

HIGHER EDUCATION GOVERNANCE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: Ann Millner

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- 33 **53B-2-102**, as repealed and reenacted by Laws of Utah 2017, Chapter 382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) one individual who is a member of 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 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

586 appointed to the technical college board of directors under Subsections (2)(a) and (b).

587 (3) In appointing the members described in Subsection (2)(c), the governor shall
588 appoint individuals who represent the interests of business, industry, or labor in the technical
589 college service area.

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

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.

Legislative Review Note
Office of Legislative Research and General Counsel