

**Representative Melissa G. Ballard** proposes the following substitute bill:

**HIGHER EDUCATION AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Melissa G. Ballard**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the Utah system of higher education.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ amends the duties of the Utah Board of Higher Education (the board);
- ▶ reorganizes provisions related to technical education provided by certain degree-granting institutions;
- ▶ authorizes an institution of higher education to form a nonprofit corporation or foundation, within the institution of higher education's role and mission;
- ▶ amends provisions related to the appointment of institution of higher education presidents, including:
  - the appointment process for presidents;
  - the number of publicly announced finalists for a position as an institution of higher education president; and
  - a process for stakeholders to provide input to the board on a finalist for a position as an institution of higher education president;
- ▶ amends provisions related to the duties of institution of higher education boards of



- 26 trustees;
- 27       ▶ repeals provisions related to the Salt Lake Community College School of Applied
- 28 Technology;
- 29       ▶ transfers responsibility for Salt Lake Community College School of Applied
- 30 Technology to Salt Lake Community College;
- 31       ▶ repeals outdated provisions; and
- 32       ▶ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34       None

35 **Other Special Clauses:**

36       This bill provides a special effective date.

37       This bill provides coordination clauses.

38 **Utah Code Sections Affected:**

39 AMENDS:

- 40       **53B-1-112**, as last amended by Coordination Clause, Laws of Utah 2018, Chapter 315
- 41       **53B-1-114**, as last amended by Laws of Utah 2020, Chapter 365
- 42       **53B-1-402**, as renumbered and amended by Laws of Utah 2020, Chapter 365
- 43       **53B-1-408**, as last amended by Laws of Utah 2020, Chapter 352 and renumbered and
- 44 amended by Laws of Utah 2020, Chapter 365
- 45       **53B-2-102**, as last amended by Laws of Utah 2020, Chapter 365
- 46       **53B-2-103**, as last amended by Laws of Utah 2020, Chapter 365
- 47       **53B-2-104**, as last amended by Laws of Utah 2020, Chapters 352, 365, and 373
- 48       **53B-2-106**, as last amended by Laws of Utah 2020, Chapter 365
- 49       **53B-2a-100.5**, as last amended by Laws of Utah 2020, Chapter 365
- 50       **53B-2a-107**, as last amended by Laws of Utah 2020, Chapter 365
- 51       **53B-2a-110**, as last amended by Laws of Utah 2020, Chapter 365
- 52       **53B-6-105**, as last amended by Laws of Utah 2019, Chapter 444
- 53       **53B-7-103**, as enacted by Laws of Utah 1987, Chapter 167
- 54       **53B-7-105**, as enacted by Laws of Utah 2004, Chapter 116
- 55       **53B-8-115**, as last amended by Laws of Utah 2020, Chapter 196
- 56       **53B-8d-102**, as last amended by Laws of Utah 2017, Chapter 382

- 57 [53B-16-101](#), as last amended by Laws of Utah 2020, Chapter 365
- 58 [53B-16-205](#), as last amended by Laws of Utah 2020, Chapter 365
- 59 [53B-16-207](#), as last amended by Laws of Utah 2019, Chapter 357
- 60 [53B-26-102](#), as last amended by Laws of Utah 2019, Chapters 136 and 357
- 61 [53B-28-402](#), as enacted by Laws of Utah 2020, Chapter 254
- 62 [53E-3-507](#), as last amended by Laws of Utah 2020, Chapter 365
- 63 [63A-5b-102](#), as enacted by Laws of Utah 2020, Chapter 152
- 64 [63A-5b-202](#), as enacted by Laws of Utah 2020, Chapter 152
- 65 [63A-5b-403](#), as enacted by Laws of Utah 2020, Chapter 152
- 66 [63I-2-253](#), as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 13
- 67 [63N-12-501](#), as last amended by Laws of Utah 2020, Chapter 164

68 ENACTS:

- 69 [53B-2-112](#), Utah Code Annotated 1953
- 70 [53B-2a-201](#), Utah Code Annotated 1953
- 71 [53B-2a-202](#), Utah Code Annotated 1953

72 REPEALS:

- 73 [53B-1-115](#), as enacted by Laws of Utah 2018, Chapter 3
- 74 [53B-1-503](#), as enacted by Laws of Utah 2020, Chapter 365
- 75 [53B-2-105](#), as last amended by Laws of Utah 1991, Chapter 58
- 76 [53B-2a-103](#), as last amended by Laws of Utah 2020, Chapters 352 and 373
- 77 [53B-2a-104](#), as last amended by Laws of Utah 2020, Chapter 365
- 78 [53B-2a-114](#), as last amended by Laws of Utah 2020, Chapter 365
- 79 [53B-16-201](#), as last amended by Laws of Utah 2017, Chapter 382
- 80 [53B-16-209](#), as last amended by Laws of Utah 2020, Chapter 365
- 81 [53B-16-211](#), as enacted by Laws of Utah 2012, Chapter 181

82 **Utah Code Sections Affected by Coordination Clause:**

- 83 [53B-7-702](#), as last amended by Laws of Utah 2020, Chapter 365
- 84 [53B-8-115](#), as last amended by Laws of Utah 2020, Chapter 196
- 85 [53B-26-102](#), as last amended by Laws of Utah 2019, Chapters 136 and 357
- 86 [63N-1b-101](#), Utah Code Annotated 1953

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

89 Section 1. Section **53B-1-112** is amended to read:

90 **53B-1-112. Disclosure requirements for institution programs.**

91 (1) As used in this section:

92 (a) "Department" means the Department of Workforce Services.

93 [~~(b) (i) "Institution" means:~~]

94 [~~(A) the University of Utah;~~]

95 [~~(B) Utah State University;~~]

96 [~~(C) Weber State University;~~]

97 [~~(D) Southern Utah University;~~]

98 [~~(E) Snow College;~~]

99 [~~(F) Dixie State University;~~]

100 [~~(G) Utah Valley University;~~]

101 [~~(H) Salt Lake Community College; and]~~

102 [~~(I) except as provided in Subsection (1)(b)(iii), any other university or college~~  
103 ~~established and maintained by the state.]~~

104 [~~(ii) "Institution" includes a branch or affiliated institution and a campus or facility~~  
105 ~~owned, operated, or controlled by the governing board of the university or college.]~~

106 [~~(iii) "Institution" does not include a technical college.]~~

107 (b) "Institution" means an institution of higher education described in Section

108 [53B-1-102.](#)

109 (c) "Job placement data" means information collected by the board, and based on  
110 information from the department, that reflects the job placement rate and industry employment  
111 information for a student who graduates from a program.

112 (d) (i) "Program" means a program of organized instruction or study at an institution  
113 that leads to:

114 (A) an academic degree;

115 (B) a professional degree;

116 (C) a vocational degree;

117 (D) a certificate of one year or greater or the direct assessment equivalent; or

118 (E) another recognized educational credential.

119 (ii) "Program" includes instruction or study that, in lieu of time as a measurement for  
120 student learning, utilizes direct assessment of student learning, or recognizes the direct  
121 assessment of student learning by others, if the assessment is consistent with the accreditation  
122 of the institution or program utilizing the results of the assessment.

123 (e) "Student loan information" means the percentage of students at an institution who:

124 (i) received a Title IV loan authorized under:

125 (A) the Federal Perkins Loan Program;

126 (B) the Federal Family Education Loan Program; or

127 (C) the William D. Ford Direct Loan Program; and

128 (ii) fail to pay a loan described in Subsection (1)(e)(i)(A), (B), or (C).

129 (f) "Total costs" means:

130 (i) the estimated costs a student would incur while completing a program, including:

131 (A) tuition and fees; and

132 (B) books, supplies, and equipment; and

133 (ii) calculated based on a student's degree, the institution's average costs that would be  
134 incurred while a student completes a program and are subsidized by taxpayer contribution,  
135 including:

136 (A) tuition and fees; and

137 (B) other applicable expenses subsidized by taxpayer contribution for program  
138 completion.

139 (g) "Wage data" means information collected by the board, and based on information  
140 from the department, that reflects a student's wage the first year and fifth year after a student  
141 has successfully completed a program.

142 (2) (a) Except as provided in Subsection [~~(5)~~] (4), for each program listed in an  
143 institution's course catalog or each program otherwise offered by the institution, the institution  
144 shall provide a conspicuous and direct link on the institution's website, subject to Subsection  
145 (2)(b), to the following information maintained by the board in accordance with Subsection (3):

146 (i) job placement data;

147 (ii) to the extent supporting data is available, student loan information;

148 (iii) total costs; and

149 (iv) wage data.

150 (b) An institution shall include the information described in Subsection (2)(a) on each  
151 institutional website that includes academic, cost, financial aid, or admissions information for a  
152 program.

153 (3) The board or the board's designee shall:

154 (a) collect the information described in Subsection (2)(a);

155 (b) develop through user testing a format for the display of information described in  
156 Subsection (2)(a) that is easily accessible and informative; and

157 (c) maintain the information described in Subsection (2)(a) so that it is current.

158 ~~[(4) No later than July 1, 2018:]~~

159 ~~[(a) the board shall make the information described in Subsection (2)(a) available in a  
160 format described in Subsection (3)(b); and]~~

161 ~~[(b) an institution shall include the information described in Subsection (2)(a) in  
162 accordance with Subsection (2)(b).]~~

163 ~~[(5)]~~ (4) An institution is not subject to Subsection (2) for a program that the institution  
164 is required to report on under 34 C.F.R. Sec. 668.412.

165 ~~[(6)]~~ (5) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative  
166 Rulemaking Act, make rules for the implementation and administration of this section.

167 Section 2. Section **53B-1-114** is amended to read:

168 **53B-1-114. Coordination for education.**

169 (1) At least quarterly, in order to coordinate education services, the commissioner and  
170 the state superintendent of public instruction shall convene a meeting of individuals who have  
171 responsibilities related to Utah's education system, including:

172 (a) the state superintendent of public instruction;

173 (b) the commissioner;

174 (c) the executive director of the Department of Workforce Services described in  
175 Section [35A-1-201](#);

176 (d) the executive director of the Governor's Office of Economic Development  
177 described in Section [63N-1-202](#);

178 (e) the chair of the State Board of Education;

179 (f) the chair of the Utah Board of Higher Education;

180 (g) a member of the governor's staff; and

181 (h) the chairs of the Education Interim Committee.

182 (2) The coordinating group described in this section shall, for the State Board of  
183 Education and the Utah Board of Higher Education:

184 (a) coordinate strategic planning efforts;

185 (b) [~~encourage alignment of~~] align strategic plans; and

186 (c) report on the State Board of Education's strategic plan to the Utah Board of Higher  
187 Education and the Utah Board of Higher Education's strategic plan to the State Board of  
188 Education.

189 (3) A meeting described in Subsection (1) is not subject to Title 52, Chapter 4, Open  
190 and Public Meetings Act.

191 Section 3. Section **53B-1-402** is amended to read:

192 **53B-1-402. Establishment of board -- Powers, duties, and authority -- Reports.**

193 (1) There is established a State Board of Regents, which:

194 (a) beginning July 1, 2020, is renamed the Utah Board of Higher Education;

195 (b) is the governing board for the institutions of higher education;

196 (c) controls, manages, and supervises the Utah system of higher education; and

197 (d) is a body politic and corporate with perpetual succession and with all rights,  
198 immunities, and franchises necessary to function as a body politic and corporate.

