

Representative Derrin R. Owens proposes the following substitute bill:

ACCESS UTAH PROMISE SCHOLARSHIP PROGRAM

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill creates the Access Utah Promise Scholarship Program and amends and repeals certain other scholarship programs.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Access Utah Promise Scholarship Program;
- ▶ enacts provisions related to promise scholarships, including provisions related to:
 - eligibility; and
 - the amount awarded for a promise scholarship;
- ▶ enacts provisions related to promise partner awards, including provisions related to:
 - eligibility, including requirements for employers who intend to participate as promise partners; and
 - administration of the program;
- ▶ prohibits the State Board of Regents (board) and institutions of higher education from accepting applications for certain previously authorized scholarships after certain dates;
- ▶ allows an individual who received certain scholarships before certain dates to



- 26 receive the scholarships until the end of the scholarship term;
- 27 ▶ amends provisions related to a Regents' scholarship and a New Century Scholarship,
- 28 including:
- 29 • the maximum amount of a scholarship;
 - 30 • the postsecondary institutions at which a student may use a scholarship; and
 - 31 • allowable uses for a scholarship;
- 32 ▶ requires the board to make administrative rules;
- 33 ▶ allows the board to use certain existing funds for administrative costs associated
- 34 with certain scholarships;
- 35 ▶ provides repeal dates; and
- 36 ▶ makes technical and conforming changes.

37 **Money Appropriated in this Bill:**

- 38 This bill appropriates in fiscal year 2020:
- 39 ▶ to the State Board of Regents – Student Assistance – Access Utah Promise
- 40 Scholarship Program, as a one-time appropriation:
- 41 • from the Education Fund, One-time, \$30,000,000.

42 **Other Special Clauses:**

43 This bill provides a coordination clause.

44 **Utah Code Sections Affected:**

45 AMENDS:

- 46 **53B-6-105**, as last amended by Laws of Utah 2009, Chapters 210 and 370
- 47 **53B-6-105.5**, as last amended by Laws of Utah 2013, Chapter 49
- 48 **53B-6-105.7**, as last amended by Laws of Utah 2009, Chapter 210
- 49 **53B-8-105**, as last amended by Laws of Utah 2017, Chapter 386
- 50 **53B-8-112**, as enacted by Laws of Utah 2017, Chapter 426
- 51 **53B-8-201**, as enacted by Laws of Utah 2017, Chapter 386
- 52 **63G-12-402**, as last amended by Laws of Utah 2017, Chapter 386
- 53 **63I-2-253**, as last amended by Laws of Utah 2018, Chapters 107, 281, 382, 415, and

54 456

55 ENACTS:

- 56 **53B-8-114**, Utah Code Annotated 1953

- 57 [53B-8-301](#), Utah Code Annotated 1953
- 58 [53B-8-302](#), Utah Code Annotated 1953
- 59 [53B-8-303](#), Utah Code Annotated 1953
- 60 [53B-8-304](#), Utah Code Annotated 1953

61 REPEALS:

- 62 [53B-8-113](#), as enacted by Laws of Utah 2017, Chapter 426

63 **Utah Code Sections Affected by Coordination Clause:**

- 64 [53B-1-301](#), Utah Code Annotated 1953



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

67 Section 1. Section [53B-6-105](#) is amended to read:

68 **[53B-6-105. Engineering and Computer Technology Initiative.](#)**

69 (1) The Legislature recognizes that a significant increase in the number of engineering,
70 computer science, and related technology graduates from the state system of higher education is
71 required over the next several years to advance the intellectual, cultural, social, and economic
72 well-being of the state and its citizens.

73 (2) (a) (i) The [~~State Board of Regents~~] board shall therefore develop, establish, and
74 maintain an Engineering and Computer Science Initiative within the state system of higher
75 education to double the number of graduates in engineering, computer science, and related
76 technology by 2006 and triple the number of graduates by 2009.

77 (ii) The board shall make [~~a rule~~] rules in accordance with Title 63G, Chapter 3, Utah
78 Administrative Rulemaking Act, providing the criteria for those fields of study that qualify as
79 "related technology" under this section and [~~Sections [53B-6-105.7](#) and~~] Section [53B-6-105.9](#).

80 (b) The initiative shall include components that:

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

83 [~~(ii) provide incentives to:~~]

84 [~~(A) students through a scholarship program under Section [53B-6-105.7](#); and~~]

85 [~~(B)~~] (ii) provide incentives to institutions to hire and retain faculty under Section
86 [53B-6-105.9](#).

87 (3) The increase in program capacity under Subsection (2)(a) shall include funding for

88 new and renovated capital facilities and funding for new engineering and computer science
89 programs.

90 (4) The Legislature shall provide an annual appropriation to the [~~State Board of~~
91 ~~Regents~~] board to fund the initiative.

92 Section 2. Section **53B-6-105.5** is amended to read:

93 **53B-6-105.5. Technology Initiative Advisory Board -- Composition -- Duties.**

94 (1) There is created a Technology Initiative Advisory Board to assist and make
95 recommendations to the State Board of Regents in its administration of the Engineering and
96 Computer Science Initiative established under Section **53B-6-105**.

97 (2) (a) The advisory board shall consist of individuals appointed by the governor from
98 business and industry who have expertise in the areas of engineering, computer science, and
99 related technologies.

100 (b) The advisory board shall select a chair and cochair.

101 (c) The advisory board shall meet at the call of the chair.

102 (d) The State Board of Regents, through the commissioner of higher education, shall
103 provide staff support for the advisory board.

104 (3) A member of an advisory board may not receive compensation or benefits for the
105 member's service, but may receive per diem and travel expenses in accordance with:

106 (a) Section **63A-3-106**;

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

108 (c) rules made by the Division of Finance pursuant to Sections **63A-3-106** and
109 **63A-3-107**.

