

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

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

- campus locations;
- a chancellor;
- a regional advisory council; and
- legal succession; and

- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2010.



28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **49-20-202**, as last amended by Laws of Utah 2006, Chapter 307
- 31 **53A-15-202**, as last amended by Laws of Utah 2009, Chapter 346
- 32 **53B-1-102**, as last amended by Laws of Utah 2007, Chapter 356
- 33 **53B-1-103**, as last amended by Laws of Utah 2009, Chapter 346
- 34 **53B-2-101**, as last amended by Laws of Utah 2007, Chapter 356
- 35 **53B-2a-103**, as last amended by Laws of Utah 2009, Chapter 346
- 36 **53B-3-102**, as last amended by Laws of Utah 2007, Chapter 356
- 37 **53B-7-502**, as last amended by Laws of Utah 2008, Chapter 382
- 38 **53B-8-101**, as last amended by Laws of Utah 2007, Chapter 356
- 39 **53B-16-201**, as last amended by Laws of Utah 2007, Chapters 259 and 356
- 40 **53B-16-207**, as last amended by Laws of Utah 2009, Chapter 346
- 41 **53B-16-208**, as last amended by Laws of Utah 2009, Chapter 346
- 42 **59-12-702**, as last amended by Laws of Utah 2004, Chapter 186
- 43 **76-8-701**, as last amended by Laws of Utah 2007, Chapter 356

44 ENACTS:

- 45 **53B-18-1201**, Utah Code Annotated 1953



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

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

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

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

- 51 (a) state employees; and
- 52 (b) the Utah Children's Health Insurance Program.

53 (2) In accordance with participation standards established by the program, the
54 following entities may elect to participate in the risk pool established under Subsection (1)(a):

- 55 (a) an institution of higher education designated under Section 53B-1-102 with a total
56 full-time equivalent enrollment of less than 12,000; [~~and~~]
- 57 (b) an independent entity as defined in Section 63E-1-102[-]; and
- 58 (c) a comprehensive regional college.

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

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

62 **53A-15-202. Powers of the board.**

63 The State Board of Education:

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

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

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

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

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

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

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

86 (6) shall, after consulting with school districts, charter schools, the Utah College of
87 Applied Technology, Salt Lake Community College's School of Applied Technology, Snow
88 College, and [~~the College of Eastern Utah~~] Utah State University-College of Eastern Utah,
89 prepare and submit an annual report to the governor and to the Legislature's Education Interim

90 Committee by October 31 of each year detailing:

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

92 and

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

94 (i) at applied technology colleges; and

95 (ii) within the regions served by Salt Lake Community College's School of Applied

96 Technology, Snow College, and ~~[the College of Eastern Utah]~~ Utah State University-College of

97 Eastern Utah.

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

99 **53B-1-102. State system of higher education.**

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

101 (a) State Board of Regents;

102 (b) the University of Utah;

103 (c) Utah State University ~~[of Agricultural and Applied Science, hereafter referred to in~~

104 ~~this title as Utah State University];~~

105 (d) Weber State University;

106 (e) Southern Utah University;

107 (f) Snow College;

108 (g) Dixie State College of Utah;

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

110 ~~[(†) (h)]~~ (h) Utah Valley University;

111 ~~[(‡) (i)]~~ (i) Salt Lake Community College;

112 ~~[(k) (j)]~~ (j) the Utah College of Applied Technology; and

113 ~~[(†) (k)]~~ (k) other public post-high school educational institutions as the Legislature may

114 designate.

115 (2) A change in the name of an institution within the system of higher education shall

116 not be considered a change in the role or mission of the institution, unless otherwise authorized

117 by the State Board of Regents.

118 (3) It is not the intent of the Legislature to increase the number of research universities

119 in the state beyond the University of Utah and Utah State University.

120 (4) These institutions are empowered to sue and be sued and to contract and be

121 contracted with.

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

123 **53B-1-103. Establishment of State Board of Regents -- Powers and authority.**

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

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

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

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

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

137 (i) how the career and technical education needs of secondary students are being met
138 by institutions of higher education other than the Utah College of Applied Technology,
139 including what access secondary students have to programs offered by Salt Lake Community
140 College's School of Applied Technology, Snow College, and ~~[the College of Eastern Utah]~~
141 Utah State University-College of Eastern Utah;

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

144 (iii) performance outcomes, including:

145 (A) entered employment;

146 (B) job retention; and

147 (C) earnings; and

148 (iv) student tuition and fees.

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

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

- 154 (i) the Bridgerland Applied Technology College Campus;
- 155 (ii) the Ogden-Weber Applied Technology College Campus;
- 156 (iii) the Davis Applied Technology College Campus;
- 157 (iv) the Tooele Applied Technology College Campus;
- 158 (v) the Mountainland Applied Technology College Campus;
- 159 (vi) the Uintah Basin Applied Technology College Campus;
- 160 (vii) the Southwest Applied Technology College Campus; and
- 161 (viii) the Dixie Applied Technology College Campus.

