

1 **COLLEGE OF EASTERN UTAH AFFILIATION**
2 **WITH UTAH STATE UNIVERSITY**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: David P. Hinkins**

6 House Sponsor: Patrick Painter

7
8 **LONG TITLE**

9 **General Description:**

10 This bill establishes Utah State University-College of Eastern Utah as a comprehensive
11 regional college of Utah State University.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ allows a comprehensive regional college to participate in the Public Employees'
15 Benefit and Insurance Program's risk pools;
- 16 ▶ changes the composition of Utah State University's Board of Trustees;
- 17 ▶ changes the name of the College of Eastern Utah to Utah State University-College
18 of Eastern Utah and establishes it as a comprehensive regional college of Utah
19 State University, and includes provisions for:

- 20 • campus locations;
 - 21 • a chancellor;
 - 22 • a regional advisory council; and
 - 23 • legal succession; and
- 24 ▶ makes technical changes.

25 **Monies Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**

28 This bill takes effect on July 1, 2010.

29 **Utah Code Sections Affected:**

30 AMENDS:

- 31 **49-20-202**, as last amended by Laws of Utah 2006, Chapter 307
- 32 **53A-15-202**, as last amended by Laws of Utah 2009, Chapter 346
- 33 **53B-1-102**, as last amended by Laws of Utah 2007, Chapter 356
- 34 **53B-1-103**, as last amended by Laws of Utah 2009, Chapter 346
- 35 **53B-2-101**, as last amended by Laws of Utah 2007, Chapter 356
- 36 **53B-2-104**, as last amended by Laws of Utah 2007, Chapter 356
- 37 **53B-2a-103**, as last amended by Laws of Utah 2009, Chapter 346
- 38 **53B-3-102**, as last amended by Laws of Utah 2007, Chapter 356
- 39 **53B-7-502**, as last amended by Laws of Utah 2008, Chapter 382
- 40 **53B-8-101**, as last amended by Laws of Utah 2007, Chapter 356
- 41 **53B-16-201**, as last amended by Laws of Utah 2007, Chapters 259 and 356
- 42 **53B-16-207**, as last amended by Laws of Utah 2009, Chapter 346
- 43 **53B-16-208**, as last amended by Laws of Utah 2009, Chapter 346
- 44 **59-12-702**, as last amended by Laws of Utah 2004, Chapter 186
- 45 **76-8-701**, as last amended by Laws of Utah 2007, Chapter 356

46 ENACTS:

- 47 **53B-18-1201**, Utah Code Annotated 1953



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

50 Section 1. Section **49-20-202** is amended to read:

51 **49-20-202. Establishment of separate risk pools.**

52 (1) The program shall establish separate risk pools for:

53 (a) state employees; and

54 (b) the Utah Children's Health Insurance Program.

55 (2) In accordance with participation standards established by the program, the

56 following entities may elect to participate in the risk pool established under Subsection (1)(a):

57 (a) an institution of higher education designated under Section 53B-1-102 with a total

58 full-time equivalent enrollment of less than 12,000; ~~and~~

59 (b) an independent entity as defined in Section 63E-1-102~~[-:]; and~~

60 (c) a comprehensive regional college.

61 (3) The program shall create risk pools for other covered employers separate from
62 those created in Subsection (1) as determined by the program.

63 Section 2. Section **53A-15-202** is amended to read:

64 **53A-15-202. Powers of the board.**

65 The State Board of Education:

66 (1) shall establish minimum standards for career and technical education programs in
67 the public education system;

68 (2) may apply for, receive, administer, and distribute funds made available through
69 programs of federal and state governments to promote and aid career and technical education;

70 (3) shall cooperate with federal and state governments to administer programs which
71 promote and maintain career and technical education;

72 (4) shall cooperate with the Utah College of Applied Technology, Salt Lake
73 Community College's School of Applied Technology, Snow College, and ~~[the College of~~
74 ~~Eastern Utah]~~ Utah State University-College of Eastern Utah to ensure that students in the
75 public education system have access to career and technical education at Utah College of
76 Applied Technology campuses, Salt Lake Community College's School of Applied
77 Technology, Snow College, and ~~[the College of Eastern Utah]~~ Utah State University-College
78 of Eastern Utah;

79 (5) shall require that before a minor student may participate in clinical experiences as
80 part of a health care occupation program at a high school or other institution to which the
81 student has been referred, the student's parent or legal guardian has:

