

Representative Karianne Lisonbee proposes the following substitute bill:

HIGHER EDUCATION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: Ann Millner

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- 31 ▶ repeals outdated provisions; and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

87

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 for a position as an
345 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 trustees.

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

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

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

367 (b) If the board is not satisfied with the finalists forwarded by a search committee, the
368 board may direct the search committee to resume the search process until the search committee
369 has forwarded three finalists with whom the board is satisfied.

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

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

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

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

379 **53B-2-103. Degree-granting institution board of trustees -- Powers and duties.**

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

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

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

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

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

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

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

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

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

395 (i) state attainment goals;

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

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

398 [(iii)] (iv) the institution of higher education's role, mission, and distinctiveness; and
399 (b) monitor the institution of higher education's progress toward achieving the strategic
400 plan.

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

402 **53B-2-104. Degree-granting institution board of trustees -- Membership -- Terms**
403 **-- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees -- Compensation.**

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

406 ~~[(1)]~~ (2) (a) ~~[Except as provided in Subsection (10), the]~~ The board of trustees of ~~[an~~
407 ~~institution of higher education]~~ a degree-granting institution consists of the following:

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

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

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

416 (b) In making the appointments described in Subsections (2)(a)(i) and (2)(c)(i), the
417 governor:

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

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

421 (c) (i) The board of trustees of Utah State University has nine individuals appointed by
422 the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter
423 24, Part 2, Vacancies.

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

427 ~~[(2)]~~ (3) (a) The governor shall appoint four members of each board of trustees during
428 each odd-numbered year to four-year terms commencing on July 1 of the year of appointment.

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

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

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

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

439 [~~(3)~~] (4) When a vacancy occurs in the membership of a board of trustees for any
440 reason, [~~the replacement shall be appointed~~] the governor shall appoint a replacement for the
441 unexpired term.

442 [~~(4)~~] (5) (a) Each member of a board of trustees shall take the official oath of office
443 prior to assuming the office.

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

445 [~~(5)~~] (6) A board of trustees shall elect a chair and vice chair, who serve for two years
446 and until their successors are elected and qualified.

447 [~~(6)~~] (7) (a) A board of trustees may enact bylaws for the board of trustees' own
448 government, including provisions for regular meetings.

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

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

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

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

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

458 [~~(7)~~] (8) A quorum is required to conduct business and consists of six members.

459 [~~(8)~~] (9) A board of trustees may establish advisory committees.

460 ~~[(9)]~~ (10) A member may not receive compensation or benefits for the member's
461 service, but may receive per diem and travel expenses in accordance with:

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

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

464 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
465 63A-3-107.

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

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

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

471 **53B-2-106. Duties and responsibilities of the president of a degree-granting**
472 **institution of higher education -- Approval by board of trustees.**

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

475 ~~[(1)]~~ (2) (a) ~~[Except as provided in Subsection (6), the]~~ The president of each
476 ~~[institution of higher education described in Section 53B-2-101]~~ degree-granting institution
477 may exercise grants of power and authority as delegated by the board, as well as the necessary
478 and proper exercise of powers and authority not specifically denied to the ~~[institution of higher~~
479 ~~education or the institution of higher education's]~~ degree-granting institution or the
480 degree-granting institution's administration, faculty, or students by the board or by law, to
481 ensure the effective and efficient administration and operation of the ~~[institution of higher~~
482 ~~education]~~ degree-granting institution consistent with the statewide ~~[master]~~ strategic plan for
483 higher education.

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

489 (i) furloughs;

490 (ii) reductions in force;

491 (iii) benefit adjustments;

492 (iv) program reductions or discontinuance;

493 (v) early retirement incentives that provide cost savings to the degree-granting

494 institution [~~of higher education~~]; or

495 (vi) other measures that provide cost savings to the degree-granting institution [~~of~~

496 ~~higher education~~].

497 [~~(2) Except as provided by the board, the president of each institution of higher~~

498 ~~education, with the approval of the institution of higher education's board of trustees, may:~~]

499 (3) A president may:

500 (a) (i) appoint a secretary, a treasurer, administrative officers, deans, faculty members,

501 and other professional personnel[;];

502 (ii) prescribe [~~their duties, and determine their salaries~~] duties for a position described

503 in Subsection (3)(a)(i);

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

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

506 (v) determine [~~their~~] salaries for support personnel from the [~~institution of higher~~

507 ~~education's~~] degree-granting institution's position classification plan, which may:

508 (A) be based upon similarity of duties and responsibilities within the institution of

509 higher education; and

510 (B) as funds permit, provide salary and benefits comparable with private enterprise;

511 [~~(iii)~~] (vi) adopt policies for:

512 (A) employee sick leave use and accrual; and

513 (B) service recognition for employees with more than 15 years of employment with the

514 [~~institution of higher education~~] degree-granting institution; and

515 [~~(iv)~~] (vii) subject to the authority of, the policy established by, and the approval of the

516 board, and recognizing the status of the institutions within the [~~state~~] Utah system of higher

517 education as bodies politic and corporate, appoint attorneys to:

518 (A) provide legal advice to the [~~institution of higher education's~~] degree-granting

519 institution's administration; and [~~to~~]

520 (B) coordinate legal affairs within the degree-granting institution [~~of higher education~~].

521 ~~The board shall coordinate activities of attorneys at the institutions of higher education. The~~

522 ~~institutions of higher education shall provide an annual report to the board on the activities of~~
 523 ~~appointed attorneys. These appointed attorneys may not conduct litigation, settle claims~~
 524 ~~covered by the State Risk Management Fund, or issue formal legal opinions, but shall, in all~~
 525 ~~respects, cooperate with the Office of the Attorney General in providing legal representation to~~
 526 ~~the institution of higher education];~~

527 (b) subject to the approval of the degree-granting institution's board of trustees, provide
 528 for the constitution, government, and organization of the faculty and administration, and enact
 529 implementing rules, including the establishment of a prescribed system of tenure;