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

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

166 **53B-2-101. Institutions of higher education -- Corporate bodies -- Powers.**

167 (1) The following institutions of higher education are bodies politic and corporate with
168 perpetual succession and with all rights, immunities, and franchises necessary to function as
169 such:

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

180 (2) (a) Each institution may have and use a corporate seal and may, subject to Section
181 53B-20-103, take, hold, lease, sell, and convey real and personal property as the interest of the
182 institution requires.

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

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

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

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

194 Section 6. Section **53B-2a-103** is amended to read:

195 **53B-2a-103. Utah College of Applied Technology Board of Trustees --**
196 **Membership -- Terms -- Vacancies -- Oath -- Officers -- Quorum -- Committees --**
197 **Compensation.**

198 (1) There is created the Utah College of Applied Technology Board of Trustees,
199 composed of the following members:

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

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

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

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

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

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

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

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

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

226 (j) the commissioner of higher education; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

275 (ii) Higher education members may decline to receive per diem and expenses for their

276 service.

277 Section 7. Section **53B-3-102** is amended to read:

278 **53B-3-102. "State institution of higher education" defined.**

279 (1) As used in this chapter, "state institution of higher education" means the University
280 of Utah, Utah State University, Southern Utah University, Weber State University, Snow
281 College, Dixie State College of Utah, [~~the College of Eastern Utah,~~] Utah Valley University,
282 Salt Lake Community College, and any other university or college which may be established
283 and maintained by the state.

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

286 Section 8. Section **53B-7-502** is amended to read:

287 **53B-7-502. Higher Education Tuition Assistance Program.**

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

290 (2) The board shall administer the program.

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

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

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

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

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

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

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

303 (C) [~~College of Eastern Utah, main campus and extensions~~] Utah State

304 University-College of Eastern Utah;

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

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

307 ~~[(F)]~~ (E) Salt Lake Community College, Taylorsville campus and extensions; and
 308 ~~[(G)]~~ (F) Salt Lake Community College, South City Campus; and
 309 (ii) the board shall distribute 50% of the amount available for allocation each fiscal
 310 year to the Utah State University for its instructional centers at Roosevelt, Blanding, Randolph,
 311 Price, Moab, Brigham City, Tooele, Richfield, and Ephraim, and other centers as may be
 312 determined by the board.

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

316 Section 9. Section **53B-8-101** is amended to read:

317 **53B-8-101. Waiver of tuition.**

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

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

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

	[Number of Nonresident]
[Institution _____]	Students]
329 [the University of Utah _____]	190]
330 [Utah State University _____]	165]
331 [Weber State University _____]	135]
332 [Southern Utah University _____]	68]
333 [Snow College _____]	18]
334 [Dixie State College of Utah _____]	30]
335 [the College of Eastern Utah _____]	18]
336 [Utah Valley University _____]	114]
337	

338 ~~[Salt Lake Community College~~ 43]

339 (i) the University of Utah president may grant up to 190 waivers;

340 (ii) the Utah State University president may grant up to 183 waivers, 18 of which shall

341 be awarded to students at Utah State University-College of Eastern Utah;

342 (iii) the Weber State University president may grant up to 135 waivers;

343 (iv) the Southern Utah University president may grant up to 68 waivers;

344 (v) the Snow College president may grant up to 18 waivers;

345 (vi) the Dixie State College of Utah president may grant up to 30 waivers;

346 (vii) the Utah Valley University president may grant up to 114 waivers; and

347 (viii) the Salt Lake Community College president may grant up to 43 waivers.

348 (b) (i) ~~[The]~~ A president may continue to waive the resident portion of the tuition

349 during the entire time the affected meritorious nonresident student remains an undergraduate

350 student in good standing at the institution.

351 (ii) The resident portion of the tuition for each nonresident student is equal to the

352 tuition for resident students at the institution.

353 (c) ~~[The]~~ A president may waive the nonresident portion of tuition for a meritorious

354 nonresident student receiving a waiver under Subsection (2)(a) after completion of the student's

355 first year of full-time study at the institution.

356 (d) (i) In addition to the waivers authorized by Subsections (2)(a) and (c), ~~[the]~~ a

357 president may waive all or part of the nonresident portion of tuition for a meritorious

358 nonresident student during the student's first year of full-time study at the institution.

359 (ii) The number of these nonresident waivers for each institution is limited to the

360 percentage of nonresident students at each institution times the nonresident student number

361 allowed under Subsection (2)(a).

362 (3) Upon recommendation of the board, ~~[the]~~ a president may grant additional full or

363 partial tuition waivers to encourage students to enroll for instruction in occupations critical to

364 the state for which trained personnel are in short supply.

365 (4) ~~[The]~~ A president may waive all or part of the difference between resident and

366 nonresident tuition in the case of meritorious graduate students and nonresident summer school

367 students.

