

1 **UTAH COLLEGE OF APPLIED TECHNOLOGY GOVERNANCE**

2 **AMENDMENTS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Stephen H. Urquhart**

6 House Sponsor: _____

7
8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions related to governance of the Utah College of Applied
11 Technology.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ renames the president of the Utah College of Applied Technology the commissioner
16 of the Utah College of Applied Technology;
- 17 ▶ amends the duties of the commissioner of the Utah College of Applied Technology;
- 18 ▶ amends provisions related to the membership of the Utah College of Applied
19 Technology Board of Trustees;
- 20 ▶ implements a term limit for a member of the Utah College of Applied Technology
21 Board of Trustees;
- 22 ▶ amends provisions related to the appointment of a Utah College of Applied
23 Technology campus president; and
- 24 ▶ makes technical and conforming changes.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **35A-5-402**, as enacted by Laws of Utah 2015, Chapter 273

32 **53B-2a-101**, as last amended by Laws of Utah 2009, Chapter 346

33 **53B-2a-102**, as last amended by Laws of Utah 2012, Chapter 78

34 **53B-2a-103**, as last amended by Laws of Utah 2014, Chapter 128

35 **53B-2a-104**, as last amended by Laws of Utah 2013, Chapter 310

36 **53B-2a-107**, as last amended by Laws of Utah 2009, Chapter 346

37 **53B-2a-113**, as last amended by Laws of Utah 2009, Chapter 346

38 **53B-17-105**, as enacted by Laws of Utah 2014, Chapter 63

39 **63I-2-253**, as last amended by Laws of Utah 2015, Chapters 258, 418, and 456

40 **63N-12-203**, as renumbered and amended by Laws of Utah 2015, Chapter 283



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

43 Section 1. Section **35A-5-402** is amended to read:

44 **35A-5-402. Career and Technical Education Board creation -- Membership.**

45 (1) There is created the Career and Technical Education Board, within the department,
46 composed of the following members:

47 (a) the state superintendent of public instruction or the state superintendent of public
48 instruction's designee;

49 (b) the commissioner of higher education or the commissioner of higher education's
50 designee;

51 (c) the ~~president~~ commissioner of the Utah College of Applied Technology or the
52 ~~president~~ commissioner of the Utah College of Applied Technology's designee;

53 (d) the executive director of the department or the executive director of the
54 department's designee;

55 (e) the executive director of the Governor's Office of Economic Development or the
56 executive director of the Governor's Office of Economic Development's designee;

57 (f) one member of the governor's staff, appointed by the governor;

58 (g) five private sector members, representing business or industry that employs

59 individuals who hold certificates issued by a CTE program, appointed by the governor;

60 (h) a member of the Senate, appointed by the president of the Senate; and

61 (i) a member of the House of Representatives, appointed by the speaker of the House
62 of Representatives.

63 (2) The CTE Board shall select a chair and vice chair from among the members of the
64 CTE Board.

65 (3) The CTE Board shall meet at least quarterly.

66 (4) Attendance of a simple majority of the members of the CTE Board constitutes a
67 quorum for the transaction of official CTE Board business.

68 (5) Formal action by the CTE Board requires the majority vote of a quorum.

69 (6) A member of the CTE Board:

70 (a) may not receive compensation or benefits for the member's service; and

71 (b) may receive per diem and travel expenses in accordance with:

72 (i) Section 63A-3-106;

73 (ii) Section 63A-3-107; and

74 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
75 63A-3-107.

76 Section 2. Section 53B-2a-101 is amended to read:

77 **53B-2a-101. Definitions.**

78 As used in this chapter:

79 (1) "Board of trustees" means the Utah College of Applied Technology Board of
80 Trustees.

81 (2) "College campus" means a college campus of the Utah College of Applied
82 Technology.

83 (3) "Competency-based" means mastery of subject matter or skill level, as
84 demonstrated through business and industry approved standards and assessments, achieved
85 through participation in a hands-on learning environment, and which is tied to observable,
86 measurable performance objectives.

87 (4) "Member" means a member of the board of trustees.

88 [~~4~~] (5) "Open-entry, open-exit" means:

89 (a) a method of instructional delivery that allows for flexible scheduling in response to

90 individual student needs or requirements and demonstrated competency when knowledge and
91 skills have been mastered;

92 (b) students have the flexibility to begin or end study at any time, progress through
93 course material at their own pace, and demonstrate competency when knowledge and skills
94 have been mastered; and

95 (c) if competency is demonstrated in a program of study, a credential, certificate, or
96 diploma may be awarded.