530 (c) subject to the approval of the degree-granting institution's board of trustees,
 531 authorize the faculty to determine the general initiation and direction of instruction and of the
 532 examination, admission, and classification of students[. ~~In recognition of the diverse nature~~
 533 ~~and traditions of the various institutions governed by the board, the systems of faculty~~
 534 ~~government need not be identical but should be designed to further faculty identification with~~
 535 ~~and involvement in the institution's pursuit of achievement and excellence and in fulfillment of~~
 536 ~~the institution's role as established in the statewide master plan for higher education)]; and~~

537 (d) enact rules for administration and operation of the degree-granting institution
 538 [~~which~~] that:

539 (i) are consistent with the [~~prescribed~~] degree-granting institution's role established by
 540 the board, rules enacted by the board, or the laws of the state[. ~~The rules~~]; and

541 (ii) may provide for:

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

544 (B) student government and student affairs organization[. ~~for~~];

545 (C) the establishment of institutional standards in furtherance of the ideals of higher
 546 education fostered and subscribed to by the degree-granting institution [~~of higher education, the~~
 547 ~~institution of higher education's~~] and the degree-granting institution's administration, faculty,
 548 and students[. ~~and for~~]; and

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

550 [(3)] (4) [~~An institution of higher education~~] A president shall manage the president's
 551 degree-granting institution as a part of the Utah system of higher education.

552 [(4)] (5) (a) Compensation costs and related office expenses for [~~appointed attorneys~~]

553 an attorney described in Subsection (3)(a)(vii) shall be funded within existing budgets.

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

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

557 (i) may not:

558 (A) conduct litigation;

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

560 (C) issue a formal legal opinion; and

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

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

565 ~~[(5)]~~ (6) The board shall establish guidelines relating to the roles and relationships
566 between ~~[institutional]~~ presidents and boards of trustees, including those matters which must be
567 approved by a board of trustees before implementation by the president.

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

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

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

573 **53B-2-112. Formation of non-profit corporations or foundations.**

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

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

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

583 (a) legislative appropriations;

- 584 (b) government grants;
- 585 (c) private contracts; or
- 586 (d) private gifts.

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

588 **CHAPTER 2a. TECHNICAL EDUCATION**

589 **Part 1. Technical Colleges**

590 **53B-2a-100.5. Title.**

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

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

593 **53B-2a-107. Technical college presidents.**

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

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

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

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

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

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

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

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

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

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

614 [(ii) Application materials for a publicly named finalist are not protected records under

615 Section ~~63G-2-305.~~]

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

618 (b) A technical college president:

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

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

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

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

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

627 (3) A technical college president shall:

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

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

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

635 (c) consult with the technical college board of trustees;

636 (d) administer human resource policies and employee compensation plans in
637 accordance with the requirements of the board; [and]

638 (e) prepare a budget request for the technical college's annual operations to the board;

639 (f) after consulting with the board, other institutions of higher education, school
640 districts, and charter schools within the technical college's region, prepare a comprehensive
641 strategic plan for delivering technical education within the region;

642 (g) consult with business, industry, the Department of Workforce Services, the
643 Governor's Office of Economic Development, and the Governor's Office of Management and
644 Budget on an ongoing basis to determine what workers and skills are needed for employment
645 in Utah businesses and industries;

646 (h) coordinate with local school boards, school districts, and charter schools to meet
647 the technical education needs of secondary students;

648 (i) develop policies and procedures for the admission, classification, instruction, and
649 examination of students in accordance with the policies and accreditation guidelines of the
650 board and the State Board of Education; and

651 ~~[(e)]~~ (j) manage the technical college president's institution as part of the Utah system
652 of higher education.

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

654 **53B-2a-110. Technical college board of trustees' powers and duties.**

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

656 (a) assist the technical college president in preparing a budget request for the technical
657 college's annual operations to the board;

658 (b) after consulting with the board, other higher education institutions, school districts,
659 and charter schools within the technical college's region, ~~[prepare]~~ assist the technical college
660 president in preparing a comprehensive strategic plan for delivering technical education within
661 the region;

662 ~~[(c) consult with business, industry, the Department of Workforce Services, the~~
663 ~~Governor's Office of Economic Development, and the Governor's Office of Management and~~
664 ~~Budget on an ongoing basis to determine what workers and skills are needed for employment~~
665 ~~in Utah businesses and industries;]~~

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

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

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

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

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

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

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

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

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

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

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

688 (A) state attainment goals;

689 (B) workforce needs; ~~[and]~~

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

691 (D) board goals and metrics described in Section 53B-1-402; and

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

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

695 ~~[(2) A policy described in Subsection (1)(g) does not apply to compensation for a~~
 696 ~~technical college president.]~~

697 ~~[(3)]~~ (2) A technical college board of trustees may not exercise jurisdiction over career
 698 and technical education provided by a school district or charter school or provided by a higher
 699 education institution independently of the technical college.

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

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

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

706 **53B-2a-201. Geographic service areas for degree-granting institutions that**
 707 **provide technical education.**

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

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

- 712 (i) the Juab School District;
- 713 (ii) the Millard School District;
- 714 (iii) the Tintic School District;
- 715 (iv) the North Sanpete School District;
- 716 (v) the South Sanpete School District;
- 717 (vi) the Wayne School District;
- 718 (vii) the Piute School District; and
- 719 (viii) the Sevier School District.

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

- 722 (i) for Utah State University Eastern, described in Section [53B-18-1201](#):
 - 723 (A) the Carbon School District; and
 - 724 (B) the Emery School District;
- 725 (ii) for Utah State University Blanding, described in Section [53B-18-1202](#), the San
726 Juan School District; and
- 727 (iii) for Utah State University Moab, described in Section [53B-18-301](#), the Grand
728 School District.

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

- 731 (i) the Salt Lake City School District;
- 732 (ii) the Granite School District;
- 733 (iii) the Murray School District;
- 734 (iv) the Canyons School District; and
- 735 (v) the Jordan School District.

