

1 ACCESS UTAH PROMISE SCHOLARSHIP PROGRAM

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Derrin R. Owens

5 Senate Sponsor: Evan J. Vickers

6	Cosponsors:	Jennifer Dailey-Provost	Lawanna Shurtliff
7	Cheryl K. Acton	Susan Duckworth	Christine F. Watkins
8	Carl R. Albrecht	Suzanne Harrison	Mike Winder
9	Walt Brooks	Karen Kwan	
10	Scott H. Chew	Marie H. Poulson	

11

12 LONG TITLE

13 General Description:

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

16 Highlighted Provisions:

17 This bill:

- 18 ▶ defines terms;
- 19 ▶ creates the Access Utah Promise Scholarship Program;
- 20 ▶ enacts provisions related to promise scholarships, including provisions related to:
 - 21 • eligibility; and
 - 22 • the amount awarded for a promise scholarship;
- 23 ▶ enacts provisions related to promise partner awards, including provisions related to:
 - 24 • eligibility, including requirements for employers who intend to participate as

25 promise partners; and

- 26 • administration of the program;

27 ▶ prohibits the State Board of Regents (board) and institutions of higher education
28 from accepting applications for certain previously authorized scholarships after

29 certain dates;

30 ▶ allows an individual who received certain scholarships before certain dates to
31 receive the scholarships until the end of the scholarship term;

32 ▶ amends provisions related to a Regents' scholarship and a New Century Scholarship,
33 including:

- 34 • the maximum amount of a scholarship;
- 35 • the postsecondary institutions at which a student may use a scholarship; and
- 36 • allowable uses for a scholarship;

37 ▶ requires the board to make administrative rules;

38 ▶ allows the board to use certain existing funds for administrative costs associated
39 with certain scholarships;

40 ▶ provides repeal dates; and

41 ▶ makes technical and conforming changes.

42 **Money Appropriated in this Bill:**

43 This bill appropriates in fiscal year 2020:

44 ▶ to the State Board of Regents – Student Assistance – Access Utah Promise
45 Scholarship Program, as an ongoing appropriation:

- 46 • from the Education Fund, \$2,000,000.

47 **Other Special Clauses:**

48 This bill provides a coordination clause.

49 **Utah Code Sections Affected:**

50 AMENDS:

51 **53B-6-105**, as last amended by Laws of Utah 2009, Chapters 210 and 370

52 **53B-6-105.5**, as last amended by Laws of Utah 2013, Chapter 49

53 **53B-6-105.7**, as last amended by Laws of Utah 2009, Chapter 210

54 **53B-8-105**, as last amended by Laws of Utah 2017, Chapter 386

55 **53B-8-112**, as enacted by Laws of Utah 2017, Chapter 426

56 **53B-8-201**, as enacted by Laws of Utah 2017, Chapter 386

57 **63G-12-402**, as last amended by Laws of Utah 2017, Chapter 386
58 **63I-2-253**, as last amended by Laws of Utah 2018, Chapters 107, 281, 382, 415, and
59 456

60 ENACTS:

61 **53B-8-114**, Utah Code Annotated 1953
62 **53B-8-301**, Utah Code Annotated 1953
63 **53B-8-302**, Utah Code Annotated 1953
64 **53B-8-303**, Utah Code Annotated 1953
65 **53B-8-304**, Utah Code Annotated 1953

66 REPEALS:

67 **53B-8-113**, as enacted by Laws of Utah 2017, Chapter 426

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

69 **53B-1-301**, Utah Code Annotated 1953



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

72 Section 1. Section **53B-6-105** is amended to read:

73 **53B-6-105. Engineering and Computer Technology Initiative.**

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

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

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

85 (b) The initiative shall include components that:

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

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

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

90 [~~(B)~~] (ii) provide incentives to institutions to hire and retain faculty under Section
91 53B-6-105.9.

92 (3) The increase in program capacity under Subsection (2)(a) shall include funding for
93 new and renovated capital facilities and funding for new engineering and computer science
94 programs.