82 (a) been first given written notice through appropriate disclosure when registering and
83 prior to participation that the program contains a clinical experience segment in which the
84 student will observe and perform specific health care procedures that may include personal
85 care, patient bathing, and bathroom assistance; and

86 (b) provided specific written consent for the student's participation in the program and
87 clinical experience; and

88 (6) shall, after consulting with school districts, charter schools, the Utah College of
89 Applied Technology, Salt Lake Community College's School of Applied Technology, Snow
90 College, and [~~the College of Eastern Utah~~] Utah State University-College of Eastern Utah,
91 prepare and submit an annual report to the governor and to the Legislature's Education Interim
92 Committee by October 31 of each year detailing:

93 (a) how the career and technical education needs of secondary students are being met;
94 and

95 (b) what access secondary students have to programs offered:

96 (i) at applied technology colleges; and

97 (ii) within the regions served by Salt Lake Community College's School of Applied
98 Technology, Snow College, and [~~the College of Eastern Utah~~] Utah State University-College
99 of Eastern Utah.

100 Section 3. Section **53B-1-102** is amended to read:

101 **53B-1-102. State system of higher education.**

102 (1) The state system of higher education consists of the following institutions:

103 (a) State Board of Regents;

104 (b) the University of Utah;

105 (c) Utah State University [~~of Agricultural and Applied Science, hereafter referred to in~~
106 ~~this title as Utah State University~~];

107 (d) Weber State University;

108 (e) Southern Utah University;

109 (f) Snow College;

110 (g) Dixie State College of Utah;

111 [~~(h) the College of Eastern Utah;~~]

112 [(+) (h) Utah Valley University;

113 [(j) (i) Salt Lake Community College;

114 [~~(k)~~] (j) the Utah College of Applied Technology; and
115 [(+) (k) other public post-high school educational institutions as the Legislature may
116 designate.

117 (2) A change in the name of an institution within the system of higher education shall
118 not be considered a change in the role or mission of the institution, unless otherwise
119 authorized by the State Board of Regents.

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

122 (4) These institutions are empowered to sue and be sued and to contract and be
123 contracted with.

124 Section 4. Section **53B-1-103** is amended to read:

125 **53B-1-103. Establishment of State Board of Regents -- Powers and authority.**

126 (1) There is established a State Board of Regents.

127 (2) (a) Except as provided in Subsection (2)(b), the board is vested with the control,
128 management, and supervision of the institutions of higher education designated in Section
129 53B-1-102 in a manner consistent with the policy and purpose of this title and the specific
130 powers and responsibilities granted to it.

131 (b) The board may only exercise powers relating to the Utah College of Applied
132 Technology and its college campuses that are specifically provided in this title.

133 (c) The board shall coordinate and support articulation agreements between the Utah
134 College of Applied Technology and other institutions of higher education.

135 (d) The board shall prepare and submit an annual report detailing its progress and
136 recommendations on career and technical education issues to the governor and to the
137 Legislature's Education Interim Committee by October 31 of each year, which shall include
138 information detailing:

139 (i) how the career and technical education needs of secondary students are being met
140 by institutions of higher education other than the Utah College of Applied Technology,
141 including what access secondary students have to programs offered by Salt Lake Community

142 College's School of Applied Technology, Snow College, and ~~[the College of Eastern Utah]~~
143 Utah State University-College of Eastern Utah;

144 (ii) how the emphasis on high demand, high wage, and high skill jobs in business and
145 industry is being provided;

146 (iii) performance outcomes, including:

147 (A) entered employment;

148 (B) job retention; and

149 (C) earnings; and

150 (iv) student tuition and fees.

151 (e) Except for the Utah College of Applied Technology, the board may modify the
152 name of an institution under its control and management, as designated in Section 53B-1-102,
153 to reflect the role and general course of study of the institution.

154 (f) The board may not conduct a feasibility study or perform another act relating to
155 merging any of the following institutions with another institution of higher education:

156 (i) the Bridgerland Applied Technology College Campus;

157 (ii) the Ogden-Weber Applied Technology College Campus;

158 (iii) the Davis Applied Technology College Campus;

159 (iv) the Tooele Applied Technology College Campus;

160 (v) the Mountainland Applied Technology College Campus;

161 (vi) the Uintah Basin Applied Technology College Campus;

162 (vii) the Southwest Applied Technology College Campus; and

163 (viii) the Dixie Applied Technology College Campus.