368 (5) The board shall submit annual budget appropriation requests for each institution

369 which include requests for funds sufficient in amount to equal the estimated loss of dedicated
370 credits that would be realized if all of the tuition waivers authorized by Subsection (2) were
371 granted.

372 Section 10. Section **53B-16-201** is amended to read:

373 **53B-16-201. Degrees and certificates that may be conferred.**

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

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

379 Section 11. Section **53B-16-207** is amended to read:

380 **53B-16-207. Utah State University-College of Eastern Utah -- Career and**
381 **technical education -- Supervision and administration -- Transition -- Institutional**
382 **mission.**

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

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

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

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

394 (i) the Carbon School District;

395 (ii) the Emery School District;

396 (iii) the Grand School District; and

397 (iv) the San Juan School District.

398 (2) [~~The College of Eastern Utah~~] Utah State University-College of Eastern Utah may
399 not exercise any jurisdiction over career and technical education provided by a school district

400 or charter school independently of [~~the College of Eastern Utah~~] Utah State University-College
401 of Eastern Utah.

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

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

408 (b) student tuition and fees.

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

413 Section 12. Section **53B-16-208** is amended to read:

414 **53B-16-208. Utah State University-College of Eastern Utah -- Career and**
415 **technical education advisory committee -- Membership -- Duties.**

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

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

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

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

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

427 (e) one member of the [~~College of Eastern Utah board of trustees appointed by the~~
428 ~~president of the College of Eastern Utah~~] Utah State University-College of Eastern Utah
429 Regional Advisory Council appointed by the chancellor of Utah State University-College of
430 Eastern Utah; and

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

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

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

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

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

443 (d) review annual program evaluations;

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

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

450 (g) coordinate with local school boards, districts, and charter schools to meet the career
451 and technical education needs of secondary students.

452 Section 13. Section **53B-18-1201** is enacted to read:

453 **Part 12. Comprehensive Regional Colleges**

454 **53B-18-1201. Utah State University-College of Eastern Utah.**

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

457 (b) Utah State University shall:

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

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

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

464 (a) Price, Utah; and

465 (b) Blanding, Utah.

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

468 (b) The governor shall appoint one member to the Utah State University board of
469 trustees as described in Subsection 53B-2-104(1)(a)(i), who is a resident from the Utah State
470 University-College of Eastern Utah service region.

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

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

474 (b) The chancellor of Utah State University-College of Eastern Utah is appointed by
475 the president of Utah State University and reports directly to the president of Utah State
476 University.

477 (5) (a) The president of Utah State University shall appoint a regional advisory council
478 to advise the president and chancellor regarding local issues relating to the college.

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

481 (c) The regional advisory council shall include:

482 (i) residents of the counties in the Utah State University-College of Eastern Utah
483 service region, as defined by board policy; and

484 (ii) the Utah State University-College of Eastern Utah Student Association president.

485 Section 14. Section **59-12-702** is amended to read:

486 **59-12-702. Definitions.**

487 As used in this part:

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

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

492 (b) consistently maintains books and records separate from those of its parent

493 organization.

494 (2) "Botanical organization" means:

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

498 (b) an administrative unit.

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

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

501 (i) means:

502 (A) a private nonprofit organization or institution having as its primary purpose the
503 advancement and preservation of:

504 (I) natural history;

505 (II) art;

506 (III) music;

507 (IV) theater; or

508 (V) dance; and

509 (B) an administrative unit; and

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

511 (A) a private nonprofit organization or institution having as its primary purpose the
512 advancement and preservation of history;

513 (B) a municipal or county cultural council having as its primary purpose the
514 advancement and preservation of:

515 (I) history;

516 (II) natural history;

517 (III) art;

518 (IV) music;

519 (V) theater; or

520 (VI) dance.

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

522 (i) any agency of the state;

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

524 (iii) any educational institution whose annual revenues are directly derived more than
525 50% from state funds; or

526 (iv) in a county of the first or second class, any radio or television broadcasting
527 network or station, cable communications system, newspaper, or magazine.

528 (5) "Institution" means any of the institutions listed in Subsections 53B-1-102(1)(b)
529 through ~~(h)~~ (k).

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

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

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

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

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

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

550 Section 15. Section **76-8-701** is amended to read:

551 **76-8-701. Definitions.**

552 For the purposes of this part:

553 (1) "Chief administrative officer" means the president of a private or state institution of
554 higher education or the officer designated by the president or by the governing board of the

555 institution to administer the affairs of a campus or other facility owned by the institution or
556 operated or controlled by the governing board of the institution.

557 (2) "School" or "institution of higher education" means any private institution of higher
558 education or any state institution of higher education as defined in Section 53B-1-102.

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

565 Section 16. **Effective date.**

566 This bill takes effect on July 1, 2010.

Legislative Review Note
as of 2-4-10 1:29 PM

Office of Legislative Research and General Counsel

S.B. 69 - College of Eastern Utah Affiliation with Utah State University

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
