

Senator Leonard M. Blackham proposes to substitute the following bill:

APPLIED TECHNOLOGY EDUCATION GOVERNANCE

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Martin R. Stephens

This act establishes a new applied technology education governance structure for Utah. This act establishes the Board of Regents as the ultimate governing authority for post-secondary applied technology education in Utah. This act establishes a Utah College of Applied Technology and establishes regional applied technology colleges in Utah, establishes their governance structure, and defines their powers and duties. This act establishes a Utah College of Applied Technology Board of Trustees, establishes its membership and meeting requirements, and defines its powers and duties. This act establishes regional applied technology colleges within certain existing higher education institutions and establishes their governance structure and defines their powers and duties. This act also makes technical and conforming changes to other sections of the Utah Code to make those sections consistent and in conformity with the substantive provisions of this act. This act repeals superseded sections. This act transfers \$40,487,700 of appropriated budgets from the State Board of Education, the State Board of Applied Technology Education, and the Utah System of Higher Education to the applied technology colleges created by this act. This act establishes funding guidelines governing future legislative appropriations. This act provides new ongoing appropriations in the total amount of \$3,609,700 and new one-time appropriations in the total amount of \$2,000,000 for the support of applied technology education. This bill takes effect July 1, 2001. This act provides a coordination clause.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-8-102, as last amended by Chapter 324, Laws of Utah 1999



- 26 **53A-15-202**, as last amended by Chapter 53, Laws of Utah 1992
- 27 **53B-1-102**, as last amended by Chapter 7, Laws of Utah 2000
- 28 **53B-1-103**, as last amended by Chapter 287, Laws of Utah 1995
- 29 **53B-2-102**, as last amended by Chapter 58, Laws of Utah 1991
- 30 **53B-2-104**, as last amended by Chapter 243, Laws of Utah 1996
- 31 **53B-2-105**, as last amended by Chapter 58, Laws of Utah 1991

32 ENACTS:

- 33 **53B-1-104.1**, Utah Code Annotated 1953
- 34 **53B-2a-101**, Utah Code Annotated 1953
- 35 **53B-2a-102**, Utah Code Annotated 1953
- 36 **53B-2a-201**, Utah Code Annotated 1953
- 37 **53B-2a-202**, Utah Code Annotated 1953
- 38 **53B-2a-203**, Utah Code Annotated 1953
- 39 **53B-2a-204**, Utah Code Annotated 1953
- 40 **53B-2a-205**, Utah Code Annotated 1953

41 REPEALS:

- 42 **53A-1-501**, as last amended by Chapter 28, Laws of Utah 1997
- 43 **53A-1-502**, as last amended by Chapters 28 and 375, Laws of Utah 1997
- 44 **53A-15-202.5**, as enacted by Chapter 35, Laws of Utah 1999
- 45 **53A-15-203**, as last amended by Chapter 53, Laws of Utah 1992

46 This act enacts uncodified material.

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

48 Section 1. Section **53A-8-102** is amended to read:

49 **53A-8-102. Definitions.**

50 As used in this chapter:

51 (1) "Career employee" means an employee of a school district who has obtained a
52 reasonable expectation of continued employment based upon Section 53A-8-106 and an agreement
53 with the employee or the employee's association, district practice, or policy.

54 (2) "Contract term" or "term of employment" means the period of time during which an
55 employee is engaged by the school district under a contract of employment, whether oral or
56 written.

- 57 (3) "Dismissal" or "termination" means:
58 (a) termination of the status of employment of an employee;
59 (b) failure to renew or continue the employment contract of a career employee beyond the
60 then-current school year;
61 (c) reduction in salary of an employee not generally applied to all employees of the same
62 category employed by the school district during the employee's contract term; or
63 (d) change of assignment of an employee with an accompanying reduction in pay, unless
64 the assignment change and salary reduction are agreed to in writing.

65 (4) "Employee" means a career or provisional employee of a school district, but does not
66 include:

67 (a) the district superintendent, or the equivalent at [~~an applied technology center or~~] the
68 Schools for the Deaf and the Blind;

69 (b) the district business administrator or the equivalent at [~~an applied technology center~~
70 ~~or~~] the Schools for the Deaf and the Blind; or

71 (c) a temporary employee.

72 (5) "Provisional employee" means an individual, other than a career employee or a
73 temporary employee, who is employed by a school district.

74 (6) "School board" or "board" means a district school board or its equivalent at [~~an applied~~
75 ~~technology center or~~] the Schools for the Deaf and the Blind.

76 (7) "School district" or "district" means:

77 (a) a public school district; or

78 [~~(b) an applied technology center; or~~]

79 [~~(c)~~] (b) the Schools for the Deaf and the Blind.

80 (8) "Temporary employee" means an individual who is employed on a temporary basis as
81 defined by policies adopted by the local board of education. If the class of employees in question
82 is represented by an employee organization recognized by the local board, the board shall adopt
83 its policies based upon an agreement with that organization. Temporary employees serve at will
84 and have no expectation of continued employment.