164 (3) This section does not affect the power and authority vested in the State Board of
165 Education to apply for, accept, and manage federal appropriations for the establishment and
166 maintenance of career and technical education.

167 Section 5. Section **53B-2-101** is amended to read:

168 **53B-2-101. Institutions of higher education -- Corporate bodies -- Powers.**

169 (1) The following institutions of higher education are bodies politic and corporate with

170 perpetual succession and with all rights, immunities, and franchises necessary to function as
171 such:

- 172 (a) the University of Utah;
- 173 (b) Utah State University;
- 174 (c) Weber State University;
- 175 (d) Southern Utah University;
- 176 (e) Snow College;
- 177 (f) Dixie State College of Utah;
- 178 [~~(g) the College of Eastern Utah;~~]
- 179 [~~(h)~~] (g) Utah Valley University;
- 180 [~~(i)~~] (h) Salt Lake Community College; and
- 181 [~~(j)~~] (i) the Utah College of Applied Technology.

182 (2) (a) Each institution may have and use a corporate seal and may, subject to Section
183 53B-20-103, take, hold, lease, sell, and convey real and personal property as the interest of the
184 institution requires.

185 (b) Each institution is vested with all the property, franchises, and endowments of, and
186 is subject to, all the contracts, obligations, and liabilities of its respective predecessor.

187 (c) (i) Each institution may enter into business relationships or dealings with private
188 seed or venture capital entities or partnerships consistent with Utah Constitution Article VI,
189 Section 29, Subsection (2).

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

194 (iii) Subsections (2)(c)(i) and (ii) also apply to the Utah College of Applied
195 Technology created in Title 53B, Chapter 2a, Utah College of Applied Technology.

196 Section 6. Section **53B-2-104** is amended to read:

197 **53B-2-104. Memberships of board of trustees -- Terms -- Vacancies -- Oath --**

198 **Officers -- Bylaws -- Quorum -- Committees -- Compensation.**

199 (1) (a) The board of trustees of an institution of higher education consists of the
200 following:

201 (i) except as provided in Subsection 53B-18-1201(3)(b), eight persons appointed by
202 the governor and approved by the Senate; and

203 (ii) two ex officio members who are the president of the institution's alumni
204 association, and the president of the associated students of the institution.

205 (b) The appointed members of the boards of trustees for Utah Valley University and
206 Salt Lake Community College shall be representative of the interests of business, industry, and
207 labor.

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

210 (b) An appointed member holds office until a successor is appointed and qualified.

211 (c) The ex officio members serve for the same period as they serve as presidents and
212 until their successors have qualified.

213 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
214 appointed for the unexpired term.

215 (4) (a) Each member shall take the official oath of office prior to assuming the office.

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

217 (5) Each board of trustees shall elect a chair and vice chair, who serve for two years
218 and until their successors are elected and qualified.

219 (6) (a) Each board of trustees may enact bylaws for its own government, including
220 provision for regular meetings.

221 (b) (i) The board of trustees may provide for an executive committee in its bylaws.

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

224 (iii) The committee may act on nonroutine matters only under extraordinary and
225 emergency circumstances.

226 (iv) The committee shall report its activities to the board of trustees at its next regular
227 meeting following the action.

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

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

230 (8) A board of trustees may establish advisory committees.

231 (9) (a) (i) Members who are not government employees shall receive no compensation
232 or benefits for their services, but may receive per diem and expenses incurred in the
233 performance of the member's official duties at the rates established by the Division of Finance
234 under Sections 63A-3-106 and 63A-3-107.

235 (ii) Members may decline to receive per diem and expenses for their service.

236 (b) (i) State government officer and employee members who do not receive salary, per
237 diem, or expenses from their agency for their service may receive per diem and expenses
238 incurred in the performance of their official duties from the board at the rates established by
239 the Division of Finance under Sections 63A-3-106 and 63A-3-107.

240 (ii) State government officer and employee members may decline to receive per diem
241 and expenses for their service.

242 (c) (i) Higher education members who do not receive salary, per diem, or expenses
243 from the entity that they represent for their service may receive per diem and expenses
244 incurred in the performance of their official duties from the committee at the rates established
245 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

246 (ii) Higher education members may decline to receive per diem and expenses for their
247 service.

