

**HIGHER EDUCATION GOVERNANCE AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bradley G. Last**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**General Description:**

This bill amends provisions related to higher education governance.

**Highlighted Provisions:**

This bill:

- ▶ defines terms, including defining the term "UTech" to mean the Utah System of Technical Colleges;
- ▶ removes a provision requiring Senate consent for the appointment of the student member of the State Board of Regents;
- ▶ permits the governor to remove, for cause, certain members of:
  - the State Board of Regents;
  - the Utah System of Technical Colleges Board of Trustees;
  - an institution of higher education board of trustees; and
  - a technical college board of directors;
- ▶ amends provisions related to the role of a technical college board of directors in relation to a technical college president;
- ▶ amends the membership of a technical college board of directors;
- ▶ creates a term limit for a member of a technical college board of directors; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

- 32 **53B-1-104**, as last amended by Laws of Utah 2017, Chapter 382
- 33 **53B-2-102**, as repealed and reenacted by Laws of Utah 2017, Chapter 382
- 34 **53B-2-104**, as last amended by Laws of Utah 2017, Chapter 382
- 35 **53B-2a-101**, as last amended by Laws of Utah 2017, Chapter 382
- 36 **53B-2a-102**, as last amended by Laws of Utah 2017, Chapter 382
- 37 **53B-2a-103**, as last amended by Laws of Utah 2017, Chapter 382
- 38 **53B-2a-104**, as last amended by Laws of Utah 2017, Chapters 365 and 382
- 39 **53B-2a-105**, as last amended by Laws of Utah 2017, Chapter 382
- 40 **53B-2a-106**, as last amended by Laws of Utah 2017, Chapter 382
- 41 **53B-2a-107**, as last amended by Laws of Utah 2017, Chapter 382
- 42 **53B-2a-109**, as last amended by Laws of Utah 2017, Chapter 382
- 43 **53B-2a-112**, as last amended by Laws of Utah 2017, Chapter 382
- 44 **53B-2a-113**, as last amended by Laws of Utah 2017, Chapter 382
- 45 **53B-2a-114**, as last amended by Laws of Utah 2017, Chapter 382
- 46 **63I-2-253**, as last amended by Laws of Utah 2017, Chapters 217, 223, 350, 365, 381,
- 47 386, and 468

48 REPEALS AND REENACTS:

- 49 **53B-2a-108**, as last amended by Laws of Utah 2017, Chapter 382

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

52 Section 1. Section **53B-1-104** is amended to read:

53 **53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath --**  
54 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.**

55 (1) Except as provided in Subsection (2), the board consists of:

56 (a) ~~[17]~~ 16 residents of the state appointed by the governor with the consent of the  
57 Senate, as follows:

58 ~~[(a)]~~ (i) eight ~~[at large]~~ at-large members; and

- 59           ~~(b)~~ (ii) eight members, each of whom is:
- 60           ~~(i)~~ (A) selected from three nominees presented to the governor by a higher education  
61 institution board of trustees; and
- 62           ~~(i)~~ (B) a current or former member of the institution of higher education board of  
63 trustees that nominates the member; and
- 64           ~~(e)~~ (b) one member, ~~[selected]~~ appointed by the governor from three nominees  
65 presented to the governor by the student body presidents of the institutions of higher education,  
66 who:
- 67           (i) is a fully matriculated student enrolled in an institution of higher education; and  
68           (ii) is not serving as a student body president at the time of the nomination.
- 69           (2) (a) (i) An individual appointed to the board on or before May 8, 2017, may serve on  
70 the board, even if the individual does not fulfill a requirement for the composition of the board  
71 described in Subsection (1).
- 72           (ii) The governor may reappoint a member described in Subsection (2)(a)(i) when the  
73 member's term expires.
- 74           (b) An individual appointed to the board on or before May 8, 2017, who is a current or  
75 former member of an institution of higher education board of trustees is the board member for  
76 the institution of higher education described in Subsection (1)~~(b)~~(a)(ii).
- 77           (c) (i) Subject to Subsection (2)(c)(ii), as positions on the board become vacant, the  
78 governor shall ensure that newly appointed members move the board toward the composition  
79 described in Subsection (1).
- 80           (ii) In appointing a new member to the board, the governor shall first appoint a member  
81 described in Subsection (1)~~(b)~~(a)(ii) until the eight positions described in Subsection  
82 ~~(1)(b)~~(a)(ii) are filled.
- 83           (3) (a) All appointments to the board shall be made on a nonpartisan basis.
- 84           (b) In making appointments to the board, the governor shall consider:
- 85           (i) geographic representation of members;
- 86           (ii) diversity;
- 87           (iii) experience in higher education governance;
- 88           (iv) experience in economic development; and
- 89           (v) exposure to institutions of higher education.

90 (c) An individual may not serve simultaneously on the State Board of Regents and an  
91 institution of higher education board of trustees.

92 (4) (a) Except as provided in [~~Subsection~~] Subsections (4)(b) and (c), members of the  
93 board shall be appointed to six-year staggered terms, which begin on July 1 of the year of  
94 appointment.

95 (b) A student member described in Subsection (1)[~~(c)~~](b) shall be appointed to a  
96 one-year term.

97 (c) (i) The governor may remove a member of the board for cause.

98 (ii) The governor shall consult with the president of the Senate before removing a  
99 member of the board.

100 (5) (a) A member of the board shall take the official oath of office before entering upon  
101 the duties of office.

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

103 (6) The board shall elect a chair and vice chair from among the board's members who  
104 shall serve terms of two years and until their successors are chosen and qualified.

105 (7) (a) The board shall appoint a secretary from the staff of the board's chief executive  
106 to serve at the board's discretion.