110 (4) The advisory board shall:

111 (a) make recommendations to the State Board of Regents on the allocation and
112 distribution of money appropriated to fund:

113 (i) the faculty incentive program established in Section **53B-6-105.9**; and

114 (ii) equipment purchases required to improve the quality of instructional programs in
115 engineering, computer science, and related technology; [~~and~~]

116 [~~(iii) the scholarship program established in Section **53B-6-105.7**.]~~

117 (b) prepare a strategic plan that details actions required by the State Board of Regents
118 to meet the intent of the Engineering and Technology Science Initiative;

119 (c) review and assess engineering, computer science, and related technology programs
120 currently being offered at higher education institutions and their impact on the economic
121 prosperity of the state;

122 (d) provide the State Board of Regents with an assessment and reporting plan that:

123 (i) measures results against expectations under the initiative, including verification of
124 the matching requirements for institutions of higher education to receive money under Section
125 [53B-6-105.9](#); and

126 (ii) includes an analysis of market demand for technical employment, program
127 articulation among higher education institutions in engineering, computer science, and related
128 technology, tracking of student placement, student admission to the initiative program by
129 region, transfer rates, and retention in and graduation rates from the initiative program; and

130 (e) make an annual report of its activities to the State Board of Regents.

131 (5) The annual report of the Technology Initiative Advisory Board shall include the
132 summary report of the institutional matches described in Section [53B-6-105.9](#).

133 Section 3. Section [53B-6-105.7](#) is amended to read:

134 **[53B-6-105.7. Initiative student scholarship program.](#)**

135 (1) Notwithstanding the provisions of this section, beginning on July 1, 2019, the board
136 may not accept new applications for a scholarship described in this section.

137 ~~[(+)]~~ (2) (a) There is established an engineering, computer science, and related
138 technology scholarship program as a component of the initiative created in Section [53B-6-105](#).

139 (b) The program is established to recruit, retain, and train engineering, computer
140 science, and related technology students to assist in providing for and advancing the intellectual
141 and economic welfare of the state.

142 ~~[(2)]~~ (3) (a) The board:

143 (i) may make rules for the overall administration of the scholarship program in
144 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

145 (ii) shall administer the program in consultation with the Technology Initiative
146 Advisory Board created in Section [53B-6-105.5](#).

147 (b) The board shall also use the following policies and procedures in administering the
148 student scholarship program:

149 (i) students may use scholarship money at any institution within the state system of

150 higher education that offers an engineering, computer science, or related technology degree;

151 (ii) scholarships shall be given to students who declare an intent to complete a
152 prescribed course of instruction in one of the areas referred to in Subsection ~~[(2)]~~ (3)(b)(i) and
153 to work in the state after graduation in one of those areas; and

154 (iii) a scholarship may be cancelled at any time by the institution of attendance, if the
155 student fails to make reasonable progress towards obtaining the degree or there appears to be a
156 reasonable certainty that the student does not intend to work in the state upon graduation.

157 ~~[(3)(a) By June 1 of each year, the Technology Initiative Advisory Board shall
158 recommend to the board a distribution of the scholarship funds to institutions in the state
159 system of higher education, based on a formula.]~~

160 ~~[(b) The Technology Initiative Advisory Board shall develop the formula for
161 distribution of total scholarship funds to the institutions, which shall contain the following
162 components:]~~

163 ~~[(i) the number of graduates of engineering, computer science, and related technology
164 degrees from the previous year;]~~

165 ~~[(ii) the number and level of engineering, computer science, and related technology
166 degrees offered at an institution; and]~~

167 ~~[(iii) the length of each engineering, computer science, and related technology degree
168 offered at an institution.]~~

169 (4) The Legislature shall make an annual appropriation to the board to fund the student
170 scholarship program created in this section.

171 Section 4. Section **53B-8-105** is amended to read:

172 **53B-8-105. New Century scholarships -- High school requirements.**

173 (1) As used in this section~~[-,"complete"]~~:

174 (a) "Complete the requirements for an associate degree" means that a student:

175 ~~[(a)]~~ (i) (A) completes all the required courses for an associate degree from a higher
176 education institution within the state system of higher education that offers associate degrees;
177 and

178 ~~[(ii)]~~ (B) applies for the associate degree from the institution; or

179 ~~[(b)]~~ (ii) (i) completes equivalent requirements described in Subsection (1)(a)(i)(A) from a
180 higher education institution within the state system of higher education that offers

181 baccalaureate degrees but does not offer associate degrees.

182 (b) "Fee" means a fee approved by the board.

183 (2) (a) The board shall award New Century scholarships.

184 (b) The board shall develop and approve the math and science curriculum described
185 under Subsection (3)(a)(ii).

186 (3) (a) In order to qualify for a New Century scholarship, a student in Utah schools
187 shall complete the requirements for an:

188 (i) associate degree; or

189 (ii) approved math and science curriculum.

190 (b) The requirements under Subsection (3)(a) shall be completed:

191 ~~[(i) (A) for a student whose class graduates from high school in 2010 or before, by
192 September 1 of the year the student's class graduates from high school; or]~~

193 ~~[(B) for a student whose class graduates from high school in 2011 or after;]~~

194 (i) by the day on which the student's class graduates from high school; and

195 (ii) with at least a 3.0 grade point average.

196 (c) In addition to the requirements in Subsection (3)(a), a student in Utah ~~[schools
197 whose class graduates from high school in 2011 or after]~~ shall:

198 (i) complete the high school graduation requirements of:

199 (A) a public high school established by the State Board of Education and the student's
200 school district or charter school; or

201 (B) a private high school in the state that is accredited by a regional accrediting body
202 approved by the board; and

203 (ii) complete high school with at least a 3.5 cumulative high school grade point
204 average.