248 (10) This section does not apply to the Utah College of Applied Technology.

249 Section 7. Section **53B-2a-103** is amended to read:

250 **53B-2a-103. Utah College of Applied Technology Board of Trustees --**

251 **Membership -- Terms -- Vacancies -- Oath -- Officers -- Quorum -- Committees --**

252 **Compensation.**

253 (1) There is created the Utah College of Applied Technology Board of Trustees,

254 composed of the following members:

255 (a) one member of the State Board of Education appointed by the chair of the State
256 Board of Education, to serve as a nonvoting member;

257 (b) one member of the State Board of Regents appointed by the chair of the State
258 Board of Regents, to serve as a nonvoting member;

259 (c) one member representing business and industry employers from the campus board
260 of directors of each applied technology college campus appointed by a majority vote of the
261 business and industry employer members of the campus board;

262 (d) one member representing business and industry employers from the Snow College
263 career and technical education advisory committee appointed by a majority of the business and
264 industry members of the advisory committee;

265 (e) one member representing business and industry employers from the [~~College of~~
266 ~~Eastern Utah~~] Utah State University-College of Eastern Utah career and technical education
267 advisory committee appointed by a majority of the business and industry employer members
268 of the advisory committee;

269 (f) one member representing business and industry employers from the Salt Lake
270 Community College School of Applied Technology Board of Directors appointed by a
271 majority of the business and industry employer members of the board of directors;

272 (g) one business or industry employer representative appointed by the governor with
273 the consent of the Senate from nominations submitted by the speaker of the House of
274 Representatives and president of the Senate;

275 (h) one representative of union craft, trade, or apprenticeship programs that prepare
276 workers for employment in career and technical education fields, appointed by the governor
277 with the consent of the Senate;

278 (i) one representative of non-union craft, trade, or apprenticeship programs that
279 prepare workers for employment in career and technical education fields, appointed by the
280 governor with the consent of the Senate;

281 (j) the commissioner of higher education; and

282 (k) the executive director of the Governor's Office of Economic Development or the
283 executive director's designee.

284 (2) (a) In making appointments to the board of trustees, the governor shall consider:

285 (i) individuals from the state at large with due consideration for geographical
286 representation;

287 (ii) individuals recognized for their knowledge and expertise; and

288 (iii) individuals who represent current and emerging business and industry sectors of
289 the state.

290 (b) Appointments to the board shall be made on a nonpartisan basis.

291 (3) (a) Except as provided under Subsection (3)(b), members of the board of trustees
292 shall be appointed commencing on July 1 of each odd-numbered year to a four-year term.

293 (b) Initial terms of the board members beginning on July 1, 2009 shall be staggered
294 with two-year and four-year terms so that approximately one-half of the members' terms will
295 expire in any odd-numbered year.

296 (c) An appointed member holds office until a successor is appointed and qualified.

297 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
298 appointed for the unexpired term.

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

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

301 (6) The board of trustees shall elect a chair and vice chair, who serve for two years and
302 until their successors are elected and qualified.

303 (7) (a) The board of trustees may enact bylaws for its own government, including
304 provision for regular meetings.

305 (b) (i) The board of trustees may provide for an executive committee in its bylaws.

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

308 (iii) The committee may act on nonroutine matters only under extraordinary and
309 emergency circumstances.

310 (iv) The committee shall report its activities to the board of trustees at its next regular
311 meeting following the action.

312 (8) A quorum shall be required to conduct business which shall consist of a majority
313 of voting board of trustee members.

314 (9) The board of trustees may establish advisory committees.

315 (10) (a) (i) Members who are not government employees shall receive no
316 compensation or benefits for their services, but may receive per diem and expenses incurred in
317 the performance of the member's official duties at the rates established by the Division of
318 Finance under Sections 63A-3-106 and 63A-3-107.

319 (ii) Members may decline to receive per diem and expenses for their service.

320 (b) (i) State government officer and employee members who do not receive salary, per
321 diem, or expenses from their agency for their service may receive per diem and expenses
322 incurred in the performance of their official duties from the board of trustees at the rates
323 established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

324 (ii) State government officer and employee members may decline to receive per diem
325 and expenses for their service.