107 (b) The secretary is a full-time employee who receives a salary set by the board.

108 (c) The secretary shall record and maintain a record of all board meetings and perform  
109 other duties as the board directs.

110 (8) (a) The board may establish advisory committees.

111 (b) The powers and authority of the board are nondelegable, except as specifically  
112 provided for in this title.

113 (c) All matters requiring board determination shall be addressed in a properly convened  
114 meeting of the board or the board's executive committee.

115 (9) The board shall enact bylaws for the board's own government not inconsistent with  
116 the constitution or the laws of this state.

117 (10) (a) The board shall meet regularly upon the board's own determination.

118 (b) The board may also meet, in full or executive session, at the request of the chair,  
119 the executive officer, or five members of the board.

120 (11) A quorum of the voting members of the board is required to conduct the board's

121 business and consists of nine members.

122 (12) (a) A vacancy in the board occurring before the expiration of a voting member's  
123 full term shall be immediately filled by appointment by the governor with the consent of the  
124 Senate.

125 (b) An individual appointed under Subsection (12)(a) serves for the remainder of the  
126 unexpired term.

127 (13) A board member may not receive compensation or benefits for the member's  
128 service, but may receive per diem and travel expenses in accordance with:

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

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

131 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
132 63A-3-107.

133 Section 2. Section 53B-2-102 is amended to read:

134 **53B-2-102. Board to appoint president for each institution.**

135 (1) As used in this section:

136 (a) "Institution of higher education" means an institution that is part of the Utah System  
137 of Higher Education described in Subsection 53B-1-102(1)(a).

138 (b) "Search committee" means a committee that selects finalists for a position as an  
139 institution of higher education president.

140 (2) The board shall appoint a president for each institution of higher education.

141 (3) An institution of higher education president serves at the pleasure of the board.

142 (4) (a) To appoint an institution of higher education president, the board shall establish  
143 a search committee that includes representatives of faculty, staff, students, the institution of  
144 higher education board of trustees, alumni, the outgoing institution of higher education  
145 president's executive council or cabinet, and the board.

146 (b) A search committee shall be cochaired by a member of the board and a member of  
147 the institution of higher education board of trustees.

148 (c) A search committee described in Subsection (4)(a) shall forward three to five  
149 finalists to the board to consider for a position as an institution of higher education president.

150 (d) A search committee may not forward an individual to the board as a finalist unless  
151 two-thirds of the search committee members, as verified by the commissioner, find the

152 individual to be qualified and likely to succeed as an institution of higher education president.

153 (5) (a) The board shall select an institution of higher education president from among  
154 the finalists presented by a search committee.

155 (b) If the board is not satisfied with the finalists forwarded by a search committee, the  
156 board may direct the search committee to resume the search process until the search committee  
157 has forwarded three finalists with [~~which~~] whom the board is satisfied.

158 (6) The board, through the commissioner, shall create a comprehensive, active  
159 recruiting plan to ensure a strong, diverse pool of potential candidates for institution of higher  
160 education presidents.

161 (7) (a) Except as provided in Subsection (7)(b), a record or information gathered or  
162 generated during the search process, including a candidate's application and the search  
163 committee's deliberations, is confidential and is a protected record under Section 63G-2-305.

164 (b) Application materials for a publicly named finalist described in Subsection (5)(a)  
165 are not protected records under Section 63G-2-305.

166 Section 3. Section 53B-2-104 is amended to read:

167 **53B-2-104. Memberships of board of trustees -- Terms -- Vacancies -- Oath --**  
168 **Officers -- Bylaws -- Quorum -- Committees -- Compensation -- Applicability to technical**  
169 **colleges.**

170 (1) (a) Except as provided in Subsection (10), the board of trustees of an institution of  
171 higher education consists of the following:

172 (i) except as provided in Subsection 53B-18-1201(3)(b), eight individuals appointed by  
173 the governor with the consent of the Senate; and

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

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

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

181 (b) [~~An appointed member~~] Except as provided in Subsection (2)(d), a member  
182 appointed under Subsection (1)(a)(i) holds office until a successor is appointed and qualified.

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

185 (d) (i) The governor may remove a member appointed under Subsection (1)(a)(i) for  
186 cause.

187 (ii) The governor shall consult with the president of the Senate before removing a  
188 member appointed under Subsection (1)(a)(i).

189 (3) When a vacancy occurs in the membership of a board of trustees for any reason, the  
190 replacement shall be appointed for the unexpired term.

191 (4) (a) Each member of a board of trustees shall take the official oath of office prior to  
192 assuming the office.

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

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

196 (6) (a) A board of trustees may enact bylaws for the board of trustees' own government,  
197 including provisions for regular meetings.

198 (b) (i) A board of trustees may provide for an executive committee in the board of  
199 trustees' bylaws.

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

202 (iii) An executive committee may act on nonroutine matters only under extraordinary  
203 and emergency circumstances.

204 (iv) An executive committee shall report the executive committee's activities to the  
205 board of trustees at the board of trustees' next regular meeting following the action.

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

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

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

209 (9) A member may not receive compensation or benefits for the member's service, but  
210 may receive per diem and travel expenses in accordance with:

211 (a) Section [63A-3-106](#);

212 (b) Section [63A-3-107](#); and

213 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

214 [63A-3-107](#).

215 (10) This section does not apply to a technical college board of directors described in  
216 Section [53B-2a-108](#).

217 Section 4. Section **53B-2a-101** is amended to read:

218 **53B-2a-101. Definitions.**

219 As used in this chapter:

220 (1) "Board of trustees" means the [~~Utah System of Technical Colleges~~] UTech Board  
221 of Trustees.

