

**Senator Ann Millner** proposes the following substitute bill:

**HIGHER EDUCATION MODIFICATIONS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Val L. Peterson**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**General Description:**

This bill amends provisions related to higher education.

**Highlighted Provisions:**

This bill:

- ▶ defines terms, including defining the term "UTech" to mean the Utah System of Technical Colleges;
- ▶ 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;
- ▶ provides that the State Board of Regents may make policies regarding tuition waivers;
- ▶ enacts provisions related to the Higher Education Strategic Planning Commission,



26 including:

- 27 • creating the commission;
- 28 • describing the membership of the commission; and
- 29 • enacting powers and duties of the commission; and
- 30 ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32 This bill appropriates in fiscal year 2018:

33 ▶ to the Legislature - Legislative Services - Administration as a one-time  
34 appropriation:

- 35 • from the General Fund, One-time, \$337,000;

36 ▶ to the Legislature - Senate - Administration as a one-time appropriation:

- 37 • from the General Fund, One-time, \$6,300; and

38 ▶ to the Legislature - House of Representatives - Administration as a one-time  
39 appropriation:

- 40 • from the General Fund, One-time, \$6,300.

41 **Other Special Clauses:**

42 None

43 **Utah Code Sections Affected:**

44 AMENDS:

45 **53B-1-104**, as last amended by Laws of Utah 2017, Chapter 382

46 **53B-2-102**, as repealed and reenacted by Laws of Utah 2017, Chapter 382

47 **53B-2-104**, as last amended by Laws of Utah 2017, Chapter 382

48 **53B-2a-101**, as last amended by Laws of Utah 2017, Chapter 382

49 **53B-2a-102**, as last amended by Laws of Utah 2017, Chapter 382

50 **53B-2a-103**, as last amended by Laws of Utah 2017, Chapter 382

51 **53B-2a-104**, as last amended by Laws of Utah 2017, Chapters 365 and 382

52 **53B-2a-105**, as last amended by Laws of Utah 2017, Chapter 382

53 **53B-2a-106**, as last amended by Laws of Utah 2017, Chapter 382

54 **53B-2a-107**, as last amended by Laws of Utah 2017, Chapter 382

55 **53B-2a-109**, as last amended by Laws of Utah 2017, Chapter 382

56 **53B-2a-112**, as last amended by Laws of Utah 2017, Chapter 382

57 **53B-2a-113**, as last amended by Laws of Utah 2017, Chapter 382  
 58 **53B-2a-114**, as last amended by Laws of Utah 2017, Chapter 382  
 59 **53B-8-101**, as last amended by Laws of Utah 2017, Chapter 382  
 60 **63I-2-253**, as last amended by Laws of Utah 2017, Chapters 217, 223, 350, 365, 381,  
 61 386, and 468  
 62 **63I-2-263**, as last amended by Laws of Utah 2017, First Special Session, Chapter 1

63 ENACTS:

64 **63C-19-101**, Utah Code Annotated 1953  
 65 **63C-19-102**, Utah Code Annotated 1953  
 66 **63C-19-201**, Utah Code Annotated 1953  
 67 **63C-19-202**, Utah Code Annotated 1953

68 REPEALS AND REENACTS:

69 **53B-2a-108**, as last amended by Laws of Utah 2017, Chapter 382  
 70

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

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

73 **53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath --**  
 74 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.**

75 (1) Except as provided in Subsection (2), the board consists of 17 residents of the state  
76 appointed by the governor with the consent of the Senate, as follows:

77 (a) eight [~~at large~~] at-large members;

78 (b) eight members, each of whom is:

79 (i) selected from three nominees presented to the governor by a higher education  
 80 institution board of trustees; and

81 (ii) a current or former member of the institution of higher education board of trustees  
 82 that nominates the member; and

83 (c) one member, selected from three nominees presented to the governor by the student  
 84 body presidents of the institutions of higher education, who:

85 (i) is a fully matriculated student enrolled in an institution of higher education; and

86 (ii) is not serving as a student body president at the time of the nomination.

87 (2) (a) (i) An individual appointed to the board on or before May 8, 2017, may serve on

88 the board, even if the individual does not fulfill a requirement for the composition of the board  
89 described in Subsection (1).

90 (ii) The governor may reappoint a member described in Subsection (2)(a)(i) when the  
91 member's term expires.

92 (b) An individual appointed to the board on or before May 8, 2017, who is a current or  
93 former member of an institution of higher education board of trustees is the board member for  
94 the institution of higher education described in Subsection (1)(b).

95 (c) (i) Subject to Subsection (2)(c)(ii), as positions on the board become vacant, the  
96 governor shall ensure that newly appointed members move the board toward the composition  
97 described in Subsection (1).

98 (ii) In appointing a new member to the board, the governor shall first appoint a member  
99 described in Subsection (1)(b) until the eight positions described in Subsection (1)(b) are filled.

100 (3) (a) All appointments to the board shall be made on a nonpartisan basis.

