

Technical College Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

LONG TITLE**General Description:**

This bill amends provisions relating to capital development projects for technical colleges.

Highlighted Provisions:

This bill:

▸ amends provisions relating to construction plan approval and presentation of the recommendations of the Utah Board of Higher Education.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53B-2a-112, as last amended by Laws of Utah 2023, Chapter 254

53B-7-101, as last amended by Laws of Utah 2024, Chapter 527

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

Section 1. Section **53B-2a-112** is amended to read:

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

(1) As used in this section, "higher education institution" means:

(a) Utah State University for:

(i) Bridgerland Technical College;

(ii) Tooele Technical College; and

(iii) Uintah Basin Technical College;

(b) Weber State University for:

(i) Ogden-Weber Technical College; and

(ii) Davis Technical College;

(c) Utah Valley University for Mountainland Technical College;

- 32 (d) Southern Utah University for Southwest Technical College; and
33 (e) Utah Tech University for Dixie Technical College.
- 34 (2) A technical college may enter into agreements:
- 35 (a) with other higher education institutions to cultivate cooperative relationships; or
36 (b) with other public and higher education institutions to enhance career and technical
37 education within the technical college's region.
- 38 (3) Before a technical college develops new instructional facilities, the technical college
39 shall give priority to:
- 40 (a) maintaining the technical college's existing instructional facilities for both secondary
41 and adult students;
- 42 (b) coordinating with the president of the technical college's degree-granting partner and
43 entering into any necessary agreements to provide career and technical education to
44 secondary and adult students that:
- 45 (i) maintain and support existing higher education career and technical education
46 programs; and
47 (ii) maximize the use of existing higher education facilities; and
- 48 (c) developing cooperative agreements with school districts, charter schools, other
49 higher education institutions, businesses, industries, and community and private
50 agencies to maximize the availability of career and technical education instructional
51 facilities for both secondary and adult students.
- 52 (4)(a) Before submitting a funding request pertaining to new capital facilities and land
53 purchases to the board, a technical college shall:
- 54 (i) ensure that all available instructional facilities are maximized in accordance with
55 Subsections (3)(a) through (c); and
56 (ii) coordinate the request with the president of the technical college's
57 degree-granting partner, if applicable.
- 58 (b) The Division of Facilities Construction and Management shall make a finding that
59 the requirements of this section are met before the Division of Facilities Construction
60 and Management may consider a funding request from the board pertaining to new
61 capital facilities and land purchases for a technical college.
- 62 (c) A technical college may not construct, approve the construction of, [~~plan for the~~
63 ~~design or construction of,~~] or consent to the construction of a career and technical
64 education facility without approval of the Legislature.
- 65 (5) Before acquiring new fiscal and administrative support structures, a technical college

66 shall:

- 67 (a) review the use of existing public or higher education administrative and accounting
68 systems, financial record systems, and student and financial aid systems for the
69 delivery of education in the region;
- 70 (b) determine the feasibility of using existing systems; and
- 71 (c) with the approval of the technical college board of trustees and the board, use the
72 existing systems.

73 Section 2. Section **53B-7-101** is amended to read:

74 **53B-7-101 . Combined requests for appropriations -- Board review of operating**
75 **budgets -- Submission of budgets -- Recommendations -- Hearing request --**
76 **Appropriation formulas -- Allocations -- Dedicated credits -- Financial affairs.**

77 (1) As used in this section:

78 (a) "Higher education institution" or "institution" means an institution of higher
79 education listed in Section 53B-1-102.

80 (b) "Research university" means the University of Utah or Utah State University.

81 (2)(a) Subject to Subsection (3), the board shall recommend a combined appropriation
82 for the operating budgets of higher education institutions for inclusion in a state
83 appropriations act.

84 (b) The board's combined budget recommendation shall include:

85 (i) employee compensation;

86 (ii) mandatory costs, including building operations and maintenance, fuel, and power;

87 (iii) performance funding described in Part 7, Performance Funding;

88 (iv) statewide and institutional priorities, including scholarships, financial aid, and
89 technology infrastructure; and

90 (v) enrollment growth.