222 (2) "Commissioner of technical education" means the [~~Utah System of Technical~~  
223 ~~Colleges~~] UTech commissioner of technical education.

224 (3) "Competency-based" means mastery of subject matter or skill level, as  
225 demonstrated through business and industry approved standards and assessments, achieved  
226 through participation in a hands-on learning environment, and which is tied to observable,  
227 measurable performance objectives.

228 [~~(4) "Member" means a member of the board of trustees.~~]

229 [~~(5)~~] (4) "Open-entry, open-exit" means:

230 (a) a method of instructional delivery that allows for flexible scheduling in response to  
231 individual student needs or requirements and demonstrated competency when knowledge and  
232 skills have been mastered;

233 (b) students have the flexibility to begin or end study at any time, progress through  
234 course material at their own pace, and demonstrate competency when knowledge and skills  
235 have been mastered; and

236 (c) if competency is demonstrated in a program of study, a credential, certificate, or  
237 diploma may be awarded.

238 (5) "UTech" means the Utah System of Technical Colleges described in Section  
239 [53B-1-102](#).

240 Section 5. Section **53B-2a-102** is amended to read:

241 **53B-2a-102. Commissioner of technical education -- Appointment -- Duties.**

242 (1) (a) The board of trustees, upon approval from the governor and with the consent of  
243 the Senate, shall appoint a commissioner of technical education to serve as the board of  
244 trustees' chief executive officer.



- 245 (b) The commissioner of technical education shall:
- 246 (i) have an appropriate and relevant educational background, including, at a minimum,
- 247 a master's degree; and
- 248 (ii) have extensive experience in career and technical education.
- 249 (c) The commissioner of technical education shall serve at the board of trustees'
- 250 discretion and may be terminated by:
- 251 (i) the board of trustees; or
- 252 (ii) the governor, after consultation with the board of trustees.
- 253 (d) If the board of trustees intends to appoint an interim or acting commissioner of
- 254 technical education during a leave of absence of the commissioner of technical education, the
- 255 board of trustees shall appoint the interim or acting commissioner of technical education with
- 256 the consent of the Senate.
- 257 (e) The name of each final candidate for commissioner of technical education shall be
- 258 publicly disclosed.
- 259 (2) The board of trustees shall:
- 260 (a) set the salary of the commissioner of technical education;
- 261 (b) prescribe the duties and functions of the commissioner of technical education; and
- 262 (c) select a commissioner of technical education on the basis of outstanding
- 263 professional qualifications.
- 264 (3) The commissioner of technical education is responsible to the board of trustees to:
- 265 (a) ensure that the policies and programs of the board of trustees are properly executed;
- 266 (b) furnish information about [~~the Utah System of Technical Colleges~~] UTech and
- 267 make recommendations regarding the information to the board of trustees;
- 268 (c) provide state-level leadership in an activity affecting a technical college; and
- 269 (d) perform other duties as assigned by the board of trustees in carrying out the board
- 270 of trustees' duties and responsibilities.
- 271 Section 6. Section **53B-2a-103** is amended to read:
- 272 **53B-2a-103. UTech Board of Trustees -- Membership -- Terms -- Vacancies --**
- 273 **Oath -- Officers -- Quorum -- Committees -- Compensation.**
- 274 (1) There is created the [~~Utah System of Technical Colleges~~] UTech Board of Trustees.
- 275 (2) Except as provided in Subsections (3) and (4), the board of trustees is composed of

276 the following members:

277 (a) one member, representing business and industry employers from each technical  
278 college board of directors, appointed by a majority vote of the business and industry employer  
279 members of the technical college board of directors;

280 (b) one member representing business and industry employers from the Snow College  
281 Economic Development and Workforce Preparation Advisory Committee appointed by a  
282 majority of the business and industry employer members of the advisory committee;

283 (c) one member representing business and industry employers from the Utah State  
284 University Eastern career and technical education advisory committee appointed by a majority  
285 of the business and industry employer members of the advisory committee;

286 (d) one member representing business and industry employers from the Salt Lake  
287 Community College School of Applied Technology Board of Directors appointed by a majority  
288 of the business and industry employer members of the board of directors;

289 (e) one business or industry employer representative appointed by the governor with  
290 the consent of the Senate from nominations submitted by the speaker of the House of  
291 Representatives and president of the Senate;

292 (f) one representative of union craft, trade, or apprenticeship programs that prepare  
293 workers for employment in career and technical education fields, appointed by the governor  
294 with the consent of the Senate;

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

298 (h) the executive director of the Governor's Office of Economic Development or the  
299 executive director's designee.

300 (3) (a) Beginning on July 1, 2019, the board of trustees is composed of 15 members  
301 appointed by the governor with the consent of the Senate, as follows:

302 (i) one member selected from at least two nominees presented to the governor by the  
303 board of directors of each technical college, for a total of eight members; and

304 (ii) one member who is employed in and represents each of the following sectors:

305 (A) information technology;

306 (B) manufacturing;

- 307 (C) life sciences;
- 308 (D) health care;
- 309 (E) transportation;
- 310 (F) union craft, trade, or apprenticeship; and
- 311 (G) non-union craft, trade, or apprenticeship.

312 (b) The seven members described in Subsection (3)(a)(ii) shall be selected from the  
313 state at large, subject to the following conditions:

314 (i) at least four members shall reside in a geographic area served by a technical college;  
315 and

316 (ii) no more than two members may reside in a single geographic area served by a  
317 technical college.

318 (c) The governor shall make appointments to the board of trustees on a nonpartisan  
319 basis.

320 (d) An individual may not serve on the board of trustees and a technical college board  
321 of directors simultaneously.

