reallocate the funds set aside
 1340 under Subsection ~~[(6)(g)(i)]~~ (6)(d)(i) to a degree-granting institution or technical college that
 1341 meets or exceeds the degree-granting institution's or technical college's:

- 1342 (A) previous year's annual performance goal; and
- 1343 (B) performance goal that the institution previously failed to meet which caused the
 1344 funding to be set aside.

1345 (7) An appropriation described in this section is ongoing.

1346 (8) Notwithstanding Section **53B-7-703** and Subsections (6) and (7), the Legislature
 1347 may, by majority vote, appropriate or refrain from appropriating money for performance
 1348 funding as circumstances require in a particular year.

1349 Section 27. Section **53B-7-706** is amended to read:

1350 **53B-7-706. Performance metrics for institutions -- Determination of**
 1351 **performance.**

1352 (1) (a) (i) ~~[(A) The board shall establish a model for determining a degree-granting~~
 1353 ~~institution's performance.]~~

1354 ~~[(B) Beginning in March 2021, the]~~ The board shall establish a model for determining
 1355 a degree-granting institution's or technical college's performance.

1356 (ii) ~~[Beginning in May 2021, the]~~ The board shall:

- 1357 (A) set a five-year goal for the Utah System of Higher Education for each metric
 1358 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) Beginning in 2021, the]~~ The board shall set the goals and establish the performance model described in Subsection ~~[(1)(a)(i)(B)]~~ (1)(a)(i) for the following metrics:

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

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

1390 ~~[(C)]~~ (iii) high-yield awards.

1391 (b) ~~[(i) Subject to Subsection (2)(b)(ii), the]~~ The board shall determine the relative
1392 weights of the metrics described in Subsection ~~[(2)(a)(i)]~~ (2)(a).

1393 ~~[(ii) The board shall assign the responsiveness to workforce needs metric described in~~
1394 ~~Subsection (2)(a)(i)(C) a weight of at least 25% when determining a degree-granting~~
1395 ~~institution's performance.]~~

1396 (c) ~~[Beginning in 2021, the]~~ The board shall determine and establish in board policy,
1397 the definitions, measures, and relative weights of the metrics described in Subsection
1398 ~~[(2)(a)(ii)]~~ (2)(a) based on each degree-granting institution's and each technical college's
1399 mission.

1400 (3) (a) For each degree-granting institution, the board shall annually determine the
1401 degree-granting institution's:

1402 (i) performance; and

1403 (ii) change in performance compared to the degree-granting institution's average
1404 performance over the previous five years.

1405 (b) For each degree-granting institution and technical college, the board shall annually:

1406 (i) adopt annual performance goals for each metric described in Subsection (2)(a)(ii)
1407 that will advance the degree-granting institution or technical college toward achievement of the
1408 five-year goals described in Subsection (1)(a)(ii);

1409 (ii) evaluate performance in meeting the goals described in Subsection (3)(b)(i); and

1410 (iii) include a degree-granting institution's or technical college's performance under this
1411 section in the evaluation described in Subsection [53B-1-402\(2\)\(i\)](#).

1412 (4) ~~[(a) The board shall use the model described in Subsection (1)(a)(i)(A) to make the~~
1413 ~~report described in Section [53B-7-705](#) for determining a degree-granting institution's~~
1414 ~~performance funding for a fiscal year beginning on or after July 1, 2018, but before July 1,~~

1415 ~~2024.(b) For a fiscal year beginning on or after July 1, 2024, the]~~ The board shall use the
1416 model described in Subsection ~~[(1)(a)(i)(B)]~~ (1)(a)(i) to make the report described in Section
1417 [53B-7-705](#) for determining a degree-granting institution's or technical college's performance
1418 funding.

1419 (5) At the end of each five-year period for which the board sets goals under Subsection
1420 (1)(a)(ii):

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

1452 (e) "Parent" means a student's biological or adoptive parent.

1453 (2) The meaning of "resident student" is determined by reference to the general law on
1454 the subject of domicile, except as provided in this section.

1455 (3) (a) Institutions within the state system of higher education may grant resident
1456 student status to any student who has come to Utah and established residency for the purpose of
1457 attending an institution of higher education, and who, prior to registration as a resident student:

1458 (i) has maintained continuous Utah residency status for one full year;

1459 (ii) has signed a written declaration that the student has relinquished residency in any
1460 other state; and

1461 (iii) has submitted objective evidence that the student has taken overt steps to establish
1462 permanent residency in Utah and that the student does not maintain a residence elsewhere.

1463 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:

1464 (i) a Utah high school transcript issued in the past year confirming attendance at a Utah
1465 high school in the past 12 months;

1466 (ii) a Utah voter registration dated a reasonable period prior to application;

1467 (iii) a Utah driver license or identification card with an original date of issue or a
1468 renewal date several months prior to application;

1469 (iv) a Utah vehicle registration dated a reasonable period prior to application;

1470 (v) evidence of employment in Utah for a reasonable period prior to application;

1471 (vi) proof of payment of Utah resident income taxes for the previous year;

1472 (vii) a rental agreement showing the student's name and Utah address for at least 12
1473 months prior to application; and

1474 (viii) utility bills showing the student's name and Utah address for at least 12 months
1475 prior to application.

1476 (c) A student who is claimed as a dependent on the tax returns of a person who is not a
1477 resident of Utah is not eligible to apply for resident student status.

1478 (4) Except as provided in Subsection (8), an institution within the state system of
1479 higher education may establish stricter criteria for determining resident student status.

1480 (5) If an institution does not have a minimum credit-hour requirement, that institution
1481 shall honor the decision of another institution within the state system of higher education to
1482 grant a student resident student status, unless:

- 1483 (a) the student obtained resident student status under false pretenses; or
1484 (b) the facts existing at the time of the granting of resident student status have changed.
- 1485 (6) Within the limits established in Title 53B, Chapter 8, Tuition Waiver and
1486 Scholarships, each institution within the state system of higher education may, regardless of its
1487 policy on obtaining resident student status, waive nonresident tuition either in whole or in part,
1488 but not other fees.
- 1489 (7) In addition to the waivers of nonresident tuition under Subsection (6), each
1490 institution may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to
1491 the maximum number allowed by the appropriate athletic conference as recommended by the
1492 president of each institution.
- 1493 (8) Notwithstanding Subsection (3), an institution within the state system of higher
1494 education shall grant resident student status for tuition purposes to:
- 1495 (a) a military service member, if the military service member provides:
- 1496 (i) the military service member's current United States military identification card; and
1497 (ii) (A) a statement from the military service member's current commander, or
1498 equivalent, stating that the military service member is assigned in Utah; or
1499 (B) evidence that the military service member is domiciled in Utah, as described in
1500 Subsection (9)(a);
- 1501 (b) a military service member's immediate family member, if the military service
1502 member's immediate family member provides:
- 1503 (i) (A) the military service member's current United States military identification card;
1504 or
1505 (B) the immediate family member's current United States military identification card;
1506 and
1507 (ii) (A) a statement from the military service member's current commander, or
1508 equivalent, stating that the military service member is assigned in Utah; or
1509 (B) evidence that the military service member is domiciled in Utah, as described in
1510 Subsection (9)(a);
- 1511 (c) a military veteran, regardless of whether the military veteran served in Utah, if the
1512 military veteran provides:
- 1513 (i) evidence of an honorable or general discharge;

1514 (ii) a signed written declaration that the military veteran has relinquished residency in
1515 any other state and does not maintain a residence elsewhere;

1516 (iii) objective evidence that the military veteran has demonstrated an intent to establish
1517 residency in Utah, which may include any one of the following:

1518 (A) a Utah voter registration card;

1519 (B) a Utah driver license or identification card;

1520 (C) a Utah vehicle registration;

1521 (D) evidence of employment in Utah;

1522 (E) a rental agreement showing the military veteran's name and Utah address; or

1523 (F) utility bills showing the military veteran's name and Utah address;

1524 (d) a military veteran's immediate family member, regardless of whether the military
1525 veteran served in Utah, if the military veteran's immediate family member provides:

1526 (i) evidence of the military veteran's honorable or general discharge;

1527 (ii) a signed written declaration that the military veteran's immediate family member
1528 has relinquished residency in any other state and does not maintain a residence elsewhere; and

1529 (iii) objective evidence that the military veteran's immediate family member has
1530 demonstrated an intent to establish residency in Utah, which may include any one of the items
1531 described in Subsection (8)(c)(iii); [or]

1532 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who
1533 is either:

1534 (i) domiciled in Utah, recognizing the individual may not be physically present in the
1535 state due to an assignment; or

1536 (ii) assigned to a duty station in Utah if the foreign service member provides:

1537 (A) evidence of the foreign service member's status;

1538 (B) a statement from the foreign service member's current commander, or equivalent,
1539 stating that the foreign service member is assigned in Utah; or

1540 (C) evidence that the foreign service member is domiciled in Utah;

1541 (f) a foreign service member's immediate family member if the foreign service member
1542 is either:

1543 (i) domiciled in Utah, recognizing the individual may not be physically present in the
1544 state due to an assignment; or

1545 (ii) assigned to a duty station in Utah if the foreign service member provides:
1546 (A) evidence of the foreign service member's status;
1547 (B) a statement from the foreign service member's current commander, or equivalent,
1548 stating that the foreign service member is assigned in Utah; or
1549 (C) evidence that the foreign service member is domiciled in Utah;
1550 ~~[(e)]~~ (g) an eligible person who provides:
1551 (i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits;
1552 (ii) a signed written declaration that the eligible person will use the ~~[G.I. Bill benefits]~~
1553 Veteran Benefits under Title 38 U.S.C.; and
1554 (iii) objective evidence that the eligible person has demonstrated an intent to establish
1555 residency in Utah, which may include any one of the items described in Subsection
1556 (8)(c)(iii)~~[-]~~; or
1557 ~~[(f)]~~ (h) an alien who provides:
1558 (i) evidence that the alien is a special immigrant visa recipient;
1559 (ii) evidence that the alien has been granted refugee status, humanitarian parole,
1560 temporary protected status, or asylum; or
1561 (iii) evidence that the alien has submitted in good faith an application for refugee
1562 status, humanitarian parole, temporary protected status, or asylum under United States
1563 immigration law.
1564 (9) (a) The evidence described in Subsection (8)(a)(ii)(B) or (8)(b)(ii)(B) includes:
1565 (i) a current Utah voter registration card;
1566 (ii) a valid Utah driver license or identification card;
1567 (iii) a current Utah vehicle registration;
1568 (iv) a copy of a Utah income tax return, in the military service member's or military
1569 service member's spouse's name, filed as a resident in accordance with Section 59-10-502; or
1570 (v) proof that the military service member or military service member's spouse owns a
1571 home in Utah, including a property tax notice for property owned in Utah.
1572 (b) Aliens who are present in the United States on visitor, student, or other visas not
1573 listed in Subsection ~~[(8)(f)]~~ (8)(h) or (9)(c), which authorize only temporary presence in this
1574 country, do not have the capacity to intend to reside in Utah for an indefinite period and
1575 therefore are classified as nonresidents.

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

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

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

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

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

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

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

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

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

(14) (a) A person who has established domicile in Utah for full-time permanent employment 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 an employer requested transfer to Utah, recruitment by a Utah employer, or a comparable work-related move for full-time permanent employment in Utah.

(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 Utah employment was 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

1607 as a postsecondary student;

1608 (v) whether the person applied for admission to an institution of higher education
1609 sooner than four months from the date of moving to Utah;

1610 (vi) evidence that the person is an independent person who is:

1611 (A) at least 24 years old; or

1612 (B) not claimed as a dependent on someone else's tax returns; and

1613 (vii) any other factors related to abandonment of a former domicile and establishment
1614 of a new domicile in Utah for purposes other than to attend an institution of higher education.

1615 (15) (a) A person who is in residence in Utah to participate in a United States Olympic
1616 athlete training program, at a facility in Utah, approved by the governing body for the athlete's
1617 Olympic sport, shall be entitled to resident status for tuition purposes.

1618 (b) Upon the termination of the athlete's participation in the training program, the
1619 athlete shall be subject to the same residency standards applicable to other persons under this
1620 section.

1621 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah
1622 counts for Utah residency for tuition purposes upon termination of the athlete's participation in
1623 a Utah Olympic athlete training program.

1624 (16) (a) A person who has established domicile in Utah for reasons related to divorce,
1625 the death of a spouse, or long-term health care responsibilities for an immediate family
1626 member, including the person's spouse, parent, sibling, or child, may rebut the presumption of a
1627 nonresident classification by providing substantial evidence that the reason for the individual's
1628 move to Utah was, in good faith, based on the long-term health care responsibilities.

1629 (b) All relevant evidence concerning the motivation for the move shall be considered,
1630 including:

1631 (i) the person's employment and educational history;

1632 (ii) the dates when the long-term health care responsibilities in Utah were first
1633 considered, offered, and accepted;

1634 (iii) when the person moved to Utah;

1635 (iv) the dates when the person applied for admission, was admitted, and was enrolled
1636 as a postsecondary student;

1637 (v) whether the person applied for admission to an institution of higher education

sooner than four months from the date of moving to Utah;

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

(A) at least 24 years old; or

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

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

(17) A foreign service member or the foreign service member's immediate family member deemed eligible for resident student status under Subsection (8)(e) or (f) shall retain the eligibility for resident student status if the foreign service member or immediate family member maintains continuous enrollment even in the case of a change in domicile or duty station.

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

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

(b) establishing procedures for classifying and reclassifying students;

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

(d) establishing appeals procedures; and

(e) other matters related to this section.

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

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

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

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

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

Part 2. Opportunity Scholarship Program

53B-8-201. Opportunity Scholarship Program.

(1) As used in this section:

(a) "Eligible institution" means:

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

1669 (ii) a private, nonprofit college or university in the state that is accredited by the
1670 Northwest Commission on Colleges and Universities.

1671 (b) "Eligible student" means a student who:

1672 (i) applies to the board in accordance with the rules described in Subsection (5);

1673 (ii) is enrolled in an eligible institution; and

1674 (iii) meets the criteria established by the board in rules described in Subsection (5).

1675 (c) "Fee" means:

1676 (i) for an eligible institution that is a degree-granting institution, a fee approved by the
1677 board; or

1678 (ii) for an eligible institution that is a technical college, a fee approved by the eligible
1679 institution.

1680 (d) "Program" means the Opportunity Scholarship Program described in this section.

1681 (2) (a) Subject to legislative appropriations, the board shall annually distribute money
1682 for the Opportunity Scholarship Program described in this section to each eligible institution to
1683 award as Opportunity scholarships to eligible students.

1684 (b) The board shall annually determine the amount of an Opportunity scholarship based
1685 on:

1686 (i) the number of eligible students in the state; and

1687 (ii) money available for the program.

1688 (c) The board may not use more than 3% of the money appropriated to the program for
1689 administrative costs and overhead.

1690 (3) (a) Except as provided in this Subsection (3), an eligible institution shall provide to
1691 an eligible student an Opportunity scholarship in the amount determined by the board described
1692 in Subsection (2)(b).

1693 (b) For an Opportunity scholarship for which an eligible student applies on or before
1694 July 1, 2019, an eligible institution may reduce the amount of the Opportunity scholarship
1695 based on other state aid awarded to the eligible student for tuition and fees.

1696 (c) For an Opportunity scholarship for which an eligible student applies after July 1,
1697 2019:

1698 (i) an eligible institution shall reduce the amount of the Opportunity scholarship so that
1699 the total amount of state aid awarded to the eligible student, including tuition or fee waivers

1700 and the Opportunity scholarship, does not exceed the cost of the eligible student's tuition and
1701 fees; and

1702 (ii) the eligible student may only use the Opportunity scholarship for tuition and fees.