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

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

98 **53B-6-105.5. Technology Initiative Advisory Board -- Composition -- Duties.**

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

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

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

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

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

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

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

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

- 113 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
114 63A-3-107.
- 115 (4) The advisory board shall:
- 116 (a) make recommendations to the State Board of Regents on the allocation and
117 distribution of money appropriated to fund:
- 118 (i) the faculty incentive program established in Section 53B-6-105.9; and
119 (ii) equipment purchases required to improve the quality of instructional programs in
120 engineering, computer science, and related technology; [~~and~~]
121 [~~(iii) the scholarship program established in Section 53B-6-105.7.~~]
- 122 (b) prepare a strategic plan that details actions required by the State Board of Regents
123 to meet the intent of the Engineering and Technology Science Initiative;
- 124 (c) review and assess engineering, computer science, and related technology programs
125 currently being offered at higher education institutions and their impact on the economic
126 prosperity of the state;
- 127 (d) provide the State Board of Regents with an assessment and reporting plan that:
- 128 (i) measures results against expectations under the initiative, including verification of
129 the matching requirements for institutions of higher education to receive money under Section
130 53B-6-105.9; and
- 131 (ii) includes an analysis of market demand for technical employment, program
132 articulation among higher education institutions in engineering, computer science, and related
133 technology, tracking of student placement, student admission to the initiative program by
134 region, transfer rates, and retention in and graduation rates from the initiative program; and
- 135 (e) make an annual report of its activities to the State Board of Regents.
- 136 (5) The annual report of the Technology Initiative Advisory Board shall include the
137 summary report of the institutional matches described in Section 53B-6-105.9.
- 138 Section 3. Section 53B-6-105.7 is amended to read:
- 139 **53B-6-105.7. Initiative student scholarship program.**
- 140 (1) Notwithstanding the provisions of this section, beginning on July 1, 2019, the board

141 may not accept new applications for a scholarship described in this section.

142 ~~[(1)]~~ (2) (a) There is established an engineering, computer science, and related
143 technology scholarship program as a component of the initiative created in Section 53B-6-105.

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

147 ~~[(2)]~~ (3) (a) The board:

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

150 (ii) shall administer the program in consultation with the Technology Initiative
151 Advisory Board created in Section 53B-6-105.5.

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

154 (i) students may use scholarship money at any institution within the state system of
155 higher education that offers an engineering, computer science, or related technology degree;

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

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

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

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

168 ~~[(i) the number of graduates of engineering, computer science, and related technology~~

169 ~~degrees from the previous year;]~~

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

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

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

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

177 **53B-8-105. New Century scholarships -- High school requirements.**

178 (1) As used in this section[, "complete"]:

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

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

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

184 ~~[(b)]~~ (ii) completes equivalent requirements described in Subsection (1)(a)(i)(A) from a
185 higher education institution within the state system of higher education that offers
186 baccalaureate degrees but does not offer associate degrees.

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

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

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

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

193 (i) associate degree; or

194 (ii) approved math and science curriculum.

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

196 ~~[(i) (A) for a student whose class graduates from high school in 2010 or before, by~~

197 ~~September 1 of the year the student's class graduates from high school; or]~~
198 ~~[(B) for a student whose class graduates from high school in 2011 or after,]~~
199 (i) by the day on which the student's class graduates from high school; and
200 (ii) with at least a 3.0 grade point average.
201 (c) In addition to the requirements in Subsection (3)(a), a student in Utah [~~schools~~
202 ~~whose class graduates from high school in 2011 or after]~~ shall:
203 (i) complete the high school graduation requirements of:
204 (A) a public high school established by the State Board of Education and the student's
205 school district or charter school; or
206 (B) a private high school in the state that is accredited by a regional accrediting body
207 approved by the board; and
208 (ii) complete high school with at least a 3.5 cumulative high school grade point
209 average.
210 (4) Notwithstanding Subsection (3), for a student who does not receive a high school
211 grade point average, the student shall:
212 (a) complete the requirements for an associate degree:
213 ~~[(i) (A) for a student who completes high school in 2010 or before, by September 1 of~~
214 ~~the year the student completes high school; or]~~
215 ~~[(B) for a student who completes high school in 2011 or after,]~~
216 (i) by June 15 of the year the student completes high school; and
217 (ii) with at least a 3.0 grade point average; and
218 (b) score a composite ACT score of 26 or higher.
219 (5) To be eligible for the scholarship, a student:
220 (a) shall submit an application to the board with:
221 (i) an official college transcript showing college courses the student has completed to
222 complete the requirements for an associate degree; and
223 (ii) (A) if applicable, an official high school transcript; or
224 (B) if applicable, a copy of the student's ACT scores;