326 (c) (i) Higher education members who do not receive salary, per diem, or expenses
327 from the entity that they represent for their service may receive per diem and expenses
328 incurred in the performance of their official duties from the board of trustees at the rates
329 established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

330 (ii) Higher education members may decline to receive per diem and expenses for their
331 service.

332 Section 8. Section **53B-3-102** is amended to read:

333 **53B-3-102. "State institution of higher education" defined.**

334 (1) As used in this chapter, "state institution of higher education" means the
335 University of Utah, Utah State University, Southern Utah University, Weber State University,
336 Snow College, Dixie State College of Utah, [~~the College of Eastern Utah,~~] Utah Valley
337 University, Salt Lake Community College, and any other university or college which may be

338 established and maintained by the state.

339 (2) It includes any branch or affiliated institution and any campus or facilities owned,
340 operated, or controlled by the governing board of the university or college.

341 Section 9. Section **53B-7-502** is amended to read:

342 **53B-7-502. Higher Education Tuition Assistance Program.**

343 (1) There is created the Utah Higher Education Tuition Assistance Program, hereafter
344 referred to in this part as the program.

345 (2) The board shall administer the program.

346 (3) The program shall be funded through appropriations by the Legislature.

347 (4) Money appropriated for the program shall be available only for need-based grants
348 to higher education students, as provided in this part.

349 (5) (a) The board shall adopt rules for administration of the program, in accordance
350 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

351 (b) The rules shall include the requirements that money appropriated to the program
352 for a specific fiscal year, plus any remaining balance at the end of the preceding fiscal year,
353 shall be allocated to eligible institutions on the following basis:

354 (i) the board shall distribute 50% of the amount available for allocation each fiscal
355 year in equal proportions to:

356 (A) Snow College, main campus and extensions;

357 (B) Dixie State College, main campus and extensions;

358 (C) [~~College of Eastern Utah, main campus and extensions~~] Utah State
359 University-College of Eastern Utah;

360 [~~(D) College of Eastern Utah, San Juan Campus and extensions;~~]

361 [~~(E)~~] (D) Utah Valley University, main campus and extensions;

362 [~~(F)~~] (E) Salt Lake Community College, Taylorsville campus and extensions; and

363 [~~(G)~~] (F) Salt Lake Community College, South City Campus; and

364 (ii) the board shall distribute 50% of the amount available for allocation each fiscal
365 year to the Utah State University for its instructional centers at Roosevelt, Blanding,

366 Randolph, Price, Moab, Brigham City, Tooele, Richfield, and Ephraim, and other centers as
367 may be determined by the board.

368 (6) Higher education institutions may submit applications to the board, for specific
369 eligible entities, for grants to students with demonstrated financial need, determined by criteria
370 established by the board.

371 Section 10. Section **53B-8-101** is amended to read:

372 **53B-8-101. Waiver of tuition.**

373 (1) (a) The president of each institution may waive all or part of the tuition in behalf of
374 meritorious or impecunious resident students to an amount not exceeding 10% of the total
375 amount of tuition which, in the absence of the waivers, would have been collected from all
376 Utah resident students at the institution.

377 (b) Two and a half percent of the waivers designated in Subsection (1)(a) shall be set
378 aside for members of the Utah National Guard. Waivers shall be preserved by the student at
379 least 60 days before the beginning of an academic term.

380 (2) (a) Each academic year the president of each of the following institutions may
381 waive all or part of the resident portion of the tuition in behalf of the additional number of
382 meritorious nonresident students set forth below who are not current recipients of the waiver:

	[Number of Nonresident]
[Institution _____]	Students]
[the University of Utah _____]	190]
[Utah State University _____]	165]
[Weber State University _____]	135]
[Southern Utah University _____]	68]
[Snow College _____]	18]
[Dixie State College of Utah _____]	30]
[the College of Eastern Utah _____]	18]
[Utah Valley University _____]	114]
[Salt Lake Community College _____]	43]