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

737 **53B-2a-202. Degree-granting institutions that provide technical education --**
738 **Duties -- Board evaluation.**

739 (1) A degree-granting institution described in Section 53B-2a-201:
740 (a) shall:
741 (i) fulfill the technical college duties described in Subsections 53B-2a-106(1) and (2);
742 and
743 (ii) report annually to the board on:
744 (A) the status of technical education in the degree-granting institution's service area;
745 and
746 (B) student tuition and fees for the technical education programs provided by the
747 degree-granting institution; and
748 (b) may not exercise any jurisdiction over career and technical education provided by a
749 school district or charter school independently of the school district or charter school.
750 (2) The board shall monitor and evaluate the impact of degree programs on technical
751 education provided by a degree-granting institution described in Section 53B-2a-201.
752 Section 15. Section **53B-6-105** is amended to read:
753 **53B-6-105. Engineering and Computer Technology Initiative.**
754 ~~[(1) The Legislature recognizes that a significant increase in the number of~~
755 ~~engineering, computer science, and related technology graduates from the state system of~~
756 ~~higher education is required over the next several years to advance the intellectual, cultural,~~
757 ~~social, and economic well-being of the state and its citizens.]~~
758 ~~[(2)]~~ (1) (a) (i) The board shall ~~[therefore]~~ develop, establish, and maintain an
759 Engineering and Computer Science Initiative within the state system of higher education to
760 ~~[double]~~ increase the number of graduates in engineering, computer science, and related
761 technology ~~[by 2006 and triple the number of graduates by 2009]~~.
762 (ii) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
763 Administrative Rulemaking Act, providing the criteria for those fields of study that qualify as
764 "related technology" under this section and Section **53B-6-105.9**.
765 (b) The initiative shall include components that:
766 (i) improve the quality of instructional programs in engineering, computer science, and
767 related technology by providing supplemental money for equipment purchases; and
768 (ii) provide incentives to institutions to hire and retain faculty under Section
769 **53B-6-105.9**.

770 ~~[(3)]~~ (2) The increase in program capacity under Subsection ~~[(2)]~~ (1)(a) shall include
771 funding for new and renovated capital facilities and funding for new engineering and computer
772 science programs.

773 ~~[(4)]~~ (3) The Legislature shall provide an annual appropriation to the board to fund the
774 initiative.

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

776 **53B-7-103. Board designated state educational agent for federal contracts and**
777 **aid -- Individual research grants -- Powers of institutions or foundations under**
778 **authorized programs.**

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

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

787 (2) (a) Subject to policies and procedures established by the board, ~~[the institutions and~~
788 ~~their individual]~~ an institution of higher education and the institution of higher education's
789 employees may apply for and receive grants or research and development contracts within the
790 educational role of the recipient institution.

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

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

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

800 (b) subject to the approval of the controlling state agency, conduct authorized programs

801 within any of the penal, corrective, or custodial institutions of this state and engage the
802 voluntary participation of inmates in those programs;

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

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

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

819 (b) (i) The board may delegate the approval of a contract or grant described in
820 Subsection (4)(a) to an institution of higher education board of trustees.

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

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

824 **53B-7-105. Higher education cost disclosure.**

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

828 (a) the full cost of instruction;

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

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

831 (2) The disclosure under Subsection (1)(c) shall also clearly indicate that this balance

832 was paid by state tax dollars and other money.

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

834 **53B-8-115. Career and technical education scholarships.**

835 (1) As used in this section:

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

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

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

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

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

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

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

847 (i) is offered by an eligible institution;

848 (ii) leads to a certificate; and

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

850 (c) "Scholarship" means a career and technical education scholarship described in this
851 section.

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

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

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

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

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

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

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

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

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

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

872 (a) that establish:

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

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

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

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

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

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

882 (i) provisions for students or parents to opt out of the requirement due to:

883 (A) financial ineligibility for any potential grant or other financial aid;

884 (B) personal privacy concerns; or

885 (C) other reasons the board specifies; and

886 (ii) direction for applicants to financial aid advisors.

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

890 (a) high employer demand and high median hourly wages; or

891 (b) significant industry importance.

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

893 **53B-8d-102. Definitions.**

894 As used in this chapter:

895 (1) "Division" means the Division of Child and Family Services.

896 (2) "Long-term foster care" means an individual who remains in the custody of the
897 division, whether or not the individual resides:

898 (a) with licensed foster parents; or

899 (b) in independent living arrangements under the supervision of the division.

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

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

905 ~~[(i) a business school;]~~

906 ~~[(ii) a technical school;]~~

907 ~~[(iii) a trade school; or]~~

908 ~~[(iv) an institution offering related apprenticeship programs.]~~

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

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

911 (a) who is:

912 (i) at least 17 years [~~of age~~] old; and

913 (ii) not older than 26 years [~~of age~~] old;

914 (b) who had a permanency goal in the individual's child and family plan, as described
915 in Sections 62A-4a-205 and 78A-6-314, of long-term foster care while in the custody of the
916 division; and

917 (c) for whom the custody of the division was not terminated as a result of adoption.

918 Section 20. Section 53B-16-101 is amended to read:

919 **53B-16-101. Establishment of institutional roles and general courses of study.**

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

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

922 and

923 (b) shall, within each institution of higher education's primary role, prescribe the

924 general course of study to be offered at the institution of higher education, including for:

925 (i) research universities, which provide undergraduate, graduate, and research programs
 926 and include:

927 (A) the University of Utah; and

928 (B) Utah State University;

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

932 (A) Weber State University;

933 (B) Southern Utah University;

934 (C) Dixie State University; and

935 (D) Utah Valley University;

936 (iii) comprehensive community colleges, which provide associate programs and
 937 include:

938 (A) Salt Lake Community College; and

939 (B) Snow College; and

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

942 (A) each technical college; and

943 [~~(B) Salt Lake Community College's School of Applied Technology's technical
 944 education role described in Section 53B-16-209;~~]

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

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

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

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

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

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

- 956 (a) the level of program that the institution of higher education generally offers;
- 957 (b) broad fields that are within the institution of higher education's mission; and
- 958 (c) any special characteristics of the institution of higher education, such as being a
- 959 land grant university.

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

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

964 **53B-16-205. Establishment of Snow College Richfield campus.**

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

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

970 (3) Snow College shall:

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

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

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

982 ~~[(i) the Juab School District;]~~

983 ~~[(ii) the Millard School District;]~~

984 ~~[(iii) the Tintic School District;]~~

985 ~~[(iv) the North Sanpete School District;]~~

986 ~~[(v) the South Sanpete School District;]~~

987 ~~[(vi) the Wayne School District;]~~

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

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

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

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

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

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

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

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

1000 **53B-16-207. Utah State University regional institutions -- Career and technical**
 1001 **education.**

1002 (1) As used in this section:

1003 (a) "Utah State University regional institution" or "USU regional institution" means:

1004 (i) Utah State University Eastern;

1005 (ii) Utah State University Blanding; or

1006 (iii) Utah State University Moab.