225 (b) shall be a citizen of the United States or a noncitizen who is eligible to receive
226 federal student aid;

227 (c) may not have a criminal record, with the exception of a misdemeanor traffic
228 citation; and

229 (d) if applicable, shall meet the application deadlines as established by the board under
230 Subsection (10).

231 (6) (a) The scholarship may be used at a:

232 (i) higher education institution within the state system of higher education that offers
233 baccalaureate programs; or

234 (ii) if the scholarship holder applies for the scholarship on or before October 1, 2019,
235 private, nonprofit college or university in the state accredited by the Northwest Association of
236 Schools and Colleges that offers baccalaureate programs.

237 ~~[(b) For a student whose class graduates from high school in 2010 and who completes~~
238 ~~the requirements under Subsection (3)(a) by September 1, 2010:]~~

239 ~~[(i) if used at an institution described in Subsection (6)(a)(i), the value of the~~
240 ~~scholarship is up to 75% of the tuition costs at the selected institution; or]~~

241 ~~[(ii) if used at an institution described in Subsection (6)(a)(ii), the value of the~~
242 ~~scholarship is up to 75% of the tuition costs at the institution, not to exceed 75% of the average~~
243 ~~tuition costs at the institutions referred in Subsection (6)(a)(i).]~~

244 ~~[(c) (i) For a student whose class graduates in 2011 or after and who completes the~~
245 ~~requirements under this section]~~

246 (b) (i) Subject to Subsection (6)(e), the total value of the scholarship is up to \$5,000,
247 allocated over a time period described in Subsection (6)~~[(d)]~~(c), as prescribed by the board.

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

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

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

253 (ii) 60 credit hours; or
254 (iii) until the student meets the requirements for a baccalaureate degree.

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

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

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

262 (i) the board shall reduce the amount of the scholarship holder's scholarship so that the
263 total amount of state aid awarded to the scholarship holder, including tuition or fee waivers or
264 the scholarship, does not exceed the cost of the scholarship holder's tuition and fees; and

265 (ii) the scholarship holder may only use the scholarship for tuition and fees.

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

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

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

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

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

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

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

279 (d) If money appropriated under this section is available after New Century
280 scholarships are awarded, the board shall use the money for the Access Utah Promise

281 Scholarship Program created in Section 53B-8-302.

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

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

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

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

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

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

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

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

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

297 **53B-8-112. Public Safety Officer Career Advancement Reimbursement Program.**

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

299 (2) (a) Notwithstanding the provisions in this section, the board may not accept a new
300 application for a reimbursement described in this section for an academic year that begins on or
301 after July 1, 2019.

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

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

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

308 [(c)] (iii) is seeking a post-secondary degree in the area of criminal justice from a

309 credit-granting higher education institution within the state system of higher education,
310 described in Section 53B-1-102; and

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

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

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

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

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

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

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

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

328 (ii) a maximum of eight academic years.

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

331 (i) set deadlines for receiving reimbursement applications and supporting
332 documentation; and

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

336 (b) The board shall include a disclosure on all applications and related materials that

337 the amount of the awarded reimbursements may be subject to funding or be reduced, in
338 accordance with Subsection (7).

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

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

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

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

350 **53B-8-114. Continuation of previously authorized scholarships.**

351 (1) As used in this section:

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

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

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

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

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

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

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

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

366 **53B-8-201. Regents' Scholarship Program.**

367 (1) As used in this section:

368 (a) "Eligible institution" means~~[(i) a credit-granting]~~ an institution of higher education
369 within the state system of higher education described in Section **53B-1-102**~~[; or]~~.

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

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

373 (i) applies to the board in accordance with the rules described in Subsection (6);

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

375 (iii) meets the criteria established by the board in rules described in Subsection (6).