97 (6) "UCAT commissioner" means the commissioner of the Utah College of Applied
98 Technology.

99 Section 3. Section **53B-2a-102** is amended to read:

100 **53B-2a-102. UCAT commissioner -- Appointment -- Duties.**

101 (1) (a) The board of trustees, [~~upon approval from the governor and~~] with the consent
102 of the Senate [~~for each appointee nominated on or after May 8, 2012~~], shall appoint a
103 [~~president for the Utah College of Applied Technology~~] UCAT commissioner to serve as the
104 board of trustees' chief executive officer.

105 (b) The [~~president of the Utah College of Applied Technology~~] UCAT commissioner
106 does not need to have a doctorate degree, but shall have extensive experience in career and
107 technical education.

108 (c) The [~~president~~] UCAT commissioner shall serve at the board of trustees' discretion
109 and may be terminated by:

110 (i) the board of trustees; or

111 (ii) the governor, after consultation with the board of trustees.

112 (d) The name of each final candidate for [~~president of the Utah College of Applied~~
113 ~~Technology~~] UCAT commissioner shall be publicly disclosed.

114 [~~(2) The president shall:~~]

115 [~~(a) direct the Utah College of Applied Technology and coordinate the activities of~~
116 ~~each of its college campuses;~~]

117 [~~(b) in consultation with the board of trustees, campus presidents, and campus boards~~
118 ~~of directors, prepare a comprehensive strategic plan for delivering career and technical~~
119 ~~education through the Utah College of Applied Technology college campuses;~~]

120 [~~(c) after consulting with school districts, charter schools, and other higher education~~]

121 ~~institutions in the regions, ensure that the curricula of the Utah College of Applied Technology~~
122 ~~meet the needs of the state, the regions, the school districts, and charter schools;]~~

123 ~~[(d) in consultation with the board of trustees, campus presidents, and campus boards~~
124 ~~of directors, and after consulting with school districts, charter schools, and other higher~~
125 ~~education institutions in the region, develop strategies for providing career and technical~~
126 ~~education in rural areas, specifically considering the distances between rural career and~~
127 ~~technical education providers;]~~

128 ~~[(e) establish minimum standards for career and technical education programs of the~~
129 ~~Utah College of Applied Technology college campuses;]~~

130 ~~[(f) in conjunction with the board of trustees;]~~

131 ~~[(i) develop and implement a system of common definitions, standards, and criteria for~~
132 ~~tracking and measuring the effectiveness of career and technical education;]~~

133 ~~[(ii) maintain a central administration office for coordination, prioritization, support,~~
134 ~~and reporting of college functions dealing with:]~~

135 ~~[(A) budgets and audits;]~~

136 ~~[(B) facilities, including capital, capital development, and leases;]~~

137 ~~[(C) management information systems;]~~

138 ~~[(D) campus and college master planning efforts;]~~

139 ~~[(E) strategic planning;]~~

140 ~~[(F) articulation with institutions of higher education and public education;]~~

141 ~~[(G) legislative, State System of Public Education, State System of Higher Education,~~
142 ~~and Board of Regents contact;]~~

143 ~~[(H) general data collection; and]~~

144 ~~[(I) programs, certificates, and curriculum; and]~~

145 ~~[(iii) develop and implement a plan to inform citizens about the availability, cost, and~~
146 ~~advantages of career and technical education;]~~

147 ~~[(g) after consulting with the State Board of Education, school districts, and charter~~
148 ~~schools, ensure that secondary students in the public education system have access to career~~
149 ~~and technical education through the Utah College of Applied Technology college campuses;]~~

150 ~~[(h) in conjunction with the board of trustees, establish benchmarks, provide oversight,~~
151 ~~evaluate program performance, and obtain independent audits to ensure that college campuses~~

152 follow the non-credit career and technical education mission described in this part; and]
 153 [(i) with the approval of the board of trustees, appoint each campus president in
 154 accordance with Section ~~53B-2a-107~~ and annually set the compensation of each campus
 155 president.]

156 (2) The board of trustees shall:

157 (a) set the salary of the UCAT commissioner;

158 (b) prescribe the duties and functions of the UCAT commissioner; and

159 (c) select a UCAT commissioner on the basis of outstanding professional

160 qualifications.