101 (b) In making appointments to the board, the governor shall consider:

102 (i) geographic representation of members;

103 (ii) diversity;

104 (iii) experience in higher education governance;

105 (iv) experience in economic development; and

106 (v) exposure to institutions of higher education.

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

109 (4) (a) Except as provided in Subsection (4)(b), members of the board shall be  
110 appointed to six-year staggered terms, which begin on July 1 of the year of appointment.

111 (b) A student member described in Subsection (1)(c) shall be appointed to a one-year  
112 term.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

136 (11) A quorum of the voting members of the board is required to conduct the board's  
137 business and consists of nine members.

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

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

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

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

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

147 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
148 [63A-3-107](#).

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

150 **53B-2-102. Board to appoint president for each institution.**

151 (1) As used in this section:

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

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

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

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

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

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

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

166 (d) A search committee may not forward an individual to the board as a finalist unless  
167 two-thirds of the search committee members, as verified by the commissioner, find the  
168 individual to be qualified and likely to succeed as an institution of higher education president.

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

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

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

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

180 (b) Application materials for a publicly named finalist described in Subsection (5)(a)

181 are not protected records under Section [63G-2-305](#).

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

183 **53B-2-104. Memberships of board of trustees -- Terms -- Vacancies -- Oath --**

184 **Officers -- Bylaws -- Quorum -- Committees -- Compensation -- Applicability to technical**  
185 **colleges.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

229 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
230 63A-3-107.

231 (10) This section does not apply to a technical college board of directors described in  
232 Section 53B-2a-108.

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

234 **53B-2a-101. Definitions.**

235 As used in this chapter:

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

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

240 (3) "Competency-based" means mastery of subject matter or skill level, as  
241 demonstrated through business and industry approved standards and assessments, achieved  
242 through participation in a hands-on learning environment, and which is tied to observable,



243 measurable performance objectives.

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

245 [~~(5)~~] (4) "Open-entry, open-exit" means:

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

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

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

254 (5) "UTech" means the Utah System of Technical Colleges described in Section  
255 [53B-1-102](#).

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

257 **53B-2a-102. Commissioner of technical education -- Appointment -- Duties.**

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

261 (b) The commissioner of technical education shall:

262 (i) have an appropriate and relevant educational background, including, at a minimum,  
263 a master's degree; and

264 (ii) have extensive experience in career and technical education.

265 (c) The commissioner of technical education shall serve at the board of trustees'  
266 discretion and may be terminated by:

267 (i) the board of trustees; or

268 (ii) the governor, after consultation with the board of trustees.

269 (d) If the board of trustees intends to appoint an interim or acting commissioner of  
270 technical education during a leave of absence of the commissioner of technical education, the  
271 board of trustees shall appoint the interim or acting commissioner of technical education with  
272 the consent of the Senate.

273 (e) The name of each final candidate for commissioner of technical education shall be

274 publicly disclosed.

275 (2) The board of trustees shall:

276 (a) set the salary of the commissioner of technical education;

277 (b) prescribe the duties and functions of the commissioner of technical education; and

278 (c) select a commissioner of technical education on the basis of outstanding

279 professional qualifications.

280 (3) The commissioner of technical education is responsible to the board of trustees to:

281 (a) ensure that the policies and programs of the board of trustees are properly executed;

282 (b) furnish information about [~~the Utah System of Technical Colleges~~] UTech and

283 make recommendations regarding the information to the board of trustees;

284 (c) provide state-level leadership in an activity affecting a technical college; and

285 (d) perform other duties as assigned by the board of trustees in carrying out the board

286 of trustees' duties and responsibilities.

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

288 **53B-2a-103. UTech Board of Trustees -- Membership -- Terms -- Vacancies --**

289 **Oath -- Officers -- Quorum -- Committees -- Compensation.**

290 (1) There is created the [~~Utah System of Technical Colleges~~] UTech Board of Trustees.

291 (2) Except as provided in Subsections (3) and (4), the board of trustees is composed of  
292 the following members:

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

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

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

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

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

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

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

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

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

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

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

321 (A) information technology;

322 (B) manufacturing;

323 (C) life sciences;

324 (D) health care;

325 (E) transportation;

326 (F) union craft, trade, or apprenticeship; and

327 (G) non-union craft, trade, or apprenticeship.

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

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

331 and

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

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

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

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

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

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

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

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

351 (ii) selecting from the nominees presented.

352 (c) In replacing a member who was appointed under Subsections (2)(b) through (2)(h),  
353 the governor shall appoint a new member at large, ensuring representation from the sectors  
354 described in Subsection (3)(a)(ii).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

383 (iv) The executive committee shall report the executive committee's activities to the  
384 board of trustees at the board of trustees' next regular meeting following the executive  
385 committee's activities.

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

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

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

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

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

393 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
394 63A-3-107.

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

396 **53B-2a-104. Board of trustees powers and duties.**

397 (1) The board of trustees is vested with the control, management, and supervision of

398 technical colleges in a manner consistent with the policy and purpose of this title and the  
399 specific powers and responsibilities granted to the board of trustees.