376 (c) "Fee" means:

377 (i) for an eligible institution that is part of the Utah System of Higher Education, a fee
378 approved by the board; or

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

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

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

383 (i) may receive a Regents' scholarship in accordance with this section; and

384 (ii) may not ~~[may]~~ receive a scholarship in accordance with Sections **53B-8-202**
385 through **53B-8-205**.

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

387 (i) may receive a scholarship in accordance with Sections **53B-8-202** through

388 **53B-8-205**; and

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

390 (3) (a) Subject to legislative appropriations ~~[and Subsection (3)(d)]~~, beginning with an

391 appropriation for fiscal year 2019, the board shall annually distribute money for the Regents'

392 Scholarship Program described in this section to each eligible institution to award as Regents'

393 scholarships to eligible students.

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

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

396 (ii) money available for the program.

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

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

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

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

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

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

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

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

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

418 (5) The board may:

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

420 (b) require an eligible institution to repay to the board money distributed to the eligible

421 institution under this section that is not provided to an eligible student as a Regents'
422 scholarship.

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

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

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

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

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

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

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

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

435 ~~[(v)]~~ (E) minimum enrollment requirements in an eligible institution; and

436 ~~[(vi)]~~ (iv) a requirement for each eligible institution to annually report to the board on
437 all Regents' scholarships awarded by the eligible institution.

438 (b) In making rules described in Subsection (6)(a) that apply to a technical college, the
439 board shall consult with the Utah System of Technical Colleges Board of Trustees.

440 (7) The board shall annually report on the program to the Higher Education
441 Appropriations Subcommittee.

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

445 (b) The State Board of Education shall annually provide to the board a list of directory
446 information, including name and address, for each grade 8 student in the state.

447 (9) Notwithstanding the provisions in this section, a private, nonprofit college or
448 university in the state that is accredited by the Northwest Commission on Colleges and

449 Universities is an eligible institution for purposes of providing a Regents' scholarship to an
450 eligible student who applies for a Regents' scholarship on or before July 1, 2019.

451 (10) If money appropriated under this section is available after Regents' scholarships
452 are awarded, the board shall use the money for the Access Utah Promise Scholarship Program
453 created in Section [53B-8-302](#).

454 Section 8. Section **53B-8-301** is enacted to read:

455 **Part 3. Access Utah Promise Scholarship Program**

456 **53B-8-301. Definitions.**

457 As used in this part:

458 (1) "Access Utah promise scholarship" or "promise scholarship" means a scholarship
459 described in Section [53B-8-303](#).

460 (2) "Eligible individual" means an individual who:

461 (a) applies for a promise scholarship in accordance with Section [53B-8-303](#); and

462 (b) meets the eligibility requirements described in Section [53B-8-303](#).

463 (3) "Fee" means:

464 (a) for an institution that is part of the Utah System of Higher Education, a fee
465 approved by the board; or

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

467 (4) "Institution of higher education" or "institution" means an institution described in
468 Section [53B-1-102](#).

469 (5) "Partner award" means a financial award described in Section [53B-8-304](#).

470 (6) "Promise partner" means an employer that participates in the program described in
471 Section [53B-8-304](#).

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

473 **53B-8-302. Access Utah Promise Scholarship Program.**

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

475 (a) promise scholarships described in Section [53B-8-303](#); and

476 (b) partner awards described in Section [53B-8-304](#).

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

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

480 **53B-8-303. Access Utah promise scholarships.**

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

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

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

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

486 (b) demonstrates financial need, in accordance with the rules described in Subsection
487 (8);

488 (c) is a Utah resident;

489 (d) enrolls in an institution; and

490 (e) accepts all other grants, tuition or fee waivers, and scholarships offered to the
491 individual to attend the institution in which the individual enrolls.

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

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

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

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

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

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

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

505 and

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

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

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

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

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

517 (5) An institution shall continue to award a promise scholarship to a recipient who
518 meets the requirements established by the board in the rules described in Subsection (8) until
519 the earliest of the following:

520 (a) two years after the recipient initially receives a promise scholarship;

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

522 (c) the recipient completes the requirements for an associate degree; or

523 (d) if the recipient attends an institution that does not offer associate degrees, the
524 recipient has 60 earned credit hours.