161 (3) The UCAT commissioner is responsible to the board of trustees to:

162 (a) ensure that the policies and programs of the board of trustees are properly executed;

163 (b) furnish information about the Utah College of Applied Technology and make

164 recommendations regarding that information to the board of trustees;

165 (c) provide state-level leadership in an activity affecting a college campus; and

166 (d) perform other duties as assigned by the board of trustees in carrying out the board

167 of trustees' duties and responsibilities.

168 Section 4. Section ~~53B-2a-103~~ is amended to read:

169 **53B-2a-103. Utah College of Applied Technology Board of Trustees --**

170 **Membership -- Terms -- Vacancies -- Oath -- Officers -- Quorum -- Committees --**

171 **Compensation.**

172 (1) There is created the Utah College of Applied Technology Board of Trustees[;].

173 (2) Except as provided in Subsections (3) and (4), the board of trustees is composed of

174 the following members:

175 (a) one member of the State Board of Education appointed by the chair of the State

176 Board of Education, to serve as a nonvoting member;

177 (b) one member of the State Board of Regents appointed by the chair of the State

178 Board of Regents, to serve as a nonvoting member;

179 (c) one member representing business and industry employers from the campus board

180 of directors of each applied technology college campus appointed by a majority vote of the

181 business and industry employer members of the campus board;

182 (d) one member representing business and industry employers from the Snow College

183 Economic Development and Workforce Preparation Advisory Committee appointed by a
 184 majority of the business and industry employer members of the advisory committee;

185 (e) one member representing business and industry employers from the Utah State
 186 University Eastern career and technical education advisory committee appointed by a majority
 187 of the business and industry employer members of the advisory committee;

188 (f) one member representing business and industry employers from the Salt Lake
 189 Community College School of Applied Technology Board of Directors appointed by a majority
 190 of the business and industry employer members of the board of directors;

191 (g) one business or industry employer representative appointed by the governor with
 192 the consent of the Senate from nominations submitted by the speaker of the House of
 193 Representatives and president of the Senate;

194 (h) one representative of union craft, trade, or apprenticeship programs that prepare
 195 workers for employment in career and technical education fields, appointed by the governor
 196 with the consent of the Senate;

197 (i) one representative of non-union craft, trade, or apprenticeship programs that prepare
 198 workers for employment in career and technical education fields, appointed by the governor
 199 with the consent of the Senate; and

200 (j) the executive director of the Governor's Office of Economic Development or the
 201 executive director's designee.

202 [~~(2) (a) In making appointments to the board of trustees, the governor shall consider:~~]

203 (3) (a) Beginning on July 1, 2019, the board of trustees is composed of 15 members
 204 appointed by the governor with the consent of the Senate, as follows:

205 (i) one member representing each college campus, selected from at least two nominees
 206 presented to the governor by the board of directors of each college campus; and

207 (ii) seven members appointed at large, considering individuals:

208 [~~(i) individuals~~] (A) from the state at large with due consideration for geographical
 209 representation;

210 [~~(ii) individuals~~] (B) recognized for their knowledge and expertise; and

211 [~~(iii) individuals~~] (C) who represent current and emerging business and industry
 212 sectors of the state.

213 (b) [~~Appointments~~] The governor shall make appointments to the board [~~shall be~~]

214 ~~made]~~ of trustees on a nonpartisan basis.

215 (4) (a) To transition from the composition of the board of trustees described in
216 Subsection (2) to the composition described in Subsection (3), the governor shall appoint a
217 replacement for a member:

218 (i) who was appointed to the board of trustees on or before May 10, 2015; and

219 (ii) when the member's current term expires.

220 (b) In replacing a member who was appointed under Subsection (2)(c), the governor
221 shall appoint a member to represent the college represented by the member whose term expires
222 by:

223 (i) soliciting the college campus's board of directors to nominate at least two
224 individuals for the position; and

225 (ii) selecting from the nominees presented.

226 (c) In replacing a member who was appointed under Subsections (2)(d) through (2)(i),
227 the governor shall appoint a new member at large, considering the factors described in
228 Subsection (3)(a)(ii).

229 (d) A member appointed under Subsection (2)(a), (2)(b), or (2)(j) shall remain on the
230 board of trustees until June 30, 2019.