- 394 (i) the University of Utah president may grant up to 190 waivers;
- 395 (ii) the Utah State University president may grant up to 183 waivers, 18 of which shall
- 396 be awarded to students at Utah State University-College of Eastern Utah;
- 397 (iii) the Weber State University president may grant up to 135 waivers;
- 398 (iv) the Southern Utah University president may grant up to 68 waivers;
- 399 (v) the Snow College president may grant up to 18 waivers;
- 400 (vi) the Dixie State College of Utah president may grant up to 30 waivers;
- 401 (vii) the Utah Valley University president may grant up to 114 waivers; and
- 402 (viii) the Salt Lake Community College president may grant up to 43 waivers.
- 403 (b) (i) ~~The~~ A president may continue to waive the resident portion of the tuition
- 404 during the entire time the affected meritorious nonresident student remains an undergraduate
- 405 student in good standing at the institution.
- 406 (ii) The resident portion of the tuition for each nonresident student is equal to the
- 407 tuition for resident students at the institution.
- 408 (c) ~~The~~ A president may waive the nonresident portion of tuition for a meritorious
- 409 nonresident student receiving a waiver under Subsection (2)(a) after completion of the
- 410 student's first year of full-time study at the institution.
- 411 (d) (i) In addition to the waivers authorized by Subsections (2)(a) and (c), ~~the~~ a
- 412 president may waive all or part of the nonresident portion of tuition for a meritorious
- 413 nonresident student during the student's first year of full-time study at the institution.
- 414 (ii) The number of these nonresident waivers for each institution is limited to the
- 415 percentage of nonresident students at each institution times the nonresident student number
- 416 allowed under Subsection (2)(a).
- 417 (3) Upon recommendation of the board, ~~the~~ a president may grant additional full or
- 418 partial tuition waivers to encourage students to enroll for instruction in occupations critical to
- 419 the state for which trained personnel are in short supply.
- 420 (4) ~~The~~ A president may waive all or part of the difference between resident and
- 421 nonresident tuition in the case of meritorious graduate students and nonresident summer

422 school students.

423 (5) The board shall submit annual budget appropriation requests for each institution
424 which include requests for funds sufficient in amount to equal the estimated loss of dedicated
425 credits that would be realized if all of the tuition waivers authorized by Subsection (2) were
426 granted.

427 Section 11. Section **53B-16-201** is amended to read:

428 **53B-16-201. Degrees and certificates that may be conferred.**

429 (1) [~~The College of Eastern Utah~~] Utah State University, Snow College, and Salt Lake
430 Community College may confer certificates of completion and degrees as determined by the
431 State Board of Regents.

432 (2) The board shall develop evaluative criteria as a means of carefully monitoring the
433 impact of degree programs on the vocational mission of the colleges.

434 Section 12. Section **53B-16-207** is amended to read:

435 **53B-16-207. Utah State University-College of Eastern Utah -- Career and**
436 **technical education -- Supervision and administration -- Transition -- Institutional**
437 **mission.**

438 (1) [~~The College of Eastern Utah~~] Utah State University-College of Eastern Utah shall:

439 (a) maintain a strong curriculum in career and technical education courses at its
440 campus and within the region it serves which can be transferred to other institutions within the
441 higher education system, together with lower division courses and courses required for
442 associate degrees in science, arts, applied science, and career and technical education;

443 (b) work with school districts and charter schools in developing an aggressive
444 concurrent enrollment program; and

445 (c) provide for open-entry, open-exit competency-based career and technical education
446 programs, at a low cost tuition rate for adults and at no tuition cost to secondary students, that
447 emphasize short-term job training or retraining for immediate placement in the job market and
448 serve the geographic area encompassing:

449 (i) the Carbon School District;

- 450 (ii) the Emery School District;
- 451 (iii) the Grand School District; and
- 452 (iv) the San Juan School District.

453 (2) ~~[The College of Eastern Utah]~~ Utah State University-College of Eastern Utah may
 454 not exercise any jurisdiction over career and technical education provided by a school district
 455 or charter school independently of ~~[the College of Eastern Utah]~~ Utah State University-College
 456 of Eastern Utah.

457 (3) ~~[The College of Eastern Utah]~~ Utah State University-College of Eastern Utah shall
 458 report to the State Board of Regents annually on:

459 (a) the status of and maintenance of the effort for career and technical education in the
 460 region served by ~~[the College of Eastern Utah]~~ Utah State University-College of Eastern Utah,
 461 including access to open-entry, open-exit competency-based career and technical education
 462 programs; and

463 (b) student tuition and fees.

464 (4) Legislative appropriations to ~~[the College of Eastern Utah's]~~ Utah State
 465 University-College of Eastern Utah career and technical education shall be made as line items
 466 that are separate from other appropriations for ~~[the College of Eastern Utah]~~ Utah State
 467 University-College of Eastern Utah.