1703 (d) An institution described in Subsection (1)(a)(ii) may not award an Opportunity
1704 scholarship to an eligible student in an amount that exceeds the average total cost of tuition and
1705 fees among the eligible institutions described in Subsection (1)(a)(i).

1706 (e) If the allocation for an eligible institution described in Subsection (1)(a)(ii) is
1707 insufficient to provide the amount described in Subsection (2)(b) to each eligible student, the
1708 eligible institution may reduce the amount of an Opportunity scholarship.

1709 (4) The board may:

1710 (a) audit an eligible institution's administration of Opportunity scholarships;

1711 (b) require an eligible institution to repay to the board money distributed to the eligible
1712 institution under this section that is not provided to an eligible student as an Opportunity
1713 scholarship; and

1714 (c) require an eligible institution to enter into a written agreement with the board in
1715 which the eligible institution agrees to provide the board with access to information and data
1716 necessary for the purposes of the program.

1717 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1718 board shall make rules that establish:

1719 (a) requirements related to an eligible institution's administration of Opportunity
1720 scholarships;

1721 (b) a process for a student to apply to the board to determine the student's eligibility for
1722 an Opportunity scholarship;

1723 (c) criteria to determine a student's eligibility for an Opportunity scholarship,
1724 including:

1725 (i) minimum secondary education academic performance standards; and

1726 (ii) the completion of a Free Application for Federal Student Aid or a process approved
1727 by the board in lieu of the Free Application for Federal Student Aid;

1728 (d) a requirement for each eligible institution to annually report to the board on all
1729 Opportunity scholarships awarded by the eligible institution; and

1730 (e) a process for a student to apply to the board for an Opportunity scholarship who

1731 would have likely received the scholarship but for an irreconcilable error in the application
1732 process described in Subsection (5)(b).

1733 (6) The board shall annually report on the program to the Higher Education
1734 Appropriations Subcommittee.

1735 (7) The State Board of Education, a school district, or a public high school shall
1736 cooperate with the board and eligible institutions to facilitate the program, including by
1737 exchanging relevant data where allowed by law.

1738 Section 30. Section **53B-8a-105** is amended to read:

1739 **53B-8a-105. Powers and duties of board.**

1740 (1) There is created the Utah Education Savings Board of Trustees.

1741 (2) The Utah Board of Higher Education shall:

1742 (a) appoint the members of the board as follows:

1743 (i) not more than three members from the Utah Board of Higher Education; and

1744 (ii) at least four public members, each of whom possesses skills in one or more of the
1745 following:

1746 (A) investments;

1747 (B) accounting;

1748 (C) finance;

1749 (D) banking;

1750 (E) education;

1751 (F) technology; or

1752 (G) financial operations; and

1753 (b) designate a member appointed under Subsection (2)(a) as chair.

1754 (3) Each board member serves at the pleasure of the Utah Board of Higher Education.

1755 (4) The board has all powers necessary to carry out and effectuate the purposes,
1756 objectives, and provisions of this chapter pertaining to the plan.

1757 (5) The board shall act as a fiduciary of the plan with:

1758 (a) a duty of care to act solely in the best interest of the plan's account owners and
1759 beneficiaries;

1760 (b) a duty of loyalty putting the plan's interest ahead of other interests; and

1761 (c) a duty to invest with care, skill, prudence, and diligence.

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

(7) The board shall:

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

(b) amend policies related to board governance.

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

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

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

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

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

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

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

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

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

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

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

(3) to acquire, purchase, or make commitments to purchase, and take assignments from lenders of obligations. No obligation is eligible for acquisition, purchase, or commitment to

purchase by the board unless at or before the time of transfer to the board the lender certifies either: (a) that, under and to the extent required by rules and regulations of the board, the proceeds of sale or its equivalent shall be reinvested in other obligations under the student loan program; or (b) that the obligation was made in anticipation of its sale to the board under rules and regulations of the board promulgated under this chapter;

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

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

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

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

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

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

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

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

(12) to solicit grants and contributions from the public or from any government or governmental agency and to arrange for the guaranteeing of the repayment of obligations by

1824 other agencies of this state or the United States;

1825 (13) to collect fees and charges in connection with its loans, commitments, and
1826 servicing, including reimbursement of the costs of financing, service charges, and insurance
1827 premiums which are determined as reasonable and are approved by the board;

1828 (14) to sell obligations held by the board at such prices and at such times as it may
1829 determine, when that sale would not impair the rights or interests of holders of bonds issued by
1830 the board; and

1831 (15) to participate in federal programs supporting loans to eligible borrowers and to
1832 agree to, and comply with, the conditions of those programs.

1833 Section 32. Section **53B-16-102** is amended to read:

1834 **53B-16-102. Changes in curriculum -- Substantial alterations in institutional**
1835 **operations -- Program approval -- Periodic review of programs -- Career and technical**
1836 **education curriculum changes.**

1837 (1) As used in this section:

1838 (a) "Institution of higher education" means an institution described in Section
1839 [53B-1-102](#).

1840 (b) "Program of instruction" means a program of curriculum that leads to the
1841 completion of a degree, diploma, certificate, or other credential.

1842 (2) (a) Under procedures and policies approved by the board and developed in
1843 consultation with each institution of higher education, each institution of higher education may
1844 make such changes in the institution of higher education's curriculum as necessary to better
1845 effectuate the institution of higher education's primary role[-]; and

1846 (b) subject to Subsection (2)(a), an institution of higher education's faculty shall
1847 establish and have primary responsibility for the curriculum of a course within a program of
1848 instruction at the institution.

1849 (3) The board shall establish criteria for whether an institution of higher education may
1850 approve a new program of instruction, including criteria related to whether:

1851 (a) the program of instruction meets identified workforce needs;

1852 (b) the institution of higher education is maximizing collaboration with other
1853 institutions of higher education to provide for efficiency in offering the program of instruction;

1854 (c) the new program of instruction is within the institution of higher education's

1855 mission and role; and

1856 (d) the new program of instruction meets other criteria determined by the board.

1857 (4) (a) Except as [~~provided in Subsection (4)(b), without the approval of the board~~]

1858 board policy permits, an institution of higher education may not[:]

1859 [(i)] establish a branch, extension center, college, or professional school[~~;~~or].

1860 [~~(ii) establish a new program of instruction.~~]

1861 (b) [~~An~~] The president of an institution of higher education may, with the approval of

1862 the institution of higher education's board of trustees, establish a new program of instruction

1863 that meets the criteria described in Subsection (3), subject to board review for pathway

1864 articulation.

1865 (5) (a) An institution of higher education shall notify the board of a proposed new

1866 program of instruction, including how the proposed new program of instruction meets the

1867 criteria described in Subsection (3).

1868 (b) The board shall establish procedures and guidelines for institutional boards of

1869 trustees to consider an institutional proposal for a new program of instruction described in

1870 Subsection (4)(b).

1871 (6) The president of an institution of higher education may discontinue a program of

1872 instruction in accordance with criteria that the president and the institution of higher

1873 education's board of trustees establish.

1874 [~~(6)~~] (7) (a) The board shall conduct a periodic review of all new programs of

1875 instruction, including those funded by gifts, grants, and contracts, no later than two years after

1876 the first cohort to begin the program of instruction completes the program of instruction.

1877 (b) The board may conduct a periodic review of any program of instruction at an

1878 institution of higher education, including a program of instruction funded by a gift, grant, or

1879 contract.

1880 (c) The board shall conduct:

1881 (i) at least once every seven years, at least one review described in Subsection [~~(6)(b)~~]

1882 (7)(b) of each program of instruction at each institution; and

1883 (ii) annually, a qualitative and quantitative review of academic disciplines across the

1884 system, including enrollment, graduation rates, and workforce placement, ensuring that the

1885 board conducts a review of all disciplines within the system at least once every seven years.

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

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

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

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

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

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

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

(a) deduct 10% of the appropriation described in Section 53B-7-703 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%.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) (a) Except as provided in Subsection (6)(b), a member may not receive

1948 compensation, benefits, per diem, or travel expenses for the member's service.