85 Section 2. Section **53A-15-202** is amended to read:

86 **53A-15-202. Powers of the board.**

87 The State Board for Applied Technology Education:

88 (1) shall establish minimum standards for applied technology programs in the public
89 education system;

90 (2) may apply for, receive, administer, and distribute funds made available through
91 programs of federal and state governments to promote and aid applied technology education;

92 (3) shall cooperate with federal and state governments to administer programs which
93 promote and maintain applied technology education;

94 (4) shall appoint staff and establish their duties;

95 (5) shall fix staff compensation and pay their expenses from funds appropriated for this
96 purpose; and

97 (6) shall perform other duties as required by law.

98 Section 3. Section **53B-1-102** is amended to read:

99 **53B-1-102. State system of higher education.**

100 (1) The state system of higher education consists of the following institutions:

101 (a) State Board of Regents;

102 (b) the University of Utah;

103 (c) Utah State University of Agricultural and Applied Science, hereafter referred to in this
104 title as Utah State University;

105 (d) Utah College of Applied Technology;

106 [~~(d)~~] (e) Weber State University;

107 [~~(e)~~] (f) Southern Utah University;

108 [~~(f)~~] (g) Snow College;

109 [~~(g)~~] (h) Dixie State College of Utah;

110 [~~(h)~~] (i) the College of Eastern Utah;

111 [~~(i)~~] (j) Utah Valley State College;

112 [~~(j)~~] (k) Salt Lake Community College; and

113 [~~(k)~~] (l) other public post-high school educational institutions as the Legislature may
114 designate.

115 (2) A change in the name of an institution within the system of higher education shall not
116 be considered a change in the role or mission of the institution, unless otherwise authorized by the
117 State Board of Regents.

118 (3) It is not the intent of the Legislature to increase the number of research universities in

119 the state beyond the University of Utah and Utah State University.

120 (4) These institutions are empowered to sue and be sued and to contract and be contracted
121 with.

122 (5) The Utah College of Applied Technology and its regional applied technology colleges
123 exist as an institution of higher education independent of structures and facilities.

124 Section 4. Section **53B-1-103** is amended to read:

125 **53B-1-103. Establishment of State Board of Regents -- Powers and authority.**

126 (1) There is established a State Board of Regents, hereafter referred to in this title as the
127 "board."

128 (2) (a) The board is vested with the control, management, and supervision of the
129 institutions of higher education designated in Section 53B-1-102 in a manner consistent with the
130 policy and purpose of this title and the specific powers and responsibilities granted to it.

131 (b) The board may modify the name of an institution under its control and management,
132 as designated in Section 53B-1-102, to reflect the role and general course of study of the
133 institution.

134 (3) The board is the State Postsecondary Review Entity for Utah for purposes of Title IV,
135 Part H, of the federal Higher Education Act of 1965, as amended by the Higher Education Act
136 Amendments of 1992.

137 [~~(4) This section does not affect the power and authority vested in the State Board for~~
138 ~~Applied Technology Education to apply for, accept, and manage federal appropriations for the~~
139 ~~establishment and maintenance of applied technology education.]~~

140 (4) (a) The board shall prepare a combined and consolidated budget request for all of
141 higher education, including applied technology education, and submit it to the governor and the
142 Legislature.

143 (b) In preparing the consolidated budget request, the board may increase or decrease
144 budget requests made by a higher education institution or applied technology college.

145 (c) The board of regents:

146 (i) shall submit the unchanged prioritized consolidated budget request prepared by the
147 Utah College of Applied Technology to the governor and the Legislature; and

148 (ii) may submit similar budgets by other colleges and universities within the higher
149 education system.

150 Section 5. Section **53B-1-104.1** is enacted to read:

151 **53B-1-104.1. Utah College of Applied Technology Board of Trustees.**

152 (1) As used in this section, "competency-based" means mastery of subject matter as
153 demonstrated through approved standards and assessments rather than credit hours.

154 (2) (a) There is created the Utah College of Applied Technology Board of Trustees,
155 composed of the following 15 members appointed by the governor with the consent of the Senate:

156 (i) two State Board of Education members;

157 (ii) two members of the State Board of Regents;

158 (iii) one member representing business and industry from the regional board of each
159 applied technology college; and

160 (iv) one business or industry representative appointed by the governor from nominations
161 submitted by the speaker of the House and president of the Senate.

162 (b) The board shall select a person to serve as chair.

163 (3) The Utah College of Applied Technology Board of Trustees shall:

164 (a) in cooperation with the president of the Utah College of Applied Technology, and with
165 the approval of the State Board of Regents, develop a competency-based associate of applied
166 technology degree to be offered by the applied technology colleges;

167 (b) ensure that the competency-based associate of applied technology degree is transferable
168 to other higher education institutions;

169 (c) ensure that applied technology colleges within the Utah College of Applied
170 Technology:

171 (i) offer a post-secondary and extra-secondary curriculum that is open-entry, open-exit, and
172 competency-based;

173 (ii) offer that curriculum at low cost to adult students and at no cost to secondary students

173a **§ , INCLUDING FEE WAIVERS, §**
174 within the college's jurisdiction;

175 (iii) provide noncredit, competency-based courses of instruction that will result in:

176 (A) appropriate licensing, certification, or other evidence of completion of training; and

177 (B) qualification for specific employment in business and industry;

178 (iv) offer the competency-based associate of applied technology degree established by this
179 section;

180 (v) use existing applied technology center facilities; and

181 (vi) develop cooperative agreements with local school districts, other higher education
182 institutions, and community and private agencies to maximize the availability of instructional
183 facilities;

184 (d) advise the president of the Utah College of Applied Technology and the State Board
185 of Regents on issues related to applied technology education;

186 (e) receive budget requests from each of the ten applied technology colleges, prioritize
187 those requests, and submit the prioritized requests to:

188 (i) the Legislature;

189 (ii) the Governor's Office of Planning and Budget; and

190 (iii) also to the State Board of Regents; and

191 (f) prepare and submit an annual report detailing its progress and recommendations on
192 applied technology education issues to the governor and to the Legislature's Education Interim
193 Committee by October 15 of each year.