322 (4) (a) To transition from the composition of the board of trustees described in  
323 Subsection (2) to the composition described in Subsection (3), for a member who was  
324 appointed to the board of trustees on or before May 10, 2016, the governor shall appoint a  
325 replacement:

326 (i) when the member's current term expires, for a member who, on May 10, 2016, has  
327 served less than two consecutive full terms on the board of trustees; or

328 (ii) on May 10, 2016, for a member who, on May 10, 2016, has served two or more  
329 consecutive full terms on the board of trustees.

330 (b) In replacing a member who was appointed under Subsection (2)(a), the governor  
331 shall appoint a member for the technical college represented by the member whose term  
332 expires by:

333 (i) soliciting the technical college's board of directors to nominate at least two  
334 individuals for the position; and

335 (ii) selecting from the nominees presented.

336 (c) In replacing a member who was appointed under Subsections (2)(b) through (2)(h),  
337 the governor shall appoint a new member at large, ensuring representation from the sectors

338 described in Subsection (3)(a)(ii).

339 (d) In making an appointment under this Subsection (4), the governor:

340 (i) shall appoint a member on a nonpartisan basis; and

341 (ii) may not reappoint the member who is being replaced if the member has served on  
342 the board of trustees for at least two consecutive full terms.

343 (5) (a) (i) Except as provided under Subsection (5)(a)(ii), a member shall be appointed  
344 commencing on July 1 of each odd-numbered year to a four-year term.

345 (ii) The governor shall ensure that member terms are staggered so that approximately  
346 one-half of the members' terms expire in any odd-numbered year.

347 (b) A member may not hold office for more than two consecutive full terms.

348 (c) (i) The governor may remove a member of the board of trustees for cause.

349 (ii) The governor shall consult with the president of the Senate before removing a  
350 member of the board of trustees.

351 (6) When a vacancy occurs on the board of trustees for any reason, the governor shall  
352 appoint a replacement for the unexpired term.

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

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

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

357 (b) A member may not serve more than two consecutive terms as the chair or vice  
358 chair.

359 (9) (a) The board of trustees shall enact bylaws for the board of trustees' own  
360 government, including provisions for regular meetings.

361 (b) (i) The board of trustees shall provide for an executive committee in the board of  
362 trustees' bylaws.

363 (ii) The executive committee shall have full authority of the board of trustees to act  
364 upon routine matters during the interim between board of trustees meetings.

365 (iii) The executive committee may act on nonroutine matters only under extraordinary  
366 and emergency circumstances.

367 (iv) The executive committee shall report the executive committee's activities to the  
368 board of trustees at the board of trustees' next regular meeting following the executive

369 committee's activities.

370 (10) A quorum shall be required to conduct business which shall consist of a majority  
371 of board of trustee members.

372 (11) The board of trustees may establish advisory committees.

373 (12) A member may not receive compensation or benefits for the member's service, but  
374 may receive per diem and travel expenses in accordance with:

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

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

377 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
378 63A-3-107.

379 Section 7. Section 53B-2a-104 is amended to read:

380 **53B-2a-104. Board of trustees powers and duties.**

381 (1) The board of trustees is vested with the control, management, and supervision of  
382 technical colleges in a manner consistent with the policy and purpose of this title and the  
383 specific powers and responsibilities granted to the board of trustees.

384 (2) The board of trustees shall:

385 (a) ensure that a technical college complies with the requirements in Section  
386 53B-2a-106;

387 (b) appoint the commissioner of technical education in accordance with Section  
388 53B-2a-102;

389 (c) advise the commissioner of technical education and the State Board of Regents on  
390 issues related to career and technical education, including articulation with institutions of  
391 higher education and public education;

392 (d) ensure that a secondary student in the public education system has access to career  
393 and technical education through a technical college in the secondary student's service region;

394 (e) in consultation with the State Board of Education, the State Board of Regents, and  
395 technical college presidents, develop strategies for providing career and technical education in  
396 rural areas, considering distances between rural career and technical education providers;

397 (f) receive budget requests from each technical college, compile and prioritize the  
398 requests, and submit the request to:

399 (i) the Legislature; and

- 400 (ii) the Governor's Office of Management and Budget;
- 401 (g) receive funding requests pertaining to capital facilities and land purchases from  
402 each technical college, ensure that the requests comply with Section 53B-2a-112, prioritize the  
403 requests, and submit the prioritized requests to the State Building Board;
- 404 (h) comply with Chapter 7, Part 7, Performance Funding;
- 405 (i) in conjunction with the commissioner of technical education, establish benchmarks,  
406 provide oversight, evaluate program performance, and obtain independent audits to ensure that  
407 a technical college follows the noncredit career and technical education mission described in  
408 this part;
- 409 (j) approve programs for [~~the Utah System of Technical Colleges~~] UTech;
- 410 (k) approve the tuition rates for technical colleges;
- 411 (l) prepare and submit an annual report detailing the board of trustees' progress and  
412 recommendations on career and technical education issues to the governor and to the  
413 Legislature's Education Interim Committee by October 31 of each year, which shall include  
414 information detailing:
- 415 (i) how the career and technical education needs of secondary students are being met,  
416 including what access secondary students have to programs offered at technical colleges;
- 417 (ii) how the emphasis on high demand, high wage, and high skill jobs in business and  
418 industry described in Section 53B-2a-106 is being provided;
- 419 (iii) performance outcomes, including:
- 420 (A) performance on the metrics described in Section 53B-7-707; and  
421 (B) earnings; and  
422 (iv) student tuition and fees; and
- 423 (m) collaborate with the State Board of Regents, the State Board of Education, the  
424 Department of Workforce Services, and the Governor's Office of Economic Development on  
425 the delivery of career and technical education.
- 426 (3) The board of trustees, the commissioner of technical education, or a technical  
427 college president or board of directors may not conduct a feasibility study or perform another  
428 act relating to offering a degree or awarding credit.
- 429 Section 8. Section 53B-2a-105 is amended to read:
- 430 **53B-2a-105. UTech Composition.**