400 (2) The board of trustees shall:

401 (a) ensure that a technical college complies with the requirements in Section  
402 [53B-2a-106](#);

403 (b) appoint the commissioner of technical education in accordance with Section  
404 [53B-2a-102](#);

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

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

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

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

415 (i) the Legislature; and

416 (ii) the Governor's Office of Management and Budget;

417 (g) receive funding requests pertaining to capital facilities and land purchases from  
418 each technical college, ensure that the requests comply with Section [53B-2a-112](#), prioritize the  
419 requests, and submit the prioritized requests to the State Building Board;

420 (h) comply with Chapter 7, Part 7, Performance Funding;

421 (i) in conjunction with the commissioner of technical education, establish benchmarks,  
422 provide oversight, evaluate program performance, and obtain independent audits to ensure that  
423 a technical college follows the noncredit career and technical education mission described in  
424 this part;

425 (j) approve programs for [~~the Utah System of Technical Colleges~~] UTech;

426 (k) approve the tuition rates for technical colleges;

427 (l) prepare and submit an annual report detailing the board of trustees' progress and  
428 recommendations on career and technical education issues to the governor and to the

429 Legislature's Education Interim Committee by October 31 of each year, which shall include  
430 information detailing:

431 (i) how the career and technical education needs of secondary students are being met,  
432 including what access secondary students have to programs offered at technical colleges;

433 (ii) how the emphasis on high demand, high wage, and high skill jobs in business and  
434 industry described in Section 53B-2a-106 is being provided;

435 (iii) performance outcomes, including:

436 (A) performance on the metrics described in Section 53B-7-707; and

437 (B) earnings; and

438 (iv) student tuition and fees; and

439 (m) collaborate with the State Board of Regents, the State Board of Education, the  
440 Department of Workforce Services, and the Governor's Office of Economic Development on  
441 the delivery of career and technical education.

442 (3) The board of trustees, the commissioner of technical education, or a technical  
443 college president or board of directors may not conduct a feasibility study or perform another  
444 act relating to offering a degree or awarding credit.

445 Section 8. Section 53B-2a-105 is amended to read:

446 **53B-2a-105. UTech Composition.**

447 [~~The Utah System of Technical Colleges~~] UTech is composed of the following  
448 technical colleges:

449 (1) Bridgerland Technical College, which serves the geographic area encompassing:

450 (a) the Box Elder School District;

451 (b) the Cache School District;

452 (c) the Logan School District; and

453 (d) the Rich School District;

454 (2) Ogden-Weber Technical College, which serves the geographic area encompassing:

455 (a) the Ogden City School District; and

456 (b) the Weber School District;

457 (3) Davis Technical College, which serves the geographic area encompassing:

458 (a) the Davis School District; and

459 (b) the Morgan School District;

- 460 (4) Tooele Technical College, which serves the geographic area encompassing the
- 461 Tooele County School District;
- 462 (5) Mountainland Technical College, which serves the geographic area encompassing:
- 463 (a) the Alpine School District;
- 464 (b) the Nebo School District;
- 465 (c) the Provo School District;
- 466 (d) the South Summit School District;
- 467 (e) the North Summit School District;
- 468 (f) the Wasatch School District; and
- 469 (g) the Park City School District;
- 470 (6) Uintah Basin Technical College, which serves the geographic area encompassing:
- 471 (a) the Daggett School District;
- 472 (b) the Duchesne School District; and
- 473 (c) the Uintah School District;
- 474 (7) Southwest Technical College, which serves the geographic area encompassing:
- 475 (a) the Beaver School District;
- 476 (b) the Garfield School District;
- 477 (c) the Iron School District; and
- 478 (d) the Kane School District; and
- 479 (8) Dixie Technical College, which serves the geographic area encompassing the
- 480 Washington School District.

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

482 **53B-2a-106. Technical colleges -- Duties.**

- 483 (1) Each technical college shall, within the geographic area served by the technical
- 484 college:
- 485 (a) offer a noncredit postsecondary and secondary career and technical education
- 486 curriculum;
- 487 (b) offer that curriculum at:
- 488 (i) low cost to adult students, as approved by the board of trustees; and
- 489 (ii) no tuition to secondary students;
- 490 (c) provide career and technical education that will result in:



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

492 (ii) qualification for specific employment, with an emphasis on high demand, high

493 wage, and high skill jobs in business and industry;

494 (d) develop cooperative agreements with school districts, charter schools, other higher

495 education institutions, businesses, industries, and community and private agencies to maximize

496 the availability of instructional facilities within the geographic area served by the technical

497 college; and

498 (e) after consulting with school districts and charter schools within the geographic area

499 served by the technical college:

500 (i) ensure that secondary students in the public education system have access to career

501 and technical education at the technical college; and

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

503 (A) how the career and technical education needs of secondary students within the

504 region are being met;

505 (B) what access secondary students within the region have to programs offered at the

506 technical college;

507 (C) how the emphasis on high demand, high wage, high skill jobs in business and

508 industry described in Subsection (1)(c)(ii) is being provided; and

509 (D) student tuition and fees.