199 (2) The board shall:

200 (a) establish and promote a state-level vision and goals for higher education that  
201 emphasize system priorities, including:

202 (i) quality;

203 (ii) affordability;

204 [~~(iii) educational opportunity, access, equity, and completion;~~]

205 (iii) access and equity;

206 (iv) completion;

207 [~~(iv)~~] (v) workforce alignment and preparation for high-quality jobs; and

208 [~~(v)~~] (vi) economic growth;

209 (b) establish policies and practices that advance the vision and goals;

210 (c) establish metrics to demonstrate and monitor:

211 (i) performance related to the goals; and

- 212 (ii) performance on measures of operational efficiency;
- 213 (d) collect and analyze data including economic data, demographic data, and data
- 214 related to the metrics;
- 215 (e) coordinate data collection across institutions;
- 216 (f) establish, approve, and oversee each institution's mission and role in accordance
- 217 with Section [53B-16-101](#);
- 218 (g) assess an institution's performance in accomplishing the institution's mission and
- 219 role;
- 220 (h) participate in the establishment and review of programs of instruction in accordance
- 221 with Section [53B-16-102](#);
- 222 (i) perform duties related to an institution of higher education president, including:
- 223 (i) appointing an institution of higher education president in accordance with [~~Sections~~
- 224 ~~53B-2-102 and 53B-2a-107~~] [Section 53B-2-102](#);
- 225 (ii) providing support and guidance to an institution of higher education president;
- 226 [~~and~~]
- 227 (iii) evaluating an institution of higher education president based on institution
- 228 performance and progress toward systemwide priorities; and
- 229 (iv) setting the compensation for an institution of higher education president;
- 230 (j) create and implement a strategic finance plan for higher education, including by:
- 231 (i) establishing comprehensive budget and finance priorities for academic education
- 232 and technical education;
- 233 (ii) allocating statewide resources to institutions;
- 234 (iii) setting tuition for each institution;
- 235 (iv) administering state financial aid programs;
- 236 (v) administering performance funding in accordance with Chapter 7, Part 7,
- 237 Performance Funding; and
- 238 (vi) developing a strategic capital facility plan and prioritization process in accordance
- 239 with Chapter 22, Part 2, Capital Developments, and Sections [53B-2a-117](#) and [53B-2a-118](#);
- 240 (k) create a seamless articulated education system for Utah students that responds to
- 241 changing demographics and workforce, including by:
- 242 (i) providing for statewide prior learning assessment, in accordance with Section



- 243 53B-16-110;
- 244 (ii) establishing and maintaining clear pathways for articulation and transfer, in  
245 accordance with Section 53B-16-105;
- 246 (iii) establishing degree program requirement guidelines, including credit hour limits;
- 247 (iv) aligning general education requirements across degree-granting institutions;
- 248 (v) coordinating and incentivizing collaboration and partnerships between institutions  
249 in delivering programs;
- 250 (vi) coordinating distance delivery of programs; and
- 251 (vii) coordinating work-based learning;
- 252 (l) coordinate with the public education system:
- 253 (i) regarding public education programs that provide postsecondary credit or  
254 certificates; and
- 255 (ii) to ensure that an institution of higher education providing technical education  
256 serves secondary students in the public education system;
- 257 (m) delegate to an institution board of trustees certain duties related to institution  
258 governance including:
- 259 (i) guidance and support for the institution president;
- 260 (ii) effective administration;
- 261 (iii) the institution's responsibility for contributing to progress toward achieving  
262 systemwide goals; and
- 263 (iv) other responsibilities determined by the board;
- 264 (n) delegate to an institution of higher education president management of the  
265 institution of higher education;
- 266 (o) consult with an institution of higher education board of trustees or institution of  
267 higher education president before acting on matters pertaining to the institution of higher  
268 education;
- 269 [~~(p)~~] (p) maximize efficiency throughout the Utah system of higher education by  
270 identifying and establishing shared administrative services;
- 271 [~~(q)~~] (q) develop strategies for providing higher education, including career and  
272 technical education, in rural areas;
- 273 [~~(r)~~] (r) manage and facilitate a process for initiating, prioritizing, and implementing

274 education reform initiatives; and

275 [~~(r)~~] (s) provide ongoing quality review of institutions.

276 (3) The board shall submit an annual report of the board's activities and performance  
277 against the board's goals and metrics to:

278 (a) the Education Interim Committee;

279 (b) the Higher Education Appropriations Subcommittee;

280 (c) the governor; and

281 (d) each institution of higher education.

282 (4) The board shall prepare and submit an annual report detailing the board's progress  
283 and recommendations on workforce related issues, including career and technical education, to  
284 the governor and to the Legislature's Education Interim Committee by October 31 of each year,  
285 including information detailing:

286 (a) how the career and technical education needs of secondary students are being met  
287 by institutions of higher education;

288 (b) how the emphasis on high demand, high wage, and high skill jobs in business and  
289 industry is being provided;

290 (c) performance outcomes, including:

291 (i) entered employment;

292 (ii) job retention; and

293 (iii) earnings;

294 (d) an analysis of workforce needs and efforts to meet workforce needs; and

295 (e) student tuition and fees.

296 (5) The board may modify the name of an institution of higher education to reflect the  
297 role and general course of study of the institution.

298 (6) The board may not [~~conduct a feasibility study or perform another act~~] take action  
299 relating to merging a technical college with another institution of higher education without  
300 legislative approval.

301 (7) This section does not affect the power and authority vested in the State Board of  
302 Education to apply for, accept, and manage federal appropriations for the establishment and  
303 maintenance of career and technical education.

304 (8) The board shall ensure that any training or certification that an employee of the

305 higher education system is required to complete under this title or by board rule complies with  
306 Title 63G, Chapter 22, State Training and Certification Requirements.

307 Section 4. Section **53B-1-408** is amended to read:

308 **53B-1-408. Appointment of commissioner of higher education -- Qualifications --**  
309 **Associate commissioners -- Duties.**

310 (1) (a) [~~Subject to Section 53B-1-503, the~~] The board, upon approval from the  
311 governor and with the advice and consent of the Senate, shall appoint a commissioner of higher  
312 education to serve at the board's pleasure as the board's chief executive officer.

313 (b) The commissioner may be terminated by:

314 (i) the board; or

315 (ii) the governor, after consultation with the board.

316 (c) The board shall:

317 (i) set the salary of the commissioner;

318 (ii) subject to Subsection (3), prescribe the duties and functions of the commissioner;

319 and

320 (iii) select a commissioner on the basis of outstanding professional qualifications.

321 (2) (a) The commissioner shall appoint, subject to approval by the board:

322 (i) an associate commissioner for academic education; and

323 (ii) an associate commissioner for technical education.

324 (b) (i) The commissioner may appoint associate commissioners in addition to the  
325 associate commissioners described in Subsection (2)(a).

326 (ii) An association commissioner described in Subsection (2)(b)(i) is not subject to the  
327 approval of the board.

328 (3) The commissioner is responsible to the board to:

329 (a) ensure that the policies, programs, and strategic plan of the board are properly  
330 executed;

331 (b) furnish information about the Utah system of higher education and make  
332 recommendations regarding that information to the board;

333 (c) provide state-level leadership in any activity affecting an institution of higher  
334 education; and

335 (d) perform other duties assigned by the board in carrying out the board's duties and

336 responsibilities.

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

338 **53B-2-102. Appointment of institution of higher education presidents.**

339 (1) As used in this section:

340 (a) "Institution of higher education" means:

341 (i) a degree-granting institution[-]; or

342 (ii) a technical college.

343 (b) "President" means the president of an institution of higher education.

344 (c) "Search committee" means a committee that selects [~~finalists~~] semifinalists for a  
345 position as an institution of higher education president.

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

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

348 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), to appoint an institution of higher  
349 education president, the board shall establish a search committee that includes representatives  
350 of faculty, staff, students, the institution of higher education board of trustees, alumni, the  
351 outgoing institution of higher education president's executive council or cabinet, and the board.

352 (ii) The board may delegate the authority to appoint the search committee described in  
353 Subsection (4)(a)(i) to an institution of higher education board of trustees.

354 (iii) The commissioner shall provide staff support to a search committee.

355 (b) (i) Except as provided in Subsection (4)(b)(ii), a search committee shall be  
356 cochaired by a member of the board and a member of the institution of higher education board  
357 of trustees.

358 (ii) The board may delegate the authority to chair a search committee to the institution  
359 of higher education board of trustees.

360 (c) A search committee described in Subsection (4)(a) shall forward to the board three  
361 to five [~~finalists to the board to consider for a position as an institution of higher education~~  
362 ~~president~~] semifinalists to meet with institutional representatives as determined by the board.

363 (d) A search committee may not forward an individual to the board as a [~~finalist~~]  
364 semifinalist unless two-thirds of the search committee members, as verified by the  
365 commissioner, find the individual to be qualified and likely to succeed as [~~an~~] president of the  
366 institution of higher education [~~president~~].

367 ~~[(5) (a) The board shall select an institution of higher education president from among~~  
 368 ~~the finalists presented by a search committee.]~~

369 (5) (a) Except as provided in Subsection (5)(b), the board shall, after considering  
 370 feedback from the institutional representatives described in Subsection (4)(c):

371 (i) select at least one finalist from among the semifinalists; and

372 (ii) for a finalist described in Subsection (5)(a)(i):

373 (A) publicly name the finalist; and

374 (B) provide an opportunity for the public to provide input on the finalist.

375 (b) If the board is not satisfied with the ~~[finalists]~~ semifinalists forwarded by a search  
 376 committee, the board may direct the search committee to resume the search process until the  
 377 search committee has forwarded ~~[three finalists]~~ at least two semifinalists with whom the board  
 378 is satisfied.

379 (6) The board may, after considering the public input described in Subsection  
 380 (5)(a)(ii)(B), appoint the finalist as president of an institution of higher education.

381 ~~[(6)]~~ (7) The board, through the commissioner, shall create a comprehensive, active  
 382 recruiting plan to ensure a strong, diverse pool of potential candidates for institution of higher  
 383 education presidents.

384 ~~[(7)]~~ (8) (a) Except as provided in Subsection ~~[(7)]~~ (8)(b), a record or information  
 385 gathered or generated during ~~[the]~~ a search process described in this section, including a  
 386 candidate's application and ~~[the search committee's]~~ all deliberations related to the search, is  
 387 confidential and is a protected record under Section [63G-2-305](#).

388 (b) Application materials for a publicly named finalist described in Subsection (5)(a)  
 389 are not protected records under Section [63G-2-305](#).

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

391 **53B-2-103. Degree-granting institution board of trustees -- Powers and duties.**

392 (1) A degree-granting institution has a board of trustees that may act on behalf of the  
 393 institution in performing duties, responsibilities, and functions as may be specifically  
 394 authorized to the board of trustees by the board or by statute.