231 (e) In making an appointment under this Subsection (4), the governor:

232 (i) shall appoint a member on a nonpartisan basis; and

233 (ii) may not reappoint the member whose term has expired.

234 ~~[(3)(a)]~~ (5) (a) (i) Except as provided under Subsection [(3)(b), members of the board
235 of trustees] (5)(a)(ii), a member shall be appointed commencing on July 1 of each
236 odd-numbered year to a four-year term.

237 ~~[(b) Initial terms of the board members beginning on July 1, 2009 shall be staggered~~
238 ~~with two-year and four-year terms so that]~~

239 (ii) The governor shall ensure that member terms are staggered so that approximately
240 one-half of the members' terms [will] expire in any odd-numbered year.

241 ~~[(c) An appointed member holds office until a successor is appointed and qualified.]~~

242 (b) A member may not hold office for more than two consecutive full terms.

243 ~~[(4)]~~ (6) When a vacancy occurs in the membership for any reason, the governor shall
244 appoint a replacement [shall be appointed] for the unexpired term.

245 ~~[(5)]~~ (7) (a) Each member shall take the official oath of office prior to assuming the
246 office.

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

248 ~~[(6)]~~ (8) (a) The board of trustees shall elect a chair and vice chair, who serve for two
249 years and until their successors are elected and qualified.

250 (b) A member may not serve more than two consecutive terms as the chair or vice
251 chair.

252 ~~[(7)]~~ (9) (a) The board of trustees may enact bylaws for ~~[its]~~ the board of trustees' own
253 government, including ~~[provision]~~ provisions for regular meetings.

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

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

257 (iii) The executive committee may act on nonroutine matters only under extraordinary
258 and emergency circumstances.

259 (iv) The executive committee shall report its activities to the board of trustees at ~~[its]~~
260 the board of trustees' next regular meeting following the executive committee's action.

261 ~~[(8)]~~ (10) A quorum shall be required to conduct business which shall consist of a
262 majority of voting board of trustee members.

263 ~~[(9)]~~ (11) The board of trustees may establish advisory committees.

264 ~~[(10)]~~ (12) A member may not receive compensation or benefits for the member's
265 service, but may receive per diem and travel expenses in accordance with:

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

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

268 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
269 63A-3-107.

270 Section 5. Section 53B-2a-104 is amended to read:

271 **53B-2a-104. Utah College of Applied Technology Board of Trustees -- Powers**
272 **and duties.**

273 (1) The Utah College of Applied Technology Board of Trustees is vested with the
274 control, management, and supervision of the Utah College of Applied Technology college
275 campuses in a manner consistent with the policy and purpose of this title and the specific

276 powers and responsibilities granted to it.

277 (2) The [~~Utah College of Applied Technology Board of Trustees~~] board of trustees
278 shall:

279 (a) ensure that [~~the Utah College of Applied Technology~~] a college [~~campuses comply~~]
280 campus complies with the requirements in Section 53B-2a-106;

281 (b) appoint the [~~president for the Utah College of Applied Technology~~] UCAT
282 commissioner in accordance with Section 53B-2a-102;

283 (c) advise the [~~president of the Utah College of Applied Technology~~] UCAT
284 commissioner and the State Board of Regents on issues related to career and technical
285 education, including articulation with institutions of higher education and public education;

286 (d) receive budget requests from each college campus, compile and prioritize the
287 requests, and submit the request to:

288 (i) the Legislature; and

289 (ii) the Governor's Office of Management and Budget;

290 (e) receive funding requests pertaining to capital facilities and land purchases from
291 each college campus, ensure that the requests comply with Section 53B-2a-112, prioritize the
292 requests, and submit the prioritized requests to the State Building Board;

293 (f) in conjunction with the [~~Utah College of Applied Technology president~~] UCAT
294 commissioner, establish benchmarks, provide oversight, evaluate program performance, and
295 obtain independent audits to ensure that college campuses follow the non-credit career and
296 technical education mission described in this part;

297 (g) approve programs for the Utah College of Applied Technology;

298 (h) approve the tuition rates for the Utah College of Applied Technology;

299 (i) prepare and submit an annual report detailing its progress and recommendations on
300 career and technical education issues to the governor and to the Legislature's Education Interim
301 Committee by October 31 of each year, which shall include information detailing:

302 (i) how the career and technical education needs of secondary students are being met,
303 including what access secondary students have to programs offered at college campuses;

304 (ii) how the emphasis on high demand, high wage, and high skill jobs in business and
305 industry described in [~~Subsection~~] Section 53B-2a-106[(1)(c)(ii)] is being provided;

306 (iii) performance outcomes, including:

307 (A) entered employment;

308 (B) job retention; and

309 (C) earnings; and

310 (iv) student tuition and fees; and

311 (j) collaborate with the State Board of Regents, the State Board of Education, the state
312 system of public education, the state system of higher education, the Department of Workforce
313 Services, and the Governor's Office of Economic Development on the delivery of career and
314 technical education.