510 (2) A technical college may offer:

511 (a) a competency-based high school diploma approved by the State Board of Education

512 in accordance with Section [53A-1-402](#);

513 (b) noncredit, basic instruction in areas such as reading, language arts, and

514 mathematics that are necessary for student success in a chosen career and technical education

515 or job-related program;

516 (c) noncredit courses of interest when similar offerings to the community are limited

517 and courses are financially self-supporting; and

518 (d) secondary school level courses through the Statewide Online Education Program in

519 accordance with Section [53A-15-1205](#).

520 (3) Except as provided in Subsection (2)(d), a technical college may not:

521 (a) offer courses other than noncredit career and technical education or the noncredit,

522 basic instruction described in Subsections (2)(b) and (c);

523 (b) offer a degree;

524 (c) offer career and technical education or basic instruction outside the geographic area  
525 served by the technical college without a cooperative agreement between an affected  
526 institution, except as provided in Subsection (6);

527 (d) provide tenure or academic rank for its instructors; or

528 (e) participate in intercollegiate athletics.

529 (4) The mission of a technical college is limited to noncredit career and technical  
530 education and may not expand to include credit-based academic programs typically offered by  
531 community colleges or other institutions of higher education.

532 (5) A technical college shall be recognized as a member of [~~the Utah System of~~  
533 ~~Technical Colleges~~] UTech, and regional affiliation shall be retained and recognized through  
534 local designations such as "Bridgerland Technical College: A member technical college of the  
535 Utah System of Technical Colleges."

536 (6) (a) A technical college may offer career and technical education or basic instruction  
537 outside the geographic area served by the technical college without a cooperative agreement, as  
538 required in Subsection (3)(c), if:

539 (i) the career and technical education or basic instruction is specifically requested by:

540 (A) an employer; or

541 (B) a craft, trade, or apprenticeship program;

542 (ii) the technical college notifies the affected institution about the request; and

543 (iii) the affected institution is given an opportunity to make a proposal, prior to any  
544 contract being finalized or training being initiated by the technical college, to the employer,  
545 craft, trade, or apprenticeship program about offering the requested career and technical  
546 education or basic instruction, provided that the proposal shall be presented no later than one  
547 business week from the delivery of the notice described under Subsection (6)(a)(ii).

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

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

551 **53B-2a-107. Technical college presidents -- Appointments -- Duties.**

552 (1) (a) The board of trustees shall [~~after consultation with a technical college board of~~

553 directors,] appoint a president for [the] each technical college.

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

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

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

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

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

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

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

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

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

570 (c) A technical college president is subject to regular review and evaluation  
571 administered by the board of trustees, in [~~cooperation~~] consultation with the technical college  
572 board of directors, through a process approved by the board of trustees.

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

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

578 (3) A technical college president shall:

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

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

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

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

584 Section 11. Section [53B-2a-108](#) is repealed and reenacted to read:

585 **53B-2a-108. Technical college boards of directors -- Membership --**

586 **Appointments.**

587 (1) As used in this section:

588 (a) "Higher education institution" means the same as that term is defined in Section  
589 [53B-2a-112](#).

590 (b) "Technical college service area" means the geographic area served by each  
591 technical college as described in Section [53B-2a-105](#).

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

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

595 (b) except as provided in Subsection (3)(b), one individual who is a member of the  
596 higher education institution board of trustees, appointed by the higher education institution  
597 board of trustees; and

598 (c) a number of individuals, appointed by the governor with the consent of the Senate,  
599 that is:

600 (i) seven for:

601 (A) Tooele Technical College;

602 (B) Uintah Basin Technical College; and

603 (C) Dixie Technical College;

604 (ii) eight for:

605 (A) Bridgerland Technical College;

606 (B) Ogden-Weber Technical College;

607 (C) Davis Technical College; and

608 (D) Southwest Technical College; or

609 (iii) nine for Mountainland Technical College.

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

613 (b) If no member of the institution of higher education board of trustees lives within  
614 the technical college service area, the institution of higher education board of trustees may

615 nominate an individual to be appointed by the governor with the consent of the Senate instead  
616 of appointing a member described in Subsection (2)(b).

617 (4) (a) The governor may remove a member appointed under Subsection (2)(c) or  
618 (3)(b) for cause.

619 (b) The governor shall consult with the president of the Senate before removing a  
620 member appointed under Subsection (2)(c) or (3)(b).

621 (5) (a) Notwithstanding Subsection (2) or 53B-2a-109(2), an individual appointed to a  
622 technical college board of directors on or before May 7, 2018, may continue to serve on the  
623 technical college board of directors until the end of the individual's current term, even if the  
624 total number of members on the technical college board of directors exceeds the number of  
625 members for the technical college board of directors described in Subsection (2).

626 (b) Notwithstanding Subsection (2), the governor may only make an appointment  
627 described in Subsection (2)(c) if the number of members on the technical college board of  
628 directors following the appointment will be less than or equal to the number of members for the  
629 technical college board of directors described in Subsection (2).