194 Section 6. Section **53B-2-102** is amended to read:

195 **53B-2-102. Board to appoint president for each institution.**

196 (1) As used in this section, "competency-based" means mastery of subject matter as
197 demonstrated through approved standards and assessments rather than credit hours.

198 (2) The board, after consulting with the institution's board of trustees, [~~appoints~~] shall
199 appoint a president for each institution in the state system of higher education who serves at its
200 pleasure and at such salary as it may determine.

201 (3) (a) (i) The board, in consultation with the Utah College of Applied Technology Board
202 of Trustees created in Section 53B-1-104.1, shall appoint a president for the Utah College of
203 Applied Technology who serves at the board's pleasure and at whatever salary the board
204 determines.

205 (ii) The president of Utah College of Applied Technology need not have a doctorate
206 degree, but shall have extensive experience in applied technology education.

207 (b) As president of the Utah College of Applied Technology, the president is also an
208 associate commissioner of higher education.

209 (c) The president shall:

210 (i) coordinate the activities of each applied technology college;

211 (ii) in cooperation with the Utah College of Applied Technology Board of Trustees, and

212 with the approval of the State Board of Regents, develop a competency-based associate of applied
213 technology degree to be offered by the applied technology colleges;

214 (iii) ensure that the competency-based associate of applied technology degree is
215 transferable to other higher education institutions;

216 (iv) in consultation with the Utah College of Applied Technology Board of Trustees,
217 applied technology college regional executive vice presidents, and applied technology college
218 regional boards, prepare a comprehensive strategic plan for delivering applied technology
219 education in the regions containing applied technology colleges under his jurisdiction;

220 (v) in consultation with the State Board of Regents, develop and implement an expedited
221 procedure for approving applied technology education programs under his jurisdiction including
222 expedited program termination procedures, according to market needs;

223 (vi) after consulting with local school districts and higher education institutions in the
224 region, ensure that the curricula in the applied technology colleges under his jurisdiction meets the
225 needs of the state and of the region where it is offered;

226 (vii) in consultation with the Utah College of Applied Technology Board of Trustees,
227 applied technology college regional executive vice presidents, and applied technology college
228 regional boards, and after consulting with local school districts and higher education institutions
229 in the region, develop strategies for providing applied technology education in rural areas,
230 specifically considering the distances involved between rural applied technology education
231 providers;

232 (viii) establish minimum standards for applied technology programs in applied technology
233 colleges under his jurisdiction;

234 (ix) in conjunction with the State Board of Regents, develop and implement a system of
235 common definitions, standards, and criteria for tracking and measuring the effectiveness of applied
236 technology education in Utah; and

237 (x) in conjunction with the State Board of Regents, develop and implement a plan to
238 inform citizens about the availability of, cost of, and advantages of applied technology education.

239 (4) The board shall approve the competency-based associate of applied technology degree
240 before allowing any applied technology college to offer the degree.

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

242 **53B-2-104. Memberships of board of trustees -- Terms -- Vacancies -- Oath --**

243 **Officers -- Bylaws -- Quorum -- Committees -- Compensation.**

244 (1) ~~[The]~~ (a) Except for the Utah College of Applied Technology, the board of trustees of
245 an institution consists of the following:

246 ~~[(a)]~~ (i) eight persons appointed by the governor and approved by the Senate; and

247 ~~[(b)]~~ (ii) two ex officio members who are the president of the institution's alumni
248 association, and the president of the associated students of the institution.

249 (b) The appointed members of the boards of trustees for Utah Valley State College and
250 Salt Lake Community College shall be representative of the interests of business, industry, and
251 labor.

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

254 (b) An appointed member holds office until a successor is appointed and qualified.

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

257 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
258 appointed for the unexpired term.

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

260 (b) The oath is filed with the Division of Archives and Records Services.

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

263 (6) (a) Each board of trustees may enact bylaws for its own government, including
264 provision for regular meetings.

265 (b) (i) The board of trustees may provide for an executive committee in its bylaws.

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

268 (iii) The committee may act on nonroutine matters only under extraordinary and
269 emergency circumstances.

270 (iv) The committee shall report its activities to the board of trustees at its next regular
271 meeting following the action.

272 (c) Copies of the board of trustees' bylaws are filed with the board.

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

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

275 (9) (a) (i) Members who are not government employees shall receive no compensation or
276 benefits for their services, but may receive per diem and expenses incurred in the performance of
277 the member's official duties at the rates established by the Division of Finance under Sections
278 63A-3-106 and 63A-3-107.

279 (ii) Members may decline to receive per diem and expenses for their service.