1949 (b) Compensation and expenses of a member who is a legislator are governed by
1950 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

1951 (7) The Office of the Attorney General shall provide staff support to the commission.

1952 Section 34. Section 53B-22-102 is amended to read:

1953 **53B-22-102. Utah State University revenue bonds -- Student family housing and**
1954 **Human Resource Research Center.**

1955 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on
1956 behalf of Utah State University, may issue, sell, and deliver revenue bonds or other evidences
1957 of indebtedness of Utah State University to borrow money on the credit of the income and
1958 revenues of Utah State University, other than appropriations of the Legislature, to finance the
1959 cost of constructing, furnishing, and equipping a student family housing project and a Human
1960 Resource Research Center.

1961 (2) The bonds or other evidences of indebtedness authorized by this section may not
1962 exceed \$6,600,000 for the student family housing project and \$6,000,000 for the Human
1963 Resource Research Center, and shall be issued in accordance with Title 53B, Chapter 21,
1964 Revenue Bonds, under such terms and conditions and in such amounts as the board, by
1965 resolution, determines are reasonable and necessary.

1966 Section 35. Section 53B-22-103 is amended to read:

1967 **53B-22-103. Weber State University revenue bonds -- Student services building.**

1968 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on
1969 behalf of Weber State University, may issue, sell, and deliver revenue bonds or other evidences
1970 of indebtedness of Weber State University to borrow money on the credit of the income and
1971 revenues of Weber State University, other than appropriations of the Legislature, to finance the
1972 partial cost of constructing, furnishing, and equipping a student services building.

1973 (2) The bonds or other evidences of indebtedness authorized by this section may not
1974 exceed \$5,800,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue
1975 Bonds, under such terms and conditions and in such amounts as the board, by resolution,
1976 determines are reasonable and necessary.

1977 Section 36. Section 53B-22-104 is amended to read:

1978 **53B-22-104. Southern Utah University revenue bonds -- Student housing and**

1979 **student center addition.**

1980 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on
1981 behalf of Southern Utah University, may issue, sell, and deliver revenue bonds or other
1982 evidences of indebtedness of Southern Utah University to borrow money on the credit of the
1983 income and revenues of Southern Utah University, other than appropriations of the Legislature,
1984 to finance the cost of constructing, furnishing, and equipping a student housing project and a
1985 student center addition.

1986 (2) The bonds or other evidences of indebtedness authorized by this section may not
1987 exceed \$6,000,000 for the student housing project and \$5,500,000 for the student center
1988 addition and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under
1989 terms and conditions and in amounts that the board, by resolution, determines are reasonable
1990 and necessary.

1991 Section 37. Section **53B-22-105** is amended to read:

1992 **53B-22-105. Utah Tech University revenue bonds -- Student center building.**

1993 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on
1994 behalf of [~~Dixie College~~] Utah Tech University, may issue, sell, and deliver revenue bonds or
1995 other evidences of indebtedness of [~~Dixie College~~] Utah Tech University to borrow money on
1996 the credit of the income and revenues of [~~Dixie College~~] Utah Tech University, other than
1997 appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and
1998 equipping a student center building.

1999 (2) The bonds or other evidences of indebtedness authorized by this section may not
2000 exceed \$3,100,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue
2001 Bonds, under such terms and conditions and in such amounts as the board, by resolution,
2002 determines are reasonable and necessary.

2003 Section 38. Section **53B-22-106** is amended to read:

2004 **53B-22-106. Utah Valley University revenue bonds -- Student center addition.**

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

2010 addition.

2011 (2) The bonds or other evidences of indebtedness authorized by this section may not
2012 exceed \$13,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue
2013 Bonds, under such terms and conditions and in such amounts as the board, by resolution,
2014 determines are reasonable and necessary.

2015 Section 39. Section **53B-22-107** is amended to read:

2016 **53B-22-107. Salt Lake Community College revenue bonds -- Classroom/physical**
2017 **education facility.**

2018 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on
2019 behalf of Salt Lake Community College, may issue, sell, and deliver revenue bonds or other
2020 evidences of indebtedness of Salt Lake Community College to borrow money on the credit of
2021 the income and revenues of Salt Lake Community College, other than appropriations of the
2022 Legislature, to finance the partial cost of constructing, furnishing, and equipping a
2023 classroom/physical education facility.

2024 (2) The bonds or other evidences of indebtedness authorized by this section may not
2025 exceed \$5,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue
2026 Bonds, under such terms and conditions and in such amounts as the board, by resolution,
2027 determines are reasonable and necessary.

2028 Section 40. Section **53B-22-109** is amended to read:

2029 **53B-22-109. Salt Lake Community College revenue bonds -- Science/major**
2030 **industry building.**

2031 (1) The [State] Utah Board of Higher Education, formerly the Board of Regents, on
2032 behalf of Salt Lake Community College, may issue, sell, and deliver revenue bonds or other
2033 evidences of indebtedness of Salt Lake Community College to borrow money on the credit of
2034 the income and revenues of Salt Lake Community College, other than appropriations of the
2035 Legislature, to finance the partial cost of constructing, furnishing, and equipping a
2036 science/major industry building.

2037 (2) The bonds or other evidences of indebtedness authorized by this section may not
2038 exceed \$5,150,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue
2039 Bonds, under terms and conditions and in amounts that the board, by resolution, determines are
2040 reasonable and necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The board shall:

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

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

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

(iii) fulfills a critical institutional facility need;

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

(i) a list of approved dedicated projects; and

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

2103 (5); and

2104 (c) submit the lists described in Subsection (3)(b) to:

2105 (i) the governor;

2106 (ii) the Infrastructure and General Government Appropriations Subcommittee;

2107 (iii) the Higher Education Appropriations Subcommittee; and

2108 (iv) the Division of Facilities Construction and Management for a:

2109 (A) recommendation, for the list described in Subsection (3)(b)(i); or

2110 (B) recommendation and prioritization, for the list described in Subsection (3)(b)(ii).

2111 (4) A dedicated project:

2112 (a) is subject to the recommendation of the Division of Facilities Construction and

2113 Management as described in Section [63A-5b-403](#); and

2114 (b) is not subject to the prioritization of the Division of Facilities Construction and

2115 Management as described in Section [63A-5b-403](#).

2116 (5) (a) Subject to Subsection (6), the board shall prioritize institution requests for

2117 funding for nondedicated projects based on:

2118 (i) capital facility need;

2119 (ii) utilization of facilities;

2120 (iii) maintenance and condition of facilities; and

2121 (iv) any other factor determined by the board.

2122 (b) On or before August 1, 2019, the board shall establish how the board will prioritize

2123 institution requests for funding for nondedicated projects, including:

2124 (i) how the board will measure each factor described in Subsection (5)(a); and

2125 (ii) procedures for prioritizing requests.

2126 (6) (a) Subject to Subsection (6)(b), and in accordance with Subsection (5), the board

2127 may annually prioritize:

2128 (i) up to three nondedicated projects if the ongoing appropriation to the fund is less

2129 than \$50,000,000;

2130 (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least

2131 \$50,000,000 but less than \$100,000,000; or

2132 (iii) one nondedicated project if the ongoing appropriation to the fund is at least

2133 \$100,000,000.

2134 (b) For each calendar year beginning on or after January 1, 2020, the dollar amounts
2135 described in Subsection (6)(a) shall be adjusted by an amount equal to the percentage
2136 difference between:

2137 (i) the Consumer Price Index for the 2019 calendar year; and

2138 (ii) the Consumer Price Index for the previous calendar year.

2139 (7) (a) An institution may request operations and maintenance funds for a capital
2140 development project approved under this section.

2141 (b) An institution shall make the request described in Subsection (7)(a) at the same
2142 time the institution submits the proposal described in Subsection (2).

2143 ~~[(b)]~~ (c) The Legislature shall consider an institution's request described in Subsection
2144 (7)(a).

2145 (8) After an institution completes a capital development project described in this
2146 section, the board shall review the capital development project, including the costs and design
2147 of the capital development project.