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

631 **53B-2a-109. Technical college boards of directors -- Terms -- Quorum -- Chair --**  
632 **Compensation.**

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

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

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

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

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

643 (b) The governor may appoint a member described in Subsection 53B-2a-108(2)(c) to a  
644 two-year term to ensure that the terms of approximately half of the members described in  
645 Subsection 53B-2a-108(2)(c) expire every other year.

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

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

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

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

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

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

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

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

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

663 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
664 63A-3-107.

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

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

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

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

675 (iv) An executive committee shall report the executive committee's activities to the  
676 technical college board of directors at the technical college board of directors' next regular

677 meeting following the activities.

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

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

680 **53B-2a-112. Technical colleges -- Relationships with other public and higher**  
 681 **education institutions -- Agreements -- Priorities -- New capital facilities.**

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

685 (a) Utah State University for:

686 (i) Bridgerland Technical College;

687 (ii) Tooele Technical College; and

688 (iii) Uintah Basin Technical College;

689 (b) Weber State University for:

690 (i) Ogden-Weber Technical College; and

691 (ii) Davis Technical College;

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

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

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

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

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

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

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

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

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

705 (a) maintaining the technical college's existing instructional facilities for both  
 706 secondary and adult students;

707 (b) coordinating with the president of ~~[a]~~ the technical college's higher education

708 institution and entering into any necessary agreements to provide career and technical  
709 education to ~~[both]~~ secondary and adult students that:

710 (i) maintain and support existing higher education career and technical education  
711 programs; and

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

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

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

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

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

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

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

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

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

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

736 (c) with the approval of the technical college board of directors and the board of  
737 trustees, use ~~[those]~~ the existing systems.

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



739           **53B-2a-113. Technical colleges -- Leasing authority -- Lease-purchase agreements**  
740 **-- Report.**

741           (1) In accordance with Subsection [53B-2a-112\(2\)](#), a technical college may enter into a  
742 lease with other higher education institutions, school districts, charter schools, state agencies,  
743 or business and industry for a term of:

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

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

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

748           (ii) the lease agreement includes language that allows termination of the lease without  
749 penalty.

750           (2) (a) In accordance with Subsection [53B-2a-112\(2\)](#), a technical college may enter  
751 into a lease-purchase agreement if:

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

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

755           (iii) the lease-purchase agreement includes language that allows termination of the  
756 lease;

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

759           (v) the lease-purchase agreement is:

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

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

762           (C) approved by the Legislature.

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

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

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

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

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

768 trustees that details each of the technical college's leases, annual costs, location, square footage,

769 and recommendations for lease continuation.

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

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

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

776 **53B-2a-114. Educational program on the use of information technology.**

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

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

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

782 (b) include the following components:

783 (i) a curriculum;

784 (ii) online access to the curriculum;

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

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

787 (v) professional development for faculty; and

788 (vi) deployment and program support, including integration with existing curriculum  
789 standards; and

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

791 Section 16. Section **53B-8-101** is amended to read:

792 **53B-8-101. Waiver of tuition.**

793 (1) (a) The president of an institution of higher education described in Section  
794 **53B-2-101** may waive all or part of the tuition [in] on behalf of meritorious or impecunious  
795 resident students to an amount not exceeding 10% of the total amount of tuition which, in the  
796 absence of the waivers, would have been collected from all Utah resident students at the  
797 institution of higher education.

798 (b) (i) Two and a half percent of the waivers designated in Subsection (1)(a) shall be  
799 set aside for members of the Utah National Guard. [~~Waivers~~]

800 (ii) A waiver described in Subsection (1)(b)(i) shall be preserved by the student at least

801 60 days before the beginning of an academic term.

802 (2) (a) A president of an institution of higher education listed in Subsections  
803 [53B-2-101](#)(1)(a) through (h) may waive all or part of the nonresident portion of tuition for a  
804 meritorious nonresident undergraduate student.

805 (b) In determining which students are meritorious for purposes of granting a tuition  
806 waiver under Subsection (2)(a), a president shall consider students who are performing above  
807 the average at the institution of higher education, including having an admissions index higher  
808 than the average for the institution, if an admissions index is used.

809 (c) A president of an institution of higher education may continue to waive the  
810 nonresident portion of tuition for a student described in Subsection (2)(a) for as long as the  
811 student is enrolled at the institution of higher education.

812 (d) In addition to waiving the nonresident portion of tuition for a meritorious  
813 nonresident student under Subsection (2)(a), a president of an institution of higher education  
814 may waive the resident portion of tuition after the meritorious nonresident student completes a  
815 year of full-time study at the institution of higher education.

816 (3) To encourage students to enroll for instruction in occupations critical to the state for  
817 which trained personnel are in short supply, a president of an institution of higher education  
818 shall grant additional full or partial tuition waivers upon recommendation of:

819 (a) the board, for an institution of higher education described in [~~Subsection (1)(a)~~]  
820 Subsections [53B-2-101](#)(1)(a) through (h); or

821 (b) the Utah System of Technical Colleges Board of Trustees, for a technical college.