280 (b) (i) State government officer and employee members who do not receive salary, per
281 diem, or expenses from their agency for their service may receive per diem and expenses incurred
282 in the performance of their official duties from the board at the rates established by the Division
283 of Finance under Sections 63A-3-106 and 63A-3-107.

284 (ii) State government officer and employee members may decline to receive per diem and
285 expenses for their service.

286 (c) (i) Higher education members who do not receive salary, per diem, or expenses from
287 the entity that they represent for their service may receive per diem and expenses incurred in the
288 performance of their official duties from the committee at the rates established by the Division of
289 Finance under Sections 63A-3-106 and 63A-3-107.

290 (ii) Higher education members may decline to receive per diem and expenses for their
291 service.

292 Section 8. Section **53B-2-105** is amended to read:

293 **53B-2-105. Consultation with boards of trustees.**

294 (1) As used in this section:

295 (a) "Board of trustees" means:

296 (i) higher education institution boards of trustees; or

297 (ii) applied technology college regional boards.

298 (b) "Executive officer" means:

299 (i) the president of a higher education institution; or

300 (ii) the regional executive vice president of an applied technology college.

301 (2) The board shall consult with the board of trustees or the [~~president~~] executive officer
302 of the institution or both of them [~~prior to~~] before acting on matters pertaining to the institution
303 or college.

304 [~~(2)~~] (3) The board may [~~do the following~~]:

- 305 (a) call meetings with one or more of the several boards of trustees;
- 306 (b) invite other groups to meet with it; and
- 307 (c) appoint committees, including members of boards of trustees, administrators, faculty
- 308 staff members, and students to perform duties assigned by the board.

309 Section 9. Section **53B-2a-101** is enacted to read:

310 **CHAPTER 2a. UTAH COLLEGE OF APPLIED TECHNOLOGY**

311 **Part 1. Components and Mission**

312 **53B-2a-101. Utah College of Applied Technology -- Composition.**

313 The Utah College of Applied Technology is composed of the following applied technology
314 colleges:

315 (1) The Bridgerland Applied Technology College is composed of the geographic area
316 encompassing the Box Elder School District, the Cache School District, the Logan School District,
317 and the Rich School District and includes the existing facilities, equipment, and personnel of the
318 Bridgerland Applied Technology Center.

319 (2) The Ogden-Weber Applied Technology College is composed of the geographic area
320 encompassing the Ogden City School District and the Weber School District and includes the
321 existing facilities, equipment, and personnel of the Ogden-Weber Applied Technology Center.

322 (3) The Davis Applied Technology College is composed of the geographic area
323 encompassing the Davis School District and the Morgan School District and includes the existing
324 facilities, equipment, and personnel of the Davis Applied Technology Center.

325 (4) The geographic area encompassing the Salt Lake City School District, the Granite
326 School District, the Jordan School District, the Murray School District, and the Tooele School
327 District, and the existing facilities, equipment, and personnel of the Wasatch Front South Applied
328 Technology Center, are the Salt Lake/Tooele Applied Technology College within Salt Lake
329 Community College.

330 (5) The geographic area encompassing the Alpine School District, the Nebo School
331 District, the Provo School District, the South Summit School District, the North Summit School
332 District, the Wasatch School District, and the Park City School District, and the existing facilities,
333 equipment, and personnel of the Mountainlands Applied Technology Center Service Region, are
334 the Mountainlands Applied Technology College within Utah Valley State College.

335 (6) The Uintah Basin Applied Technology College is composed of the geographic area

336 encompassing the Daggett School District, the Duchesne School District, and the Uintah School
337 District and includes the existing facilities, equipment, and personnel of the Uintah Basin Applied
338 Technology Center.

339 (7) The geographic area encompassing the Juab School District, the Millard School
340 District, the Tintic School District, the North Sanpete School District, the South Sanpete School
341 District, the Wayne School District, the Piute School District, and the Sevier School District is
342 the Central Applied Technology College within Snow College.

343 (8) The Southwest Applied Technology College is composed of the geographic area
344 encompassing the Beaver School District, the Garfield School District, the Iron School District,
345 the Kane School District, and the existing facilities, equipment, and personnel of the Southwest
346 Applied Technology Education Center Service Region.

347 (9) The geographic area encompassing the Washington School District is the Dixie
348 Applied Technology College within Dixie State College of Utah.

349 (10) The geographic area encompassing the Carbon School District, the Emery School
350 District, the Grand School District, and the San Juan School District, and existing facilities,
351 equipment, and personnel of the Southeast Applied Technology Center Service Region, are the
352 Southeast Applied Technology College within the College of Eastern Utah.

353 Section 10. Section **53B-2a-102** is enacted to read:

354 **53B-2a-102. Applied technology colleges -- Duties.**

355 (1) As used in this section, "competency-based" means mastery of subject matter as
356 demonstrated through approved standards and assessments rather than credit hours.

357 (2) Each applied technology college shall:

358 (a) offer a post-secondary and extra-secondary curriculum that is open-entry, open-exit,
359 and competency-based;

360 (b) offer that curriculum to adult and secondary students within the college's jurisdiction;

361 (c) provide noncredit, competency-based courses of instruction that will result in:

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

363 (ii) qualification for specific employment in business and industry;

364 (d) offer the competency-based associate of applied technology degree approved by the
365 State Board of Regents under Section 53B-2-102;

366 (e) offer lower division courses for credit within the associate of applied technology degree

367 program;

368 (f) use existing applied technology center facilities; and

369 (g) develop cooperative agreements with local school districts, other higher education
370 institutions, and community and private agencies to maximize the availability of instructional
371 facilities.