205 (4) Notwithstanding Subsection (3), for a student who does not receive a high school
206 grade point average, the student shall:

207 (a) complete the requirements for an associate degree:

208 ~~[(i) (A) for a student who completes high school in 2010 or before, by September 1 of
209 the year the student completes high school; or]~~

210 ~~[(B) for a student who completes high school in 2011 or after;]~~

211 (i) by June 15 of the year the student completes high school; and

212 (ii) with at least a 3.0 grade point average; and
213 (b) score a composite ACT score of 26 or higher.
214 (5) To be eligible for the scholarship, a student:
215 (a) shall submit an application to the board with:
216 (i) an official college transcript showing college courses the student has completed to
217 complete the requirements for an associate degree; and
218 (ii) (A) if applicable, an official high school transcript; or
219 (B) if applicable, a copy of the student's ACT scores;
220 (b) shall be a citizen of the United States or a noncitizen who is eligible to receive
221 federal student aid;
222 (c) may not have a criminal record, with the exception of a misdemeanor traffic
223 citation; and
224 (d) if applicable, shall meet the application deadlines as established by the board under
225 Subsection (10).
226 (6) (a) The scholarship may be used at a:
227 (i) higher education institution within the state system of higher education that offers
228 baccalaureate programs; or
229 (ii) if the scholarship holder applies for the scholarship on or before October 1, 2019,
230 private, nonprofit college or university in the state accredited by the Northwest Association of
231 Schools and Colleges that offers baccalaureate programs.
232 ~~[(b) For a student whose class graduates from high school in 2010 and who completes~~
233 ~~the requirements under Subsection (3)(a) by September 1, 2010:]~~
234 ~~[(i) if used at an institution described in Subsection (6)(a)(i), the value of the~~
235 ~~scholarship is up to 75% of the tuition costs at the selected institution; or]~~
236 ~~[(ii) if used at an institution described in Subsection (6)(a)(ii), the value of the~~
237 ~~scholarship is up to 75% of the tuition costs at the institution, not to exceed 75% of the average~~
238 ~~tuition costs at the institutions referred in Subsection (6)(a)(i).]~~
239 ~~[(c) (i) For a student whose class graduates in 2011 or after and who completes the~~
240 ~~requirements under this section]~~
241 (b) (i) Subject to Subsection (6)(e), the total value of the scholarship is up to \$5,000,
242 allocated over a time period described in Subsection (6)~~(d)~~(c), as prescribed by the board.

243 (ii) The board may increase the scholarship amount described in Subsection
244 (6)~~(c)~~(b)(i) by an amount not to exceed the average percentage tuition increase approved by
245 the board for institutions in the state system of higher education.

246 ~~(d)~~ (c) The scholarship is valid for the shortest of the following time periods:

247 (i) two years of full-time equivalent enrollment;

248 (ii) 60 credit hours; or

249 (iii) until the student meets the requirements for a baccalaureate degree.

250 ~~(e)~~ (d) (i) A scholarship holder shall enroll full-time at a higher education institution
251 by no later than the fall term immediately following the student's high school graduation date
252 or receive an approved deferral from the board.

253 (ii) The board may grant a deferral or leave of absence to a scholarship holder, but the
254 ~~student~~ scholarship holder may only receive scholarship money within five years of the
255 student's high school graduation date.

256 (e) For a scholarship for which a student applies after October 1, 2019:

257 (i) the board shall reduce the amount of the scholarship holder's scholarship so that the
258 total amount of state aid awarded to the scholarship holder, including the scholarship, does not
259 exceed the cost of the scholarship holder's tuition and fees; and

260 (ii) the scholarship holder may only used the scholarship for tuition and fees.

261 (7) The board may cancel a New Century scholarship at any time if the student fails to:

262 (a) register for at least 15 credit hours per semester;

263 (b) maintain a 3.3 grade point average for two consecutive semesters; or

264 (c) make reasonable progress toward the completion of a baccalaureate degree.

265 (8) (a) Subject to future budget constraints, the Legislature shall make an annual
266 appropriation from the General Fund to the board for the costs associated with the New
267 Century Scholarship Program authorized under this section.

268 (b) It is understood that the appropriation is offset in part by the state money that would
269 otherwise be required and appropriated for these students if they were enrolled in a four-year
270 postsecondary program at a state-operated institution.

271 (c) Notwithstanding Subsections (2)(a) and (6), if the appropriation under Subsection
272 (8)(a) is insufficient to cover the costs associated with the New Century Scholarship Program,
273 the board may reduce the scholarship amount.

274 (d) If money appropriated under this section is available after New Century
275 scholarships are awarded, the board shall use the money for the Access Utah Promise
276 Scholarship Program created in Section 53B-8-302.

277 (9) (a) The board shall adopt policies establishing an application process and an appeal
278 process for a New Century scholarship.

279 (b) The board shall disclose on all applications and related materials that the amount of
280 the scholarship is subject to funding and may be reduced, in accordance with Subsection (8)(c).

281 (c) The board shall require an applicant for a New Century scholarship to certify under
282 penalty of perjury that:

283 (i) the applicant is a United States citizen; or

284 (ii) the applicant is a noncitizen who is eligible to receive federal student aid.

285 (d) The certification under this Subsection (9) shall include a statement advising the
286 signer that providing false information subjects the signer to penalties for perjury.

287 (10) The board may set deadlines for receiving New Century scholarship applications
288 and supporting documentation.

289 (11) A student may not receive both a New Century scholarship and a Regents'
290 scholarship established in Part 2, Regents' Scholarship Program.

291 Section 5. Section **53B-8-112** is amended to read:

292 **53B-8-112. Public Safety Officer Career Advancement Reimbursement Program.**

293 (1) The Public Safety Officer Career Advancement Reimbursement Program is created.

294 (2) (a) Notwithstanding the provisions in this section, the board may not reimburse an
295 individual for an academic year that begins on or after July 1, 2019.