395 (2) A board of trustees of a degree-granting institution has the following powers and  
 396 duties:

397 (a) to facilitate communication between the institution and the community;

398 (b) to assist in planning, implementing, and executing fund raising and development  
399 projects aimed at supplementing institutional appropriations;

400 (c) to perpetuate and strengthen alumni and community identification with the  
401 degree-granting institution's tradition and goals;

402 (d) to select recipients of honorary degrees; and

403 (e) to approve changes to the degree-granting institution's programs, in accordance  
404 with Section [53B-16-102](#).

405 (3) A board of trustees of a degree-granting institution shall:

406 (a) approve a strategic plan for the institution of higher education that is aligned with:

407 (i) state attainment goals;

408 (ii) workforce needs; ~~and~~

409 (iii) board goals and metrics described in Section [53B-1-402](#); and

410 ~~[(iii)]~~ (iv) the institution of higher education's role, mission, and distinctiveness; and

411 (b) monitor the institution of higher education's progress toward achieving the strategic  
412 plan.

413 Section 7. Section **53B-2-104** is amended to read:

414 **53B-2-104. Degree-granting institution board of trustees -- Membership -- Terms**  
415 **-- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees -- Compensation.**

416 (1) As used in this section, "board of trustees" means the board of trustees for a  
417 degree-granting institution.

418 ~~[(1)]~~ (2) (a) ~~[Except as provided in Subsection (10), the]~~ The board of trustees of ~~[an~~  
419 ~~institution of higher education]~~ a degree-granting institution consists of the following:

420 (i) except as provided in Subsection ~~[(1)]~~ (2)(c), eight individuals appointed by the  
421 governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24,  
422 Part 2, Vacancies; and

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

425 ~~[(b) The appointed members of the boards of trustees for Utah Valley University and~~  
426 ~~Salt Lake Community College shall be representative of the interests of business, industry, and~~  
427 ~~labor.]~~

428 (b) In making the appointments described in Subsections (2)(a)(i) and (2)(c)(i), the

429 governor:

430 (i) shall ensure that the membership of a board of trustees includes representation of  
431 interests of business, industry, and labor; and

432 (ii) may not appoint an individual to more than two consecutive full terms.

433 (c) (i) The board of trustees of Utah State University has nine individuals appointed by  
434 the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter  
435 24, Part 2, Vacancies.

436 (ii) One of the nine individuals described in Subsection ~~[(1)]~~ (2)(c)(i) shall reside in the  
437 Utah State University Eastern service region or the Utah State University Blanding service  
438 region.

439 ~~[(2)]~~ (3) (a) The governor shall appoint four members of each board of trustees during  
440 each odd-numbered year to four-year terms commencing on July 1 of the year of appointment.

441 (b) Except as provided in Subsection ~~[(2)]~~ (3)(d), a member appointed under  
442 Subsection ~~[(1)]~~ (2)(a)(i) or ~~[(1)]~~ (2)(c)(i) holds office until a successor is appointed and  
443 qualified.

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

446 (d) (i) The governor may remove a member appointed under Subsection ~~[(1)]~~ (2)(a)(i)  
447 or ~~[(1)]~~ (2)(c)(i) for cause.

448 (ii) The governor shall consult with the president of the Senate before removing a  
449 member ~~[appointed under Subsection (1)(a)(i) or (1)(c)(i)]~~ in accordance with Subsection  
450 (3)(d)(i).

451 ~~[(3)]~~ (4) When a vacancy occurs in the membership of a board of trustees for any  
452 reason, ~~[the replacement shall be appointed]~~ the governor shall appoint a replacement for the  
453 unexpired term.

454 ~~[(4)]~~ (5) (a) Each member of a board of trustees shall take the official oath of office  
455 prior to assuming the office.

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

457 ~~[(5)]~~ (6) A board of trustees shall elect a chair and vice chair, who serve for two years  
458 and until their successors are elected and qualified.

459 ~~[(6)]~~ (7) (a) A board of trustees may enact bylaws for the board of trustees' own

460 government, including provisions for regular meetings.

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

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

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

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

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

470 ~~[(7)]~~ (8) A quorum is required to conduct business and consists of six members.

471 ~~[(8)]~~ (9) A board of trustees may establish advisory committees.

472 ~~[(9)]~~ (10) A member may not receive compensation or benefits for the member's  
473 service, but may receive per diem and travel expenses in accordance with:

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

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

476 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
477 63A-3-107.

478 ~~[(10) This section does not apply to a technical college board of trustees described in  
479 Section 53B-2a-108.]~~

480 (11) A board of trustees member shall comply with the conflict of interest provisions  
481 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

482 Section 8. Section 53B-2-106 is amended to read:

483 **53B-2-106. Duties and responsibilities of the president of a degree-granting**  
484 **institution of higher education -- Approval by board of trustees.**

485 (1) As used in this section, "president" means the president of a degree-granting  
486 institution.

487 ~~[(1)]~~ (2) (a) ~~[Except as provided in Subsection (6), the]~~ The president of each  
488 ~~[institution of higher education described in Section 53B-2-101]~~ degree-granting institution  
489 may exercise grants of power and authority as delegated by the board, as well as the necessary  
490 and proper exercise of powers and authority not specifically denied to the ~~[institution of higher~~



491 ~~education or the institution of higher education's]~~ degree-granting institution or the  
492 degree-granting institution's administration, faculty, or students by the board or by law, to  
493 ensure the effective and efficient administration and operation of the [~~institution of higher~~  
494 ~~education]~~ degree-granting institution consistent with the statewide [~~master~~] strategic plan for  
495 higher education.

496 (b) [~~The president of each institution of higher education]~~ A president may, after  
497 consultation with the [~~institution of higher education's]~~ degree-granting institution's board of  
498 trustees, exercise powers relating to the [~~institution of higher education's]~~ degree-granting  
499 institution's employees, including faculty and persons under contract with the [~~institution of~~  
500 ~~higher education]~~ degree-granting institution, by implementing:

501 (i) furloughs;

502 (ii) reductions in force;

503 (iii) benefit adjustments;

504 (iv) program reductions or discontinuance;

505 (v) early retirement incentives that provide cost savings to the degree-granting  
506 institution [~~of higher education~~]; or

507 (vi) other measures that provide cost savings to the degree-granting institution [~~of~~  
508 ~~higher education~~].

509 [~~(2) Except as provided by the board, the president of each institution of higher~~  
510 ~~education, with the approval of the institution of higher education's board of trustees, may:]~~

511 (3) A president may:

512 (a) (i) appoint a secretary, a treasurer, administrative officers, deans, faculty members,  
513 and other professional personnel[;];

514 (ii) prescribe [~~their duties, and determine their salaries]~~ duties for a position described  
515 in Subsection (3)(a)(i);

516 [~~(ii)~~] (iii) appoint support personnel[;];

517 (iv) prescribe [~~their duties, and]~~ duties for support personnel;

518 (v) determine [~~their~~] salaries for support personnel from the [~~institution of higher~~  
519 ~~education's]~~ degree-granting institution's position classification plan, which may:

520 (A) be based upon similarity of duties and responsibilities within the institution of  
521 higher education; and

522 (B) as funds permit, provide salary and benefits comparable with private enterprise;  
523 [(iii)] (vi) adopt policies for:  
524 (A) employee sick leave use and accrual; and  
525 (B) service recognition for employees with more than 15 years of employment with the  
526 ~~[institution of higher education]~~ degree-granting institution; and  
527 [(iv)] (vii) subject to the authority of, the policy established by, and the approval of the  
528 board, and recognizing the status of the institutions within the ~~[state]~~ Utah system of higher  
529 education as bodies politic and corporate, appoint attorneys to:  
530 (A) provide legal advice to the ~~[institution of higher education's]~~ degree-granting  
531 institution's administration; and ~~[to]~~  
532 (B) coordinate legal affairs within the degree-granting institution ~~[of higher education].~~  
533 ~~The board shall coordinate activities of attorneys at the institutions of higher education. The~~  
534 ~~institutions of higher education shall provide an annual report to the board on the activities of~~  
535 ~~appointed attorneys. These appointed attorneys may not conduct litigation, settle claims~~  
536 ~~covered by the State Risk Management Fund, or issue formal legal opinions, but shall, in all~~  
537 ~~respects, cooperate with the Office of the Attorney General in providing legal representation to~~  
538 ~~the institution of higher education];~~  
539 (b) subject to the approval of the degree-granting institution's board of trustees, provide  
540 for the constitution, government, and organization of the faculty and administration, and enact  
541 implementing rules, including the establishment of a prescribed system of tenure;  
542 (c) subject to the approval of the degree-granting institution's board of trustees,  
543 authorize the faculty to determine the general initiation and direction of instruction and of the  
544 examination, admission, and classification of students~~[- In recognition of the diverse nature~~  
545 ~~and traditions of the various institutions governed by the board, the systems of faculty~~  
546 ~~government need not be identical but should be designed to further faculty identification with~~  
547 ~~and involvement in the institution's pursuit of achievement and excellence and in fulfillment of~~  
548 ~~the institution's role as established in the statewide master plan for higher education]; and~~  
549 (d) enact rules for administration and operation of the degree-granting institution  
550 ~~[which]~~ that:  
551 (i) are consistent with the ~~[prescribed]~~ degree-granting institution's role established by  
552 the board, rules enacted by the board, or the laws of the state~~[- The rules];~~ and

553 (ii) may provide for:

554 (A) administrative, faculty, student, and joint committees with jurisdiction over  
555 specified institutional matters~~[, for]~~;

556 (B) student government and student affairs organization~~[, for]~~;

557 (C) the establishment of institutional standards in furtherance of the ideals of higher  
558 education fostered and subscribed to by the degree-granting institution ~~[of higher education, the~~  
559 ~~institution of higher education's]~~ and the degree-granting institution's administration, faculty,  
560 and students~~[, and for]~~; and

561 (D) the holding of classes on legal holidays, other than Sunday.

562 ~~[(3)]~~ (4) ~~[An institution of higher education]~~ A president shall manage the president's  
563 degree-granting institution as a part of the Utah system of higher education.

564 ~~[(4)]~~ (5) (a) Compensation costs and related office expenses for ~~[appointed attorneys]~~  
565 an attorney described in Subsection (3)(a)(vii) shall be funded within existing budgets.

566 (b) The board shall coordinate the activities of attorneys described in Subsection  
567 (3)(a)(vii).

568 (c) An attorney described in Subsection (3)(a)(vii):

569 (i) may not:

570 (A) conduct litigation;

571 (B) settle a claim covered by the State Risk Management Fund; or

572 (C) issue a formal legal opinion; and

573 (ii) shall cooperate with the Office of the Attorney General in providing legal  
574 representation to a degree-granting institution.

575 (d) A degree-granting institution shall submit an annual report to the board on the  
576 activities of appointed attorneys.

577 ~~[(5)]~~ (6) The board shall establish guidelines relating to the roles and relationships  
578 between ~~[institutional]~~ presidents and boards of trustees, including those matters which must be  
579 approved by a board of trustees before implementation by the president.

580 ~~[(6) This section does not apply to a technical college president.]~~

581 (7) A president is subject to regular review and evaluation administered by the board,  
582 in consultation with the degree-granting institution's board of trustees, through a process  
583 approved by the board.