372 Section 11. Section **53B-2a-201** is enacted to read:

373 **Part 2. Governance**

374 **53B-2a-201. Definition.**

375 As used in this part:

376 (1) "Higher education applied technology college" means the Salt Lake/Tooele Applied
377 Technology College, the Mountainlands Applied Technology College, the Central Applied
378 Technology College, the Dixie Applied Technology College, and the Southeast Applied
379 Technology College.

380 (2) "Independent applied technology college" means the Bridgerland Applied Technology
381 College, the Ogden-Weber Applied Technology College, the Davis Applied Technology College,
382 the Uintah Basin Applied Technology College, and the Southwest Applied Technology College.

383 Section 12. Section **53B-2a-202** is enacted to read:

384 **53B-2a-202. Applied technology college governance vested in regional executive vice**
385 **president and regional boards.**

386 Each applied technology college established in Section 53B-2a-101 shall be governed by
387 a regional executive vice president with approval of the regional boards appointed as provided in
388 this part.

389 Section 13. Section **53B-2a-203** is enacted to read:

390 **53B-2a-203. Regional executive vice presidents -- Appointment -- Duties.**

391 (1) (a) The president of the Utah College of Applied Technology, after obtaining
392 recommendations from the regional board, shall appoint a regional executive vice president for
393 each independent applied technology college to serve as chief executive officer of that college.

394 (b) The president of each higher education institution with which a higher education
395 applied technology college is affiliated shall, after obtaining recommendations from the regional
396 board, appoint a regional executive vice president to serve as chief executive of his higher
397 education applied technology college.

398 (2) Each regional executive vice president of an applied technology college shall:

399 (a) serve as the executive officer of the regional board;

400 (b) administer the day-to-day operation of the applied technology education region under
401 the direction of the regional board; and

402 (c) administer human resource policies and employee compensation plans.

403 Section 14. Section **53B-2a-204** is enacted to read:

404 **53B-2a-204. Applied technology college regional board -- Membership --**

405 **Appointment -- General powers.**

406 (1) (a) Beginning July 1, 2001, each applied technology college shall have a regional board
407 appointed as follows:

408 (i) one elected local school board member appointed by each local school board within the
409 region;

410 (ii) one representative from each higher education institution board of trustees within the
411 region appointed by the board of trustees or, if a trustee does not reside in the region, a higher
412 education representative appointed by the board of trustees; and

413 (iii) one member of the State Board of Regents designated by the chair of the State Board
414 of Regents to serve a one-year term as a nonvoting member;

415 (iv) three or four representatives from businesses or industry within the region appointed
416 jointly by the public and higher education members.

417 (b) In determining whether to appoint three or four business or industry members, the
418 appointing members shall appoint so as to ensure that the board contains an odd number of voting
419 members.

420 (3) (a) At the first meeting of the board:

421 (i) the representatives from the local school boards shall divide up their positions so that
422 approximately half of them serve for two-year terms and half serve for four-year terms;

423 (ii) the representatives from the higher education institution boards of trustees, if there is
424 more than one, shall divide up their positions so that approximately half of them serve for two-year
425 terms and half serve for four-year terms;

426 (iii) if there is only one representative from a higher education institution board of trustees,
427 that initial representative shall serve a two-year term; and

428 (iv) the representatives from business and industry shall divide up their positions so that

429 approximately half of them serve for two-year terms and half serve for four-year terms.

430 (b) Except for State Board of Regents members who serve one-year terms, persons
431 appointed to the board after the first appointments serve four-year terms.

432 (4) The original appointing authority shall fill any vacancies that occur on the regional
433 board.

434 (5) A majority of the regional board is a quorum.

435 (6) The regional board shall elect a chair from its membership.

436 (7) (a) (i) Members who are not government employees shall receive no compensation or
437 benefits for their services, but may receive per diem and expenses incurred in the performance of
438 the member's official duties at the rates established by the Division of Finance under Sections
439 63A-3-106 and 63A-3-107.

440 (ii) Members may decline to receive per diem and expenses for their service.

441 (b) (i) Higher education members who do not receive salary, per diem, or expenses from
442 the entity that they represent for their service may receive per diem and expenses incurred in the
443 performance of their official duties from the committee at the rates established by the Division of
444 Finance under Sections 63A-3-106 and 63A-3-107.

445 (ii) Higher education members may decline to receive per diem and expenses for their
446 service.

447 (c) (i) Members appointed by local school boards who do not receive salary, per diem, or
448 expenses from the entity that they represent for their service may receive per diem and expenses
449 incurred in the performance of their official duties from the committee at the rates established by
450 the Division of Finance under Sections 63A-3-106 and 63A-3-107.

451 (ii) Those members may decline to receive per diem and expenses for their service.

452 (8) (a) Each regional board may enact bylaws for its own government, including provision
453 for regular meetings.

454 (b) (i) The regional board may provide for an executive committee in its bylaws.

455 (ii) If established, the committee shall have full authority of the regional board to act upon
456 routine matters during the interim between regional board meetings.