296 (b) Subject to legislative appropriations and Subsection (7) the board shall reimburse
297 an applicant who:

298 ~~[(a)]~~ (i) is a certified peace officer, currently employed by a law enforcement agency
299 within the state;

300 ~~[(b)]~~ (ii) has been employed as a certified peace officer for three or more consecutive
301 years;

302 ~~[(c)]~~ (iii) is seeking a post-secondary degree in the area of criminal justice from a
303 credit-granting higher education institution within the state system of higher education,
304 described in Section **53B-1-102**; and

305 ~~(d)~~ (iv) is employed as a peace officer for one year following completion of the
306 academic year for which the individual is seeking reimbursement.

307 (3) Individuals who qualify for reimbursement from the Public Safety Officer Career
308 Advancement Reimbursement ~~[program]~~ Program may apply for reimbursement by July 1 one
309 year after each academic year for which they are requesting reimbursement.

310 (4) Subject to Legislative appropriations, of the funds appropriated for the ~~[Peace]~~
311 Public Safety Officer Career Advancement Reimbursement Program:

312 (a) 25% of the annual appropriation shall be designated for applicants who are
313 currently employed by a law enforcement agency with jurisdiction in a county of the third or
314 fourth class; and

315 (b) 12% of the annual appropriation shall be designated for applicants who are
316 currently employed by a law enforcement agency with jurisdiction in a county of the fifth or
317 sixth class.

318 (5) (a) A qualified applicant may be reimbursed up to half of the cost of tuition and
319 fees.

320 (b) A reimbursement under Subsection (5)(a) is limited to:

321 (i) a maximum of \$5,000 each academic year; and

322 (ii) a maximum of eight academic years.

323 (6) (a) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
324 Administrative Rulemaking Act, to:

325 (i) set deadlines for receiving reimbursement applications and supporting
326 documentation; and

327 (ii) establish the application process and an appeal process for a reimbursement from
328 the ~~[Peace]~~ Public Safety Officer Career Advancement Reimbursement Program, including
329 procedures to allow for online application submittals.

330 (b) The board shall include a disclosure on all applications and related materials that
331 the amount of the awarded reimbursements may be subject to funding or be reduced, in
332 accordance with Subsection (7).

333 (7) (a) Subject to future budget constraints, the Legislature shall make an annual
334 appropriation from the Education Fund to the board for the costs associated with the ~~[Peace]~~
335 Public Safety Officer Career Advancement Reimbursement Program authorized under this

336 section.

337 (b) Notwithstanding the provisions of this section, if the appropriation under this
338 section is insufficient to cover the costs associated with the ~~[Peace]~~ Public Safety Officer
339 Career Advancement Reimbursement Program, the board may reduce the amount of a
340 reimbursement.

341 (c) Any individual who is denied reimbursement because of insufficient funds
342 appropriated may re-apply for reimbursement up to two years after the first year of eligibility.

343 Section 6. Section **53B-8-114** is enacted to read:

344 **53B-8-114. Continuation of previously authorized scholarships.**

345 (1) As used in this section:

346 (a) "Institution of higher education" means an institution that awards money through a
347 program described in Subsection (2)(a).

348 (b) "Scholarship term" means the length of time during which an individual is eligible
349 to receive award money through a program described in Subsection (2)(a).

350 (2) The board or an institution of higher education:

351 (a) beginning on July 1, 2019, may not accept a new application for an award described
352 in:

353 (i) Section [53B-6-105.7](#), which describes engineering and computer technology
354 scholarships; or

355 (ii) Section [53B-8-112](#), which describes a reimbursement for public safety officers; and

356 (b) may pay, through the end of the scholarship term, an award through a program
357 described in Subsection (2)(a) to an individual whose application for the program was accepted
358 before the applicable date described in Subsection (2)(a).

359 Section 7. Section **53B-8-201** is amended to read:

360 **53B-8-201. Regents' Scholarship Program.**

361 (1) As used in this section:

362 (a) "Eligible institution" means~~[(i) a credit-granting]~~ an institution of higher education
363 within the state system of higher education described in Section [53B-1-102](#)~~[, or]~~.

364 ~~[(ii) a private, nonprofit college or university in the state that is accredited by the~~
365 ~~Northwest Commission on Colleges and Universities.]~~

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

- 367 (i) applies to the board in accordance with the rules described in Subsection (6);
- 368 (ii) is enrolled in an eligible institution; and
- 369 (iii) meets the criteria established by the board in rules described in Subsection (6).

370 (c) "Fee" means:

- 371 (i) for an eligible institution that is part of the Utah System of Higher Education, a fee
- 372 approved by the board; or
- 373 (ii) for an eligible institution that is a technical college, a fee approved by the eligible
- 374 institution.

375 ~~[(c)]~~ (d) "Program" means the Regents' Scholarship Program described in this section.

376 (2) (a) A student who graduates from high school after July 1, 2018:

- 377 (i) may receive a Regents' scholarship in accordance with this section; and
- 378 (ii) may not ~~[may]~~ receive a scholarship in accordance with Sections 53B-8-202
- 379 through 53B-8-205.

380 (b) A student who graduates from high school on or before July 1, 2018:

- 381 (i) may receive a scholarship in accordance with Sections 53B-8-202 through
- 382 53B-8-205; and

383 (ii) may not receive a Regents' scholarship in accordance with this section.

384 (3) (a) Subject to legislative appropriations and Subsection (3)(d), beginning with an
385 appropriation for fiscal year 2019, the board shall annually distribute money for the Regents'
386 Scholarship Program described in this section to each eligible institution to award as Regents'
387 scholarships to eligible students.

388 (b) The board shall annually determine the amount of a Regents' scholarship based on:

- 389 (i) the number of eligible students in the state; and
- 390 (ii) money available for the program.

391 (c) The board shall annually determine the total amount of money to distribute to an
392 eligible institution based on the eligible institution's share of all eligible students in the state.