315 (3) The [~~Utah College of Applied Technology Board of Trustees, the president of the~~
316 ~~Utah College of Applied Technology, and the Utah College of Applied Technology's~~] board of
317 trustees, the UCAT commissioner, or the college campuses, presidents, [and] or boards of
318 directors may not conduct a feasibility study or perform another act relating to offering a degree
319 or awarding credit.

320 Section 6. Section **53B-2a-107** is amended to read:

321 **53B-2a-107. Campus presidents -- Appointments -- Duties.**

322 (1) (a) The [~~president of the Utah College of Applied Technology~~] board of trustees
323 shall, after consultation with a campus board of directors [and with the approval of the board of
324 trustees], appoint a campus president for a college campus.

325 (b) The board of trustees shall establish a policy for appointing a campus president
326 that:

327 (i) requires the board of trustees to create a search committee that:

328 (A) shall include an equal number of board of trustee members and members from the
329 college campus board of directors; and

330 (B) may include college campus faculty, students, or other individuals;

331 (ii) requires the search committee to seek nominations, interview candidates, and
332 forward qualified candidates to the board of trustees for consideration;

333 (iii) provides for at least two members of the college campus board of directors to
334 participate in board of trustees' interviews of finalists; and

335 (iv) provides for the board of trustees to vote to appoint a campus president in a
336 meeting that complies with Title 52, Chapter 4, Open and Public Meetings Act.

337 [~~(b)~~] (2) (a) A campus president shall serve as the chief administrative officer of the

338 college campus.

339 ~~[(e)]~~ (b) A campus president does not need to have a doctorate degree, but shall have
340 extensive experience in career and technical education.

341 ~~[(d)]~~ (c) A campus president is subject to regular review and evaluation administered
342 by the ~~[Utah College of Applied Technology president]~~ board of trustees, in cooperation with
343 the campus board of directors, through a process approved by the board of trustees.

344 ~~[(e)]~~ (d) A campus president serves at the discretion of ~~[the Utah College of Applied~~
345 ~~Technology president, in cooperation with the campus board of directors and]~~ the board of
346 trustees, in cooperation with the campus board of directors.

347 (2) ~~[Each]~~ A campus president ~~[of a college campus]~~ shall:

348 (a) serve as the executive officer of the campus board of directors;

349 (b) administer the day-to-day operations of the college campus;

350 (c) consult with the campus board of directors; and

351 (d) administer human resource policies and employee compensation plans in
352 accordance with the requirements of the ~~[Utah College of Applied Technology Board of~~
353 ~~Trustees]~~ board of trustees.

354 Section 7. Section **53B-2a-113** is amended to read:

355 **53B-2a-113. College campuses -- Leasing authority -- Lease-purchase agreements**
356 **-- Report.**

357 (1) In accordance with Subsection **53B-2a-112(2)**, a college campus may enter into a
358 lease with other higher education institutions, school districts, charter schools, state agencies,
359 or business and industry for a term of:

360 (a) one year or less with the approval of the campus board of directors; and

361 (b) more than one year with the approval of the board of trustees and:

362 (i) the approval of funding for the lease by the Legislature prior to a college campus
363 entering into the lease; or

364 (ii) the lease agreement includes language that allows termination of the lease without
365 penalty.

366 (2) (a) In accordance with Subsection **53B-2a-112(2)**, a college campus may enter into
367 a lease-purchase agreement if:

368 (i) there is a long-term benefit to the state;

369 (ii) the project is included in both the campus and Utah College of Applied Technology
370 master plans;

371 (iii) the lease-purchase agreement includes language that allows termination of the
372 lease;

373 (iv) the lease-purchase agreement is approved by the campus board of directors and the
374 board of trustees; and

375 (v) the lease-purchase agreement is:

376 (A) reviewed by the Division of Facilities Construction and Management;

377 (B) reviewed by the State Building Board; and

378 (C) approved by the Legislature.