1007 (b) "Utah State University Moab" means the Utah State University regional campus
 1008 located at or near Moab described in Section [53B-18-301](#).

1009 (2) A USU regional institution shall:

1010 (a) maintain a strong curriculum in career and technical education courses at the USU
 1011 regional institution's campus and within the region the USU regional institution serves that can
 1012 be transferred to other institutions within the higher education system, together with lower
 1013 division courses and courses required for associate degrees in science, arts, applied science, and
 1014 career and technical education; and

1015 (b) work with school districts and charter schools in developing an aggressive
 1016 concurrent enrollment program[; and].

1017 ~~[(c) provide for open-entry, open-exit competency-based career and technical education~~

1018 ~~programs, at a low cost tuition rate for adults and at no tuition cost to secondary students, that~~
1019 ~~emphasize short-term job training or retraining for immediate placement in the job market and~~
1020 ~~serve the geographic area encompassing:]~~

1021 ~~[(i) for Utah State University Eastern, the Carbon School District and the Emery~~
1022 ~~School District;]~~

1023 ~~[(ii) for Utah State University Blanding, the San Juan School District, and]~~

1024 ~~[(iii) for Utah State University Moab, the Grand School District.]~~

1025 ~~[(3) A USU regional institution may not exercise any jurisdiction over career and~~
1026 ~~technical education provided by a school district or charter school independently of the USU~~
1027 ~~regional institution.]~~

1028 ~~[(4) A USU regional institution shall report to the board annually on:]~~

1029 ~~[(a) the status of and maintenance of the effort for career and technical education in the~~
1030 ~~region served by the USU regional institution, including access to open-entry, open-exit~~
1031 ~~competency-based career and technical education programs; and]~~

1032 ~~[(b) student tuition and fees.]~~

1033 ~~[(5) Legislative appropriations to Utah State University career and technical education~~
1034 ~~described in this section shall be made as line items that are separate from other appropriations~~
1035 ~~for Utah State University.]~~

1036 Section 23. Section **53B-26-102** is amended to read:

1037 **53B-26-102. Definitions.**

1038 As used in this part:

1039 (1) "CTE" means career and technical education.

1040 (2) "CTE region" means an economic service area created in Section [35A-2-101](#).

1041 (3) "Eligible partnership" means:

1042 (a) a regional partnership; or

1043 (b) a statewide partnership.

1044 (4) "Employer" means a private employer, public employer, industry association, the
1045 military, or a union.

1046 (5) "Industry advisory group" means:

1047 (a) a group of at least five employers that represent the workforce needs to which a
1048 proposal submitted under Section [53B-26-103](#) responds; and

1049 (b) a representative of the Governor's Office of Economic Development, appointed by
1050 the executive director of the Governor's Office of Economic Development.

1051 ~~[(6) "Institution of higher education" means the University of Utah, Utah State~~
1052 ~~University, Southern Utah University, Weber State University, Snow College, Dixie State~~
1053 ~~University, Utah Valley University, or Salt Lake Community College.]~~

1054 ~~[(7)]~~ (6) "Regional partnership" means a partnership that:

1055 (a) provides educational services within one CTE region; and

1056 (b) is between at least two of the following located in the CTE region:

1057 (i) a technical college;

1058 (ii) a school district or charter school; or

1059 ~~[(iii) an institution of higher education.]~~

1060 (iii) a degree-granting institution.

1061 ~~[(8)]~~ (7) "Stackable sequence of credentials" means a sequence of credentials that:

1062 (a) an individual can build upon to access an advanced job or higher wage;

1063 (b) is part of a career pathway system;

1064 (c) provides a pathway culminating in the equivalent of an associate's or bachelor's
1065 degree;

1066 (d) facilitates multiple exit and entry points; and

1067 (e) recognizes sub-goals or momentum points.

1068 ~~[(9)]~~ (8) "Statewide partnership" means a partnership between at least two regional
1069 partnerships.

1070 ~~[(10)]~~ (9) "Technical college" means:

1071 (a) a college described in Section [53B-2a-105](#); or

1072 (b) a degree-granting institution that provides technical education described in Section
1073 [53B-2a-201](#).

1074 ~~[(b) the School of Applied Technology at Salt Lake Community College established~~
1075 ~~under Section [53B-16-209](#);~~

1076 ~~[(c) Utah State University Eastern established under Section [53B-18-1201](#);~~

1077 ~~[(d) Utah State University Blanding established under Section [53B-18-1202](#); or]~~

1078 ~~[(e) the Snow College Richfield campus established under Section [53B-16-205](#).]~~

1079 Section 24. Section **53B-28-402** is amended to read:

1080 **53B-28-402. Campus safety study -- Report to Legislature.**

1081 (1) As used in this section:

1082 (a) "Campus law enforcement" means a unit of an institution that provides public
1083 safety services.

1084 (b) (i) "Institution" means an institution of higher education described in Section
1085 [53B-2-101](#).

1086 (ii) "Institution" includes an institution's campus law enforcement.

1087 (c) "Local district" means the same as that term is defined in Section [17B-1-102](#).

1088 (d) "Local law enforcement" means a state or local law enforcement agency other than
1089 campus law enforcement.

1090 (e) "Public safety services" means police services, security services, dispatch services,
1091 emergency services, or other similar services.

1092 (f) "Sexual violence" means the same as that term is defined in Section [53B-28-301](#).

1093 (g) "Special service district" means the same as that term is defined in Section
1094 [17D-1-102](#).

1095 (h) "Student" means the same as that term is defined in Section [53B-28-301](#).

1096 (i) "Student organization" means the same as that term is defined in Section
1097 [53B-28-401](#).