2148 Section 46. Section **53B-23-106** is amended to read:

2149 **53B-23-106. Institution to make policy.**

2150 (1) As used in this section, "institution" means an institution listed in Section
2151 53B-1-102.

2152 (2) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
2153 ~~the board]~~ An institution shall make ~~[rules]~~ policy consistent with this section for ~~[its]~~ the
2154 implementation and administration of the institution, including ~~[rules]~~ policy addressing:

2155 ~~[(1)]~~ (a) the designation of materials considered "required or essential to student
2156 success";

2157 ~~[(2)]~~ (b) the determination of the availability of technology for the conversion of
2158 nonprinted materials pursuant to Section **53B-23-103** and the conversion of mathematics and
2159 science materials pursuant to Section **53B-23-102**; and

2160 ~~[(3)]~~ (c) the procedures and standards relating to distribution of files and materials
2161 pursuant to Section **53B-23-103**.

2162 Section 47. Section **53B-27-405** is amended to read:

2163 **53B-27-405. Student religious accommodations.**

2164 (1) An institution shall:

2165 (a) reasonably accommodate a student's absence from an examination or other
2166 academic requirement under the circumstances described in Subsection (2) for reasons of:
2167 (i) the student's faith or conscience; or
2168 (ii) the student's participation in an organized activity conducted under the auspices of
2169 the student's religious tradition or religious organization; and
2170 (b) ensure that an accommodation described in Subsection (1)(a) does not adversely
2171 impact the student's academic opportunities.

2172 (2) An institution shall make an accommodation described in Subsection (1) if:
2173 (a) the time at which an examination or academic requirement is scheduled to occur
2174 creates an undue hardship for a student due to the student's sincerely held religious belief; and
2175 (b) the student provides a written notice to the instructor of the course for which the
2176 student seeks the accommodation regarding the date of the examination or academic
2177 requirement for which the student seeks the accommodation.

2178 (3) ~~[The board]~~ An institution shall establish policies related to the accommodation
2179 described in Subsection (1) that:
2180 (a) require ~~[an]~~ the institution to provide the accommodation with respect to when the
2181 student participates in examinations and other academic requirements;
2182 (b) allow an instructor who receives a notice described in Subsection (2)(b) to:
2183 (i) schedule an alternative examination time before or after the regularly scheduled
2184 examination; or
2185 (ii) make accommodations for other academic requirements related to the
2186 accommodation; and
2187 (c) require an instructor who receives a notice described in Subsection (2)(b) to keep
2188 confidential a student's request for the accommodation.

2189 (4) (a) The ~~[board]~~ commissioner shall annually:
2190 (i) create a list of the dates of religious holidays for the following two years; and
2191 (ii) distribute the list described in Subsection (4)(a) to an institution.
2192 (b) The creation and distribution of the list described in Subsection (4)(a) does not
2193 prohibit a student from seeking, or an institution from granting, an accommodation for a date
2194 of a religious holiday that is not included on that list.

2195 (5) An institution shall:

2196 (a) designate a point of contact for information about an accommodation described in
2197 Subsection (1);

2198 (b) establish a process by which a student may submit a grievance with regards to
2199 implementation of this section; and

2200 (c) publish the following information on the institution's website and update the
2201 information annually:

2202 (i) the ~~[board's]~~ institution's religious accommodation policies described in Subsection
2203 (3);

2204 (ii) the point of contact described in Subsection (5)(a);

2205 (iii) the list described in Subsection (4);

2206 (iv) a description of the general procedure to request an accommodation described in
2207 Subsection (1); and

2208 (v) the grievance process described in Subsection (5)(b).

2209 Section 48. Section **53B-28-401** is amended to read:

2210 **53B-28-401. Campus safety plans and training -- Institution duties -- Governing**
2211 **board duties.**

2212 (1) As used in this section:

2213 (a) "Covered offense" means:

2214 (i) sexual assault;

2215 (ii) domestic violence;

2216 (iii) dating violence; or

2217 (iv) stalking.

2218 (b) "Institution" means an institution of higher education described in Section
2219 [53B-1-102](#).

2220 (c) "Student organization" means a club, group, sports team, fraternity or sorority, or
2221 other organization:

2222 (i) of which the majority of members is composed of students enrolled in an institution;

2223 and

2224 (ii) (A) that is officially recognized by the institution; or

2225 (B) seeks to be officially recognized by the institution.

2226 (2) An institution shall develop a campus safety plan that addresses:

- 2227 (a) where an individual can locate the institution's policies and publications related to a
2228 covered offense;
- 2229 (b) institution and community resources for a victim of a covered offense;
- 2230 (c) the rights of a victim of a covered offense, including the measures the institution
2231 takes to ensure, unless otherwise provided by law, victim confidentiality throughout all steps in
2232 the reporting and response to a covered offense;
- 2233 (d) how the institution informs the campus community of a crime that presents a threat
2234 to the campus community;
- 2235 (e) availability, locations, and methods for requesting assistance of security personnel
2236 on the institution's campus;
- 2237 (f) guidance on how a student may contact law enforcement for incidents that occur off
2238 campus;
- 2239 (g) institution efforts related to increasing campus safety, including efforts related to
2240 the institution's increased response in providing services to victims of a covered offense, that:
- 2241 (i) the institution made in the preceding 18 months; and
- 2242 (ii) the institution expects to make in the upcoming 24 months;
- 2243 (h) coordination and communication between institution resources and organizations,
2244 including campus law enforcement;
- 2245 (i) institution coordination with local law enforcement or community resources,
2246 including coordination related to a student's safety at an off-campus location; and
- 2247 (j) how the institution requires a student organization to provide the campus safety
2248 training as described in Subsection (5).
- 2249 (3) An institution shall:
- 2250 (a) prominently post the institution's campus safety plan on the institution's website and
2251 each of the institution's campuses; and
- 2252 (b) annually update the institution's campus safety plan.
- 2253 (4) An institution shall develop a campus safety training curriculum that addresses:
- 2254 (a) awareness and prevention of covered offenses, including information on institution
2255 and community resources for a victim of a covered offense;
- 2256 (b) bystander intervention; and
- 2257 (c) sexual consent.

(5) An institution shall require a student organization, in order for the student organization to receive or maintain official recognition by the institution, to annually provide campus safety training, using the curriculum described in Subsection (4), to the student organization's members.

~~[(6) The board shall:~~

~~—— (a) on or before July 1, 2019, establish minimum requirements for an institution's campus safety plan described in Subsection (2);~~

~~—— (b) identify resources an institution may use to develop a campus safety training curriculum as described in Subsection (4); and (c)]~~

(6) An institution shall report annually to the Education Interim Committee and the Law Enforcement and Criminal Justice Interim Committee, at or before the committees' November meetings, on~~[(i) the implementation of the requirements described in this section; and (ii)]~~ crime statistics aggregated by housing facility as described in Subsection 53B-28-403(2).

Section 49. Section **53B-28-502** is amended to read:

53B-28-502. State student data protection governance.

(1) The state privacy officer shall establish a higher education privacy advisory group to advise institutions and institution boards of trustees on student data protection.

(2) The advisory group shall consist of:

(a) the state privacy officer;

(b) the higher education privacy officer; and

(c) the following members, appointed by the commissioner ~~[of higher education]:~~

(i) at least one Utah ~~[system of higher education]~~ System of Higher Education employee; and

(ii) at least one representative of the Utah Board of Higher Education.