457 (iii) The committee may act on nonroutine matters only under extraordinary and
458 emergency circumstances.

459 (iv) The committee shall report its activities to the regional board at its next regular

460 meeting following the action.

461 (9) A regional board may establish advisory committees.

462 Section 15. Section **53B-2a-205** is enacted to read:

463 **53B-2a-205. Applied technology college regional board -- Duties.**

464 (1) As used in this section, "competency-based" means mastery of subject matter as
465 demonstrated through approved standards and assessments rather than credit hours.

466 (2) Each applied technology college regional board shall:

467 (a) provide noncredit, competency-based, open entry-open exit applied technology
468 education within the region;

469 (b) through cooperative arrangements established with higher education institutions and
470 local school districts, provide applied technology education within the region;

471 (c) prepare and submit budgets for its annual operations to the Utah College of Applied
472 Technology Board of Trustees;

473 (d) prepare and submit capital facilities requests for its region to:

474 (i) the Utah College of Applied Technology, if the applied technology college is a part of
475 that college; or

476 (ii) the higher education institution with which it is affiliated, if it is not part of the Utah
477 College of Applied Technology;

478 (e) after consulting with the higher education institutions and local school districts within
479 its region, prepare a comprehensive strategic plan for delivering applied technology education
480 within its region;

481 (f) consult with business, industry, the Department of Workforce Services, and the
482 Governor's Office of Planning and Budget to determine what workers and skills are needed for
483 employment in Utah businesses and industries;

484 (g) adopt an annual budget and fund balances;

485 (h) develop policies for the operation of applied technology education facilities under its
486 jurisdiction;

487 (i) establish human resources policies and appoint and fix the compensation for all
488 employees;

489 (j) establish credentials for employees and define employee duties;

490 (k) conduct annual program evaluations;

491 (l) appoint program advisory committees and other advisory groups to provide counsel,
492 support, and recommendations for updating and improving the effectiveness of training programs
493 and services;

494 (m) approve regulations, both regular and emergency, to be issued and executed by the
495 regional executive vice president; and

496 (n) develop and implement processes, policies, and arrangements related to:

497 (i) facility, students, and employee organizations rules and regulations; and

498 (ii) admission, classification, instruction, and examination of students.

499 (3) In apportioning monies appropriated by the Legislature to an applied technology
500 college, the regional board of the Central Applied Technology College:

501 (a) may not, for five years, diminish applied technology education services currently being
502 provided at the Richfield Center; and

503 (b) may direct that any new monies provided to the region go first to funding underserved
504 portions of the region.

505 (4) (a) Before seeking new applied technology education capital facilities, the regional
506 board shall maximize the use of both existing applied technology education facilities under its
507 jurisdiction, and, through cooperative arrangements, existing public education and higher
508 education facilities within the region to provide applied technology education.

509 (b) Before seeking new fiscal and administrative support structures, the regional board
510 shall:

511 (i) review the use of existing public or higher education administrative and accounting
512 systems, financial record systems, and student and financial aid systems for the delivery of applied
513 technology education in the region;

514 (ii) determine whether it is feasible to use those existing systems; and

515 (iii) if it is feasible, use those existing systems.

516 (c) A regional board may not construct, approve the construction of, plan for the design
517 or construction of, or consent to the construction of, an applied technology education facility
518 without approval of the Legislature.

519 (5) A regional board may not exercise any jurisdiction over applied technology education
520 provided by a local school district or provided by a higher education institution independently of
521 an applied technology college.

522 Section 16. **Repealer.**

523 This act repeals:

524 Section **53A-1-501, Membership -- Duties -- Advisory decisions -- Annual report.**

525 Section **53A-1-502, Advisory committee -- Duties -- Task forces.**

526 Section **53A-15-202.5, Applied technology centers.**

527 Section **53A-15-203, Applied technology centers -- Management by board.**

528 Section 17. **Funding guidelines.**

529 In funding applied technology education, the Legislature shall:

530 (1) accept prioritized budget requests combining the budgets of all ten applied technology
531 colleges from the Utah College of Applied Technology Board of Trustees and consider those
532 prioritized budget requests in its appropriation process independent of whatever recommendations
533 are made by the governor and the State Board of Regents; and

534 (2) appropriate all monies for each applied technology college directly to each applied
535 technology college under the heading " Utah Applied Technology Colleges" and not to any other
536 entity such as the State Board of Regents or an institution of higher education.

537 Section 18. **Appropriation.**

538 Under the terms and conditions of Section 63-38-3, the following sums of money are
539 appropriated out of money not otherwise appropriated from the funds or fund accounts indicated
540 for the use and support of the government of the state of Utah.