- 431            [~~The Utah System of Technical Colleges~~] UTech is composed of the following  
432 technical colleges:
- 433            (1) Bridgerland Technical College, which serves the geographic area encompassing:  
434            (a) the Box Elder School District;  
435            (b) the Cache School District;  
436            (c) the Logan School District; and  
437            (d) the Rich School District;
- 438            (2) Ogden-Weber Technical College, which serves the geographic area encompassing:  
439            (a) the Ogden City School District; and  
440            (b) the Weber School District;
- 441            (3) Davis Technical College, which serves the geographic area encompassing:  
442            (a) the Davis School District; and  
443            (b) the Morgan School District;
- 444            (4) Tooele Technical College, which serves the geographic area encompassing the  
445 Tooele County School District;
- 446            (5) Mountainland Technical College, which serves the geographic area encompassing:  
447            (a) the Alpine School District;  
448            (b) the Nebo School District;  
449            (c) the Provo School District;  
450            (d) the South Summit School District;  
451            (e) the North Summit School District;  
452            (f) the Wasatch School District; and  
453            (g) the Park City School District;
- 454            (6) Uintah Basin Technical College, which serves the geographic area encompassing:  
455            (a) the Daggett School District;  
456            (b) the Duchesne School District; and  
457            (c) the Uintah School District;
- 458            (7) Southwest Technical College, which serves the geographic area encompassing:  
459            (a) the Beaver School District;  
460            (b) the Garfield School District;  
461            (c) the Iron School District; and

462 (d) the Kane School District; and  
463 (8) Dixie Technical College, which serves the geographic area encompassing the  
464 Washington School District.

465 Section 9. Section **53B-2a-106** is amended to read:

466 **53B-2a-106. Technical colleges -- Duties.**

467 (1) Each technical college shall, within the geographic area served by the technical  
468 college:

469 (a) offer a noncredit postsecondary and secondary career and technical education  
470 curriculum;

471 (b) offer that curriculum at:

472 (i) low cost to adult students, as approved by the board of trustees; and

473 (ii) no tuition to secondary students;

474 (c) provide career and technical education that will result in:

475 (i) appropriate licensing, certification, or other evidence of completion of training; and

476 (ii) qualification for specific employment, with an emphasis on high demand, high  
477 wage, and high skill jobs in business and industry;

478 (d) develop cooperative agreements with school districts, charter schools, other higher  
479 education institutions, businesses, industries, and community and private agencies to maximize  
480 the availability of instructional facilities within the geographic area served by the technical  
481 college; and

482 (e) after consulting with school districts and charter schools within the geographic area  
483 served by the technical college:

484 (i) ensure that secondary students in the public education system have access to career  
485 and technical education at the technical college; and

486 (ii) prepare and submit an annual report to the board of trustees detailing:

487 (A) how the career and technical education needs of secondary students within the  
488 region are being met;

489 (B) what access secondary students within the region have to programs offered at the  
490 technical college;

491 (C) how the emphasis on high demand, high wage, high skill jobs in business and  
492 industry described in Subsection (1)(c)(ii) is being provided; and



- 493 (D) student tuition and fees.
- 494 (2) A technical college may offer:
- 495 (a) a competency-based high school diploma approved by the State Board of Education
- 496 in accordance with Section [53A-1-402](#);
- 497 (b) noncredit, basic instruction in areas such as reading, language arts, and
- 498 mathematics that are necessary for student success in a chosen career and technical education
- 499 or job-related program;
- 500 (c) noncredit courses of interest when similar offerings to the community are limited
- 501 and courses are financially self-supporting; and
- 502 (d) secondary school level courses through the Statewide Online Education Program in
- 503 accordance with Section [53A-15-1205](#).
- 504 (3) Except as provided in Subsection (2)(d), a technical college may not:
- 505 (a) offer courses other than noncredit career and technical education or the noncredit,
- 506 basic instruction described in Subsections (2)(b) and (c);
- 507 (b) offer a degree;
- 508 (c) offer career and technical education or basic instruction outside the geographic area
- 509 served by the technical college without a cooperative agreement between an affected
- 510 institution, except as provided in Subsection (6);
- 511 (d) provide tenure or academic rank for its instructors; or
- 512 (e) participate in intercollegiate athletics.
- 513 (4) The mission of a technical college is limited to noncredit career and technical
- 514 education and may not expand to include credit-based academic programs typically offered by
- 515 community colleges or other institutions of higher education.
- 516 (5) A technical college shall be recognized as a member of [~~the Utah System of~~
- 517 ~~Technical Colleges~~] UTech, and regional affiliation shall be retained and recognized through
- 518 local designations such as "Bridgerland Technical College: A member technical college of the
- 519 Utah System of Technical Colleges."
- 520 (6) (a) A technical college may offer career and technical education or basic instruction
- 521 outside the geographic area served by the technical college without a cooperative agreement, as
- 522 required in Subsection (3)(c), if:
- 523 (i) the career and technical education or basic instruction is specifically requested by:

524 (A) an employer; or  
525 (B) a craft, trade, or apprenticeship program;  
526 (ii) the technical college notifies the affected institution about the request; and  
527 (iii) the affected institution is given an opportunity to make a proposal, prior to any  
528 contract being finalized or training being initiated by the technical college, to the employer,  
529 craft, trade, or apprenticeship program about offering the requested career and technical  
530 education or basic instruction, provided that the proposal shall be presented no later than one  
531 business week from the delivery of the notice described under Subsection (6)(a)(ii).