91 (c)(i) The board's recommendations shall be available for presentation to the
92 governor and to the Legislature at least 30 days before the convening of the
93 Legislature, and shall include schedules showing all funding distribution models
94 and the recommended amounts for each institution, including separately funded
95 programs or divisions.

96 (ii) A funding distribution model utilized for a technical college shall include
97 equivalent funding value for secondary and adult students and reflect the full
98 responsibility of the technical college's statutorily-required services.

99 (d) The recommended appropriations shall be determined by the board only after the

- 100 board has reviewed the proposed institutional operating budgets, and has consulted
101 with the various institutions and board staff in order to make appropriate adjustments.
- 102 (3) In the combined request for appropriation, the board shall differentiate between
103 appropriations requested for academic education and appropriations requested for
104 technical education.
- 105 (4)(a) Institutional operating budgets shall be submitted to the board at least 90 days
106 before the convening of the Legislature in accordance with procedures established by
107 the board.
- 108 (b) Except as provided in Sections 53B-2a-117 and 53B-22-204, funding requests
109 pertaining to capital facilities and land purchases shall be submitted in accordance
110 with procedures prescribed by the Division of Facilities Construction and
111 Management.
- 112 (5)(a) The budget recommendations of the board shall be accompanied by full
113 explanations and supporting data.
- 114 (b) The appropriations recommended by the board shall be made with the dual objective
115 of:
- 116 (i) justifying for higher education institutions appropriations consistent with their
117 needs, and consistent with the financial ability of the state; and
- 118 (ii) determining an equitable distribution of funds among the respective institutions in
119 accordance with the aims and objectives of the statewide master plan for higher
120 education.
- 121 (6)(a) The board shall request a hearing with the governor on the recommended
122 appropriations.
- 123 (b) After the governor delivers his budget message to the Legislature, the board shall
124 request hearings on the recommended appropriations with the Higher Education
125 Appropriations Subcommittee.
- 126 (c) If either the total amount of the state appropriations or its allocation among the
127 institutions as proposed by the Legislature or the Higher Education Appropriations
128 Subcommittee is substantially different from the recommendations of the board, the
129 board may request further hearings with the Legislature or the Higher Education
130 Appropriations Subcommittee to reconsider both the total amount and the allocation.
- 131 (7) The board may devise, establish, periodically review, and revise formulas for the
132 board's use and for the use of the governor and the Higher Education Appropriations
133 Subcommittee in making appropriation recommendations.

- 134 (8)(a) The board shall recommend to each session of the Legislature the minimum
135 tuitions, resident and nonresident, for each institution which it considers necessary to
136 implement the budget recommendations.
- 137 (b) Subject to Subsection (13), the board may fix the tuition, fees, and charges for each
138 institution at levels the board finds necessary to meet budget requirements.
- 139 (9) Money allocated to each institution by legislative appropriation may be budgeted in
140 accordance with institutional work programs approved by the board, provided that the
141 expenditures funded by appropriations for each institution are kept within the
142 appropriations for the applicable period.
- 143 (10) The dedicated credits, including revenues derived from tuitions, fees, federal grants,
144 and proceeds from sales received by the institutions are appropriated to the respective
145 institutions to be used in accordance with institutional work programs.
- 146 (11) An institution may do the institution's own purchasing, issue the institution's own
147 payrolls, and handle the institution's own financial affairs under the general supervision
148 of the board.
- 149 (12) If the Legislature appropriates money in accordance with this section, the money shall
150 be distributed to the board and higher education institutions to fund the items described
151 in Subsection (2)(b).
- 152 (13) The board shall create policies requiring an institution of higher education to waive
153 transcript fees for a student who is under the age of 26 and:
- 154 (a) is homeless, as defined in Section 26B-3-207;
155 (b) is a person who is homeless, as defined in Section 35A-5-302;
156 (c) is an individual whose primary nighttime residence is a location that is not designed
157 for or ordinarily used as a sleeping accommodation for an individual;
158 (d) is a homeless child or youth, as defined in 42 U.S.C. Sec. 11434a;
159 (e) is in the custody of the Division of Child and Family Services; or
160 (f) was in the custody of the Division of Child and Family Services but is no longer in
161 the custody of the Division of Child and Family Services due to the individual's age.

162 **Section 1. Effective Date.**

163 This bill takes effect on May 7, 2025.