541 UTAH APPLIED TECHNOLOGY COLLEGES

542 ITEM 1

543 To Bridgerland Applied Technology College

544 From Uniform School Fund \$ 6,883,700

545 From Dedicated Credits Revenue \$ 1,029,400

546 From Beginning Nonlapsing Appropriation Balances \$ 224,008

547 From Closing Nonlapsing Appropriation Balances \$ (224,008)

548 Schedule of Programs:

549 Bridgerland Applied Technology College \$ 7,913,100

550 ITEM 2

551 To Ogden-Weber Applied Technology College

552 From Uniform School Fund \$ 7,633,400

553	<u>From Dedicated Credits Revenue</u>	<u>\$ 1,052,800</u>
554	<u>Schedule of Programs:</u>	
555	<u>Ogden-Weber Applied Technology College</u>	<u>\$ 8,686,200</u>
556	<u>ITEM 3</u>	
557	<u>To Davis Applied Technology College</u>	
558	<u>From Uniform School Fund</u>	<u>\$ 6,918,200</u>
559	<u>From Dedicated Credits Revenue</u>	<u>\$ 999,600</u>
560	<u>From Dedicated Credits - Investments</u>	<u>\$ 132,000</u>
561	<u>From Beginning Nonlapsing Appropriation Balances</u>	<u>\$ 221,000</u>
562	<u>From Closing Nonlapsing Appropriation Balances</u>	<u>\$ (242,000)</u>
563	<u>Schedule of Programs:</u>	
564	<u>Davis Applied Technology College</u>	<u>\$ 8,028,800</u>
565	<u>ITEM 4</u>	
566	<u>To Salt Lake/Tooele Applied Technology College</u>	
567	<u>From Uniform School Fund</u>	<u>\$ 1,133,300</u>
568	<u>From Dedicated Credits - Investments</u>	<u>\$ 67,600</u>
569	<u>From Beginning Nonlapsing Appropriation Balances</u>	<u>\$ 154,200</u>
570	<u>From Closing Nonlapsing Appropriation Balances</u>	<u>\$ (1,400)</u>
571	<u>Schedule of Programs:</u>	
572	<u>Salt Lake/Tooele Applied Technology College</u>	<u>\$ 1,353,700</u>
573	<u>It is the intent of the Legislature to provide applied technology educational opportunities</u>	
574	<u>for students in Salt Lake and Tooele counties comparable to those found in other areas of the State</u>	
575	<u>and encourage the Salt Lake/Tooele Applied Technology Center to develop new regional applied</u>	
576	<u>technology education facilities by acquiring and remodeling existing public and higher education</u>	
577	<u>facilities that may become available. It is further the intent of the Legislature to provide operation</u>	
578	<u>and maintenance costs consistent with the policies of funding these costs in applied technology</u>	
579	<u>centers throughout the State.</u>	
580	<u>ITEM 5</u>	
581	<u>To Mountainlands Applied Technology College</u>	
582	<u>From Uniform School Fund</u>	<u>\$ 771,200</u>
583	<u>From General Fund</u>	<u>\$ 399,200</u>

584	<u>From Income Tax</u>	<u>\$ 21,900</u>
585	<u>Schedule of Programs:</u>	
586	<u>Mountainlands Applied Technology College</u>	<u>\$1,192,300</u>
587	<u>ITEM 6</u>	
588	<u>To Uintah Basin Applied Technology College</u>	
589	<u>From Uniform School Fund</u>	<u>\$ 3,629,100</u>
590	<u>From Dedicated Credits Revenue</u>	<u>\$ 355,900</u>
591	<u>From Dedicated Credits - Investments</u>	<u>\$ 110,000</u>
592	<u>From Beginning Nonlapsing Appropriation Balances</u>	<u>\$ 165,000</u>
593	<u>From Closing Nonlapsing Appropriation Balances</u>	<u>\$ (165,000)</u>
594	<u>Schedule of Programs:</u>	
595	<u>Uintah Basin Applied Technology Center</u>	<u>\$ 4,095,000</u>
596	<u>ITEM 7</u>	
597	<u>To Southwest Applied Technology College</u>	
598	<u>From Uniform School Fund</u>	<u>\$ 662,000</u>
599	<u>From General Fund</u>	<u>\$ 265,500</u>
600	<u>From Income Tax</u>	<u>\$ 14,500</u>
601	<u>Schedule of Programs:</u>	
602	<u>Southwest Applied Technology College</u>	<u>\$ 942,000</u>
603	<u>ITEM 8</u>	
604	<u>To Dixie Applied Technology College</u>	
605	<u>From Uniform School Fund</u>	<u>\$ 287,700</u>
606	<u>From General Fund</u>	<u>\$ 89,200</u>
607	<u>From Income Tax</u>	<u>\$ 4,900</u>
608	<u>Schedule of Programs:</u>	
609	<u>Dixie Applied Technology College</u>	<u>\$ 381,800</u>
610	<u>ITEM 9</u>	
611	<u>To Southeast Applied Technology College</u>	
612	<u>From Uniform School Fund</u>	<u>\$ 226,100</u>
613	<u>From General Fund</u>	<u>\$ 270,700</u>
614	<u>From Income Tax</u>	<u>\$ 14,800</u>