(3) The advisory group shall:

(a) discuss and make recommendations to the board and institutions regarding:

(i) existing and proposed:

(A) board rules; or

(B) board policies of the Utah Board of Higher Education or institutions; and

(ii) training on protecting student data privacy; and

- 2289 (b) perform other tasks related to student data protection as designated by the Utah
2290 Board of Higher Education.
- 2291 (4) The higher education privacy officer shall:
- 2292 (a) provide training and support to institution boards and employees; and
- 2293 (b) produce:
- 2294 (i) resource materials;
- 2295 (ii) model data governance plans;
- 2296 (iii) model forms for institution student data protection governance; and
- 2297 (iv) a model data collection notice.
- 2298 (5) The board shall:
- 2299 (a) (i) create and maintain a data governance plan; and
- 2300 (ii) annually publish the data governance plan on the Utah System of Higher Education
2301 website; and
- 2302 (b) establish standards for:
- 2303 (i) institution policies to protect student data;
- 2304 (ii) institution data governance plans; and
- 2305 (iii) a third-party contractor's use of student data.
- 2306 Section 50. Section **53B-33-202** is amended to read:
- 2307 **53B-33-202. Utah Data Research Advisory Board -- Composition -- Appointment.**
- 2308 (1) There is created the Utah Data Research Advisory Board.
- 2309 (2) The advisory board is composed of the following members:
- 2310 (a) the state superintendent of the State Board of Education or the state superintendent's
2311 designee;
- 2312 (b) the commissioner or the commissioner's designee;
- 2313 (c) the executive director of the Department of Workforce Services or the executive
2314 director's designee;
- 2315 (d) the executive director of the Department of Health and Human Services or the
2316 executive director's designee; and
- 2317 (e) the executive director of the Department of Commerce or the executive director's
2318 designee.
- 2319 (3) The commissioner or the commissioner's designee shall serve as chair.

2320 (4) A member of the advisory board:

2321 (a) except to the extent a member's service on the advisory board is related to the
2322 member's duties outside of the advisory board, may not receive compensation or benefits for
2323 the member's service; and

2324 (b) may receive per diem and travel expenses in accordance with:

2325 (i) Section 63A-3-106;

2326 (ii) Section 63A-3-107; and

2327 (iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

2328 Section 51. Section 53B-34-110 is enacted to read:

2329 **53B-34-110. Talent advisory councils.**

2330 (1) As used in this section:

2331 (a) "Advisory council" means an advisory council the talent board creates under
2332 Subsection (10).

2333 (b) "Institution of higher education" means the same as the term is defined in Section
2334 53B-1-102.

2335 (c) "Talent initiative" means an initiative the board creates under Subsection (2).

2336 (2) (a) Subject to legislative appropriations and in accordance with the proposal
2337 process and other provisions of this section, the board shall develop and oversee one or more
2338 talent initiatives that include providing funding for expanded programs at an institution of
2339 higher education related to the talent initiative.

2340 (b) The board shall ensure that a talent initiative the board creates:

2341 (i) uses a name for the talent initiative that reflects the area the initiative is targeting;

2342 (ii) contains an outline of the disciplines, industries, degrees, certifications, credentials,
2343 and types of skills the talent initiative will target; and

2344 (iii) uses a corresponding advisory council created in Subsection (10).

2345 (3) In creating a talent initiative, the board shall facilitate collaborations between an
2346 institution of higher education and participating employers that:

2347 (a) create expanded, multidisciplinary programs or stackable credential programs
2348 offered at a technical college, undergraduate, or graduate level of study; and

2349 (b) prepare students to be workforce participants in jobs requiring skills related to a
2350 talent initiative.

2351 (4) (a) An institution of higher education seeking to partner with one or more
2352 participating employers to create a program related to a talent initiative shall submit a proposal
2353 to the talent board through a process the talent board creates.

2354 (b) An institution of higher education shall submit a proposal that contains:
2355 (i) a description of the proposed program including:
2356 (A) implementation timelines for the program;
2357 (B) a demonstration of how the program will be responsive to the talent needs related
2358 to the talent initiative;

2359 (C) an outline of relevant industry involvement that includes at least one participating
2360 employer that partners with the institution of higher education; and

2361 (D) an explanation of how the program addresses an unmet regional workforce need
2362 related to a talent initiative;

2363 (ii) an estimate of:
2364 (A) projected student enrollment and completion rates for a program;
2365 (B) the academic credit or credentials that a program will provide; and
2366 (C) occupations for which a graduate will qualify;

2367 (iii) evidence that each participating employer is committed to participating and
2368 contributing to the program by providing any combination of:

2369 (A) instruction;
2370 (B) curriculum review;
2371 (C) feedback regarding effectiveness of program graduates as employees;
2372 (D) work-based learning opportunities; or
2373 (E) mentoring;

2374 (iv) a description of any resources a participating employer will provide within the
2375 program; and

2376 (v) the amount of funding requested for the program, including:
2377 (A) the justification for the funding; and
2378 (B) the cost per student served as estimated under Subsection (4)(b)(ii).

2379 (5) In reviewing a proposal, the talent board shall provide a proposal to the relevant
2380 advisory council described in Subsections (10) and (11).

2381 (6) The relevant advisory council shall:

2382 (a) review and prioritize each proposal the advisory council receives; and
2383 (b) recommend to the talent board whether the proposal should be funded and the
2384 funding amount based on:
2385 (i) the quality and completeness of the elements of the proposal described in
2386 Subsection (4)(b);
2387 (ii) to what extent the proposed program:
2388 (A) would expand the capacity to meet state or regional workforce needs related to the
2389 talent initiative;
2390 (B) would integrate industry-relevant competencies with disciplinary expertise;
2391 (C) would incorporate internships or significant project experiences, including
2392 team-based experiences;
2393 (D) identifies how industry professionals would participate in elements described in
2394 Subsection (4)(b)(iii); and
2395 (E) would be cost effective; and
2396 (iii) other relevant criteria as the relevant advisory council and the talent board
2397 determines.
2398 (7) The board shall review the recommendations of an advisory council and may
2399 provide funding for a program related to a talent initiative using the criteria described in
2400 Subsection (6)(b).
2401 (8) In a form that the board approves, each institution of higher education that receives
2402 funding shall annually provide written information to the board regarding the activities,
2403 successes, and challenges related to administering the program related to the talent initiative,
2404 including:
2405 (a) specific entities that received funding under this section;
2406 (b) the amount of funding provided to each entity;
2407 (c) the number of participating students in each program;
2408 (d) the number of graduates of the program;
2409 (e) the number of graduates of the program employed in jobs requiring skills related to
2410 the talent initiative; and
2411 (f) progress and achievements relevant to the implementation timeline submitted under
2412 Subsection (4)(b)(i)(A).

2413 (9) On or before October 1 of each year, the board shall provide an annual written
2414 report containing the information described in Subsection (8) to the:
2415 (a) Education Interim Committee; and
2416 (b) Higher Education Appropriations Subcommittee.
2417 (10) The talent board shall create a talent advisory council for each talent initiative
2418 created under Subsection (2) to make recommendations to the board regarding the
2419 administration of a talent initiative including:
2420 (a) a deep technology initiative;
2421 (b) a life sciences workforce initiative; and
2422 (c) health professions initiatives including a nursing initiative.
2423 (11) An advisory council shall consist of the following members:
2424 (a) four members who have extensive experience in the talent initiative's subject matter
2425 from the private sector whom the chair of the talent board appoints and the board approves;
2426 (b) a representative of the board described in Section [53B-1-402](#) whom the chair of the
2427 board appoints;
2428 (c) a representative of the Governor's Office of Economic Opportunity whom the
2429 executive director of the Governor's Office of Economic Opportunity appoints;
2430 (d) a representative from Talent Ready Utah;
2431 (e) one member of the Senate whom the president of the Senate appoints;
2432 (f) one member of the House of Representatives whom the speaker of the House of
2433 Representatives appoints; and
2434 (g) any other specialized industry experts whom a majority of the advisory council may
2435 invite to participate as needed as nonvoting members.
2436 (12) Talent Ready Utah shall provide staff support for an advisory council.
2437 (13) (a) Two advisory council members appointed under Subsection (11)(a) shall serve
2438 an initial term of two years.
2439 (b) Except as described in Subsection (13)(a), all other advisory council members shall
2440 serve an initial term of four years.
2441 (c) Successor advisory council members upon appointment or reappointment shall each
2442 serve a term of four years.
2443 (d) When a vacancy occurs in the membership for any reason, the initial appointing

2444 authority shall appoint a replacement for the unexpired term.