1098 (2) The board shall:

1099 (a) study issues related to providing public safety services on institution campuses,
1100 including:

1101 (i) policies and practices for hiring, supervision, and firing of campus law enforcement
1102 officers;

1103 (ii) training of campus law enforcement in responding to incidents of sexual violence
1104 or other crimes reported by or involving a student, including training related to lethality or
1105 similar assessments;

1106 (iii) how campus law enforcement and local law enforcement respond to reports of
1107 incidents of sexual violence or other crimes reported by or involving a student, including
1108 supportive measures for victims and disciplinary actions for perpetrators;

1109 (iv) training provided to faculty, staff, students, and student organizations on campus
1110 safety and prevention of sexual violence;

- 1111 (v) roles, responsibilities, jurisdiction, and authority of local law enforcement and
- 1112 campus law enforcement, including authority based on:
 - 1113 (A) the type of public safety services provided; or
 - 1114 (B) geographic boundaries;
 - 1115 (vi) how an institution and local law enforcement coordinate to respond to on-campus
 - 1116 and off-campus incidents requiring public safety services, including:
 - 1117 (A) legal requirements or restrictions affecting coordination;
 - 1118 (B) agreements, practices, or procedures governing coordination between an institution
 - 1119 and local law enforcement, including mutual support, sharing information, or dispatch
 - 1120 management;
 - 1121 (C) any issues that may affect the timeliness of a response to an on-campus or
 - 1122 off-campus incident reported by or involving a student;
 - 1123 (vii) infrastructure, staffing, and equipment considerations that impact the effectiveness
 - 1124 of campus law enforcement or local law enforcement responses to an on-campus or off-campus
 - 1125 incident reported by or involving a student;
 - 1126 (viii) the benefits and disadvantages of an institution employing campus law
 - 1127 enforcement compared to local law enforcement providing public safety services on an
 - 1128 institution campus;
 - 1129 (ix) an institution's compliance with federal and state crime statistic reporting
 - 1130 requirements;
 - 1131 (x) how an institution informs faculty, staff, and students about a crime or emergency
 - 1132 on campus;
 - 1133 (xi) national best practices for providing public safety services on institution campuses,
 - 1134 including differences in best practices based on the size, infrastructure, location, and other
 - 1135 relevant characteristics of a college or university; and
 - 1136 (xii) any other issue the board determines is relevant to the study;
 - 1137 (b) make recommendations for providing public safety services on institution campuses
 - 1138 statewide;
 - 1139 (c) produce a final report of the study described in this section, including the
 - 1140 recommendations described in Subsection (2)(b); and
 - 1141 (d) in accordance with Section 68-3-14, present the final report described in Subsection

1142 (2)(c) to the Education Interim Committee and the Law Enforcement and Criminal Justice
1143 Interim Committee at or before the committees' November 2021 meetings.

1144 (3) In carrying out the board's duties under this section, the board may coordinate with
1145 individuals and organizations with knowledge, expertise, or experience related to the board's
1146 duties under this section, including:

1147 [~~(a)~~] ~~the Utah System of Technical Colleges Board of Trustees;~~]

1148 [~~(b)~~] (a) the Utah Department of Health;

1149 [~~(c)~~] (b) the Utah Office for Victims of Crime;

1150 [~~(d)~~] (c) the Utah Council on Victims of Crime;

1151 [~~(e)~~] (d) institutions;

1152 [~~(f)~~] (e) local law enforcement;

1153 [~~(g)~~] (f) local districts or special service districts that provide 911 and emergency
1154 dispatch service; and

1155 [~~(h)~~] (g) community and other non-governmental organizations.

1156 Section 25. Section **53E-3-507** is amended to read:

1157 **53E-3-507. Powers of the state board.**

1158 The state board:

1159 (1) shall establish minimum standards for career and technical education programs in
1160 the public education system;

1161 (2) may apply for, receive, administer, and distribute funds made available through
1162 programs of federal and state governments to promote and aid career and technical education;

1163 (3) shall cooperate with federal and state governments to administer programs that
1164 promote and maintain career and technical education;

1165 (4) shall cooperate with the Utah Board of Higher Education, technical colleges, [~~Salt~~
1166 ~~Lake Community College's School of Applied Technology, Snow College, Utah State~~
1167 ~~University Eastern, and Utah State University Blanding]~~ and degree-granting institutions that
1168 provide technical education described Section [53B-2a-201](#) to ensure that students in the public
1169 education system have access to career and technical education at technical colleges[~~, Salt Lake~~
1170 ~~Community College's School of Applied Technology, Snow College, Utah State University~~
1171 ~~Eastern, and Utah State University Blanding]~~ and degree-granting institutions that provide
1172 technical education described in Section [53B-2a-201](#);

1173 (5) shall require that before a minor student may participate in clinical experiences as
1174 part of a health care occupation program at a high school or other institution to which the
1175 student has been referred, the student's parent has:

1176 (a) been first given written notice through appropriate disclosure when registering and
1177 prior to participation that the program contains a clinical experience segment in which the
1178 student will observe and perform specific health care procedures that may include personal
1179 care, patient bathing, and bathroom assistance; and

1180 (b) provided specific written consent for the student's participation in the program and
1181 clinical experience; and

1182 (6) shall, after consulting with school districts, charter schools, the Utah Board of
1183 Higher Education, technical colleges, [~~Salt Lake Community College's School of Applied
1184 Technology, Snow College, Utah State University Eastern, and Utah State University
1185 Blanding~~] and degree-granting institutions that provide technical education described in
1186 Section 53B-2a-201, prepare and submit an annual report in accordance with Section
1187 53E-1-203 detailing:

1188 (a) how the career and technical education needs of secondary students are being met;
1189 and

1190 (b) the access secondary students have to programs offered:

1191 (i) at technical colleges; and

1192 (ii) within the regions served by [~~Salt Lake Community College's School of Applied
1193 Technology, Snow College, Utah State University Eastern, and Utah State University
1194 Blanding~~] degree-granting institutions that provide technical education described in Section
1195 53B-2a-201.

1196 Section 26. Section **63A-5b-102** is amended to read:

1197 **63A-5b-102. Definitions.**

1198 As used in this chapter:

1199 (1) "Board" means the state building board created in Section 63A-5b-201.

1200 (2) "Capitol hill facilities" means the same as that term is defined in Section
1201 63C-9-102.

1202 (3) "Capitol hill grounds" means the same as that term is defined in Section 63C-9-102.