615	<u>Schedule of Programs:</u>	
616	<u>Southeast Applied Technology College</u>	<u>\$ 511,600</u>
617	<u>ITEM 10</u>	
618	<u>To Central Applied Technology College</u>	
619	<u>From Uniform School Fund</u>	<u>\$ 153,300</u>
620	<u>From General Fund</u>	<u>\$ 103,000</u>
621	<u>From Income Tax</u>	<u>\$ 761,000</u>
622	<u>Schedule of Programs</u>	
623	<u>Central Applied Technology College</u>	<u>\$1,017,300</u>
624	<u>ITEM 11</u>	
625	<u>To Utah College of Applied Technology -- Administration</u>	
626	<u>From Uniform School Fund</u>	<u>\$6,169,000</u>
627	<u>From General Fund</u>	<u>\$ 196,900</u>
628	<u>From Beginning Nonlapsing Appropriation Balances</u>	<u>\$ 112,100</u>
629	<u>From Closing Nonlapsing Appropriation Balances</u>	<u>\$(112,100)</u>
630	<u>Schedule of Programs</u>	
631	<u>Administration</u>	<u>\$ 299,400</u>
632	<u>Development</u>	<u>\$1,700,000</u>
633	<u>Equipment</u>	<u>\$1,000,000</u>
634	<u>Custom Fit</u>	<u>\$3,366,500</u>
635	<u>UTAH APPLIED TECHNOLOGY COLLEGES</u>	
636	<u>ITEM 1</u>	
637	<u>BRIDGERLAND APPLIED TECHNOLOGY COLLEGE</u>	
638	<u>To Bridgerland Applied Technology College - General</u>	
639	<u>From Income Tax</u>	<u>\$ 290,800</u>
640	<u>From Income Tax, One-time</u>	<u>\$ 334,500</u>
641	<u>Schedule of Programs</u>	
642	<u>Bridgerland Applied Technology College</u>	<u>\$ 625,300</u>
643	<u>It is the intent of the Legislature that the college use a minimum of \$125,000 for</u>	
644	<u>technological programs that align with the Engineering and Technology Initiative established in</u>	
645	<u>Senate Bill 61.</u>	

646 ITEM 2

647 OGDEN-WEBER APPLIED TECHNOLOGY COLLEGE

648 To Ogden-Weber Applied Technology College - General

649 From Income Tax \$ 295,300

650 From Income Tax, One-time \$ 336,300

651 Schedule of Programs

652 Ogden-Weber Applied Technology College \$ 631,600

653 It is the intent of the Legislature that the college use a minimum of \$125,000 for
654 technological programs that align with the Engineering and Technology Initiative established in
655 Senate Bill 61.

656 ITEM 3

657 DAVIS APPLIED TECHNOLOGY COLLEGE

658 To Davis Applied Technology College - General

659 From Income Tax \$ 237,900

660 From Income Tax, One-time \$ 336,000

661 Schedule of Programs

662 Davis Applied Technology College \$ 573,900

663 It is the intent of the Legislature that the college use a minimum of \$125,000 for
664 technological programs that align with the Engineering and Technology Initiative established in
665 Senate Bill 61.

666 ITEM 4

667 SALT LAKE/TOOELE APPLIED TECHNOLOGY COLLEGE

668 To Salt Lake/Tooele Applied Technology College - General

669 From Income Tax \$ 707,400

670 From Income Tax, One-time \$ 143,000

671 Schedule of Programs

672 Salt Lake/Tooele Applied Technology College \$ 850,400

673 It is the intent of the Legislature that the college use a minimum of \$125,000 for
674 technological programs that align with the Engineering and Technology Initiative established in
675 Senate Bill 61.

676 ITEM 5

708 To Dixie Applied Technology College
 709 From Income Tax \$ 315,354
 710 From Income Tax, One-Time \$ 78,650
 711 Schedule of Programs
 712 Dixie Applied Technology College \$ 394,004
 713 It is the intent of the Legislature that the college use a minimum of \$125,000 for
 714 technological programs that align with the Engineering and Technology Initiative established in
 715 Senate Bill 61.

716 ITEM 9

717 SOUTHEAST APPLIED TECHNOLOGY COLLEGE
 718 To Southeast Applied Technology College
 719 From Income Tax \$ 269,400
 720 From Income Tax, One-time \$ 116,800
 721 Schedule of Programs
 722 Southeast Applied Technology College \$ 386,200
 723 It is the intent of the Legislature that the college use a minimum of \$125,000 for
 724 technological programs that align with the Engineering and Technology Initiative established in
 725 Senate Bill 61.

726 ITEM 10

727 CENTRAL APPLIED TECHNOLOGY COLLEGE
 728 To Central Applied Technology College - General
 729 From Income Tax \$ 240,800
 730 From Income Tax, One-time \$ 206,200
 731 Schedule of Programs
 732 Central Applied Technology College \$ 447,000
 733 It is the intent of the Legislature that the college use a minimum of \$125,000 for
 734 technological programs that align with the Engineering and Technology Initiative established in
 735 Senate Bill 61.

736 Section 19. **Effective date.**737 This act takes effect on July 1, 2001.738 Section 20. **Coordination clause.**

739 (1) If this bill and H.B. 1, Appropriations Act, both pass, it is the intent of the Legislature
740 that:

741 (a) the appropriations contained in this bill supersede appropriation items 75, 76, 77, 78,
742 79, 80, 81, 82, 83, and 176 in H.B. 1; and

743 (b) the appropriation for applied technology education in item 231 in H.B. 1 be reduced by
744 \$102,500 from \$16,099,000 to \$15,966,500.

745 (2) If this bill and S.B. 1, Supplemental Appropriations Act, both pass, and if this bill and
746 S.B. 3, Supplemental Appropriations Act II, both pass, it is the intent of the Legislature that
747 additional or modified funding levels and intent language in those bills be given effect.