393 ~~[(d) An eligible institution that is a private, nonprofit college or university shall, to~~
394 ~~receive money distributed by the board described in Subsection (3)(a), enter into a written~~
395 ~~agreement with the board in which the eligible institution agrees to:]~~

396 ~~[(i) provide the board with access to information and data necessary for the purposes of~~
397 ~~the program; and]~~

398 ~~[(ii) comply with an audit by the board described in Subsection (5) if the board~~
399 ~~conducts an audit.]~~

400 (4) (a) Except as provided in Subsection (4)(b) or (c), an eligible institution shall
401 provide to an eligible student a Regents' scholarship in the amount determined by the board
402 described in Subsection (3)(b).

403 (b) ~~[An]~~ For a Regents' scholarship for which an eligible student applies on or before
404 July 1, 2019, an eligible institution may reduce the amount of [a] the Regents' scholarship
405 ~~[provided to an eligible student]~~ based on other state aid awarded to the eligible student for
406 tuition and fees.

407 (c) For a Regents' scholarship for which an eligible student applies after July 1, 2019:

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

411 (ii) the eligible student may only use the Regents' scholarship for tuition and fees.

412 (5) The board may:

413 (a) audit an eligible institution's administration of Regents' scholarships; and

414 (b) require an eligible institution to repay to the board money distributed to the eligible
415 institution under this section that is not provided to an eligible student as a Regents'
416 scholarship.

417 (6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
418 the board shall make rules that establish:

419 ~~[(a)]~~ (i) requirements related to an eligible institution's administration of Regents'
420 scholarships;

421 ~~[(b)]~~ (ii) a process for a student to apply to the board to determine the student's
422 eligibility for a Regents' scholarship;

423 ~~[(c)]~~ (iii) criteria to determine a student's eligibility for a Regents' scholarship,
424 including:

425 ~~[(i)]~~ (A) minimum secondary education academic performance standards;

426 ~~[(ii)]~~ (B) the completion of secondary core curriculum and graduation requirements;

427 ~~[(iii)]~~ (C) the completion of a Free Application for Federal Student Aid;

428 ~~[(iv)]~~ (D) need-based measures that address college affordability and access; and

460 (b) for an institution that is a technical college, a fee approved by the institution.

461 (4) "Institution of higher education" or "institution" means an institution described in
462 Section 53B-1-102.

463 (5) "Membership hour" means 60 minutes of scheduled instruction provided by an
464 institution to a student enrolled in a noncredit certificate program.

465 (6) "Partner award" means a financial award described in Section 53B-8-304.

466 (7) "Promise partner" means an employer that participates in the program described in
467 Section 53B-8-304.

468 Section 9. Section **53B-8-302** is enacted to read:

469 **53B-8-302. Access Utah Promise Scholarship Program.**

470 (1) There is created the Access Utah Promise Scholarship Program, which includes:

471 (a) promise scholarships described Section 53B-8-303; and

472 (b) partner awards described in Section 53B-8-304.

473 (2) The board may not allocate more than 20% of a legislative appropriation for the
474 Access Utah Promise Scholarship Program for partner awards.

475 Section 10. Section **53B-8-303** is enacted to read:

476 **53B-8-303. Access Utah promise scholarships.**

477 (1) An individual may apply for a promise scholarship in accordance with the rules
478 described in Subsection (8).

479 (2) An individual is eligible to receive a promise scholarship if the individual:

480 (a) (i) has a high school diploma or the equivalent; and

481 (ii) does not have an associate or higher postsecondary degree;

482 (b) demonstrates financial need, in accordance with the rules described in Subsection
483 (8);

484 (c) is a Utah resident;

485 (d) enrolls in an institution; and

486 (e) accepts all other grants and scholarships offered to the individual to attend the
487 institution in which the individual enrolls.

488 (3) Subject to legislative appropriations, and in accordance with the rules described in
489 Subsection (8), the board shall annually distribute money for promise scholarships to each
490 institution.

491 (4) (a) Except as provided in Subsection (4)(d), an institution shall award a promise
492 scholarship to an eligible individual.

493 (b) For a promise scholarship recipient, an institution shall:

494 (i) evaluate the recipient's knowledge, skills, and competencies acquired through
495 formal or informal education outside the traditional postsecondary academic environment; and

496 (ii) award credit, as applicable, for the recipient's prior learning described in Subsection
497 (4)(b)(i).

498 (c) An institution shall award a promise scholarship in an amount that is equal to the
499 difference between:

500 (i) the total cost of tuition and fees for the program in which the recipient is enrolled;
501 and

502 (ii) the total value of all other grants, fee waivers, and scholarships received by the
503 recipient to attend the institution.

504 (d) If an institution's distribution described in Subsection (3) is insufficient to award a
505 promise scholarship to each eligible individual in the amount described in Subsection (4)(c),
506 the institution:

507 (i) shall, when possible, use other funding sources to fully fund the amount described
508 in Subsection (4)(c) for each eligible individual; and

509 (ii) may prioritize promise scholarships based on financial need in accordance with the
510 rules described in Subsection (8).

511 (e) An institution may use up to 3% of the institution's distribution described in
512 Subsection (3) for administration.

513 (5) (a) Subject to Subsection (5)(b), an institution shall continue to award a promise
514 scholarship to a recipient who meets the requirements established by the board in the rules
515 described in Subsection (8) until the earliest of the following:

516 (i) two years after the individual initially receives a promise scholarship;

517 (ii) the recipient uses a promise scholarship to attend an institution for four semesters;

518 (iii) the recipient completes the requirements for an associate degree; or

519 (iv) if the recipient attends an institution that does not offer associate degrees, the
520 recipient has 60 earned credit hours.

521 (b) A recipient may not use a promise scholarship to complete more than 900

522 membership hours.

523 (6) A recipient may only use a promise scholarship for tuition and fees.

524 (7) A promise scholarship is transferable between institutions.