379 (b) An approval under Subsection (2)(a) shall include a recognition of:

380 (i) all parties, dates, and elements of the agreement;

381 (ii) the equity or collateral component that creates the benefit; and

382 (iii) the options dealing with the sale and division of equity.

383 (3) (a) Each college campus shall provide an annual lease report to the board of
384 trustees that details each of its leases, annual costs, location, square footage, and
385 recommendations for lease continuation.

386 (b) The [~~president of the Utah College of Applied Technology~~] UCAT commissioner
387 shall compile and distribute an annual combined lease report for all college campuses to the
388 Division of Facilities Construction Management and to others upon request.

389 (4) The [~~Utah College of Applied Technology~~] board of trustees shall use the annual
390 combined lease report in determining planning, utilization, and budget requests.

391 Section 8. Section **53B-17-105** is amended to read:

392 **53B-17-105. Utah Education and Telehealth Network.**

393 (1) There is created the Utah Education and Telehealth Network, or UETN.

394 (2) UETN shall:

395 (a) coordinate and support the telecommunications needs of public and higher
396 education, public libraries, and entities affiliated with the state systems of public and higher
397 education as approved by the Utah Education and Telehealth Network Board, including the
398 statewide development and implementation of a network for education, which utilizes satellite,
399 microwave, fiber-optic, broadcast, and other transmission media;

400 (b) coordinate the various telecommunications technology initiatives of public and
401 higher education;

402 (c) provide high-quality, cost-effective Internet access and appropriate interface
403 equipment for schools and school systems;

404 (d) procure, install, and maintain telecommunication services and equipment on behalf
405 of public and higher education;

406 (e) develop or implement other programs or services for the delivery of distance
407 learning and telehealth services as directed by law;

408 (f) apply for state and federal funding on behalf of:

409 (i) public and higher education; and

410 (ii) telehealth services;

411 (g) in consultation with health care providers from a variety of health care systems,
412 explore and encourage the development of telehealth services as a means of reducing health
413 care costs and increasing health care quality and access, with emphasis on assisting rural health
414 care providers and special populations; and

415 (h) in consultation with the Utah Department of Health, advise the governor and the
416 Legislature on:

417 (i) the role of telehealth in the state;

418 (ii) the policy issues related to telehealth;

419 (iii) the changing telehealth needs and resources in the state; and

420 (iv) state budgetary matters related to telehealth.

421 (3) In performing the duties under Subsection (2), UETN shall:

422 (a) provide services to schools, school districts, and the public and higher education
423 systems through an open and competitive bidding process;

424 (b) work with the private sector to deliver high-quality, cost-effective services;

425 (c) avoid duplicating facilities, equipment, or services of private providers or public
426 telecommunications service, as defined under Section [54-8b-2](#);

427 (d) utilize statewide economic development criteria in the design and implementation
428 of the educational telecommunications infrastructure; and

429 (e) assure that public service entities, such as educators, public service providers, and
430 public broadcasters, are provided access to the telecommunications infrastructure developed in

431 the state.

432 (4) The University of Utah shall provide administrative support for UETN.

433 (5) (a) The Utah Education and Telehealth Network Board, which is the governing
434 board for UETN, is created.

435 (b) The Utah Education and Telehealth Network Board shall have 13 members as
436 follows:

437 (i) four members representing the state system of higher education appointed by the
438 commissioner of higher education;

439 (ii) four members representing the state system of public education including:

440 (A) three members appointed by the State Board of Education; and

441 (B) one member representing the Utah State Office of Education appointed by the state
442 superintendent;

443 (iii) one member representing applied technology centers appointed by the [~~president~~]
444 commissioner of the Utah College of Applied Technology;

445 (iv) one member representing the state library appointed by the state librarian;

446 (v) two members representing hospitals as follows:

447 (A) the members may not be employed by the same hospital system;

448 (B) one member shall represent a rural hospital;

449 (C) one member shall represent an urban hospital; and

450 (D) the chief administrator or the administrator's designee for each hospital licensed in
451 this state shall select the two hospital representatives; and

452 (vi) one member representing the office of the governor, appointed by the governor.

453 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
454 appointed for the unexpired term.

455 (d) (i) The board shall elect a chair.

456 (ii) The chair shall set the agenda for the board meetings.