584 Section 9. Section 53B-2-112 is enacted to read:

585 **53B-2-112. Formation of non-profit corporations or foundations.**

586 (1) An institution of higher education described in Section 53B-2-101 may form a  
587 non-profit corporation or foundation to aid or assist the institution of higher education, within  
588 the institution of higher education's mission and role described in Section 53B-16-101, in  
589 meeting the institution of higher education's charitable, scientific, literary, research,  
590 educational, or other objectives.

591 (2) The board and the president of the institution of higher education control a  
592 nonprofit corporation or foundation described in Subsection (1).

593 (3) A nonprofit corporation or foundation described in Subsection (1) may receive and  
594 administer:

- 595 (a) legislative appropriations;
- 596 (b) government grants;
- 597 (c) private contracts; or
- 598 (d) private gifts.

599 Section 10. Section 53B-2a-100.5 is amended to read:

600 **CHAPTER 2a. TECHNICAL EDUCATION**

601 **Part 1. Technical Colleges**

602 **53B-2a-100.5. Title.**

603 This chapter is known as " Technical [~~Colleges~~] Education."

604 Section 11. Section 53B-2a-107 is amended to read:

605 **53B-2a-107. Technical college presidents.**

606 (1) [~~(a)~~] The board shall appoint a president for each technical college in accordance  
607 with Section 53B-2-102.

608 [~~(b) The board shall establish a policy for appointing a technical college president~~  
609 ~~that:]~~

610 [~~(i) requires the board to create, or delegate to the technical college board of trustees to~~  
611 ~~create, a search committee that:]~~

612 [~~(A) includes board members and at least as many members from the technical college~~  
613 ~~board of trustees as members from the board; and]~~

614 [~~(B) may include technical college faculty, students, or other individuals;]~~

615 ~~[(ii) requires the search committee to seek nominations, interview candidates, and~~  
616 ~~forward qualified candidates to the board for consideration;]~~

617 ~~[(iii) provides for at least two members of the technical college board of trustees to~~  
618 ~~participate in the board's interviews of finalists;]~~

619 ~~[(iv) provides for the board to vote to appoint a technical college president in a meeting~~  
620 ~~that complies with Title 52, Chapter 4, Open and Public Meetings Act; and]~~

621 ~~[(v) provides for the commissioner to provide staff support for a search committee.]~~

622 ~~[(c) (i) Except as provided in Subsection (1)(c)(ii), a record or information gathered or~~  
623 ~~generated during the search process for a technical college president, including a candidate's~~  
624 ~~application and the search committee's deliberations, is confidential and is a protected record~~  
625 ~~under Section [63G-2-305](#).]~~

626 ~~[(ii) Application materials for a publicly named finalist are not protected records under~~  
627 ~~Section [63G-2-305](#).]~~

628 (2) (a) A technical college president ~~[shall serve as]~~ is the chief executive officer of the  
629 technical college.

630 (b) A technical college president:

631 (i) does not need to have a doctorate degree~~[, but]; and~~

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

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

636 ~~[(d) A technical college president serves at the pleasure of the board.]~~

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

639 (3) A technical college president shall:

640 ~~[(a) serve as the executive officer of the technical college board of trustees;]~~

641 (a) exercise grants of power and authority as delegated by the board, as well as the  
642 necessary and proper exercise of powers and authority not specifically denied to the technical  
643 college's administration, faculty, or students, by the board or by law, to ensure the effective and  
644 efficient administration and operation of the technical college consistent with the statewide  
645 strategic plan for higher education;

- 646 (b) administer the day-to-day operations of the technical college;
- 647 (c) consult with the technical college board of trustees;
- 648 (d) administer human resource policies and employee compensation plans in
- 649 accordance with the requirements of the board; ~~[and]~~
- 650 (e) prepare a budget request for the technical college's annual operations to the board;
- 651 (f) after consulting with the board, other institutions of higher education, school
- 652 districts, and charter schools within the technical college's region, prepare a comprehensive
- 653 strategic plan for delivering technical education within the region;
- 654 (g) consult with business, industry, the Department of Workforce Services, the
- 655 Governor's Office of Economic Development, and the Governor's Office of Management and
- 656 Budget on an ongoing basis to determine what workers and skills are needed for employment
- 657 in Utah businesses and industries;
- 658 (h) coordinate with local school boards, school districts, and charter schools to meet
- 659 the technical education needs of secondary students;
- 660 (i) develop policies and procedures for the admission, classification, instruction, and
- 661 examination of students in accordance with the policies and accreditation guidelines of the
- 662 board and the State Board of Education; and
- 663 ~~[(e)]~~ (j) manage the technical college president's institution as part of the Utah system
- 664 of higher education.

665 Section 12. Section **53B-2a-110** is amended to read:

666 **53B-2a-110. Technical college board of trustees' powers and duties.**

667 (1) A technical college board of trustees shall:

- 668 (a) assist the technical college president in preparing a budget request for the technical
- 669 college's annual operations to the board;
- 670 (b) after consulting with the board, other higher education institutions, school districts,
- 671 and charter schools within the technical college's region, ~~[prepare]~~ assist the technical college
- 672 president in preparing a comprehensive strategic plan for delivering technical education within
- 673 the region;
- 674 ~~[(e) consult with business, industry, the Department of Workforce Services, the~~
- 675 ~~Governor's Office of Economic Development, and the Governor's Office of Management and~~
- 676 ~~Budget on an ongoing basis to determine what workers and skills are needed for employment~~

677 in Utah businesses and industries;]

678 ~~[(d)]~~ (c) in accordance with Section [53B-16-102](#), ~~[develop programs based upon the~~  
679 ~~information described in Subsection (1)(c)]~~ approve programs, including expedited program  
680 approval and termination procedures to meet market needs;

681 ~~[(e)]~~ (d) adopt an annual budget and fund balances;

682 ~~[(f)]~~ develop policies for the operation of technical education facilities under the  
683 technical college board of trustees' jurisdiction;]

684 ~~[(g)]~~ establish human resources and compensation policies for all employees in  
685 accordance with policies of the board;]

686 ~~[(h)]~~ approve credentials for employees and assign employees to duties in accordance  
687 with board policies and accreditation guidelines;]

688 ~~[(i)]~~ (e) conduct annual program evaluations;

689 ~~[(j)]~~ appoint program advisory committees and other advisory groups to provide  
690 counsel, support, and recommendations for updating and improving the effectiveness of  
691 training programs and services;]

692 ~~[(k)]~~ approve regulations, both regular and emergency, to be issued and executed by the  
693 technical college president;]

694 ~~[(l)]~~ coordinate with local school boards, school districts, and charter schools to meet  
695 the technical education needs of secondary students;]

696 ~~[(m)]~~ develop policies and procedures for the admission, classification, instruction, and  
697 examination of students in accordance with the policies and accreditation guidelines of the  
698 board and the State Board of Education; and]

699 ~~[(n)]~~ (f) (i) approve a strategic plan for the technical college that is aligned with:

700 (A) state attainment goals;

701 (B) workforce needs; ~~and]~~

702 (C) the technical college's role, mission, and distinctiveness; and

703 (D) board goals and metrics described in Section [53B-1-402](#); and

704 (ii) monitor the technical college's progress toward achieving the strategic plan[-]; and

705 (g) act on behalf of the technical college in performing other duties as authorized by  
706 the board or by statute.

707 ~~[(2)]~~ A policy described in Subsection (1)(g) does not apply to compensation for a

708 technical college president.]

709 ~~[(3)]~~ (2) A technical college board of trustees may not exercise jurisdiction over career  
710 and technical education provided by a school district or charter school or provided by a higher  
711 education institution independently of the technical college.

712 ~~[(4) If a program advisory committee or other advisory group submits a printed  
713 recommendation to a technical college board of trustees, the technical college board of trustees  
714 shall acknowledge the recommendation with a printed response that explains the technical  
715 college board of trustees' action regarding the recommendation and the reasons for the action.]~~

716 Section 13. Section **53B-2a-201** is enacted to read:

717 **Part 2. Technical Education at Degree-granting Institutions**

718 **53B-2a-201. Geographic service areas for degree-granting institutions that**  
719 **provide technical education.**

720 (1) A degree-granting institution of higher education provides technical education in  
721 the geographic areas of the state described in this section.

722 (2) (a) The Snow College Richfield campus, described in Section [53B-16-205](#),  
723 provides technical education for the geographic area encompassing:

- 724 (i) the Juab School District;  
725 (ii) the Millard School District;  
726 (iii) the Tintic School District;  
727 (iv) the North Sanpete School District;  
728 (v) the South Sanpete School District;  
729 (vi) the Wayne School District;  
730 (vii) the Piute School District; and  
731 (viii) the Sevier School District.

732 (b) A Utah State University regional institution, as defined in Section [53B-16-207](#),  
733 provides technical education for the geographic area encompassing:

- 734 (i) for Utah State University Eastern, described in Section [53B-18-1201](#):  
735 (A) the Carbon School District; and  
736 (B) the Emery School District;  
737 (ii) for Utah State University Blanding, described in Section [53B-18-1202](#), the San  
738 Juan School District; and



739 (iii) for Utah State University Moab, described in Section 53B-18-301, the Grand  
740 School District.

741 (c) Salt Lake Community College provides technical education for the geographic area  
742 encompassing:

743 (i) the Salt Lake City School District;

744 (ii) the Granite School District;

745 (iii) the Murray School District;

746 (iv) the Canyons School District; and

747 (v) the Jordan School District.

748 Section 14. Section **53B-2a-202** is enacted to read:

749 **53B-2a-202. Degree-granting institutions that provide technical education --**

750 **Duties -- Board evaluation.**

751 (1) A degree-granting institution described in Section 53B-2a-201:

752 (a) shall:

753 (i) fulfill the technical college duties described in Subsections 53B-2a-106(1) and (2);

754 and

755 (ii) report annually to the board on:

756 (A) the status of technical education in the degree-granting institution's service area;

757 and

758 (B) student tuition and fees for the technical education programs provided by the

759 degree-granting institution; and

760 (b) may not exercise any jurisdiction over career and technical education provided by a  
761 school district or charter school independently of the school district or charter school.

762 (2) The board shall monitor and evaluate the impact of degree programs on technical  
763 education provided by a degree-granting institution described in Section 53B-2a-201.

764 Section 15. Section **53B-6-105** is amended to read:

765 **53B-6-105. Engineering and Computer Technology Initiative.**

766 ~~[(1) The Legislature recognizes that a significant increase in the number of~~  
767 ~~engineering, computer science, and related technology graduates from the state system of~~  
768 ~~higher education is required over the next several years to advance the intellectual, cultural,~~  
769 ~~social, and economic well-being of the state and its citizens.]~~

770           ~~[(2)]~~ (1) (a) (i) The board shall ~~[therefore]~~ develop, establish, and maintain an  
771 Engineering and Computer Science Initiative within the state system of higher education to  
772 ~~[double]~~ increase the number of graduates in engineering, computer science, and related  
773 technology ~~[by 2006 and triple the number of graduates by 2009]~~.

774           (ii) The board shall make rules in accordance with Title 63G, Chapter 3, Utah  
775 Administrative Rulemaking Act, providing the criteria for those fields of study that qualify as  
776 "related technology" under this section and Section [53B-6-105.9](#).

777           (b) The initiative shall include components that:

778           (i) improve the quality of instructional programs in engineering, computer science, and  
779 related technology by providing supplemental money for equipment purchases; and

780           (ii) provide incentives to institutions to hire and retain faculty under Section  
781 [53B-6-105.9](#).