1203 (4) "Compliance agency" means the same as that term is defined in Section 15A-1-202.

1204 (5) "Director" means the division director, appointed under Section [63A-5b-302](#).

1205 (6) "Division" means the Division of Facilities Construction and Management created
1206 in Section [63A-5b-301](#).

1207 (7) "Institution of higher education" means an institution listed in Subsection
1208 [53B-2-101](#)(1).

1209 (8) "Trust lands administration" means the School and Institutional Trust Lands
1210 Administration established in Section [53C-1-201](#).

1211 (9) "Utah Board of Higher Education" means the Utah Board of Higher Education
1212 established in Section [53B-1-402](#).

1213 [~~(10) "UTech board" means the UTech Board of Trustees created in Section~~
1214 ~~[53B-2a-103](#);~~]

1215 Section 27. Section **63A-5b-202** is amended to read:

1216 **63A-5b-202. State Building Board powers and duties.**

1217 (1) The board may, in accordance with Title 63G, Chapter 3, Utah Administrative
1218 Rulemaking Act, make rules that are necessary to discharge the board's duties.

1219 (2) The board shall:

1220 (a) review and approve agency master plans of structures built or contemplated;

1221 (b) submit capital development recommendations and priorities to the Legislature as
1222 set forth in Section [63A-5b-402](#);

1223 (c) submit recommendations for dedicated projects and prioritize nondedicated projects
1224 as provided in Section [63A-5b-403](#);

1225 (d) make a finding that the requirements of Section [53B-2a-112](#) are met before the
1226 board may consider a funding request [~~from the UTech board pertaining to new capital~~
1227 ~~facilities and land purchases~~] described in Section [53B-2a-117](#); and

1228 (e) fulfill the board's responsibilities under:

1229 (i) Section [63A-5b-802](#), relating to the approval of leases with terms of more than 10
1230 years;

1231 (ii) Section [63A-5b-907](#), relating to vacant division-owned property; and

1232 (iii) Section [63A-5b-1003](#), relating to the approval of loans from the state facility
1233 energy efficiency fund.

1234 (3) The board may:

1235 (a) authorize capital development projects without Legislative approval only as
1236 authorized in Section 63A-5b-404; and

1237 (b) make rules relating to the categorical delegation of projects as provided in
1238 Subsection 63A-5b-604(4).

1239 Section 28. Section 63A-5b-403 is amended to read:

1240 **63A-5b-403. Institutions of higher education -- Capital development projects --**
1241 **Dedicated and nondedicated projects -- Recommendations and prioritization.**

1242 (1) As used in this section:

1243 (a) "Dedicated project" has the same meaning as that term is defined in:

1244 (i) Section 53B-2a-101, for a capital development project under [~~Title 53B, Chapter 2a,~~
1245 ~~Technical Colleges~~] Title 53B, Chapter 2a, Technical Education; or

1246 (ii) Section 53B-22-201, for a capital development project under Title 53B, Chapter 22,
1247 Higher Education Capital Projects.

1248 (b) "Nondedicated project" has the same meaning as that term is defined in:

1249 (i) Section 53B-2a-101, for a capital development project under [~~Title 53B, Chapter 2a,~~
1250 ~~Technical Colleges~~] Title 53B, Chapter 2a, Technical Education; or

1251 (ii) Section 53B-22-201, for a capital development project under Title 53B, Chapter 22,
1252 Higher Education Capital Projects.

1253 (2) (a) The board shall submit recommendations to the Legislature in accordance with:

1254 (i) Section 53B-2a-117, for a dedicated project under [~~Title 53B, Chapter 2a, Technical~~
1255 ~~Colleges~~] Title 53B, Chapter 2a, Technical Education; or

1256 (ii) Section 53B-22-204, for a dedicated project under Title 53B, Chapter 22, Higher
1257 Education Capital Projects.

1258 (b) A dedicated project is not subject to prioritization by the board.

1259 (3) (a) The board shall prioritize nondedicated projects in accordance with:

1260 (i) Section 63A-5b-402; and

1261 (ii) (A) Section 53B-2a-117, for a nondedicated project under [~~Title 53B, Chapter 2a,~~
1262 ~~Technical Colleges~~] Title 53B, Chapter 2a, Technical Education; or

1263 (B) Section 53B-22-204, for a nondedicated project under Title 53B, Chapter 22,
1264 Higher Education Capital Projects.

1265 (b) In the board's scoring process for prioritizing nondedicated projects, the board shall

1266 give more weight to a request that is designated as a higher priority by the [~~UTech board or~~
1267 Utah Board of Higher Education than a request that is designated as a lower priority by the
1268 [~~UTech board or~~] Utah Board of Higher Education only for determining the order of
1269 prioritization among requests submitted by the [~~UTech board or~~] Utah Board of Higher
1270 Education[~~, respectively~~].

1271 (4) The board shall require that an institution of higher education that submits a request
1272 for a capital development project address whether and how, as a result of the project, the
1273 institution of higher education will:

1274 (a) offer courses or other resources that will help meet demand for jobs, training, and
1275 employment in the current market and the projected market for the next five years;

1276 (b) respond to individual skilled and technical job demand over the next three, five,
1277 and 10 years;

1278 (c) respond to industry demands for trained workers;

1279 (d) help meet commitments made by the Governor's Office of Economic Development,
1280 including relating to training and incentives;

1281 (e) respond to changing needs in the economy; and

1282 (f) respond to demands for online or in-class instruction, based on demographics.

1283 (5) The division shall:

1284 (a) (i) assist institutions of higher education in providing the information required by
1285 Subsection (3); and

1286 (ii) verify the completion and accuracy of the information submitted by an institution
1287 of higher education under Subsection (3);

1288 (b) assist the [~~UTech board~~] Utah Board of Higher Education to fulfill the requirements
1289 of Section [53B-2a-112](#) in connection with the finding that the [~~board~~] technical college is
1290 required to make under Subsection [53B-2a-112\(5\)\(b\)](#); and

1291 (c) assist the [~~Board of Regents~~] Utah Board of Higher Education in submitting a list of
1292 dedicated projects to the board for approval and nondedicated projects to the board for
1293 recommendation and prioritization pursuant to Section [53B-22-204](#).