468 Section 13. Section **53B-16-208** is amended to read:

469 **53B-16-208. Utah State University-College of Eastern Utah -- Career and**
 470 **technical education advisory committee -- Membership -- Duties.**

471 (1) ~~[The College of Eastern Utah]~~ Utah State University-College of Eastern Utah shall
 472 have a career and technical education advisory committee composed of the following 11
 473 members:

474 (a) one elected local school board member appointed by the board of education for the
 475 Carbon School District;

476 (b) one elected local school board member appointed by the board of education for the
 477 Emery School District;

478 (c) one elected local school board member appointed by the board of education for the
479 Grand School District;

480 (d) one elected local school board member appointed by the board of education for the
481 San Juan School District;

482 (e) one member of the [~~College of Eastern Utah board of trustees appointed by the~~
483 ~~president of the College of Eastern Utah~~] Utah State University-College of Eastern Utah
484 Regional Advisory Council appointed by the chancellor of Utah State University-College of
485 Eastern Utah; and

486 (f) six representatives of business or industry within the region appointed by the
487 [~~president of the College of Eastern Utah~~] chancellor of Utah State University-College of
488 Eastern Utah from members of the program advisory committees overseeing career and
489 technical education in the region.

490 (2) The career and technical education advisory committee shall:

491 (a) after consulting with [~~the College of Eastern Utah~~] Utah State University-College
492 of Eastern Utah, school districts, and charter schools within its region, prepare a
493 comprehensive strategic plan for delivering career and technical education within its region;

494 (b) make recommendations regarding what skills are needed for employment in Utah
495 businesses and industries;

496 (c) recommend programs based upon the information gathered in accordance with
497 Subsection (2)(b);

498 (d) review annual program evaluations;

499 (e) provide counsel, support, and recommendations for updating and improving the
500 effectiveness of career and technical education programs and services, including expedited
501 program approval and termination of procedures, consistent with Board of Regents' policy;

502 (f) monitor program advisory committees and other advisory groups to provide
503 counsel, support, and recommendations for updating and improving the effectiveness of
504 training programs and services; and

505 (g) coordinate with local school boards, districts, and charter schools to meet the

506 career and technical education needs of secondary students.

507 Section 14. Section **53B-18-1201** is enacted to read:

508 **Part 12. Comprehensive Regional Colleges**

509 **53B-18-1201. Utah State University-College of Eastern Utah.**

510 (1) (a) There is established a comprehensive regional college of Utah State University
511 called Utah State University-College of Eastern Utah.

512 (b) Utah State University shall:

513 (i) possess all rights, title, privileges, powers, immunities, franchises, endowments,
514 property, and claims of the College of Eastern Utah; and

515 (ii) fulfill and perform all obligations of the College of Eastern Utah, including
516 obligations relating to outstanding bonds and notes.

517 (2) Utah State University-College of Eastern Utah contains campuses in the following
518 locations:

519 (a) Price, Utah; and

520 (b) Blanding, Utah.

521 (3) (a) Utah State University-College of Eastern Utah is under the authority and
522 direction of the Utah State University president and Utah State University board of trustees.

523 (b) (i) The governor shall appoint nine individuals to the Utah State University board
524 of trustees with the consent of the Senate.

525 (ii) One of the nine individuals described in Subsection (3)(b)(i) shall reside in the
526 Utah State University-College of Eastern Utah service region.

527 (c) The board shall establish a policy defining the service region.

528 (4) (a) Utah State University-College of Eastern Utah shall be administered by a
529 chancellor.

530 (b) The chancellor of Utah State University-College of Eastern Utah is appointed by
531 the president of Utah State University and reports directly to the president of Utah State
532 University.

533 (5) (a) The president of Utah State University shall appoint a regional advisory council

534 to advise the president and chancellor regarding local issues relating to the college.

535 (b) The chancellor shall provide the Utah State University president with
536 recommendations for the regional advisory council.

537 (c) The regional advisory council:

538 (i) shall include the Utah State University-College of Eastern Utah Student
539 Association president; and

540 (ii) may include:

541 (A) residents of the counties in the Utah State University-College of Eastern Utah
542 service region, as defined by board policy; and

543 (B) alumni of the College of Eastern Utah.