532 (b) The requirements under Subsection (6)(a)(iii) do not apply if there is a prior  
533 training relationship.

534 Section 10. Section **53B-2a-107** is amended to read:

535 **53B-2a-107. Technical college presidents -- Appointments -- Duties.**

536 (1) (a) The board of trustees shall~~], after consultation with a technical college board of~~  
537 ~~directors,]~~ appoint a president for ~~[the]~~ each technical college.

538 (b) The board of trustees shall establish a policy for appointing a technical college  
539 president that:

540 (i) requires the board of trustees to create a search committee that:

541 (A) includes an equal number of board of trustees members and members from the  
542 technical college board of directors; and

543 (B) may include technical college faculty, students, or other individuals;

544 (ii) requires the search committee to seek nominations, interview candidates, and  
545 forward qualified candidates to the board of trustees for consideration;

546 (iii) provides for at least two members of the technical college board of directors to  
547 participate in board of trustees' interviews of finalists; and

548 (iv) provides for the board of trustees to vote to appoint a technical college president in  
549 a meeting that complies with Title 52, Chapter 4, Open and Public Meetings Act.

550 (2) (a) A technical college president shall serve as the chief executive officer of the  
551 technical college.

552 (b) A technical college president does not need to have a doctorate degree, but shall  
553 have extensive experience in career and technical education.

554 (c) A technical college president is subject to regular review and evaluation

555 administered by the board of trustees, in [~~cooperation~~] consultation with the technical college  
556 board of directors, through a process approved by the board of trustees.

557 (d) A technical college president serves at the [~~discretion~~] pleasure of the board of  
558 trustees[~~, in cooperation with the technical college board of directors~~].

559 (e) The board of trustees, in [~~cooperation~~] consultation with a technical college board  
560 of directors, shall set the compensation for the technical college president using market survey  
561 information.

562 (3) A technical college president shall:

563 (a) serve as the executive officer of the technical college board of directors;

564 (b) administer the day-to-day operations of the technical college;

565 (c) consult with the technical college board of directors; and

566 (d) administer human resource policies and employee compensation plans in  
567 accordance with the requirements of the board of trustees.

568 Section 11. Section **53B-2a-108** is repealed and reenacted to read:

569 **53B-2a-108. Technical college boards of directors -- Membership --**

570 **Appointments.**

571 (1) As used in this section:

572 (a) "Higher education institution" means the same as that term is defined in Section  
573 53B-2a-112.

574 (b) "Technical college service area" means the geographic area served by each  
575 technical college as described in Section 53B-2a-105.

576 (2) A technical college board of directors consists of:

577 (a) one member of the local school board for each school district in the technical  
578 college service area, appointed by the local school board to which the member belongs;

579 (b) ~~Ĥ→~~ **except as provided in Subsection (3)(b), ←Ĥ** one individual who is a member of  
579a the higher education institution board of

580 trustees, appointed by the higher education institution board of trustees; and

581 (c) a number of individuals, appointed by the governor with the consent of the Senate,  
582 that is ←Ĥ→ [the greater of:

583 —— (i) the number of individuals that makes the total number of members on the technical  
584 college board of directors nine; or

585 —— (ii) the number of individuals that is one more than the sum of the number of members] ←Ĥ

586 ~~Ĥ→ [appointed to the technical college board of directors under Subsections (2)(a) and (b).]~~ :

586a (i) seven for:

586b (A) Tooele Technical College;

586c (B) Uintah Basin Technical College; and

586d (C) Dixie Technical College;

586e (ii) eight for:

586f (A) Bridgerland Technical College;

586g (B) Ogden-Weber Technical College;

586h (C) Davis Technical College; and

586i (D) Southwest Technical College; or

586j (iii) nine for Mountainland Technical College. ←Ĥ

587 (3) ~~Ĥ→ (a) ←Ĥ~~ In appointing the members described in Subsection (2)(c), the

587a governor shall

588 appoint individuals who represent the interests of business, industry, or labor in the technical

589 college service area.

589a ~~Ĥ→ (b)~~ If no member of the institution of higher education board of trustees lives

589b within the technical college service area, the institution of higher education board of trustees

589c may nominate an individual to be appointed by the governor with the consent of the Senate

589d instead of appointing a member described in Subsection (2)(b). ←Ĥ

590 (4) (a) The governor may remove a member appointed under Subsection (2)(c)

590a ~~Ĥ→ or (3)(b) ←Ĥ~~ for

591 cause.

592 (b) The governor shall consult with the president of the Senate before removing a

593 member appointed under Subsection (2)(c) Ĥ→ or (3)(b) ←Ĥ .

594 (5) (a) Notwithstanding Subsection (2) or 53B-2a-109(2), an individual appointed to a

595 technical college board of directors on or before May 7, 2018, may continue to serve on the

596 technical college board of directors until the end of the individual's current term, even if the

597 total number of members on the technical college board of directors exceeds the number of

598 members for the technical college board of directors described in Subsection (2).

599 (b) Notwithstanding Subsection (2), the governor may only make an appointment

600 described in Subsection (2)(c) if the number of members on the technical college board of

601 directors following the appointment will be less than or equal to the number of members for the

602 technical college board of directors described in Subsection (2).