822 (4) A president of an institution of higher education may waive all or part of the  
823 difference between resident and nonresident tuition [~~in the case of~~] for:

824 (a) meritorious graduate students; or

825 (b) nonresident summer school students.

826 (5) The board may establish policies that:

827 (a) require an institution of higher education described in Subsections [53B-2-101](#)(1)(a)  
828 through (h) to regularly assess and report whether the institution of higher education's use of  
829 tuition waivers supports the goals established by the board in accordance with Section  
830 [53B-1-103](#) for the institution of higher education;

831 (b) subject to the provisions of this section, establish the amount or percentage of

832 tuition that an institution of higher education may waive;

833 (c) define the terms "meritorious" and "impecunious," as the terms apply to tuition  
834 waivers for resident students described in Subsection (1)(a); and

835 (d) establish limitations on an institution of higher education's allocation of waivers  
836 described in Subsection (1)(a) for resident students who are meritorious or resident students  
837 who are impecunious.

838 [~~5~~] (6) (a) The board shall submit an annual budget appropriation request for each  
839 institution of higher education described in Subsections 53B-2-101(1)(a) through (h).

840 (b) The Utah System of Technical Colleges Board of Trustees shall submit an annual  
841 budget appropriation request for each technical college.

842 (c) A request described in Subsection [~~5~~] (6)(a) or (b) shall include requests for funds  
843 sufficient in amount to equal the estimated loss of dedicated credits that would be realized if all  
844 of the tuition waivers authorized by Subsection (2) were granted.

845 Section 17. Section 63C-19-101 is enacted to read:

846 **CHAPTER 19. HIGHER EDUCATION STRATEGIC PLANNING COMMISSION**

847 **Part 1. General Provisions**

848 **63C-19-101. Title.**

849 This chapter is known as "Higher Education Strategic Planning Commission."

850 Section 18. Section 63C-19-102 is enacted to read:

851 **63C-19-102. Definitions.**

852 As used in this chapter:

853 (1) "Commission" means the Higher Education Strategic Planning Commission created  
854 in Section 63C-19-201.

855 (2) "Institution of higher education" means an institution described in Subsections  
856 53B-1-102(1)(a)(ii) through (ix).

857 (3) "Institutional role" means an institution of higher education's role described in  
858 Section 53B-16-101.

859 (4) "State system of higher education" means the state system of higher education  
860 described in Section 53B-1-102.

861 (5) "Strategic plan" means the strategic plan described in Section 63C-19-202.

862 (6) "Technical college" means the same as that term is defined in Section 53B-1-101.5.

863 Section 19. Section **63C-19-201** is enacted to read:

864 **Part 2. Higher Education Strategic Planning Commission**

865 **63C-19-201. Commission -- Membership -- Quorum and voting requirements --**

866 **Compensation -- Staff support.**

867 (1) There is created the Higher Education Strategic Planning Commission consisting of  
868 the following 22 members:

869 (a) two members of the Senate, appointed by the president of the Senate;

870 (b) two members of the House of Representatives, appointed by the speaker of the  
871 House of Representatives;

872 (c) two members of the State Board of Regents, appointed by the chair of the State  
873 Board of Regents;

874 (d) two members of the Utah System of Technical Colleges Board of Trustees,  
875 appointed by the chair of the Utah System of Technical Colleges Board of Trustees;

876 (e) four individuals, appointed by the chair of the State Board of Regents, who  
877 represent institutions of higher education from a range of geographic areas and with varied  
878 institutional roles;

879 (f) two individuals, appointed by the chair of the Utah System of Technical Colleges  
880 Board of Trustees, who represent technical colleges from a range of geographic areas;

881 (g) the commissioner of higher education or the commissioner's designee;

882 (h) the commissioner of technical education or the commissioner's designee;

883 (i) a member of the governor's staff who is responsible for advising the governor on  
884 education issues, appointed by the governor;

885 (j) the executive director of the Governor's Office of Economic Development or the  
886 executive director's designee;

887 (k) the executive director of the Department of Workforce Services or the executive  
888 director's designee;

889 (l) the state superintendent of public instruction or the superintendent's designee; and

890 (m) two Utah business leaders, one appointed by the president of the Senate and one  
891 appointed by the speaker of the House of Representatives.

892 (2) (a) The president of the Senate shall appoint one of the members described in  
893 Subsection (1)(a) as a cochair of the commission.

894 (b) The speaker of the House of Representatives shall appoint one of the members  
895 described in Subsection (1)(b) as a cochair of the commission.

896 (c) The chair of the State Board of Regents shall appoint one of the members described  
897 in Subsection (1)(c) as a vice chair of the commission.

898 (d) The chair of the Utah System of Technical Colleges Board of Trustees shall appoint  
899 one of the members described in Subsection (1)(d) as a vice chair of the commission.

900 (3) (a) The salary and expenses of a commission member who is a legislator shall be  
901 paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3,  
902 Legislator Compensation.

903 (b) A commission member who is not a legislator may not receive compensation or  
904 benefits for the member's service on the commission, but may receive per diem and  
905 reimbursement for travel expenses incurred as a commission member at the rates established by  
906 the Division of Finance under:

907 (i) Sections 63A-3-106 and 63A-3-107; and

908 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
909 63A-3-107.