457 (6) A member of the board may not receive compensation or benefits for the member's
458 service, but may receive per diem and travel expenses in accordance with:

459 (a) Section [63A-3-106](#);

460 (b) Section [63A-3-107](#); and

461 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

462 63A-3-107.

463 (7) The board:

464 (a) shall hire an executive director for UETN who may hire staff for UETN as
465 permitted by the budget;

466 (b) may terminate the executive director's employment or assignment;

467 (c) shall determine the executive director's salary;

468 (d) shall annually conduct a performance evaluation of the executive director;

469 (e) shall establish policies the board determines are necessary for the operation of
470 UETN and the administration of UETN's duties; and

471 (f) shall advise UETN in:

472 (i) the development and operation of a coordinated, statewide, multi-option
473 telecommunications system to assist in the delivery of educational services and telehealth
474 services throughout the state; and

475 (ii) acquiring, producing, and distributing instructional content.

476 (8) The executive director of UETN shall be an at-will employee.

477 (9) UETN shall locate and maintain educational and telehealth telecommunication
478 infrastructure throughout the state.

479 (10) Educational institutions shall manage site operations under policy established by
480 UETN.

481 (11) Subject to future budget constraints, the Legislature shall provide an annual
482 appropriation to operate UETN.

483 (12) If the network operated by the Department of Technology Services is not
484 available, UETN may provide network connections to the central administration of counties
485 and municipalities for the sole purpose of transferring data to a secure facility for backup and
486 disaster recovery.

487 Section 9. Section **63I-2-253** is amended to read:

488 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

489 (1) Section **53A-1-403.5** is repealed July 1, 2017.

490 [~~(2) Subsection **53A-1-410(5)** is repealed July 1, 2015.~~]

491 [~~(3)~~] (2) Section **53A-1-411** is repealed July 1, 2017.

492 [~~(4)~~] (3) Section **53A-1a-513.5** is repealed July 1, 2017.

493 ~~[(5)]~~ (4) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2019.

494 ~~[(6)]~~ (5) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is
495 repealed July 1, 2017.

496 (6) (a) Subsections 53B-2a-103(2) and (4) are repealed July 1, 2019.

497 (b) When repealing Subsections 53B-2a-103(2) and (4), the Office of Legislative
498 Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3),
499 make necessary changes to subsection numbering and cross references.

500 Section 10. Section **63N-12-203** is amended to read:

501 **63N-12-203. STEM Action Center Board creation -- Membership.**

502 (1) There is created the STEM Action Center Board within the office, composed of the
503 following members:

504 (a) six private sector members who represent business, appointed by the governor;

505 (b) the state superintendent of public instruction or the state superintendent of public
506 instruction's designee;

507 (c) the commissioner of higher education or the commissioner of higher education's
508 designee;

509 (d) one member appointed by the governor;

510 (e) a member of the State Board of Education, chosen by the chair of the State Board of
511 Education;

512 (f) the executive director of the office or the executive director's designee;

513 (g) the ~~[president]~~ commissioner of the Utah College of Applied Technology or the
514 ~~[president]~~ commissioner of the Utah College of Applied Technology's designee; and

515 (h) one member who has a degree in engineering and experience working in a
516 government military installation, appointed by the governor.

517 (2) (a) The private sector members appointed by the governor in Subsection (1)(a) shall
518 represent a business or trade association whose primary focus is science, technology, or
519 engineering.

520 (b) Except as required by Subsection (2)(c), members appointed by the governor shall
521 be appointed to four-year terms.

522 (c) The length of terms of the members shall be staggered so that approximately half of
523 the committee is appointed every two years.

524 (d) The members may not serve more than two full consecutive terms except where the
525 governor determines that an additional term is in the best interest of the state.

526 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
527 appointed for the unexpired term.

528 (3) Attendance of a simple majority of the members constitutes a quorum for the
529 transaction of official committee business.

530 (4) Formal action by the committee requires a majority vote of a quorum.

531 (5) A member may not receive compensation or benefits for the member's service, but
532 may receive per diem and travel expenses in accordance with:

533 (a) Section [63A-3-106](#);

534 (b) Section [63A-3-107](#); and

535 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

536 (6) The governor shall select the chair of the board to serve a one-year term.

537 (7) The executive director of the office or the executive director's designee shall serve
538 as the vice chair of the board.

Legislative Review Note
Office of Legislative Research and General Counsel