544 Section 15. Section **59-12-702** is amended to read:

545 **59-12-702. Definitions.**

546 As used in this part:

547 (1) "Administrative unit" means a division of a private nonprofit organization or
548 institution that:

549 (a) would, if it were a separate entity, be a botanical organization or cultural
550 organization; and

551 (b) consistently maintains books and records separate from those of its parent
552 organization.

553 (2) "Botanical organization" means:

554 (a) a private nonprofit organization or institution having as its primary purpose the
555 advancement and preservation of plant science through horticultural display, botanical
556 research, and community education; or

557 (b) an administrative unit.

558 (3) "Cultural facility" is as defined in Section 59-12-602.

559 (4) (a) "Cultural organization":

560 (i) means:

561 (A) a private nonprofit organization or institution having as its primary purpose the

562 advancement and preservation of:

563 (I) natural history;

564 (II) art;

565 (III) music;

566 (IV) theater; or

567 (V) dance; and

568 (B) an administrative unit; and

569 (ii) includes, for purposes of Subsections 59-12-704(1)(d) and (6) only:

570 (A) a private nonprofit organization or institution having as its primary purpose the

571 advancement and preservation of history;

572 (B) a municipal or county cultural council having as its primary purpose the

573 advancement and preservation of:

574 (I) history;

575 (II) natural history;

576 (III) art;

577 (IV) music;

578 (V) theater; or

579 (VI) dance.

580 (b) "Cultural organization" does not include:

581 (i) any agency of the state;

582 (ii) except as provided in Subsection (4)(a)(ii)(B), any political subdivision of the

583 state;

584 (iii) any educational institution whose annual revenues are directly derived more than

585 50% from state funds; or

586 (iv) in a county of the first or second class, any radio or television broadcasting

587 network or station, cable communications system, newspaper, or magazine.

588 (5) "Institution" means any of the institutions listed in Subsections 53B-1-102(1)(b)

589 through ~~(j)~~ (k).

590 (6) "Recreational facility" means any publicly owned or operated park, campground,
591 marina, dock, golf course, playground, athletic field, gymnasium, swimming pool, trail
592 system, cultural facility, or other facility used for recreational purposes.

593 (7) "Rural radio station" means a nonprofit radio station based in a county of the third,
594 fourth, fifth, or sixth class.

595 (8) In a county of the first class, "zoological facilities" means any public,
596 public-private partnership, or private nonprofit buildings, exhibits, utilities and infrastructure,
597 walkways, pathways, roadways, offices, administration facilities, public service facilities,
598 educational facilities, enclosures, public viewing areas, animal barriers, animal housing,
599 animal care facilities, and veterinary and hospital facilities related to the advancement,
600 exhibition, or preservation of mammals, birds, reptiles, or amphibians.

601 (9) (a) (i) Except as provided in Subsection (9)(a)(ii), "zoological organization" means
602 a public, public-private partnership, or private nonprofit organization having as its primary
603 purpose the advancement and preservation of zoology.

604 (ii) In a county of the first class, "zoological organization" means a nonprofit
605 organization having as its primary purpose the advancement and exhibition of mammals,
606 birds, reptiles, or amphibians to an audience of 75,000 or more persons annually.

607 (b) "Zoological organization" does not include any agency of the state, educational
608 institution, radio or television broadcasting network or station, cable communications system,
609 newspaper, or magazine.

610 Section 16. Section **76-8-701** is amended to read:

611 **76-8-701. Definitions.**

612 For the purposes of this part:

613 (1) "Chief administrative officer" means the president of a private or state institution
614 of higher education or the officer designated by the president or by the governing board of the
615 institution to administer the affairs of a campus or other facility owned by the institution or
616 operated or controlled by the governing board of the institution.

617 (2) "School" or "institution of higher education" means any private institution of

618 higher education or any state institution of higher education as defined in Section 53B-1-102.

619 (3) "State institution of higher education" includes the University of Utah, Utah State
620 University, Southern Utah University, Weber State University, Snow College, Dixie State
621 College of Utah, [~~the College of Eastern Utah,~~] Utah Valley University, Salt Lake Community
622 College, and any other university or college which may be established and maintained by the
623 state, and includes any branch or affiliated institution and any campus or facility owned,
624 operated, or controlled by the governing board of the university or college.

625 Section 17. **Effective date.**

626 This bill takes effect on July 1, 2010.