910 (4) (a) A majority of the commission members constitutes a quorum.

911 (b) The action of a majority of a quorum constitutes an action of the commission.

912 (5) The Office of Legislative Research and General Counsel and the Office of the  
913 Legislative Fiscal Analyst shall provide staff support to the commission.

914 Section 20. Section 63C-19-202 is enacted to read:

915 **63C-19-202. Commission powers and duties -- Strategic plan -- Consultant --**

916 **Reports.**

917 (1) (a) The commission shall develop a strategic plan aimed at meeting the future  
918 challenges of the state system of higher education.

919 (b) The strategic plan shall address:

920 (i) providing quality, accessible, and innovative postsecondary education that prepares  
921 Utahns for the twenty-first century;

922 (ii) cost-effective and affordable modes of higher education delivery;

923 (iii) the integration of prior learning and competency-based experiences to meet degree  
924 or certificate requirements;

925 (iv) maximizing the role of the state system of higher education in workforce and  
926 economic development;

927 (v) a statewide campus and technology master plan that reflects regional differences in  
928 projected student enrollment growth in the state system of higher education;

929 (vi) governance of the state system of higher education, including studying best  
930 practices and recommending modifications; and

931 (vii) other issues related to the state system of higher education as determined by the  
932 commission.

933 (2) (a) The commission shall:

934 (i) select a consultant to manage the strategic planning process in accordance with  
935 Subsection (3);

936 (ii) guide the analytical work of a consultant described in Subsection (2)(a)(i) and  
937 review the results of the work;

938 (iii) coordinate with a consultant described in Subsection (2)(a)(i) to engage in a  
939 strategic planning process and create a strategic plan;

940 (iv) conduct regional meetings to gather stakeholder input during the strategic planning  
941 process; and

942 (v) report to the Legislature and the governor in accordance with Subsection (5).

943 (b) The commission may designate and assign working groups within the commission  
944 to address, study, evaluate, or discuss issues related to the commission's work.

945 (3) Subject to direction from the commission, a consultant selected under Subsection  
946 (2)(a) shall:

947 (a) collect and analyze data related to the current and future projected conditions of the  
948 state system of higher education, including:

949 (i) relevant demographics and educational attainment;

950 (ii) the state's economy, including workforce supply and demand;

951 (iii) affordability and financing of higher education through tuition, state funding, and  
952 other sources;

953 (iv) innovation by institutions of higher education, including research and research  
954 commercialization;

955 (v) operational and capital facility efficiencies;

956 (vi) accountability measures to assess the performance of the state system of higher  
957 education; and

958 (vii) any other data collection or analysis requested by the commission;

959 (b) based on the data described in Subsection (3)(a), make comparisons between higher  
960 education in Utah and higher education in other states or countries;

961 (c) project the condition of the state system of higher education in the future under the  
962 state's current system based on the projected:

963 (i) population;

964 (ii) workforce needs; and

965 (iii) funding requirements through tuition and state funding;

966 (d) develop alternatives to the projection described in Subsection (3)(c) by modeling  
967 potential changes to:

968 (i) industry and economic growth;

969 (ii) student enrollment patterns;

970 (iii) the portion of funding for the state system of higher education that comes from  
971 tuition and the portion of funding that comes from state funding; and

972 (iv) investments in capital facilities or technology infrastructure;

973 (e) recommend accountability or performance measures to assess the effectiveness of  
974 the state system of higher education;

975 (f) in coordination with the commission, conduct the regional meetings described in  
976 Subsection (2)(a)(iv) to share information and seek input from a range of stakeholders;

977 (g) recommend changes to the governance system for the state system of higher  
978 education that would facilitate implementation of the strategic plan; and

979 (h) produce for the commission:

980 (i) a draft report, including findings, observations, and strategic priorities; and

981 (ii) a final report, incorporating feedback from the commission on the draft report  
982 described in Subsection (3)(h)(i), regarding the future of the state system of higher education.

983 (4) The State Board of Regents and the Utah System of Technical Colleges Board of  
984 Trustees shall provide the commission and a consultant selected under Subsection (2)(a) with  
985 data and data analysis as requested by the commission.

986 (5) (a) On or before November 30, 2018, the commission shall report on the



987 commission's progress to:

988 (i) the Education Interim Committee;

989 (ii) the Higher Education Appropriations Subcommittee;

990 (iii) the Legislative Management Committee; and

991 (iv) the governor.

992 (b) On or before November 30, 2019, the commission shall provide a final report,

993 including a strategic plan and any recommendations, to:

994 (i) the Education Interim Committee;

995 (ii) the Higher Education Appropriations Subcommittee;

996 (iii) the Legislative Management Committee; and

997 (iv) the governor.