603 Section 12. Section **53B-2a-109** is amended to read:

604           **53B-2a-109. Technical college boards of directors -- Terms -- Quorum -- Chair --**  
605 **Compensation.**

606           ~~[(1) (a) At the first meeting of a technical college board of directors after July 1, 2009:]~~

607           ~~[(i) the representatives from the local school boards shall divide up their positions so~~  
608 ~~that approximately half of them serve for two-year terms and half serve for four-year terms;~~  
609 ~~and]~~

610           ~~[(ii) the representatives from business and industry employers shall divide up their~~  
611 ~~positions so that approximately half of them serve for two-year terms and half serve for~~  
612 ~~four-year terms.]~~

613           ~~[(b) Except as provided in Subsection (1)(a), individuals appointed to]~~

614           (1) (a) Except as provided in this Subsection (1), a member of a technical college board  
615 of directors [shall serve] is appointed to a four-year [terms] term.

616           (b) The governor may appoint a member described in Subsection [53B-2a-108\(2\)\(c\)](#) to a

617 two-year term to ensure that the terms of approximately half of the members described in  
618 Subsection 53B-2a-108(2)(c) expire every other year.

619 (c) When a vacancy occurs in the membership of a technical college board of directors,  
620 the appointing authority for the vacant position described in Section 53B-2a-108 shall appoint a  
621 replacement for the remainder of the term.

622 (d) An appointed member holds office until a successor is appointed in accordance  
623 with Section 53B-2a-108.

624 (2) A member of a technical college board of directors may not hold office for more  
625 than two consecutive full terms.

626 ~~[(2) The original appointing authority shall fill any vacancies that occur on a technical~~  
627 ~~college board of directors.]~~

628 (3) A majority of a technical college board of directors is a quorum.

629 (4) A technical college board of directors shall elect a chair from the technical college  
630 board of directors' membership.

631 (5) A member of a technical college board of directors may not receive compensation  
632 or benefits for the member of the technical college board of director's service, but may receive  
633 per diem and travel expenses in accordance with:

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

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

636 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
637 63A-3-107.

638 (6) (a) A technical college board of directors may enact bylaws for the technical college  
639 board of directors' own government, including provisions for regular meetings, that are in  
640 accordance with the policies of the board of trustees.

641 (b) (i) A technical college board of directors may provide for an executive committee in  
642 the technical college board of directors' bylaws.

643 (ii) If established, an executive committee shall have the full authority of the technical  
644 college board of directors to act upon routine matters during the interim between board of  
645 directors' meetings.

646 (iii) An executive committee may act on nonroutine matters only under extraordinary  
647 and emergency circumstances.

648 (iv) An executive committee shall report the executive committee's activities to the  
649 technical college board of directors at the technical college board of directors' next regular  
650 meeting following the activities.

651 (7) A technical college board of directors may establish advisory committees.

652 Section 13. Section **53B-2a-112** is amended to read:

653 **53B-2a-112. Technical colleges -- Relationships with other public and higher**  
654 **education institutions -- Agreements -- Priorities -- New capital facilities.**

655 (1) As used in this section, "higher education institution" means~~[, for each technical~~  
656 ~~college, the higher education institution designated in Section 53B-2a-108 that has a~~  
657 ~~representative on the technical college's board of directors.];~~

658 (a) Utah State University for:

659 (i) Bridgerland Technical College;

660 (ii) Tooele Technical College; and

661 (iii) Uintah Basin Technical College;

662 (b) Weber State University for:

663 (i) Ogden-Weber Technical College; and

664 (ii) Davis Technical College;

665 (c) Utah Valley University for Mountainland Technical College;

666 (d) Southern Utah University for Southwest Technical College; and

667 (e) Dixie State University for Dixie Technical College.

668 (2) A technical college shall avoid any unnecessary duplication of career and technical  
669 education instructional facilities, programs, administration, and staff between the technical  
670 college and other public and higher education institutions.

671 (3) A technical college may enter into agreements:

672 (a) with other higher education institutions to cultivate cooperative relationships;

673 (b) with other public and higher education institutions to enhance career and technical  
674 education within ~~[its]~~ the technical college's region; or

675 (c) to comply with Subsection (2).

676 (4) Before a technical college develops new instructional facilities, the technical  
677 college shall give priority to:

678 (a) maintaining the technical college's existing instructional facilities for both

679 secondary and adult students;

680 (b) coordinating with the president of [a] the technical college's higher education  
681 institution and entering into any necessary agreements to provide career and technical  
682 education to [~~both~~] secondary and adult students that:

683 (i) maintain and support existing higher education career and technical education  
684 programs; and

685 (ii) maximize the use of existing higher education facilities; and

686 (c) developing cooperative agreements with school districts, charter schools, other  
687 higher education institutions, businesses, industries, and community and private agencies to  
688 maximize the availability of career and technical education instructional facilities for both  
689 secondary and adult students.

690 (5) (a) Before submitting a funding request pertaining to new capital facilities and land  
691 purchases to the board of trustees, a technical college shall:

692 (i) ensure that all available instructional facilities are maximized in accordance with  
693 Subsections (4)(a) through (c); and

694 (ii) coordinate the request with the president of [a] the technical college's higher  
695 education institution, if applicable.

696 (b) The State Building Board shall make a finding that the requirements of this section  
697 are met before the State Building Board may consider a funding request from the board of  
698 trustees pertaining to new capital facilities and land purchases.

699 (c) A technical college may not construct, approve the construction of, plan for the  
700 design or construction of, or consent to the construction of a career and technical education  
701 facility without approval of the Legislature.

702 (6) Before acquiring new fiscal and administrative support structures, a technical  
703 college shall:

704 (a) review the use of existing public or higher education administrative and accounting  
705 systems, financial record systems, and student and financial aid systems for the delivery of  
706 career and technical education in the region;

707 (b) determine [~~whether it is feasible to use those~~] the feasibility of using existing  
708 systems; and

709 (c) with the approval of the technical college board of directors and the board of



710 trustees, use ~~[those]~~ the existing systems.