525 (8) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
526 and Subsection (8)(b), the board shall make rules to establish:

527 (i) requirements related to whether an individual is eligible for a promise scholarship,
528 including:

529 (A) a process for an eligible individual to defer a promise scholarship;

530 (B) how an individual demonstrates financial need for purposes of receiving a promise
531 scholarship; and

532 (C) how to determine whether an individual is a Utah resident;

533 (ii) a process and requirements for an individual to apply for a promise scholarship;

534 (iii) a formula to determine the distributions to each institution described in Subsection

535 (3) that takes into account:

536 (A) the cost of tuition and fees for programs offered by institutions; and

537 (B) the number of eligible individuals who attend each institution;

538 (iv) how an institution may prioritize awarding scholarships based on the financial
539 needs of eligible individuals;

540 (v) conditions a recipient is required to meet to continue to receive a promise
541 scholarship, including requirements related to academic achievement and enrollment status;

542 and

543 (vi) a requirement that in communicating about promise scholarships to recipients and
544 potential recipients, the board and institutions do not portray the Access Utah Promise
545 Scholarship Program as a program that is guaranteed to be in effect indefinitely.

546 (b) In making the rules described in Subsection (8)(a), the board shall consult with the
547 Utah System of Technical Colleges Board of Trustees.

548 (9) On or before November 1 each year, the board shall report to the Higher Education
549 Appropriations Subcommittee regarding promise scholarships, including:

550 (a) the number of scholarships awarded; and

551 (b) whether the promise scholarship program is effective in helping underserved
552 students access higher education.

553 Section 11. Section **53B-8-304** is enacted to read:

554 **53B-8-304. Utah promise partners.**

555 (1) In consultation with the Talent Ready Utah Center created in Section [63N-12-502](#),
556 and in accordance with Subsection (2), the board shall select employers to be promise partners.

557 (2) The board may select an employer as a promise partner if the employer:

558 (a) applies to the board to be a promise partner; and

559 (b) meets other requirements established by the board in the rules described in
560 Subsection (5).

561 (3) An individual employed by a promise partner is eligible to receive a partner award
562 if the individual:

563 (a) applies for a partner award;

564 (b) is admitted to and enrolled in an institution;

565 (c) is a Utah resident;

566 (d) does not have an associate or higher postsecondary degree;

567 (e) meets requirements established by the promise partner related to a partner award;

568 and

569 (f) maintains the eligibility requirements described in this Subsection (3) for the full
570 length of time the individual receives the partner award.

571 (4) (a) Subject to legislative appropriations and Subsection (4)(b), the board shall
572 award a partner award to an individual who meets the requirements described in Subsection
573 (3).

574 (b) The board may:

575 (i) award a partner award for up to the portion of tuition and fees for a program at an
576 institution that is not covered by an employer reimbursement described in Subsection (5)(b);
577 and

578 (ii) prioritize awarding partner awards if an appropriation for partner awards is not
579 sufficient to provide a partner award to each individual who is eligible under Subsection (3).

580 (c) (i) Subject to Subsection (4)(c)(ii), the board may continue to award a partner award
581 to a recipient who meets the requirements described in Subsection (3) until the earliest of the
582 following:

583 (A) two years after the individual initially receives a partner award;

584 (B) the recipient uses a partner award to attend an institution for four semesters;

585 (C) the recipient completes the requirements for an associate degree; or

586 (D) if the recipient attends an institution that does not offer associate degrees, the
587 recipient has 60 earned credit hours.

588 (ii) A recipient may not use a partner award to complete more than 900 membership
589 hours.

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

592 (a) requirements for an employer to seek and receive approval from the board for the
593 employer's employees to receive partner awards;

594 (b) requirements related to an employer providing reimbursement to an employee who
595 receives a partner award for a portion of the employee's tuition and fees;

596 (c) a process for an individual to apply for a partner award;

597 (d) criteria for the board to prioritize awarding partner awards; and

598 (e) a requirement that an institution shall, for a recipient of a partner award:

599 (i) evaluate the recipient's knowledge, skills, and competencies acquired through
600 formal or informal education outside the traditional postsecondary academic environment; and

601 (ii) award credit, as applicable, for the recipient's prior learning described in Subsection
602 (5)(e)(i).

603 Section 12. Section **63G-12-402** is amended to read:

604 **63G-12-402. Receipt of state, local, or federal public benefits -- Verification --**
605 **Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.**

606 (1) (a) Except as provided in Subsection (3) or when exempted by federal law, an
607 agency or political subdivision of the state shall verify the lawful presence in the United States
608 of an individual at least 18 years of age who applies for:

609 (i) a state or local public benefit as defined in 8 U.S.C. Sec. 1621; or

610 (ii) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by an
611 agency or political subdivision of this state.

612 (b) For purpose of a license issued under Title 58, Chapter 55, Utah Construction
613 Trades Licensing Act, to an applicant that is an unincorporated entity, the Department of
614 Commerce shall verify in accordance with this Subsection (1) the lawful presence in the United

615 States of each individual who:

616 (i) owns an interest in the contractor that is an unincorporated entity; and

617 (ii) engages, or will engage, in a construction trade in Utah as an owner of the
618 contractor described in Subsection (1)(b)(i).

619 (2) This section shall be enforced without regard to race, religion, gender, ethnicity, or
620 national origin.