2445 (e) An advisory council member may not serve more than two consecutive terms.

2446 (14) A vote of a majority of the advisory council members constitutes an action of the
2447 advisory council.

2448 (15) The duties of the advisory council include reviewing, prioritizing, and making
2449 recommendations to the board regarding proposals for funding under the talent initiative
2450 created in accordance with Subsection (2) for which the council was created.

2451 (16) An advisory council member may not receive compensation or benefits for the
2452 member's service, but an advisory council member who is not a legislator may receive per diem
2453 and travel expenses in accordance with:

2454 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

2455 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2456 [63A-3-107](#).

2457 (17) The board may discontinue a talent initiative and the related talent advisory
2458 council by majority vote.

2459 Section 52. Section **53E-3-505** is amended to read:

2460 **53E-3-505. Financial and economic literacy education.**

2461 (1) As used in this section:

2462 (a) "Financial and economic activities" include activities related to the topics listed in
2463 Subsection (1)(b).

2464 (b) "Financial and economic literacy concepts" include concepts related to the
2465 following topics:

2466 (i) basic budgeting;

2467 (ii) saving and financial investments;

2468 (iii) banking and financial services, including balancing a checkbook or a bank account
2469 and online banking services;

2470 (iv) career management, including earning an income;

2471 (v) rights and responsibilities of renting or buying a home;

2472 (vi) retirement planning;

2473 (vii) loans and borrowing money, including interest, credit card debt, predatory
2474 lending, and payday loans;

2475 (viii) insurance;

2476 (ix) federal, state, and local taxes;

2477 (x) charitable giving;

2478 (xi) identity fraud and theft;

2479 (xii) negative financial consequences of gambling;

2480 (xiii) bankruptcy;

2481 (xiv) economic systems, including a description of:

2482 (A) a command system such as socialism or communism, a market system such as

2483 capitalism, and a mixed system; and

2484 (B) historic and current examples of the effects of each economic system on economic

2485 growth;

2486 (xv) supply and demand;

2487 (xvi) monetary and fiscal policy;

2488 (xvii) effective business plan creation, including using economic analysis in creating a

2489 plan;

2490 (xviii) scarcity and choices;

2491 (xix) opportunity cost and tradeoffs;

2492 (xx) productivity;

2493 (xxi) entrepreneurship; and

2494 (xxii) economic reasoning.

2495 (c) "General financial literacy course" means the course of instruction administered by

2496 the state board under Subsection (3).

2497 (2) The state board shall:

2498 (a) more fully integrate existing and new financial and economic literacy education into

2499 instruction in kindergarten through grade 12 by:

2500 (i) coordinating financial and economic literacy instruction with existing instruction in

2501 other areas of the core standards for Utah public schools, such as mathematics and social

2502 studies;

2503 (ii) using curriculum mapping;

2504 (iii) creating training materials and staff development programs that:

2505 (A) highlight areas of potential coordination between financial and economic literacy

2506 education and other core standards for Utah public schools concepts; and
2507 (B) demonstrate specific examples of financial and economic literacy concepts as a
2508 way of teaching other core standards for Utah public schools concepts; and
2509 (iv) using appropriate financial and economic literacy assessments to improve financial
2510 and economic literacy education and, if necessary, developing assessments;
2511 (b) work with interested public, private, and nonprofit entities to:
2512 (i) identify, and make available to teachers, online resources for financial and
2513 economic literacy education, including modules with interactive activities and turnkey
2514 instructor resources;
2515 (ii) coordinate school use of existing financial and economic literacy education
2516 resources;
2517 (iii) develop simple, clear, and consistent messaging to reinforce and link existing
2518 financial literacy resources;
2519 (iv) coordinate the efforts of school, work, private, nonprofit, and other financial
2520 education providers in implementing methods of appropriately communicating to teachers,
2521 students, and parents key financial and economic literacy messages; and
2522 (v) encourage parents and students to establish higher education savings, including a
2523 Utah Educational Savings Plan account;
2524 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2525 make rules to develop guidelines and methods for school districts and charter schools to more
2526 fully integrate financial and economic literacy education into other core standards for Utah
2527 public schools courses; and
2528 (d) in cooperation with school districts, charter schools, and interested private and
2529 nonprofit entities, provide opportunities for professional development in financial and
2530 economic literacy concepts to teachers, including:
2531 (i) a statewide learning community for financial and economic literacy;
2532 (ii) summer workshops; and
2533 (iii) online videos of experts in the field of financial and economic literacy education.
2534 (3) The state board shall:
2535 (a) administer a general financial literacy course in the same manner that the state
2536 board administers other core standards for Utah public school courses for grades 9 through 12;

2537 (b) adopt standards and objectives for the general financial literacy course that address:
2538 (i) financial and economic literacy concepts;
2539 (ii) the costs of going to college, student loans, scholarships, and the Free Application
2540 for Federal Student Aid;
2541 (iii) financial benefits of pursuing concurrent enrollment as defined in Section
2542 [53E-10-301](#); and
2543 (iv) technology that relates to banking, savings, and financial products; and
2544 (c) (i) contract with a provider, through a request for proposals process, to develop an
2545 online, end-of-course assessment for the general financial literacy course;
2546 (ii) require a school district or charter school to administer an online, end-of-course
2547 assessment to a student who takes the general financial literacy course; and
2548 (iii) develop a plan, through the state superintendent, to analyze the results of an
2549 online, end-of-course assessment in general financial literacy that includes:
2550 (A) an analysis of assessment results by standard; and
2551 (B) average scores statewide and by school district and school.
2552 (4) (a) The state board shall establish a task force to study and make recommendations
2553 to the state board on how to improve financial and economic literacy education in the public
2554 school system.
2555 (b) The task force membership shall include representatives of:
2556 (i) the state board;
2557 (ii) school districts and charter schools;
2558 (iii) the Utah [~~Board~~] System of Higher Education; and
2559 (iv) private or public entities that teach financial education and share a commitment to
2560 empower individuals and families to achieve economic stability, opportunity, and upward
2561 mobility.
2562 (c) The state board shall convene the task force at least once every three years to
2563 review and recommend adjustments to the standards and objectives of the general financial
2564 literacy course.
2565 Section 53. Section **63G-6a-202** is amended to read:
2566 **63G-6a-202. Creation of Utah State Procurement Policy Board.**
2567 (1) There is created the Utah State Procurement Policy Board.

2568 (2) The board consists of up to 15 members as follows:

2569 (a) two representatives of state institutions of higher education, [~~appointed by~~] whom
2570 the commissioner of higher education, under the direction of the Utah Board of Higher
2571 Education appoints;

2572 (b) a representative of the Department of Human Services, [~~appointed by~~] whom the
2573 executive director of that department appoints;

2574 (c) a representative of the Department of Transportation, [~~appointed by~~] whom the
2575 executive director of that department appoints;

2576 (d) two representatives of school districts, [~~appointed by~~] whom the State Board of
2577 Education appoints;

2578 (e) a representative of the Division of Facilities Construction and Management,
2579 [~~appointed by~~] whom the director of that division appoints;

2580 (f) one representative of a county, [~~appointed by~~] whom the Utah Association of
2581 Counties appoints;

2582 (g) one representative of a city or town, [~~appointed by~~] whom the Utah League of
2583 Cities and Towns appoints;

2584 (h) two representatives of special districts or special service districts, [~~appointed by~~]
2585 whom the Utah Association of Special Districts appoints;

2586 (i) the director of the Division of Technology Services or the executive director's
2587 designee;

2588 (j) the chief procurement officer or the chief procurement officer's designee; and

2589 (k) two representatives of state agencies, other than a state agency already represented
2590 on the board, [~~appointed by~~] whom the executive director of the Department of Government
2591 Operations, with the approval of the executive director of the state agency that employs the
2592 employee appoints.

2593 (3) Members of the board shall be knowledgeable and experienced in, and have
2594 supervisory responsibility for, procurement in their official positions.