782           ~~[(3)]~~ (2) The increase in program capacity under Subsection ~~[(2)]~~ (1)(a) shall include  
783 funding for new and renovated capital facilities and funding for new engineering and computer  
784 science programs.

785           ~~[(4)]~~ (3) The Legislature shall provide an annual appropriation to the board to fund the  
786 initiative.

787           Section 16. Section **53B-7-103** is amended to read:

788           **53B-7-103. Board designated state educational agent for federal contracts and**  
789 **aid -- Individual research grants -- Powers of institutions or foundations under**  
790 **authorized programs.**

791           (1) (a) The board is the designated state educational agency authorized to negotiate and  
792 contract with the federal government and to accept financial or other assistance from the  
793 federal government or any of its agencies in the name of and in behalf of the state of Utah,  
794 under terms and conditions as may be prescribed by congressional enactment designed to  
795 further higher education.

796           (b) Nothing in this chapter alters or limits the authority of the State Building Board to  
797 act as the designated state agency to administer programs ~~[in]~~ on behalf of and accept funds  
798 from federal, state, and other sources, for capital facilities for the benefit of higher education.

799           (2) (a) Subject to policies and procedures established by the board, ~~[the institutions and~~  
800 ~~their individual]~~ an institution of higher education and the institution of higher education's

801 employees may apply for and receive grants or research and development contracts within the  
802 educational role of the recipient institution.

803 ~~(b) [These authorized programs]~~ A program described in Subsection (2)(a) may be  
804 conducted by and through the institution, or by and through any foundation or organization  
805 ~~[which]~~ that is established for the purpose of assisting the institution in the accomplishment of  
806 ~~[its]~~ the institution's purposes.

807 (3) An institution or ~~[its]~~ the institution's foundation or organization engaged in a  
808 program authorized by the board may do the following:

809 (a) enter into contracts with federal, state, or local governments or their subsidiary  
810 agencies or departments, with private organizations, companies, firms, or industries, or with  
811 individuals for conducting the authorized programs;

812 (b) subject to the approval of the controlling state agency, conduct authorized programs  
813 within any of the penal, corrective, or custodial institutions of this state and engage the  
814 voluntary participation of inmates in those programs;

815 (c) accept contributions, grants, or gifts from, and enter into contracts and cooperative  
816 agreements with, any private organization, company, firm, industry, or individual, or any  
817 governmental agency or department, for support of authorized programs within the educational  
818 role of the recipient institution, and may agree to provide matching funds with respect to those  
819 programs from resources available to ~~[it]~~ the institution; and

820 (d) retain, accumulate, invest, commit, and expend the funds and proceeds from  
821 programs funded under Subsection (3)(c), including the acquisition of real and personal  
822 property reasonably required for their accomplishment~~[- No]~~, except that no portion of the  
823 funds and proceeds may be diverted from or used for purposes other than those authorized or  
824 undertaken under Subsection (3)(c), or ~~[staff]~~ may ever become a charge upon or obligation of  
825 the state of Utah or the general funds appropriated for the normal operations of the institution  
826 unless otherwise permitted by law.

827 (4) (a) ~~[AH]~~ Except as provided in Subsection (4)(b), all contracts and research or  
828 development grants or contracts requiring the use or commitment of facilities, equipment, or  
829 personnel under the control of an institution of higher education are subject to the approval of  
830 the board.

831 (b) (i) The board may delegate the approval of a contract or grant described in

832 Subsection (4)(a) to an institution of higher education board of trustees.

833 (ii) If the board makes a delegation described in Subsection (4)(b)(i), the board of  
834 trustees shall annually report to the board on all approved contracts or grants.

835 Section 17. Section **53B-7-105** is amended to read:

836 **53B-7-105. Higher education cost disclosure.**

837 (1) Each institution within the [state] Utah system of higher education shall, at the time  
838 of registration, plainly disclose to all of [its] the institution's undergraduate resident students  
839 the following amounts, in dollar figures for a full-time equivalent student:

840 (a) the full cost of instruction;

841 (b) the amount collected from student tuition and fees; and

842 (c) the difference between the amounts described under Subsections (1)(a) and (b).

843 (2) The disclosure under Subsection (1)(c) shall also clearly indicate that this balance  
844 was paid by state tax dollars and other money.

845 Section 18. Section **53B-8-115** is amended to read:

846 **53B-8-115. Career and technical education scholarships.**

847 (1) As used in this section:

848 (a) "Eligible institution" means[:] a degree-granting institution that provides technical  
849 education described in Section [53B-2a-201](#).

850 [~~(i) Salt Lake Community College's School of Applied Technology established in~~  
851 ~~Section [53B-16-209](#);~~]

852 [~~(ii) Snow College;~~]

853 [~~(iii) Utah State University Eastern established in Section [53B-18-1201](#);~~]

854 [~~(iv) Utah State University Blanding established in Section [53B-18-1202](#); or~~]

855 [~~(v) the Utah State University regional campus located at or near Moab described in~~  
856 ~~Section [53B-18-301](#);~~]

857 (b) "High demand program" means a noncredit career and technical education program  
858 that:

859 (i) is offered by an eligible institution;

860 (ii) leads to a certificate; and

861 (iii) is designated by the board in accordance with Subsection (6).

862 (c) "Scholarship" means a career and technical education scholarship described in this

863 section.

864 (2) Subject to future budget constraints, the Legislature shall annually appropriate  
865 money to the board to be distributed to eligible institutions to award career and technical  
866 education scholarships.

867 (3) In accordance with the rules described in Subsection (5), an eligible institution may  
868 award a scholarship to an individual who:

869 (a) is enrolled in, or intends to enroll in, a high demand program; and

870 (b) demonstrates, in accordance with rules described in Subsection (5)(b), the  
871 completion of a Free Application for Federal Student Aid.

872 (4) (a) An eligible institution may award a scholarship for an amount of money up to  
873 the total cost of tuition, fees, and required textbooks for the high demand program in which the  
874 scholarship recipient is enrolled or intends to enroll.

875 (b) An eligible institution may award a scholarship to a scholarship recipient for up to  
876 two academic years.

877 (c) An eligible institution may cancel a scholarship if the scholarship recipient does  
878 not:

879 (i) maintain enrollment in the eligible institution on at least a half time basis, as  
880 determined by the eligible institution; or

881 (ii) make satisfactory progress toward the completion of a certificate.

882 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
883 board shall make rules:

884 (a) that establish:

885 (i) how state funding available for scholarships is divided among eligible institutions;

886 (ii) requirements related to an eligible institution's administration of a scholarship;

887 (iii) requirements related to eligibility for a scholarship, including requiring eligible  
888 institutions to prioritize scholarships for underserved populations;

889 (iv) a process for an individual to apply to an eligible institution to receive a  
890 scholarship; and

891 (v) how to determine satisfactory progress described in Subsection (4)(c)(ii); and

892 (b) regarding the completion of the Free Application for Federal Student Aid described  
893 in Subsection (3)(b), including:

- 894 (i) provisions for students or parents to opt out of the requirement due to:
- 895 (A) financial ineligibility for any potential grant or other financial aid;
- 896 (B) personal privacy concerns; or
- 897 (C) other reasons the board specifies; and
- 898 (ii) direction for applicants to financial aid advisors.

899 (6) Every other year, after consulting with the Department of Workforce Services, the  
 900 board shall designate, as a high demand program, a noncredit career and technical education  
 901 program that prepares an individual to work in a job that has, in Utah:

- 902 (a) high employer demand and high median hourly wages; or
- 903 (b) significant industry importance.

904 Section 19. Section **53B-8d-102** is amended to read:

905 **53B-8d-102. Definitions.**

906 As used in this chapter:

- 907 (1) "Division" means the Division of Child and Family Services.
- 908 (2) "Long-term foster care" means an individual who remains in the custody of the  
 909 division, whether or not the individual resides:

- 910 (a) with licensed foster parents; or
- 911 (b) in independent living arrangements under the supervision of the division.

912 (3) "State institution of higher education" means~~[(a)]~~ an institution [~~designated~~  
 913 described in Section **53B-1-102**]; ~~or~~.

914 [~~(b) a public institution that offers postsecondary education in consideration of the~~  
 915 ~~payment of tuition or fees for the attainment of educational or vocational objectives leading to~~  
 916 ~~a degree or certificate, including:~~]

- 917 [(i) a business school;]
- 918 [(ii) a technical school;]
- 919 [(iii) a trade school; or]
- 920 [(iv) an institution offering related apprenticeship programs.]

921 (4) "Tuition" means tuition at the rate for residents of the state.

922 (5) "Ward of the state" means an individual:

- 923 (a) who is:
- 924 (i) at least 17 years [~~of age~~] old; and

925 (ii) not older than 26 years ~~[of age]~~ old;  
926 (b) who had a permanency goal in the individual's child and family plan, as described  
927 in Sections ~~62A-4a-205~~ and ~~78A-6-314~~, of long-term foster care while in the custody of the  
928 division; and

929 (c) for whom the custody of the division was not terminated as a result of adoption.  
930 Section 20. Section ~~53B-16-101~~ is amended to read:

931 **~~53B-16-101. Establishment of institutional roles and general courses of study.~~**

932 (1) Except as institutional roles are specifically assigned by the Legislature, the board:

933 (a) shall establish and define the roles of the various institutions of higher education;

934 and

935 (b) shall, within each institution of higher education's primary role, prescribe the  
936 general course of study to be offered at the institution of higher education, including for:

937 (i) research universities, which provide undergraduate, graduate, and research programs  
938 and include:

939 (A) the University of Utah; and

940 (B) Utah State University;

941 (ii) regional universities, which provide career and technical education, undergraduate  
942 associate and baccalaureate programs, and select master's degree programs to fill regional  
943 demands and include:

944 (A) Weber State University;

945 (B) Southern Utah University;

946 (C) Dixie State University; and

947 (D) Utah Valley University;

948 (iii) comprehensive community colleges, which provide associate programs and  
949 include:

950 (A) Salt Lake Community College; and

951 (B) Snow College; and

952 (iv) technical colleges and degree-granting institutions that provide technical  
953 education, and include:

954 (A) each technical college; and

955 ~~[(B) Salt Lake Community College's School of Applied Technology's technical~~

956 education role described in Section ~~53B-16-209;~~]

957 [~~(C) each Utah State University regional institution's technical education role described~~  
958 ~~in Section 53B-16-207; and]~~

959 [~~(D) Snow College's technical education role described in Section 53B-16-205;~~]

960 (B) the degree-granting institutions described in Section 53B-2a-201.

961 (2) (a) Except for the University of Utah, and subject to Subsection (2)(b), each  
962 institution of higher education described in Subsections (1)(b)(i) through (iii) has career and  
963 technical education included in the institution of higher education's primary role.

964 (b) The board shall determine the extent to which an institution described in  
965 Subsection (2)(a) provides career and technical education within the institution's primary role.

966 (3) The board shall further clarify each institution of higher education's primary role by  
967 clarifying:

968 (a) the level of program that the institution of higher education generally offers;

969 (b) broad fields that are within the institution of higher education's mission; and

970 (c) any special characteristics of the institution of higher education, such as being a  
971 land grant university.