621 (3) Verification of lawful presence under this section is not required for:

622 (a) any purpose for which lawful presence in the United States is not restricted by law,
623 ordinance, or regulation;

624 (b) assistance for health care items and services that:

625 (i) are necessary for the treatment of an emergency medical condition, as defined in 42
626 U.S.C. Sec. 1396b(v)(3), of the individual involved; and

627 (ii) are not related to an organ transplant procedure;

628 (c) short-term, noncash, in-kind emergency disaster relief;

629 (d) public health assistance for immunizations with respect to immunizable diseases
630 and for testing and treatment of symptoms of communicable diseases whether or not the
631 symptoms are caused by the communicable disease;

632 (e) programs, services, or assistance such as soup kitchens, crisis counseling and
633 intervention, and short-term shelter, specified by the United States Attorney General, in the
634 sole and unreviewable discretion of the United States Attorney General after consultation with
635 appropriate federal agencies and departments, that:

636 (i) deliver in-kind services at the community level, including through public or private
637 nonprofit agencies;

638 (ii) do not condition the provision of assistance, the amount of assistance provided, or
639 the cost of assistance provided on the income or resources of the individual recipient; and

640 (iii) are necessary for the protection of life or safety;

641 (f) the exemption for paying the nonresident portion of total tuition as set forth in
642 Section [53B-8-106](#);

643 (g) an applicant for a license under Section [61-1-4](#), if the applicant:

644 (i) is registered with the Financial Industry Regulatory Authority; and

645 (ii) files an application with the state Division of Securities through the Central

646 Registration Depository;

647 (h) a state public benefit to be given to an individual under Title 49, Utah State

648 Retirement and Insurance Benefit Act;

649 (i) a home loan that will be insured, guaranteed, or purchased by:

650 (i) the Federal Housing Administration, the Veterans Administration, or any other
651 federal agency; or

652 (ii) an enterprise as defined in 12 U.S.C. Sec. 4502;

653 (j) a subordinate loan or a grant that will be made to an applicant in connection with a
654 home loan that does not require verification under Subsection (3)(i);

655 (k) an applicant for a license issued by the Department of Commerce or individual
656 described in Subsection (1)(b), if the applicant or individual provides the Department of
657 Commerce:

658 (i) certification, under penalty of perjury, that the applicant or individual is:

659 (A) a United States citizen;

660 (B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or

661 (C) lawfully present in the United States; and

662 (ii) (A) the number assigned to a driver license or identification card issued under Title
663 53, Chapter 3, Uniform Driver License Act; or

664 (B) the number assigned to a driver license or identification card issued by a state other
665 than Utah if, as part of issuing the driver license or identification card, the state verifies an
666 individual's lawful presence in the United States; and

667 (l) an applicant for:

668 (i) a Regents' scholarship described in Title 53B, Chapter 8, Part 2, Regents'

669 Scholarship Program;

670 (ii) a New Century scholarship described in Section [53B-8-105](#); ~~or~~

671 (iii) a promise scholarship described in Section [53B-8-303](#); or

672 ~~[(iii)]~~ (iv) a privately funded scholarship:

673 (A) for an individual who is a graduate of a high school located within Utah; and

674 (B) administered by an institution of higher education as defined in Section [53B-2-101](#).

675 (4) (a) An agency or political subdivision required to verify the lawful presence in the
676 United States of an applicant under this section shall require the applicant to certify under

677 penalty of perjury that:

678 (i) the applicant is a United States citizen; or

679 (ii) the applicant is:

680 (A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and

681 (B) lawfully present in the United States.

682 (b) The certificate required under this Subsection (4) shall include a statement advising
683 the signer that providing false information subjects the signer to penalties for perjury.

684 (5) An agency or political subdivision shall verify a certification required under
685 Subsection (4)(a)(ii) through the federal SAVE program.

686 (6) (a) An individual who knowingly and willfully makes a false, fictitious, or
687 fraudulent statement or representation in a certification under Subsection (3)(k) or (4) is subject
688 to the criminal penalties applicable in this state for:

689 (i) making a written false statement under Subsection 76-8-504(2); and

690 (ii) fraudulently obtaining:

691 (A) public assistance program benefits under Sections 76-8-1205 and 76-8-1206; or

692 (B) unemployment compensation under Section 76-8-1301.

693 (b) If the certification constitutes a false claim of United States citizenship under 18
694 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the United
695 States Attorney General for the applicable district based upon the venue in which the
696 application was made.

697 (c) If an agency or political subdivision receives verification that a person making an
698 application for a benefit, service, or license is not a qualified alien, the agency or political
699 subdivision shall provide the information to the Office of the Attorney General unless
700 prohibited by federal mandate.

701 (7) An agency or political subdivision may adopt variations to the requirements of this
702 section that:

703 (a) clearly improve the efficiency of or reduce delay in the verification process; or

704 (b) provide for adjudication of unique individual circumstances where the verification
705 procedures in this section would impose an unusual hardship on a legal resident of Utah.

706 (8) It is unlawful for an agency or a political subdivision of this state to provide a state,
707 local, or federal benefit, as defined in 8 U.S.C. Sec. 1611 and 1621, in violation of this section.

708 (9) A state agency or department that administers a program of state or local public
709 benefits shall:

710 (a) provide an annual report to the governor, the president of the Senate, and the
711 speaker of the House regarding its compliance with this section; and

712 (b) (i) monitor the federal SAVE program for application verification errors and
713 significant delays;

714 (ii) provide an annual report on the errors and delays to ensure that the application of
715 the federal SAVE program is not erroneously denying a state or local benefit to a legal resident
716 of the state; and

717 (iii) report delays and errors in the federal SAVE program to the United States
718 Department of Homeland Security.

719 Section 13. Section **63I-2-253** is amended to read:

720 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

721 [~~(1)~~ Section ~~53A-24-602~~ is repealed July 1, 2018.]

722 [~~(2)~~] (1) (a) Subsections ~~53B-2a-103~~(2) and (4) are repealed July 1, 2019.

723 (b) When repealing Subsections ~~53B-2a-103~~(2) and (4), the Office of Legislative
724 Research and General Counsel shall, in addition to its authority under Subsection ~~36-12-12~~(3),
725 make necessary changes to subsection numbering and cross references.

726 [~~(3)~~] (2) (a) Subsection ~~53B-2a-108~~(5) is repealed July 1, 2022.

727 (b) When repealing Subsection ~~53B-2a-108~~(5), the Office of Legislative Research and
728 General Counsel shall, in addition to its authority under Subsection ~~36-12-12~~(3), make
729 necessary changes to subsection numbering and cross references.