2595 (4) A board member may serve as long as the member meets the description in
2596 Subsection (2) unless removed by the person or entity with the authority to appoint the board
2597 member.

2598 (5) (a) The board shall:

- 2599 (i) adopt rules of procedure for conducting its business; and
2600 (ii) elect a chair to serve for one year.
2601 (b) The chair of the board shall be selected by a majority of the members of the board
2602 and may be elected to succeeding terms.
2603 (c) The chief procurement officer shall designate an employee of the division to serve
2604 as the nonvoting secretary to the policy board.
2605 (6) A member of the board may not receive compensation or benefits for the member's
2606 service, but may receive per diem and travel expenses in accordance with:
2607 (a) Section 63A-3-106;
2608 (b) Section 63A-3-107; and
2609 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2610 63A-3-107.

2611 Section 54. **Repealer.**

2612 This bill repeals:

2613 Section 53B-6-105.7, Initiative student scholarship program.

2614 Section 53B-26-201, Definitions.

2615 Section 53B-26-202, Nursing initiative -- Reporting requirements -- Proposals --
2616 Funding.

2617 Section 53B-26-301, Definitions.

2618 Section 53B-26-302, Deep technology initiative.

2619 Section 53B-26-303, Deep Technology Talent Advisory Council.

2620 Section 55. **FY 2025 Appropriation.**

2621 The following sums of money are appropriated for the fiscal year beginning July 1,
2622 2024, and ending June 30, 2025. These are additions to amounts previously appropriated for
2623 fiscal year 2025.

2624 Subsection 55(a). **Operating and Capital Budgets.**

2625 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
2626 Legislature appropriates the following sums of money from the funds or accounts indicated for
2627 the use and support of the government of the state of Utah.

2628 ITEM 1 To University of Utah - Education and General

2629		From Income Tax Fund Restricted - Performance Funding Rest.	\$3,404,600
		Acct.	
2630		Schedule of Programs:	
2631		Instruction	\$3,404,600
2632	ITEM 2	To Utah State University - USU - Eastern Career and Technical Education	
2633		From Income Tax Fund Restricted - Performance Funding Rest.	\$59,600
		Acct.	
2634		Schedule of Programs:	
2635		Instruction	\$59,600
2636	ITEM 3	To Utah State University - Education and General	
2637		From Income Tax Fund Restricted - Performance Funding Rest.	\$989,200
		Acct.	
2638		Schedule of Programs:	
2639		Instruction	\$989,200
2640	ITEM 4	To Weber State University - Education and General	
2641		From Income Tax Fund Restricted - Performance Funding Rest.	\$834,300
		Acct.	
2642		Schedule of Programs:	
2643		Instruction	\$834,300
2644	ITEM 5	To Southern Utah University - Education and General	
2645		From Income Tax Fund Restricted - Performance Funding Rest.	\$699,600
		Acct.	
2646		Schedule of Programs:	
2647		Instruction	\$699,600
2648	ITEM 6	To Utah Valley University - Education and General	
2649		From Income Tax Fund Restricted - Performance Funding Rest.	\$829,100
		Acct.	
2650		Schedule of Programs:	

2651		Instruction	\$829,100
2652	ITEM 7	To Snow College - Education and General	
2653		From Income Tax Fund Restricted - Performance Funding Rest. Acct.	\$303,000
2654		Schedule of Programs:	
2655		Instruction	\$303,000
2656	ITEM 8	To Snow College - Career and Technical Education	
2657		From Income Tax Fund Restricted - Performance Funding Rest. Acct.	\$93,600
2658		Schedule of Programs:	
2659		Instruction	\$93,600
2660	ITEM 9	To Utah Tech University - Education and General	
2661		From Income Tax Fund Restricted - Performance Funding Rest. Acct.	\$279,500
2662		Schedule of Programs:	
2663		Instruction	\$279,500
2664	ITEM 10	To Salt Lake Community College - Education and General	
2665		From Income Tax Fund Restricted - Performance Funding Rest. Acct.	\$471,300
2666		Schedule of Programs:	
2667		Instruction	\$471,300
2668	ITEM 11	To Salt Lake Community College - Career and Technical Education	
2669		From Income Tax Fund Restricted - Performance Funding Rest. Acct.	\$68,200
2670		Schedule of Programs:	
2671		Instruction	\$68,200
2672	ITEM 12	To Bridgerland Technical College - Education and General	

2673		From Income Tax Fund Restricted - Performance Funding Rest.	\$336,000
		Acct.	
2674		Schedule of Programs:	
2675		Instruction	\$336,000
2676	ITEM 13	To Davis Technical College - Education and General	
2677		From Income Tax Fund Restricted - Performance Funding Rest.	\$234,600
		Acct.	
2678		Schedule of Programs:	
2679		Instruction	\$234,600
2680	ITEM 14	To Dixie Technical College - Education and General	
2681		From Income Tax Fund Restricted - Performance Funding Rest.	\$255,800
		Acct.	
2682		Schedule of Programs:	
2683		Instruction	\$255,800
2684	ITEM 15	To Mountainland Technical College - Education and General	
2685		From Income Tax Fund Restricted - Performance Funding Rest.	\$198,100
		Acct.	
2686		Schedule of Programs:	
2687		Instruction	\$198,100
2688	ITEM 16	To Ogden-Weber Technical College - Education and General	
2689		From Income Tax Fund Restricted - Performance Funding Rest.	\$402,100
		Acct.	
2690		Schedule of Programs:	
2691		Instruction	\$402,100
2692	ITEM 17	To Southwest Technical College - Education and General	
2693		From Income Tax Fund Restricted - Performance Funding Rest.	\$61,200
		Acct.	
2694		Schedule of Programs:	

2695 Instruction \$61,200

2696 ITEM 18 To Tooele Technical College - Education and General

2697 From Income Tax Fund Restricted - Performance Funding Rest. \$53,400
Acct.

2698 Schedule of Programs:

2699 Instruction \$53,400

2700 ITEM 19 To Uintah Basin Technical College - Education and General

2701 From Income Tax Fund Restricted - Performance Funding Rest. \$137,200
Acct.

2702 Schedule of Programs:

2703 Instruction \$137,200

2704 Subsection 55(b). **Restricted Fund and Account Transfers.**

2705 The Legislature authorizes the State Division of Finance to transfer the following

2706 amounts between the following funds or accounts as indicated. Expenditures and outlays from

2707 the funds to which the money is transferred must be authorized by an appropriation.

2708 ITEM 20 To Performance Funding Restricted Account

2709 From Income Tax Fund \$20,000,000

2710 Schedule of Programs:

2711 Performance Funding Restricted \$20,000,000
Account

2712 Section 56. **Effective date.**

2713 This bill takes effect on May 1, 2024.

2714 Section 57. **Coordinating S.B. 192 with H.B. 438**

2715 If S.B. 192, Higher Education Amendments, and H.B. 438, Higher Education

2716 Revisions, both pass and become law, the Legislature intends that, on May 1, 2024, Subsection

2717 53B-2-106(6)(b) in S.B. 192 be amended to read:

2718 "(b) subject to Section 53B-2-106.1, shall provide for the constitution, government,

2719 and organization of the faculty and administration, including ~~H→ [by, as determined by the~~

2720 president, enacting and implementing rules, including the establishment of a prescribed system
 2721 of tenure if the institution is a degree-granting institution; and] :
 2721a (i) enacting and implementing rules ;
 2721b (ii) ensuring that the faculty may only have jurisdiction over:
 2721c (A) academic requirements for admission, degrees, and certificates; and
 2721d (B) course curriculum and instruction;
 2721e (iii) permitting faculty to have jurisdiction over a matter other than a matter described
 2721f in Subsection (6)(b)(ii) only if the following entities expressly authorize or delegate such power:
 2721g (A) the Legislature;
 2721h (B) the board;
 2721i (C) the institution's board of trustees; or
 2721j (D) the insitution's president; and
 2721k (iv) if the institution is a degree-granting institution, the establishment of a prescribed
 2721l system of tenure; ←H ".