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

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

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

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

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

532 (B) how an individual demonstrates financial need for purposes of receiving a promise

533 scholarship; and

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

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

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

537 (3) that takes into account:

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

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

540 (iv) how an institution may prioritize awarding scholarships based on the financial

541 needs of eligible individuals;

542 (v) conditions a recipient is required to meet to continue to receive a promise

543 scholarship, including requirements related to academic achievement and enrollment status;

544 and

545 (vi) a requirement that in communicating about promise scholarships to recipients and

546 potential recipients, the board and institutions do not portray the Access Utah Promise

547 Scholarship Program as a program that is guaranteed to be in effect indefinitely.

548 (b) In making the rules described in Subsection (8)(a), the board shall consult with the

549 Utah System of Technical Colleges Board of Trustees.

550 (9) On or before November 1 each year, the board shall report to the Higher Education

551 Appropriations Subcommittee regarding promise scholarships, including:

552 (a) the number of scholarships awarded; and

553 (b) whether the promise scholarship program is effective in helping underserved

554 students access higher education.

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

556 **53B-8-304. Utah promise partners.**

557 (1) In consultation with the Talent Ready Utah Center created in Section [63N-12-502](#),

558 and in accordance with Subsection (2), the board shall select employers to be promise partners.

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

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

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

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

565 (a) applies for a partner award;
566 (b) is admitted to and enrolled in an institution;
567 (c) is a Utah resident;
568 (d) does not have an associate or higher postsecondary degree;
569 (e) meets requirements established by the promise partner related to a partner award;
570 and

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

573 (4) (a) Subject to legislative appropriations and Subsection (4)(b), the board shall
574 award a partner award to an individual who meets the requirements described in Subsection
575 (3).

576 (b) The board may:

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

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

582 (c) The board may continue to award a partner award to a recipient who meets the
583 requirements described in Subsection (3) until the earliest of the following:

584 (i) two years after the individual initially receives a partner award;
585 (ii) the recipient uses a partner award to attend an institution for four semesters;
586 (iii) the recipient completes the requirements for an associate degree; or
587 (iv) if the recipient attends an institution that does not offer associate degrees, the
588 recipient has 60 earned credit hours.

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

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

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

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

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

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

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

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

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

603 **63G-12-402. Receipt of state, local, or federal public benefits -- Verification --**
 604 **Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.**

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

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

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

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

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

616 (ii) engages, or will engage, in a construction trade in Utah as an owner of the

617 contractor described in Subsection (1)(b)(i).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

645 Registration Depository;

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

647 Retirement and Insurance Benefit Act;

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

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

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

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

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

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

658 (A) a United States citizen;

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

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

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

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

666 (l) an applicant for:

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

668 Scholarship Program;

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

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

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

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

673 (B) administered by an institution of higher education as defined in Section 53B-2-101.

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

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

678 (ii) the applicant is:

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

680 (B) lawfully present in the United States.

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

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

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

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

689 (ii) fraudulently obtaining:

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

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

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

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

700 (7) An agency or political subdivision may adopt variations to the requirements of this

701 section that:

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

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

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

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

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

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

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

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

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

719 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

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

721 [~~(2)~~] (1) (a) Subsections 53B-2a-103(2) and (4) are repealed July 1, 2019.

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

725 [~~(3)~~] (2) (a) Subsection 53B-2a-108(5) is repealed July 1, 2022.