998 Section 21. Section **63I-2-253** is amended to read:

999 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

1000 [~~(1) Section 53A-1-403.5 is repealed July 1, 2017.~~]

1001 [~~(2) Section 53A-1-411 is repealed July 1, 2017.~~]

1002 [~~(3) Section 53A-1-415 is repealed July 1, 2019.~~]

1003 [~~(4) Section 53A-1-709 is repealed July 1, 2020.~~]

1004 [~~(5) Subsection 53A-1-1207(3)(b)(ii)(B) is repealed July 1, 2020.~~]

1005 [~~(6) Section 53A-1-1208 is repealed July 1, 2020.~~]

1006 [~~(7) Subsection 53A-1a-513(4) is repealed July 1, 2017.~~]

1007 [~~(8) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is~~  
1008 ~~repealed July 1, 2017.~~]

1009 [~~(9) Section 53A-24-601 is repealed January 1, 2018.~~]

1010 [~~(10)~~] (1) Section 53A-24-602 is repealed July 1, 2018.

1011 [~~(11)~~] (2) (a) Subsections 53B-2a-103(2) and (4) are repealed July 1, 2019.

1012 (b) When repealing Subsections 53B-2a-103(2) and (4), the Office of Legislative  
1013 Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3),  
1014 make necessary changes to subsection numbering and cross references.

1015 (3) (a) Subsection 53B-2a-108(5) is repealed July 1, 2022.

1016 (b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and  
1017 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make

- 1018 necessary changes to subsection numbering and cross references.
- 1019 [~~(12)~~ Subsections ~~53B-7-101~~(2)(b)(iii)(A) and (3) are repealed January 1, 2018.]
- 1020 [~~(13)~~] (4) Subsection ~~53B-7-705~~(6)(b)(ii)(B) is repealed July 1, 2021.
- 1021 [~~(14)~~] (5) Subsection ~~53B-7-707~~(4)(b) is repealed July 1, 2021.
- 1022 [~~(15)~~] (6) (a) The following sections are repealed on July 1, 2023:
- 1023 (i) Section ~~53B-8-202~~;
- 1024 (ii) Section ~~53B-8-203~~;
- 1025 (iii) Section ~~53B-8-204~~; and
- 1026 (iv) Section ~~53B-8-205~~.
- 1027 (b) (i) Subsection ~~53B-8-201~~(2) is repealed on July 1, 2023.
- 1028 (ii) When repealing Subsection ~~53B-8-201~~(2), the Office of Legislative Research and
- 1029 General Counsel shall, in addition to its authority under Subsection ~~36-12-12~~(3), make
- 1030 necessary changes to subsection numbering and cross references.
- 1031 [~~(16)~~] (7) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is
- 1032 repealed July 1, 2023.
- 1033 (8) Subsection ~~53E-5-306~~(3)(b)(ii)(B) is repealed July 1, 2020.
- 1034 (9) Section ~~53E-5-307~~ is repealed July 1, 2020.
- 1035 (10) Section ~~53F-4-204~~ is repealed July 1, 2019.
- 1036 (11) Section ~~53F-6-202~~ is repealed July 1, 2020.
- 1037 Section 22. Section ~~63I-2-263~~ is amended to read:
- 1038 **63I-2-263. Repeal dates, Title 63A to Title 63N.**
- 1039 [~~(1)~~ Section ~~63A-5-227~~ is repealed on January 1, 2018.]
- 1040 (1) Title 63C, Chapter 19, Higher Education Strategic Planning Commission, is
- 1041 repealed July 1, 2020.
- 1042 (2) Section ~~63H-7a-303~~ is repealed on July 1, 2022.
- 1043 (3) On July 1, 2019:
- 1044 (a) in Subsection ~~63J-1-206~~(3)(c)(i), the language that states "(i) Except as provided in
- 1045 Subsection (3)(c)(ii)" is repealed; and
- 1046 (b) Subsection ~~63J-1-206~~(3)(c)(ii) is repealed.
- 1047 (4) Subsection ~~63N-3-109~~(2)(f)(i)(B) is repealed July 1, 2020.
- 1048 (5) Section ~~63N-3-110~~ is repealed July 1, 2020.

1049 Section 23. **Appropriation.**

1050 The following sums of money are appropriated for the fiscal year beginning July 1,  
 1051 2017, and ending June 30, 2018. These are additions to amounts previously appropriated for  
 1052 fiscal year 2018. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
 1053 Act, the Legislature appropriates the following sums of money from the funds or accounts  
 1054 indicated for the use and support of the government of the state of Utah.

1055 ITEM 1

1056 To Legislature - Legislative Services

1057 From General Fund, one-time \$337,000

1058 Schedule of Programs:

1059 Administration \$337,000

1060 The Legislature intends that the appropriation under this item be used for the  
 1061 requirements described in Title 63C, Chapter 19, Higher Education Strategic Planning  
 1062 Commission.

1063 ITEM 2

1064 To Legislature - Senate

1065 From General Fund, one-time \$6,300

1066 Schedule of Programs:

1067 Administration \$6,300

1068 ITEM 3

1069 To Legislature - House of Representatives

1070 From General Fund, one-time \$6,300

1071 Schedule of Programs:

1072 Administration \$6,300