972 [~~(4) On or before November 1, 2020, the board shall report to the Higher Education~~  
973 ~~Strategic Planning Commission on the board's activities related to defining and clarifying each~~  
974 ~~institution's role;~~]

975 Section 21. Section **53B-16-205** is amended to read:

976 **53B-16-205. Establishment of Snow College Richfield campus.**

977 (1) There is established a branch campus of Snow College in Richfield, Utah,  
978 [~~hereafter referred to~~] known as the Snow College Richfield campus.

979 (2) Snow College shall administer the branch campus under the general control and  
980 supervision of the board as an integrated part of Snow College's mission, programs, and  
981 curriculum.

982 (3) Snow College shall:

983 (a) maintain a strong curriculum in career and technical education courses at the Snow  
984 College Richfield campus and within the region served by Snow College which can be  
985 transferred to other institutions within the higher education system, together with lower  
986 division courses and courses required for associate degrees in science, arts, applied science, and



987 career and technical education; and

988 (b) work with school districts and charter schools in developing an aggressive  
989 concurrent enrollment program in cooperation with Snow College Richfield campus[~~;~~and].

990 [~~(c) provide, through the Snow College Richfield Campus, for open-entry, open-exit  
991 competency-based career and technical education programs, at a low cost tuition rate for adults  
992 and at no tuition cost to secondary students, that emphasize short-term job training or retraining  
993 for immediate placement in the job market and serve the geographic area encompassing:]~~

994 [~~(i) the Juab School District;~~

995 [~~(ii) the Millard School District;~~

996 [~~(iii) the Tintic School District;~~

997 [~~(iv) the North Sanpete School District;~~

998 [~~(v) the South Sanpete School District;~~

999 [~~(vi) the Wayne School District;~~

1000 [~~(vii) the Piute School District; and]~~

1001 [~~(viii) the Sevier School District.]~~

1002 [~~(4) Snow College may not exercise any jurisdiction over career and technical  
1003 education provided by a school district or charter school independently of Snow College.]~~

1004 [~~(5) Snow College shall report to the board annually on:]~~

1005 [~~(a) the status of and maintenance of the effort for career and technical education in the  
1006 region served by Snow College, including access to open-entry, open-exit competency-based  
1007 career and technical education programs; and]~~

1008 [~~(b) student tuition and fees.]~~

1009 [~~(6) Legislative appropriations to Snow College's career and technical education shall  
1010 be made as line items that are separate from other appropriations for Snow College.]~~

1011 Section 22. Section **53B-16-207** is amended to read:

1012 **53B-16-207. Utah State University regional institutions -- Career and technical  
1013 education.**

1014 (1) As used in this section:

1015 (a) "Utah State University regional institution" or "USU regional institution" means:

1016 (i) Utah State University Eastern;

1017 (ii) Utah State University Blanding; or

1018 (iii) Utah State University Moab.

1019 (b) "Utah State University Moab" means the Utah State University regional campus  
1020 located at or near Moab described in Section [53B-18-301](#).

1021 (2) A USU regional institution shall:

1022 (a) maintain a strong curriculum in career and technical education courses at the USU  
1023 regional institution's campus and within the region the USU regional institution serves that can  
1024 be transferred to other institutions within the higher education system, together with lower  
1025 division courses and courses required for associate degrees in science, arts, applied science, and  
1026 career and technical education; and

1027 (b) work with school districts and charter schools in developing an aggressive  
1028 concurrent enrollment program[; ~~and~~].

1029 [~~(c) provide for open-entry, open-exit competency-based career and technical education~~  
1030 ~~programs, at a low cost tuition rate for adults and at no tuition cost to secondary students, that~~  
1031 ~~emphasize short-term job training or retraining for immediate placement in the job market and~~  
1032 ~~serve the geographic area encompassing:]~~

1033 [~~(i) for Utah State University Eastern, the Carbon School District and the Emery~~  
1034 ~~School District,]~~

1035 [~~(ii) for Utah State University Blanding, the San Juan School District, and]~~

1036 [~~(iii) for Utah State University Moab, the Grand School District.]~~

1037 [~~(3) A USU regional institution may not exercise any jurisdiction over career and~~  
1038 ~~technical education provided by a school district or charter school independently of the USU~~  
1039 ~~regional institution.]~~

1040 [~~(4) A USU regional institution shall report to the board annually on:]~~

1041 [~~(a) the status of and maintenance of the effort for career and technical education in the~~  
1042 ~~region served by the USU regional institution, including access to open-entry, open-exit~~  
1043 ~~competency-based career and technical education programs; and]~~

1044 [~~(b) student tuition and fees.]~~

1045 [~~(5) Legislative appropriations to Utah State University career and technical education~~  
1046 ~~described in this section shall be made as line items that are separate from other appropriations~~  
1047 ~~for Utah State University.]~~

1048 Section 23. Section **53B-26-102** is amended to read:

1049 **53B-26-102. Definitions.**

1050 As used in this part:

1051 (1) "CTE" means career and technical education.

1052 (2) "CTE region" means an economic service area created in Section [35A-2-101](#).

1053 (3) "Eligible partnership" means:

1054 (a) a regional partnership; or

1055 (b) a statewide partnership.

1056 (4) "Employer" means a private employer, public employer, industry association, the  
1057 military, or a union.

1058 (5) "Industry advisory group" means:

1059 (a) a group of at least five employers that represent the workforce needs to which a  
1060 proposal submitted under Section [53B-26-103](#) responds; and

1061 (b) a representative of the Governor's Office of Economic Development, appointed by  
1062 the executive director of the Governor's Office of Economic Development.

1063 [~~(6) "Institution of higher education" means the University of Utah, Utah State  
1064 University, Southern Utah University, Weber State University, Snow College, Dixie State  
1065 University, Utah Valley University, or Salt Lake Community College.~~]

1066 [~~(7)~~ (6) "Regional partnership" means a partnership that:

1067 (a) provides educational services within one CTE region; and

1068 (b) is between at least two of the following located in the CTE region:

1069 (i) a technical college;

1070 (ii) a school district or charter school; or

1071 [~~(iii) an institution of higher education.~~]

1072 (iii) a degree-granting institution.

1073 [~~(8)~~ (7) "Stackable sequence of credentials" means a sequence of credentials that:

1074 (a) an individual can build upon to access an advanced job or higher wage;

1075 (b) is part of a career pathway system;

1076 (c) provides a pathway culminating in the equivalent of an associate's or bachelor's  
1077 degree;

1078 (d) facilitates multiple exit and entry points; and

1079 (e) recognizes sub-goals or momentum points.

1080           ~~[(9)]~~ (8) "Statewide partnership" means a partnership between at least two regional  
1081 partnerships.

1082           ~~[(10)]~~ (9) "Technical college" means:

1083           (a) a college described in Section [53B-2a-105](#); or

1084           (b) a degree-granting institution that provides technical education described in Section  
1085 [53B-2a-201](#).

1086           ~~[(b) the School of Applied Technology at Salt Lake Community College established~~  
1087 ~~under Section [53B-16-209](#);~~]

1088           ~~[(c) Utah State University Eastern established under Section [53B-18-1201](#);~~]

1089           ~~[(d) Utah State University Blanding established under Section [53B-18-1202](#); or]~~

1090           ~~[(e) the Snow College Richfield campus established under Section [53B-16-205](#);~~]

1091           Section 24. Section **53B-28-402** is amended to read:

1092           **53B-28-402. Campus safety study -- Report to Legislature.**

1093           (1) As used in this section:

1094           (a) "Campus law enforcement" means a unit of an institution that provides public  
1095 safety services.

1096           (b) (i) "Institution" means an institution of higher education described in Section  
1097 [53B-2-101](#).

1098           (ii) "Institution" includes an institution's campus law enforcement.

1099           (c) "Local district" means the same as that term is defined in Section [17B-1-102](#).

1100           (d) "Local law enforcement" means a state or local law enforcement agency other than  
1101 campus law enforcement.

1102           (e) "Public safety services" means police services, security services, dispatch services,  
1103 emergency services, or other similar services.

1104           (f) "Sexual violence" means the same as that term is defined in Section [53B-28-301](#).

1105           (g) "Special service district" means the same as that term is defined in Section  
1106 [17D-1-102](#).

1107           (h) "Student" means the same as that term is defined in Section [53B-28-301](#).

1108           (i) "Student organization" means the same as that term is defined in Section  
1109 [53B-28-401](#).

1110           (2) The board shall:

- 1111 (a) study issues related to providing public safety services on institution campuses,  
1112 including:
- 1113 (i) policies and practices for hiring, supervision, and firing of campus law enforcement  
1114 officers;
- 1115 (ii) training of campus law enforcement in responding to incidents of sexual violence  
1116 or other crimes reported by or involving a student, including training related to lethality or  
1117 similar assessments;
- 1118 (iii) how campus law enforcement and local law enforcement respond to reports of  
1119 incidents of sexual violence or other crimes reported by or involving a student, including  
1120 supportive measures for victims and disciplinary actions for perpetrators;
- 1121 (iv) training provided to faculty, staff, students, and student organizations on campus  
1122 safety and prevention of sexual violence;
- 1123 (v) roles, responsibilities, jurisdiction, and authority of local law enforcement and  
1124 campus law enforcement, including authority based on:
- 1125 (A) the type of public safety services provided; or  
1126 (B) geographic boundaries;
- 1127 (vi) how an institution and local law enforcement coordinate to respond to on-campus  
1128 and off-campus incidents requiring public safety services, including:
- 1129 (A) legal requirements or restrictions affecting coordination;  
1130 (B) agreements, practices, or procedures governing coordination between an institution  
1131 and local law enforcement, including mutual support, sharing information, or dispatch  
1132 management;
- 1133 (C) any issues that may affect the timeliness of a response to an on-campus or  
1134 off-campus incident reported by or involving a student;
- 1135 (vii) infrastructure, staffing, and equipment considerations that impact the effectiveness  
1136 of campus law enforcement or local law enforcement responses to an on-campus or off-campus  
1137 incident reported by or involving a student;
- 1138 (viii) the benefits and disadvantages of an institution employing campus law  
1139 enforcement compared to local law enforcement providing public safety services on an  
1140 institution campus;
- 1141 (ix) an institution's compliance with federal and state crime statistic reporting

1142 requirements;

1143 (x) how an institution informs faculty, staff, and students about a crime or emergency  
1144 on campus;

1145 (xi) national best practices for providing public safety services on institution campuses,  
1146 including differences in best practices based on the size, infrastructure, location, and other  
1147 relevant characteristics of a college or university; and

1148 (xii) any other issue the board determines is relevant to the study;

1149 (b) make recommendations for providing public safety services on institution campuses  
1150 statewide;

1151 (c) produce a final report of the study described in this section, including the  
1152 recommendations described in Subsection (2)(b); and

1153 (d) in accordance with Section 68-3-14, present the final report described in Subsection  
1154 (2)(c) to the Education Interim Committee and the Law Enforcement and Criminal Justice  
1155 Interim Committee at or before the committees' November 2021 meetings.