1294 Section 29. Section **63I-2-253** is amended to read:

1295 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

1296 (1) (a) Section [53-2a-217](#), regarding procurement during an epidemic or pandemic

1297 emergency, is repealed on December 31, 2021.

1298 (b) When repealing Section 53-2a-217, the Office of Legislative Research and General
1299 Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
1300 necessary changes to subsection numbering and cross references.

1301 [~~(2)~~] Section 53B-2a-103 is repealed July 1, 2021.

1302 [~~(3)~~] Section 53B-2a-104 is repealed July 1, 2021.

1303 [~~(4)~~] (2) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a
1304 technical college board of trustees, is repealed July 1, 2022.

1305 (b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and
1306 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make
1307 necessary changes to subsection numbering and cross references.

1308 [~~(5)~~] (3) Section 53B-6-105.7 is repealed July 1, 2024.

1309 [~~(6)~~] (4) (a) Subsection 53B-7-705(6)(b)(ii)(A), the language that states "Except as
1310 provided in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

1311 (b) Subsection 53B-7-705(6)(b)(ii)(B), regarding comparing a technical college's
1312 change in performance with the technical college's average performance, is repealed July 1,
1313 2021.

1314 [~~(7)~~] (5) (a) Subsection 53B-7-707(3)(a)(ii), the language that states "Except as
1315 provided in Subsection (3)(b)," is repealed July 1, 2021.

1316 (b) Subsection 53B-7-707(3)(b), regarding performance data of a technical college
1317 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

1318 [~~(8)~~] (6) Section 53B-8-114 is repealed July 1, 2024.

1319 [~~(9)~~] (7) (a) The following sections, regarding the Regents' scholarship program, are
1320 repealed on July 1, 2023:

1321 (i) Section 53B-8-202;

1322 (ii) Section 53B-8-203;

1323 (iii) Section 53B-8-204; and

1324 (iv) Section 53B-8-205.

1325 (b) (i) Subsection 53B-8-201(2), regarding the Regents' scholarship program for
1326 students who graduate from high school before fiscal year 2019, is repealed on July 1, 2023.

1327 (ii) When repealing Subsection 53B-8-201(2), the Office of Legislative Research and

1328 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make
1329 necessary changes to subsection numbering and cross references.

1330 ~~[(10)]~~ (8) Section 53B-10-101 is repealed on July 1, 2027.

1331 ~~[(11)]~~ (9) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is
1332 repealed July 1, 2023.

1333 ~~[(12) Section 53E-3-519 regarding school counselor services is repealed July 1, 2020.]~~

1334 ~~[(13)]~~ (10) Section 53E-3-520 is repealed July 1, 2021.

1335 ~~[(14) Subsection 53E-5-306(3)(b)(ii)(B), related to improving school performance and~~
1336 ~~continued funding relating to the School Recognition and Reward Program, is repealed July 1,~~
1337 ~~2020.]~~

1338 ~~[(15) Section 53E-5-307 is repealed July 1, 2020.]~~

1339 ~~[(16)]~~ (11) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed
1340 July 1, 2024.

1341 ~~[(17)]~~ (12) In Subsections 53F-2-205(4) and (5), regarding the State Board of
1342 Education's duties if contributions from the minimum basic tax rate are overestimated or
1343 underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1,
1344 2023.

1345 ~~[(18)]~~ (13) Subsection 53F-2-301(1), relating to the years the section is not in effect, is
1346 repealed July 1, 2023.

1347 ~~[(19)]~~ (14) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as
1348 applicable" is repealed July 1, 2023.

1349 ~~[(20)]~~ (15) Section 53F-4-207 is repealed July 1, 2022.

1350 ~~[(21)]~~ (16) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as
1351 applicable" is repealed July 1, 2023.

1352 ~~[(22)]~~ (17) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
1353 applicable" is repealed July 1, 2023.

1354 ~~[(23)]~~ (18) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
1355 applicable" is repealed July 1, 2023.

1356 ~~[(24)]~~ (19) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,
1357 as applicable" is repealed July 1, 2023.

1358 ~~[(25)]~~ (20) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(7),

1359 related to the civics engagement pilot program, are repealed on July 1, 2023.

1360 ~~[(26)]~~ (21) On July 1, 2023, when making changes in this section, the Office of
1361 Legislative Research and General Counsel shall, in addition to the office's authority under
1362 Subsection [36-12-12\(3\)](#), make corrections necessary to ensure that sections and subsections
1363 identified in this section are complete sentences and accurately reflect the office's perception of
1364 the Legislature's intent.

1365 Section 30. Section [63N-12-501](#) is amended to read:

1366 **[63N-12-501. Definitions.](#)**

1367 As used in this part:

1368 (1) "Apprenticeship program" means a program that combines paid on-the-job learning
1369 with formal classroom instruction to prepare students for careers and that includes:

1370 (a) structured on-the-job learning for students under the supervision of a skilled
1371 employee;

1372 (b) classroom instruction for students related to the on-the-job learning;

1373 (c) ongoing student assessments using established competency and skills standards;

1374 and

1375 (d) the student receiving an industry-recognized credential or degree upon completion
1376 of the program.

1377 (2) "Career and technical education region" means an economic service area created in
1378 Section [35A-2-101](#).

1379 (3) "Center" means the Talent Ready Utah Center created in Section [63N-12-502](#).

1380 (4) "High quality professional learning" means the professional learning standards for
1381 teachers and principals described in Section [53G-11-303](#).

1382 (5) "Institution of higher education" means the University of Utah, Utah State
1383 University, Southern Utah University, Weber State University, Snow College, Dixie State
1384 University, Utah Valley University, or Salt Lake Community College.

1385 (6) "Local education agency" means a school district, a charter school, or the Utah
1386 Schools for the Deaf and the Blind.

1387 (7) "Master plan" means the computer science education master plan described in
1388 Section [63N-12-505](#).