711 Section 14. Section **53B-2a-113** is amended to read:

712 **53B-2a-113. Technical colleges -- Leasing authority -- Lease-purchase agreements**  
713 **-- Report.**

714 (1) In accordance with Subsection **53B-2a-112(2)**, a technical college may enter into a  
715 lease with other higher education institutions, school districts, charter schools, state agencies,  
716 or business and industry for a term of:

717 (a) one year or less with the approval of the technical college board of directors; or

718 (b) more than one year with the approval of the board of trustees and:

719 (i) the approval of funding for the lease by the Legislature prior to a technical college  
720 entering into the lease; or

721 (ii) the lease agreement includes language that allows termination of the lease without  
722 penalty.

723 (2) (a) In accordance with Subsection **53B-2a-112(2)**, a technical college may enter  
724 into a lease-purchase agreement if:

725 (i) there is a long-term benefit to the state;

726 (ii) the project is included in both the technical college and ~~[Utah System of Technical~~  
727 ~~Colleges]~~ UTech master plans;

728 (iii) the lease-purchase agreement includes language that allows termination of the  
729 lease;

730 (iv) the lease-purchase agreement is approved by the technical college board of  
731 directors and the board of trustees; and

732 (v) the lease-purchase agreement is:

733 (A) reviewed by the Division of Facilities Construction and Management;

734 (B) reviewed by the State Building Board; and

735 (C) approved by the Legislature.

736 (b) An approval under Subsection (2)(a) shall include a recognition of:

737 (i) all parties, dates, and elements of the agreement;

738 (ii) the equity or collateral component that creates the benefit; and

739 (iii) the options dealing with the sale and division of equity.

740 (3) (a) Each technical college shall provide an annual lease report to the board of

741 trustees that details each of the technical college's leases, annual costs, location, square footage,  
742 and recommendations for lease continuation.

743 (b) The board of trustees shall compile and distribute an annual combined lease report  
744 for all technical colleges to the Division of Facilities Construction and Management and to  
745 others upon request.

746 (4) The board of trustees shall use the annual combined lease report in determining  
747 planning, utilization, and budget requests.

748 Section 15. Section **53B-2a-114** is amended to read:

749 **53B-2a-114. Educational program on the use of information technology.**

750 (1) [~~The Utah System of Technical Colleges~~] UTech shall offer an educational program  
751 on the use of information technology as provided in this section.

752 (2) An educational program on the use of information technology shall:

753 (a) provide instruction on skills and competencies essential for the workplace and  
754 requested by employers;

755 (b) include the following components:

756 (i) a curriculum;

757 (ii) online access to the curriculum;

758 (iii) instructional software for classroom and student use;

759 (iv) certification of skills and competencies most frequently requested by employers;

760 (v) professional development for faculty; and

761 (vi) deployment and program support, including integration with existing curriculum  
762 standards; and

763 (c) be made available to students, faculty, and staff of technical colleges.

764 Section 16. Section **63I-2-253** is amended to read:

765 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

766 [~~(1) Section 53A-1-403.5 is repealed July 1, 2017.~~]

767 [~~(2) Section 53A-1-411 is repealed July 1, 2017.~~]

768 [~~(3) Section 53A-1-415 is repealed July 1, 2019.~~]

769 [~~(4) Section 53A-1-709 is repealed July 1, 2020.~~]

770 [~~(5) Subsection 53A-1-1207(3)(b)(ii)(B) is repealed July 1, 2020.~~]

771 [~~(6) Section 53A-1-1208 is repealed July 1, 2020.~~]

- 772 ~~[(7) Subsection 53A-1a-513(4) is repealed July 1, 2017.]~~
- 773 ~~[(8) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is~~  
774 ~~repealed July 1, 2017.]~~
- 775 ~~[(9) Section 53A-24-601 is repealed January 1, 2018.]~~
- 776 ~~[(10)]~~ (1) Section 53A-24-602 is repealed July 1, 2018.
- 777 ~~[(11)]~~ (2) (a) Subsections 53B-2a-103(2) and (4) are repealed July 1, 2019.
- 778 (b) When repealing Subsections 53B-2a-103(2) and (4), the Office of Legislative  
779 Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3),  
780 make necessary changes to subsection numbering and cross references.
- 781 (3) (a) Subsection 53B-2a-108(5) is repealed July 1, 2022.
- 782 (b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and  
783 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make  
784 necessary changes to subsection numbering and cross references.
- 785 ~~[(12) Subsections 53B-7-101(2)(b)(iii)(A) and (3) are repealed January 1, 2018.]~~
- 786 ~~[(13)]~~ (4) Subsection 53B-7-705(6)(b)(ii)(B) is repealed July 1, 2021.
- 787 ~~[(14)]~~ (5) Subsection 53B-7-707(4)(b) is repealed July 1, 2021.
- 788 ~~[(15)]~~ (6) (a) The following sections are repealed on July 1, 2023:
- 789 (i) Section 53B-8-202;
- 790 (ii) Section 53B-8-203;
- 791 (iii) Section 53B-8-204; and
- 792 (iv) Section 53B-8-205.
- 793 (b) (i) Subsection 53B-8-201(2) is repealed on July 1, 2023.
- 794 (ii) When repealing Subsection 53B-8-201(2), the Office of Legislative Research and  
795 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make  
796 necessary changes to subsection numbering and cross references.
- 797 ~~[(16)]~~ (7) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is  
798 repealed July 1, 2023.
- 799 (8) Subsection 53E-5-306(3)(b)(ii)(B) is repealed July 1, 2020.
- 800 (9) Section 53E-5-307 is repealed July 1, 2020.
- 801 (10) Section 53F-4-204 is repealed July 1, 2019.
- 802 (11) Section 53F-6-202 is repealed July 1, 2020.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**