1156 (3) In carrying out the board's duties under this section, the board may coordinate with  
1157 individuals and organizations with knowledge, expertise, or experience related to the board's  
1158 duties under this section, including:

1159 [~~(a) the Utah System of Technical Colleges Board of Trustees;~~]

1160 [~~(b)~~] (a) the Utah Department of Health;

1161 [~~(c)~~] (b) the Utah Office for Victims of Crime;

1162 [~~(d)~~] (c) the Utah Council on Victims of Crime;

1163 [~~(e)~~] (d) institutions;

1164 [~~(f)~~] (e) local law enforcement;

1165 [~~(g)~~] (f) local districts or special service districts that provide 911 and emergency  
1166 dispatch service; and

1167 [~~(h)~~] (g) community and other non-governmental organizations.

1168 Section 25. Section 53E-3-507 is amended to read:

1169 **53E-3-507. Powers of the state board.**

1170 The state board:

1171 (1) shall establish minimum standards for career and technical education programs in  
1172 the public education system;

1173 (2) may apply for, receive, administer, and distribute funds made available through  
1174 programs of federal and state governments to promote and aid career and technical education;

1175 (3) shall cooperate with federal and state governments to administer programs that  
1176 promote and maintain career and technical education;

1177 (4) shall cooperate with the Utah Board of Higher Education, technical colleges, [~~Salt~~  
1178 ~~Lake Community College's School of Applied Technology, Snow College, Utah State~~  
1179 ~~University Eastern, and Utah State University Blanding]~~ and degree-granting institutions that  
1180 provide technical education described Section 53B-2a-201 to ensure that students in the public  
1181 education system have access to career and technical education at technical colleges[~~-Salt Lake~~  
1182 ~~Community College's School of Applied Technology, Snow College, Utah State University~~  
1183 ~~Eastern, and Utah State University Blanding]~~ and degree-granting institutions that provide  
1184 technical education described in Section 53B-2a-201;

1185 (5) shall require that before a minor student may participate in clinical experiences as  
1186 part of a health care occupation program at a high school or other institution to which the  
1187 student has been referred, the student's parent has:

1188 (a) been first given written notice through appropriate disclosure when registering and  
1189 prior to participation that the program contains a clinical experience segment in which the  
1190 student will observe and perform specific health care procedures that may include personal  
1191 care, patient bathing, and bathroom assistance; and

1192 (b) provided specific written consent for the student's participation in the program and  
1193 clinical experience; and

1194 (6) shall, after consulting with school districts, charter schools, the Utah Board of  
1195 Higher Education, technical colleges, [~~Salt Lake Community College's School of Applied~~  
1196 ~~Technology, Snow College, Utah State University Eastern, and Utah State University~~  
1197 ~~Blanding]~~ and degree-granting institutions that provide technical education described in  
1198 Section 53B-2a-201, prepare and submit an annual report in accordance with Section  
1199 53E-1-203 detailing:

1200 (a) how the career and technical education needs of secondary students are being met;  
1201 and

1202 (b) the access secondary students have to programs offered:

1203 (i) at technical colleges; and

1204 (ii) within the regions served by [~~Salt Lake Community College's School of Applied~~  
1205 ~~Technology, Snow College, Utah State University Eastern, and Utah State University~~  
1206 ~~Blanding~~] degree-granting institutions that provide technical education described in Section  
1207 53B-2a-201.

1208 Section 26. Section **63A-5b-102** is amended to read:

1209 **63A-5b-102. Definitions.**

1210 As used in this chapter:

1211 (1) "Board" means the state building board created in Section [63A-5b-201](#).

1212 (2) "Capitol hill facilities" means the same as that term is defined in Section  
1213 [63C-9-102](#).

1214 (3) "Capitol hill grounds" means the same as that term is defined in Section [63C-9-102](#).

1215 (4) "Compliance agency" means the same as that term is defined in Section [15A-1-202](#).

1216 (5) "Director" means the division director, appointed under Section [63A-5b-302](#).

1217 (6) "Division" means the Division of Facilities Construction and Management created  
1218 in Section [63A-5b-301](#).

1219 (7) "Institution of higher education" means an institution listed in Subsection  
1220 [53B-2-101](#)(1).

1221 (8) "Trust lands administration" means the School and Institutional Trust Lands  
1222 Administration established in Section [53C-1-201](#).

1223 (9) "Utah Board of Higher Education" means the Utah Board of Higher Education  
1224 established in Section [53B-1-402](#).

1225 [~~(10) "UTech board" means the UTech Board of Trustees created in Section~~  
1226 ~~[53B-2a-103](#).~~]

1227 Section 27. Section **63A-5b-202** is amended to read:

1228 **63A-5b-202. State Building Board powers and duties.**

1229 (1) The board may, in accordance with Title 63G, Chapter 3, Utah Administrative  
1230 Rulemaking Act, make rules that are necessary to discharge the board's duties.

1231 (2) The board shall:

1232 (a) review and approve agency master plans of structures built or contemplated;

1233 (b) submit capital development recommendations and priorities to the Legislature as  
1234 set forth in Section [63A-5b-402](#);



1235 (c) submit recommendations for dedicated projects and prioritize nondedicated projects  
1236 as provided in Section [63A-5b-403](#);

1237 (d) make a finding that the requirements of Section [53B-2a-112](#) are met before the  
1238 board may consider a funding request [~~from the UTech board pertaining to new capital~~  
1239 ~~facilities and land purchases~~] described in Section [53B-2a-117](#); and

1240 (e) fulfill the board's responsibilities under:

1241 (i) Section [63A-5b-802](#), relating to the approval of leases with terms of more than 10  
1242 years;

1243 (ii) Section [63A-5b-907](#), relating to vacant division-owned property; and

1244 (iii) Section [63A-5b-1003](#), relating to the approval of loans from the state facility  
1245 energy efficiency fund.

1246 (3) The board may:

1247 (a) authorize capital development projects without Legislative approval only as  
1248 authorized in Section [63A-5b-404](#); and

1249 (b) make rules relating to the categorical delegation of projects as provided in  
1250 Subsection [63A-5b-604](#)(4).

1251 Section 28. Section **63A-5b-403** is amended to read:

1252 **63A-5b-403. Institutions of higher education -- Capital development projects --**

1253 **Dedicated and nondedicated projects -- Recommendations and prioritization.**

1254 (1) As used in this section:

1255 (a) "Dedicated project" has the same meaning as that term is defined in:

1256 (i) Section [53B-2a-101](#), for a capital development project under [~~Title 53B, Chapter 2a,~~  
1257 ~~Technical Colleges~~] Title 53B, Chapter 2a, Technical Education; or

1258 (ii) Section [53B-22-201](#), for a capital development project under Title 53B, Chapter 22,  
1259 Higher Education Capital Projects.

1260 (b) "Nondedicated project" has the same meaning as that term is defined in:

1261 (i) Section [53B-2a-101](#), for a capital development project under [~~Title 53B, Chapter 2a,~~  
1262 ~~Technical Colleges~~] Title 53B, Chapter 2a, Technical Education; or

1263 (ii) Section [53B-22-201](#), for a capital development project under Title 53B, Chapter 22,  
1264 Higher Education Capital Projects.

1265 (2) (a) The board shall submit recommendations to the Legislature in accordance with:

1266 (i) Section 53B-2a-117, for a dedicated project under [~~Title 53B, Chapter 2a, Technical~~  
1267 ~~Colleges~~] Title 53B, Chapter 2a, Technical Education; or

1268 (ii) Section 53B-22-204, for a dedicated project under Title 53B, Chapter 22, Higher  
1269 Education Capital Projects.

1270 (b) A dedicated project is not subject to prioritization by the board.

1271 (3) (a) The board shall prioritize nondedicated projects in accordance with:

1272 (i) Section 63A-5b-402; and

1273 (ii) (A) Section 53B-2a-117, for a nondedicated project under [~~Title 53B, Chapter 2a,~~  
1274 ~~Technical Colleges~~] Title 53B, Chapter 2a, Technical Education; or

1275 (B) Section 53B-22-204, for a nondedicated project under Title 53B, Chapter 22,  
1276 Higher Education Capital Projects.

1277 (b) In the board's scoring process for prioritizing nondedicated projects, the board shall  
1278 give more weight to a request that is designated as a higher priority by the [~~UTech board or~~  
1279 Utah Board of Higher Education than a request that is designated as a lower priority by the  
1280 [~~UTech board or~~] Utah Board of Higher Education only for determining the order of  
1281 prioritization among requests submitted by the [~~UTech board or~~] Utah Board of Higher  
1282 Education[~~, respectively~~].

1283 (4) The board shall require that an institution of higher education that submits a request  
1284 for a capital development project address whether and how, as a result of the project, the  
1285 institution of higher education will:

1286 (a) offer courses or other resources that will help meet demand for jobs, training, and  
1287 employment in the current market and the projected market for the next five years;

1288 (b) respond to individual skilled and technical job demand over the next three, five,  
1289 and 10 years;

1290 (c) respond to industry demands for trained workers;

1291 (d) help meet commitments made by the Governor's Office of Economic Development,  
1292 including relating to training and incentives;

1293 (e) respond to changing needs in the economy; and

1294 (f) respond to demands for online or in-class instruction, based on demographics.

1295 (5) The division shall:

1296 (a) (i) assist institutions of higher education in providing the information required by

1297 Subsection (3); and

1298 (ii) verify the completion and accuracy of the information submitted by an institution  
1299 of higher education under Subsection (3);

1300 (b) assist the [~~UTech board~~] Utah Board of Higher Education to fulfill the requirements  
1301 of Section 53B-2a-112 in connection with the finding that the [~~board~~] technical college is  
1302 required to make under Subsection 53B-2a-112(5)(b); and

1303 (c) assist the [~~Board of Regents~~] Utah Board of Higher Education in submitting a list of  
1304 dedicated projects to the board for approval and nondedicated projects to the board for  
1305 recommendation and prioritization pursuant to Section 53B-22-204.

1306 Section 29. Section **63I-2-253** is amended to read:

1307 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

1308 (1) (a) Section 53-2a-217, regarding procurement during an epidemic or pandemic  
1309 emergency, is repealed on December 31, 2021.

1310 (b) When repealing Section 53-2a-217, the Office of Legislative Research and General  
1311 Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make  
1312 necessary changes to subsection numbering and cross references.

1313 [~~(2)~~] ~~Section 53B-2a-103 is repealed July 1, 2021.~~

1314 [~~(3)~~] ~~Section 53B-2a-104 is repealed July 1, 2021.~~

1315 [~~(4)~~] (2) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a  
1316 technical college board of trustees, is repealed July 1, 2022.

1317 (b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and  
1318 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make  
1319 necessary changes to subsection numbering and cross references.

1320 [~~(5)~~] (3) Section 53B-6-105.7 is repealed July 1, 2024.

1321 [~~(6)~~] (4) (a) Subsection 53B-7-705(6)(b)(ii)(A), the language that states "Except as  
1322 provided in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

1323 (b) Subsection 53B-7-705(6)(b)(ii)(B), regarding comparing a technical college's  
1324 change in performance with the technical college's average performance, is repealed July 1,  
1325 2021.

1326 [~~(7)~~] (5) (a) Subsection 53B-7-707(3)(a)(ii), the language that states "Except as  
1327 provided in Subsection (3)(b)," is repealed July 1, 2021.