1389 (8) "Participating employer" means an employer that:

- 1390 (a) partners with an educational institution on a curriculum for an apprenticeship
1391 program or work-based learning program; and
- 1392 (b) provides an apprenticeship or work-based learning program for students.
- 1393 (9) "Stackable credentials" means a sequence of credentials that:
- 1394 (a) can be accumulated over time to build up an individual's qualifications for a better
1395 job or higher wage;
- 1396 (b) are part of a career pathway system; and
- 1397 (c) provide the option of culminating in an associate or bachelor's degree.
- 1398 (10) "State board" means the State Board of Education.
- 1399 (11) "Talent ready board" means the Talent Ready Utah Board created in Section
1400 [63N-12-503](#).
- 1401 (12) "Technical college" means:
- 1402 (a) a technical college described in Section [53B-2a-105](#); and
1403 (b) a degree-granting institution that provides technical education described in Section
1404 [53B-2a-201](#).
- 1405 [~~(b) the School of Applied Technology at Salt Lake Community College established in~~
1406 ~~Section [53B-16-209](#);~~]
- 1407 [~~(c) Utah State University Eastern established in Section [53B-18-1201](#);~~]
1408 [~~(d) Utah State University Blanding established in Section [53B-18-1202](#); or~~]
1409 [~~(e) the Snow College Richfield campus established in Section [53B-16-205](#);~~]
- 1410 (13) (a) "Work-based learning program" means a program that combines structured and
1411 supervised learning activities with authentic work experiences and that is implemented through
1412 industry and education partnerships.
- 1413 (b) "Work-based learning program" includes the following objectives:
- 1414 (i) providing students an applied workplace experience using knowledge and skills
1415 attained in a program of study that includes an internship, externship, or work experience;
- 1416 (ii) providing an educational institution with objective input from a participating
1417 employer regarding the education requirements of the current workforce; and
- 1418 (iii) providing funding for programs that are associated with high-wage, in-demand, or
1419 emerging occupations.
- 1420 (14) "Workforce programs" means education or industry programs that facilitate

1421 training the state's workforce to meet industry demand.

1422 Section 31. **Repealer.**

1423 This bill repeals:

1424 Section **53B-1-115, Purchases of educational technology.**

1425 Section **53B-1-503, Commissioner beginning July 1, 2020.**

1426 Section **53B-2-105, Consultation with boards of trustees.**

1427 Section **53B-2a-103, UTech Board of Trustees -- Membership -- Terms --**

1428 **Vacancies -- Oath -- Officers -- Quorum -- Committees -- Compensation.**

1429 Section **53B-2a-104, Utah System of Technical Colleges Board of Trustees powers**
1430 **and duties.**

1431 Section **53B-2a-114, Educational program on the use of information technology.**

1432 Section **53B-16-201, Degrees and certificates that may be conferred.**

1433 Section **53B-16-209, Salt Lake Community College -- School of Applied**

1434 **Technology -- Career and technical education -- Supervision and administration --**

1435 **Institutional mission.**

1436 Section **53B-16-211, Salt Lake Community College -- Educational program on the**
1437 **use of information technology.**

1438 Section 32. **Effective date.**

1439 (1) Except as provided in Subsection (2), this bill takes effect May 5, 2021.

1440 (2) If approved by two-thirds of all the members elected to each house, Section
1441 53B-2-102 takes effect upon approval by the governor, or the day following the constitutional
1442 time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in
1443 the case of a veto, the date of veto override.

1444 Section 33. **Coordinating H.B. 318 with S.B. 136 -- Technical amendment.**

1445 If this H.B. 318 and S.B. 136, Higher Education Scholarship Amendments, both pass
1446 and become law, it is the intent of the Legislature that the Office of Legislative Research and
1447 General Counsel shall prepare the Utah Code database for publication by amending Subsection
1448 53B-8-115(1)(a) to read:

1449 "(a) "Eligible institution" means:

1450 [(i) Salt Lake Community College's School of Applied Technology established in
1451 Section 53B-16-209;]

1452 ~~[(ii) Snow College;]~~
1453 ~~[(iii) Utah State University Eastern established in Section [53B-18-1201](#);~~
1454 ~~[(iv) Utah State University Blanding established in Section [53B-18-1202](#); or]~~
1455 ~~[(v) the Utah State University regional campus located at or near Moab described in~~
1456 ~~Section [53B-18-301](#).]~~

1457 (i) a degree-granting institution that provides technical education described in Section
1458 [53B-2a-201](#); or

1459 (ii) a technical college."

1460 Section 34. **Coordinating H.B. 318 with S.B. 193 -- Substantive amendments.**

1461 If this H.B. 318 and S.B. 193, Higher Education Performance Funding, both pass and
1462 become law, it is the intent of the Legislature that the Office of Legislative Research and
1463 General Counsel shall prepare the Utah Code database for publication by amending Subsection
1464 [53B-7-702](#)(12) to read:

1465 "(12) "Technical college" means:

1466 (a) the same as that term is defined in Section [53B-1-101.5](#); and

1467 (b) a degree-granting institution acting in the degree-granting institution's technical
1468 education role described in Section [53B-2a-201](#)."

1469 Section 35. **Coordinating H.B. 318 with H.B. 348 -- Substantive amendments.**

1470 If this H.B. 318 and H.B. 348, Economic Development Amendments, both pass and
1471 become law, it is the intent of the Legislature that the Office of Legislative Research and
1472 General Counsel shall prepare the Utah Code database for publication by:

1473 (1) amending Subsection [53B-26-102](#)(10) to read:

1474 "(10) "Technical college" means:

1475 (a) ~~[a college described in Section [53B-2a-105](#);~~ the same as that term is defined in
1476 Section [53B-1-101.5](#); and

1477 (b) a degree-granting institution acting in the degree-granting institution's technical
1478 education role described in Section [53B-2a-201](#);

1479 ~~[(b) the School of Applied Technology at Salt Lake Community College established~~
1480 ~~under Section [53B-16-209](#);~~

1481 ~~[(c) Utah State University Eastern established under Section [53B-18-1201](#);~~

1482 ~~[(d) Utah State University Blanding established under Section [53B-18-1202](#); or]~~

1483 ~~[(e) the Snow College Richfield campus established under Section [53B-16-205](#).]; and~~
1484 (2) amending Subsection [63N-1b-101](#)(11) to read:
1485 "(11) "Technical college" means:
1486 (a) the same as that term is defined in Section [53B-1-101.5](#); and
1487 (b) a degree-granting institution acting in the degree-granting institution's technical
1488 education role described in Section [53B-2a-201](#)."