730 (3) Section ~~53B-6-105.7~~ is repealed July 1, 2024.

731 (4) (a) Subsection ~~53B-7-705~~(6)(b)(ii)(A), the language that states "Except as provided
732 in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

733 (b) Subsection ~~53B-7-705~~(6)(b)(ii)(B) is repealed July 1, 2021.

734 (5) (a) Subsection ~~53B-7-707~~(4)(a)(ii), the language that states "Except as provided in
735 Subsection (4)(b)," is repealed July 1, 2021.

736 (b) Subsection ~~53B-7-707~~(4)(b) is repealed July 1, 2021.

737 (6) Section ~~53B-8-112~~ is repealed July 1, 2024.

738 (7) Section ~~53B-8-114~~ is repealed July 1, 2024.

- 739 ~~[(6)]~~ (8) (a) The following sections are repealed on July 1, 2023:
- 740 (i) Section [53B-8-202](#);
- 741 (ii) Section [53B-8-203](#);
- 742 (iii) Section [53B-8-204](#); and
- 743 (iv) Section [53B-8-205](#).
- 744 (b) (i) Subsection [53B-8-201](#)(2) is repealed on July 1, 2023.
- 745 (ii) When repealing Subsection [53B-8-201](#)(2), the Office of Legislative Research and
- 746 General Counsel shall, in addition to its authority under Subsection [36-12-12](#)(3), make
- 747 necessary changes to subsection numbering and cross references.
- 748 ~~[(7)]~~ (9) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is
- 749 repealed July 1, 2023.
- 750 ~~[(8)]~~ (10) Subsection [53E-5-306](#)(3)(b)(ii)(B) is repealed July 1, 2020.
- 751 ~~[(9)]~~ (11) Section [53E-5-307](#) is repealed July 1, 2020.
- 752 ~~[(10)]~~ (12) Subsections [53F-2-205](#)(4) and (5), the language that states "or [53F-2-301.5](#),
- 753 as applicable" is repealed July 1, 2023.
- 754 ~~[(11)]~~ (13) Subsection [53F-2-301](#)(1) is repealed July 1, 2023.
- 755 ~~[(12)]~~ (14) Subsection [53F-2-515](#)(1), the language that states "or [53F-2-301.5](#), as
- 756 applicable" is repealed July 1, 2023.
- 757 ~~[(13)]~~ (15) Section [53F-4-204](#) is repealed July 1, 2019.
- 758 ~~[(14)]~~ (16) Section [53F-6-202](#) is repealed July 1, 2020.
- 759 ~~[(15)]~~ (17) Subsection [53F-9-302](#)(3), the language that states "or [53F-2-301.5](#), as
- 760 applicable" is repealed July 1, 2023.
- 761 ~~[(16)]~~ (18) Subsection [53F-9-305](#)(3)(a), the language that states "or [53F-2-301.5](#), as
- 762 applicable" is repealed July 1, 2023.
- 763 ~~[(17)]~~ (19) Subsection [53F-9-306](#)(3)(a), the language that states "or [53F-2-301.5](#), as
- 764 applicable" is repealed July 1, 2023.
- 765 ~~[(18)]~~ (20) Subsection [53G-3-304](#)(1)(c)(i), the language that states "or [53F-2-301.5](#), as
- 766 applicable" is repealed July 1, 2023.
- 767 ~~[(19)]~~ (21) On July 1, 2023, when making changes in this section, the Office of
- 768 Legislative Research and General Counsel shall, in addition to the office's authority under
- 769 Subsection [36-12-12](#)(3), make corrections necessary to ensure that sections and subsections

770 identified in this section are complete sentences and accurately reflect the office's perception of
771 the Legislature's intent.

772 Section 14. **Repealer.**

773 This bill repeals:

774 Section **53B-8-113, Reporting.**

775 Section 15. **Appropriation.**

776 The following sums of money are appropriated for the fiscal year beginning July 1,
777 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
778 fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
779 Act, the Legislature appropriates the following sums of money from the funds or accounts
780 indicated for the use and support of the government of the state of Utah.

781 ITEM 1

782 To Board of Regents – Student Assistance

783 From Education Fund, One-time \$30,000,000

784 Schedule of Programs:

785 Access Utah Promise Scholarship Program \$30,000,000

786 The Legislature intends that:

787 (1) appropriations under this item be used for the Access Utah Promise Scholarship
788 Program described in Title 53B, Chapter 8, Part 3, Access Utah Promise Scholarship Program;

789 (2) the State Board of Regents use money as it becomes available as new awards are no
790 longer granted through a program described in Section 53B-8-114 for the Access Utah Promise
791 Scholarship Program described in Title 53B, Chapter 8, Part 3, Access Utah Promise
792 Scholarship Program; and

793 (3) under Section 64J-1-603, appropriations provided under this item not lapse at the
794 close of fiscal year 2020 and the use of any nonlapsing funds is limited to the purposes
795 described in Title 53B, Chapter 8, Part 3, Access Utah Promise Scholarship Program.

796 Section 16. **Coordinating H.B. 260 with S.B. 14 -- Substantive language.**

797 If this H.B. 260 and S.B. 14, Education Reporting Requirements, both pass and become
798 law, it is the intent of the Legislature that the Office of Legislative Research and General
799 Counsel prepare the Utah Code database for publication by:

800 (1) inserting the following language as a new Subsection 53B-1-301(1)(g):

801 "(g) the report described in Section [53B-8-303](#) by the State Board of Regents regarding
802 Access Utah promise scholarships;";

803 (2) deleting the language in Subsection [53B-1-301\(1\)\(e\)](#) that reads "(e) the report
804 described in Section [53B-8-113](#) by the board on the Public Safety Officer Career Advancement
805 Reimbursement Program;"; and

806 (3) renumbering remaining subsections accordingly.