1328 (b) Subsection [53B-7-707\(3\)\(b\)](#), regarding performance data of a technical college  
1329 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

1330 ~~[(8)]~~ [\(6\)](#) Section [53B-8-114](#) is repealed July 1, 2024.

1331 ~~[(9)]~~ [\(7\)](#) (a) The following sections, regarding the Regents' scholarship program, are  
1332 repealed on July 1, 2023:

1333 (i) Section [53B-8-202](#);

1334 (ii) Section [53B-8-203](#);

1335 (iii) Section [53B-8-204](#); and

1336 (iv) Section [53B-8-205](#).

1337 (b) (i) Subsection [53B-8-201\(2\)](#), regarding the Regents' scholarship program for  
1338 students who graduate from high school before fiscal year 2019, is repealed on July 1, 2023.

1339 (ii) When repealing Subsection [53B-8-201\(2\)](#), the Office of Legislative Research and  
1340 General Counsel shall, in addition to its authority under Subsection [36-12-12\(3\)](#), make  
1341 necessary changes to subsection numbering and cross references.

1342 ~~[(10)]~~ [\(8\)](#) Section [53B-10-101](#) is repealed on July 1, 2027.

1343 ~~[(11)]~~ [\(9\)](#) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is  
1344 repealed July 1, 2023.

1345 ~~[(12) Section [53E-3-519](#) regarding school counselor services is repealed July 1, 2020.]~~

1346 ~~[(13)]~~ [\(10\)](#) Section [53E-3-520](#) is repealed July 1, 2021.

1347 ~~[(14) Subsection [53E-5-306\(3\)\(b\)\(ii\)\(B\)](#), related to improving school performance and  
1348 continued funding relating to the School Recognition and Reward Program, is repealed July 1,  
1349 2020.]~~

1350 ~~[(15) Section [53E-5-307](#) is repealed July 1, 2020.]~~

1351 ~~[(16)]~~ [\(11\)](#) Subsection [53E-10-309\(7\)](#), related to the PRIME pilot program, is repealed  
1352 July 1, 2024.

1353 ~~[(17)]~~ [\(12\)](#) In Subsections [53F-2-205\(4\)](#) and (5), regarding the State Board of  
1354 Education's duties if contributions from the minimum basic tax rate are overestimated or  
1355 underestimated, the language that states "or [53F-2-301.5](#), as applicable" is repealed July 1,  
1356 2023.

1357 ~~[(18)]~~ [\(13\)](#) Subsection [53F-2-301\(1\)](#), relating to the years the section is not in effect, is  
1358 repealed July 1, 2023.

1359            [~~(19)~~] (14) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as  
1360 applicable" is repealed July 1, 2023.

1361            [~~(20)~~] (15) Section 53F-4-207 is repealed July 1, 2022.

1362            [~~(21)~~] (16) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as  
1363 applicable" is repealed July 1, 2023.

1364            [~~(22)~~] (17) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as  
1365 applicable" is repealed July 1, 2023.

1366            [~~(23)~~] (18) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as  
1367 applicable" is repealed July 1, 2023.

1368            [~~(24)~~] (19) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,  
1369 as applicable" is repealed July 1, 2023.

1370            [~~(25)~~] (20) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(7),  
1371 related to the civics engagement pilot program, are repealed on July 1, 2023.

1372            [~~(26)~~] (21) On July 1, 2023, when making changes in this section, the Office of  
1373 Legislative Research and General Counsel shall, in addition to the office's authority under  
1374 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections  
1375 identified in this section are complete sentences and accurately reflect the office's perception of  
1376 the Legislature's intent.

1377            Section 30. Section 63N-12-501 is amended to read:

1378            **63N-12-501. Definitions.**

1379            As used in this part:

1380            (1) "Apprenticeship program" means a program that combines paid on-the-job learning  
1381 with formal classroom instruction to prepare students for careers and that includes:

1382            (a) structured on-the-job learning for students under the supervision of a skilled  
1383 employee;

1384            (b) classroom instruction for students related to the on-the-job learning;

1385            (c) ongoing student assessments using established competency and skills standards;

1386            and

1387            (d) the student receiving an industry-recognized credential or degree upon completion  
1388 of the program.

1389            (2) "Career and technical education region" means an economic service area created in

- 1390 Section [35A-2-101](#).
- 1391 (3) "Center" means the Talent Ready Utah Center created in Section [63N-12-502](#).
- 1392 (4) "High quality professional learning" means the professional learning standards for  
1393 teachers and principals described in Section [53G-11-303](#).
- 1394 (5) "Institution of higher education" means the University of Utah, Utah State  
1395 University, Southern Utah University, Weber State University, Snow College, Dixie State  
1396 University, Utah Valley University, or Salt Lake Community College.
- 1397 (6) "Local education agency" means a school district, a charter school, or the Utah  
1398 Schools for the Deaf and the Blind.
- 1399 (7) "Master plan" means the computer science education master plan described in  
1400 Section [63N-12-505](#).
- 1401 (8) "Participating employer" means an employer that:
- 1402 (a) partners with an educational institution on a curriculum for an apprenticeship  
1403 program or work-based learning program; and
- 1404 (b) provides an apprenticeship or work-based learning program for students.
- 1405 (9) "Stackable credentials" means a sequence of credentials that:
- 1406 (a) can be accumulated over time to build up an individual's qualifications for a better  
1407 job or higher wage;
- 1408 (b) are part of a career pathway system; and
- 1409 (c) provide the option of culminating in an associate or bachelor's degree.
- 1410 (10) "State board" means the State Board of Education.
- 1411 (11) "Talent ready board" means the Talent Ready Utah Board created in Section  
1412 [63N-12-503](#).
- 1413 (12) "Technical college" means:
- 1414 (a) a technical college described in Section [53B-2a-105](#); and
- 1415 (b) a degree-granting institution that provides technical education described in Section  
1416 [53B-2a-201](#).
- 1417 [~~(b) the School of Applied Technology at Salt Lake Community College established in~~  
1418 ~~Section [53B-16-209](#);~~]
- 1419 [~~(c) Utah State University Eastern established in Section [53B-18-1201](#);~~]
- 1420 [~~(d) Utah State University Blanding established in Section [53B-18-1202](#); or~~]

1421 [~~(e) the Snow College Richfield campus established in Section 53B-16-205.~~]

1422 (13) (a) "Work-based learning program" means a program that combines structured and  
1423 supervised learning activities with authentic work experiences and that is implemented through  
1424 industry and education partnerships.

1425 (b) "Work-based learning program" includes the following objectives:

1426 (i) providing students an applied workplace experience using knowledge and skills  
1427 attained in a program of study that includes an internship, externship, or work experience;

1428 (ii) providing an educational institution with objective input from a participating  
1429 employer regarding the education requirements of the current workforce; and

1430 (iii) providing funding for programs that are associated with high-wage, in-demand, or  
1431 emerging occupations.

1432 (14) "Workforce programs" means education or industry programs that facilitate  
1433 training the state's workforce to meet industry demand.

1434 Section 31. **Repealer.**

1435 This bill repeals:

1436 Section **53B-1-115, Purchases of educational technology.**

1437 Section **53B-1-503, Commissioner beginning July 1, 2020.**

1438 Section **53B-2-105, Consultation with boards of trustees.**

1439 Section **53B-2a-103, UTech Board of Trustees -- Membership -- Terms --**

1440 **Vacancies -- Oath -- Officers -- Quorum -- Committees -- Compensation.**

1441 Section **53B-2a-104, Utah System of Technical Colleges Board of Trustees powers**  
1442 **and duties.**

1443 Section **53B-2a-114, Educational program on the use of information technology.**

1444 Section **53B-16-201, Degrees and certificates that may be conferred.**

1445 Section **53B-16-209, Salt Lake Community College -- School of Applied**

1446 **Technology -- Career and technical education -- Supervision and administration --**

1447 **Institutional mission.**

1448 Section **53B-16-211, Salt Lake Community College -- Educational program on the**  
1449 **use of information technology.**

1450 Section 32. **Effective date.**

1451 (1) Except as provided in Subsection (2), this bill takes effect May 5, 2021.

1452 (2) If approved by two-thirds of all the members elected to each house, Section  
1453 53B-2-102 takes effect upon approval by the governor, or the day following the constitutional  
1454 time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in  
1455 the case of a veto, the date of veto override.

1456 **Section 33. Coordinating H.B. 318 with S.B. 136 -- Technical amendment.**

1457 If this H.B. 318 and S.B. 136, Higher Education Scholarship Amendments, both pass  
1458 and become law, it is the intent of the Legislature that the Office of Legislative Research and  
1459 General Counsel shall prepare the Utah Code database for publication by amending Subsection  
1460 53B-8-115(1)(a) to read:

1461 "(a) "Eligible institution" means:

1462 [(i) Salt Lake Community College's School of Applied Technology established in  
1463 Section 53B-16-209;]

1464 [(ii) Snow College;]

1465 [(iii) Utah State University Eastern established in Section 53B-18-1201;]

1466 [(iv) Utah State University Blanding established in Section 53B-18-1202; or]

1467 [(v) the Utah State University regional campus located at or near Moab described in  
1468 Section 53B-18-301;]

1469 (i) a degree-granting institution that provides technical education described in Section  
1470 53B-2a-201; or

1471 (ii) a technical college."

1472 **Section 34. Coordinating H.B. 318 with S.B. 193 -- Substantive amendments.**

1473 If this H.B. 318 and S.B. 193, Higher Education Performance Funding, both pass and  
1474 become law, it is the intent of the Legislature that the Office of Legislative Research and  
1475 General Counsel shall prepare the Utah Code database for publication by amending Subsection  
1476 53B-7-702(12) to read:

1477 "(12) "Technical college" means:

1478 (a) the same as that term is defined in Section 53B-1-101.5; and

1479 (b) a degree-granting institution acting in the degree-granting institution's technical  
1480 education role described in Section 53B-2a-201."

1481 **Section 35. Coordinating H.B. 318 with H.B. 348 -- Substantive amendments.**

1482 If this H.B. 318 and H.B. 348, Economic Development Amendments, both pass and



1483 become law, it is the intent of the Legislature that the Office of Legislative Research and  
1484 General Counsel shall prepare the Utah Code database for publication by:  
1485 (1) amending Subsection 53B-26-102(10) to read:  
1486 "(10) "Technical college" means:  
1487 (a) [a college described in Section 53B-2a-105;] the same as that term is defined in  
1488 Section 53B-1-101.5; and  
1489 (b) a degree-granting institution acting in the degree-granting institution's technical  
1490 education role described in Section 53B-2a-201;  
1491 [~~(b) the School of Applied Technology at Salt Lake Community College established~~  
1492 ~~under Section 53B-16-209;]~~  
1493 [~~(c) Utah State University Eastern established under Section 53B-18-1201;]~~  
1494 [~~(d) Utah State University Blanding established under Section 53B-18-1202; or]~~  
1495 [~~(e) the Snow College Richfield campus established under Section 53B-16-205.];" and~~  
1496 (2) amending Subsection 63N-1b-101(11) to read:  
1497 "(11) "Technical college" means:  
1498 (a) the same as that term is defined in Section 53B-1-101.5; and  
1499 (b) a degree-granting institution acting in the degree-granting institution's technical  
1500 education role described in Section 53B-2a-201."