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

- 729 (3) Section 53B-6-105.7 is repealed July 1, 2024.
- 730 (4) (a) Subsection 53B-7-705(6)(b)(ii)(A), the language that states "Except as provided
731 in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.
- 732 (b) Subsection 53B-7-705(6)(b)(ii)(B) is repealed July 1, 2021.
- 733 (5) (a) Subsection 53B-7-707(4)(a)(ii), the language that states "Except as provided in
734 Subsection (4)(b)," is repealed July 1, 2021.
- 735 (b) Subsection 53B-7-707(4)(b) is repealed July 1, 2021.
- 736 (6) Section 53B-8-112 is repealed July 1, 2024.
- 737 (7) Section 53B-8-114 is repealed July 1, 2024.
- 738 ~~[(6)]~~ (8) (a) The following sections are repealed on July 1, 2023:
- 739 (i) Section 53B-8-202;
- 740 (ii) Section 53B-8-203;
- 741 (iii) Section 53B-8-204; and
- 742 (iv) Section 53B-8-205.
- 743 (b) (i) Subsection 53B-8-201(2) is repealed on July 1, 2023.
- 744 (ii) When repealing Subsection 53B-8-201(2), the Office of Legislative Research and
745 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make
746 necessary changes to subsection numbering and cross references.
- 747 ~~[(7)]~~ (9) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is
748 repealed July 1, 2023.
- 749 ~~[(8)]~~ (10) Subsection 53E-5-306(3)(b)(ii)(B) is repealed July 1, 2020.
- 750 ~~[(9)]~~ (11) Section 53E-5-307 is repealed July 1, 2020.
- 751 ~~[(10)]~~ (12) Subsections 53F-2-205(4) and (5), the language that states "or 53F-2-301.5,
752 as applicable" is repealed July 1, 2023.
- 753 ~~[(11)]~~ (13) Subsection 53F-2-301(1) is repealed July 1, 2023.
- 754 ~~[(12)]~~ (14) Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as
755 applicable" is repealed July 1, 2023.
- 756 ~~[(13)]~~ (15) Section 53F-4-204 is repealed July 1, 2019.

757 ~~[(14)]~~ (16) Section 53F-6-202 is repealed July 1, 2020.

758 ~~[(15)]~~ (17) Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as
759 applicable" is repealed July 1, 2023.

760 ~~[(16)]~~ (18) Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
761 applicable" is repealed July 1, 2023.

762 ~~[(17)]~~ (19) Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
763 applicable" is repealed July 1, 2023.

764 ~~[(18)]~~ (20) Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5, as
765 applicable" is repealed July 1, 2023.

766 ~~[(19)]~~ (21) On July 1, 2023, when making changes in this section, the Office of
767 Legislative Research and General Counsel shall, in addition to the office's authority under
768 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections
769 identified in this section are complete sentences and accurately reflect the office's perception of
770 the Legislature's intent.

771 Section 14. **Repealer.**

772 This bill repeals:

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

774 Section 15. **Appropriation.**

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

780 ITEM 1

781 To State Board of Regents – Student Assistance

782 From Education Fund

\$2,000,000

783 Schedule of Programs:

784 Access Utah Promise Scholarship Program \$2,000,000

785 The Legislature intends that:
786 (1) appropriations under this item be used for the Access Utah Promise Scholarship
787 Program described in Title 53B, Chapter 8, Part 3, Access Utah Promise Scholarship Program;
788 (2) the State Board of Regents use money as it becomes available as new awards are no
789 longer granted through a program described in Section [53B-8-114](#) for the Access Utah Promise
790 Scholarship Program described in Title 53B, Chapter 8, Part 3, Access Utah Promise
791 Scholarship Program; and
792 (3) under Section [63J-1-603](#), appropriations provided under this item not lapse at the
793 close of fiscal year 2020 and the use of any nonlapsing funds is limited to the purposes
794 described in Title 53B, Chapter 8, Part 3, Access Utah Promise Scholarship Program.
795 Section 16. **Coordinating H.B. 260 with S.B. 14 -- Substantive language.**
796 If this H.B. 260 and S.B. 14, Education Reporting Requirements, both pass and become
797 law, it is the intent of the Legislature that the Office of Legislative Research and General
798 Counsel prepare the Utah Code database for publication by:
799 (1) inserting the following language as a new Subsection [53B-1-301\(1\)\(g\)](#):
800 "(g) the report described in Section [53B-8-303](#) by the State Board of Regents regarding
801 Access Utah promise scholarships;"
802 (2) deleting the language in Subsection [53B-1-301\(1\)\(e\)](#) that reads "(e) the report
803 described in Section [53B-8-113](#) by the board on the Public Safety Officer Career Advancement
804 Reimbursement Program;"; and
805 (3) renumbering remaining subsections accordingly.