

1 **GUBERNATORIAL AUTHORITY OVER HIGHER EDUCATION**

2 **OFFICIALS**

3 2012 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Stuart C. Reid**

6 House Sponsor: _____

7
8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the hiring and termination process for the commissioner of higher
11 education and president of the Utah College of Applied Technology.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ requires the State Board of Regents to receive approval from the governor and
15 obtain consent of the Senate when hiring a commissioner of higher education;
- 16 ▶ permits the governor, in consultation with the State Board of Regents, to terminate a
17 commissioner of higher education;
- 18 ▶ requires the Utah College of Applied Technology Board of Trustees to receive
19 approval from the governor and obtain consent of the Senate when hiring a
20 president of the Utah College of Applied Technology;
- 21 ▶ permits the governor, in consultation with the Utah College of Applied Technology
22 Board of Trustees, to terminate a president of the Utah College of Applied
23 Technology; and
- 24 ▶ makes technical amendments.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53B-1-105**, as enacted by Laws of Utah 1987, Chapter 167

32 **53B-2a-102**, as last amended by Laws of Utah 2009, Chapter 346



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

35 Section 1. Section **53B-1-105** is amended to read:

36 **53B-1-105. Appointment of commissioner of higher education -- Qualifications --**
37 **Duties.**

38 (1) (a) The board [appoints], upon approval from the governor and with the consent of
39 the Senate for each appointee nominated on or after May 8, 2012, shall appoint a commissioner
40 of higher education to serve at its pleasure as its chief executive officer.

41 (b) The commissioner may be terminated by:

42 (i) the board; or

43 (ii) the governor, in consultation with the board.

44 (c) The board [sets] shall:

45 (i) set the salary of the commissioner [and prescribes the commissioner's];

46 (ii) prescribe the duties and functions[. The commissioner is selected] of the
47 commissioner; and

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

49 (2) The commissioner is responsible to the board to:

50 (a) [~~insure~~] ensure that [~~its~~] the policies and programs of the board are properly
51 executed;

52 (b) furnish information about the state system of higher education and make
53 recommendations regarding that information to the board;

54 (c) provide state-level leadership in [~~all activities~~] any activity affecting [~~institutions~~]
55 an institution in the state system of higher education; and

56 (d) perform other duties assigned by the board in carrying out its duties and
57 responsibilities.

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

59 **53B-2a-102. President -- Appointment -- Duties.**

60 (1) (a) The board of trustees, upon approval from the governor and with the consent of
61 the Senate for each appointee nominated on or after May 8, 2012, shall appoint a president for
62 the Utah College of Applied Technology.

63 (b) The president of the Utah College of Applied Technology does not need to have a
64 doctorate degree, but shall have extensive experience in career and technical education.

65 (c) The president shall serve at the board of trustees' discretion[-] and may be
66 terminated by:

67 (i) the board of trustees; or

68 (ii) the governor, in consultation with the board of trustees.

69 (d) The [~~names~~] name of [~~the~~] each final [~~candidates~~] candidate for president of the
70 Utah College of Applied Technology shall be publicly disclosed.

71 (2) The president shall:

72 (a) direct the Utah College of Applied Technology and coordinate the activities of each
73 of its college campuses;

74 (b) in consultation with the board of trustees, campus presidents, and campus boards of
75 directors, prepare a comprehensive strategic plan for delivering career and technical education
76 through the Utah College of Applied Technology college campuses;

77 (c) after consulting with school districts, charter schools, and other higher education
78 institutions in the regions, ensure that the curricula of the Utah College of Applied Technology
79 meet the needs of the state, the regions, the school districts, and charter schools;

80 (d) in consultation with the board of trustees, campus presidents, and campus boards of
81 directors, and after consulting with school districts, charter schools, and other higher education
82 institutions in the region, develop strategies for providing career and technical education in
83 rural areas, specifically considering the distances between rural career and technical education
84 providers;

85 (e) establish minimum standards for career and technical education programs of the
86 Utah College of Applied Technology college campuses;

87 (f) in conjunction with the board of trustees[~~, do the following~~]:

88 (i) develop and implement a system of common definitions, standards, and criteria for
89 tracking and measuring the effectiveness of career and technical education;

90 (ii) maintain a central administration office for coordination, prioritization, support,
91 and reporting of college functions dealing with:
92 (A) budgets and audits;
93 (B) facilities, including capital, capital development, and leases;
94 (C) management information systems;
95 (D) campus and college master planning efforts;
96 (E) strategic planning;
97 (F) articulation with institutions of higher education and public education;
98 (G) legislative, State System of Public Education, State System of Higher Education,
99 and Board of Regents contact;
100 (H) general data collection; and
101 (I) programs, certificates, and curriculum; and
102 (iii) develop and implement a plan to inform citizens about the availability, cost, and
103 advantages of career and technical education;
104 (g) after consulting with the State Board of Education, school districts, and charter
105 schools, ensure that secondary students in the public education system have access to career
106 and technical education through the Utah College of Applied Technology college campuses;
107 (h) in conjunction with the board of trustees, establish benchmarks, provide oversight,
108 evaluate program performance, and obtain independent audits to ensure that college campuses
109 follow the non-credit career and technical education mission described in this part; and
110 (i) with the approval of the board of trustees, appoint each campus [~~presidents~~
111 president in accordance with Section 53B-2a-107 and [~~set their compensation~~] annually set the
112 compensation of each campus president.

Legislative Review Note
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Office of Legislative Research and General Counsel