

**Senator Stephen H. Urquhart** proposes the following substitute bill:

**UTAH COLLEGE OF APPLIED TECHNOLOGY GOVERNANCE**

**AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen H. Urquhart**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ renames the president of the Utah College of Applied Technology the director of the Utah College of Applied Technology;
- ▶ amends the duties of the director of the Utah College of Applied Technology;
- ▶ amends provisions related to the membership of the Utah College of Applied Technology Board of Trustees;
- ▶ implements a term limit for a member of the Utah College of Applied Technology Board of Trustees;
- ▶ amends provisions related to the appointment of a Utah College of Applied Technology campus president; and
- ▶ makes technical and conforming changes.

**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~~ director of the Utah College of Applied Technology or the  
52 ~~president~~ director 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) "Director" means the director of the Utah College of Applied Technology.

88 (5) "Member" means a member of the board of trustees.

89 [~~(4)~~] (6) "Open-entry, open-exit" means:

90 (a) a method of instructional delivery that allows for flexible scheduling in response to  
91 individual student needs or requirements and demonstrated competency when knowledge and  
92 skills have been mastered;

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

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

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

99 **53B-2a-102. Director -- Appointment -- Duties.**

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

104 [~~(b) The president of the Utah College of Applied Technology does not need to have a~~  
105 ~~doctorate degree, but shall]~~

106 (b) The director shall:

107 (i) have a master's degree, or a degree more advanced than a master's degree; and

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

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

111 (i) the board of trustees; or

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

113 (d) If the board of trustees intends to appoint an interim or acting director during a  
114 leave of absence of the director, the board of trustees shall appoint the interim or acting director  
115 with the consent of the Senate.

116 [~~(d)~~] (e) The name of each final candidate for [president of the Utah College of  
117 Applied Technology] director shall be publicly disclosed.

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

- 119           ~~[(a) direct the Utah College of Applied Technology and coordinate the activities of~~  
120 ~~each of its college campuses;]~~
- 121           ~~[(b) in consultation with the board of trustees, campus presidents, and campus boards~~  
122 ~~of directors, prepare a comprehensive strategic plan for delivering career and technical~~  
123 ~~education through the Utah College of Applied Technology college campuses;]~~
- 124           ~~[(c) after consulting with school districts, charter schools, and other higher education~~  
125 ~~institutions in the regions, ensure that the curricula of the Utah College of Applied Technology~~  
126 ~~meet the needs of the state, the regions, the school districts, and charter schools;]~~
- 127           ~~[(d) in consultation with the board of trustees, campus presidents, and campus boards~~  
128 ~~of directors, and after consulting with school districts, charter schools, and other higher~~  
129 ~~education institutions in the region, develop strategies for providing career and technical~~  
130 ~~education in rural areas, specifically considering the distances between rural career and~~  
131 ~~technical education providers;]~~
- 132           ~~[(e) establish minimum standards for career and technical education programs of the~~  
133 ~~Utah College of Applied Technology college campuses;]~~
- 134           ~~[(f) in conjunction with the board of trustees;]~~
- 135           ~~[(i) develop and implement a system of common definitions, standards, and criteria for~~  
136 ~~tracking and measuring the effectiveness of career and technical education;]~~
- 137           ~~[(ii) maintain a central administration office for coordination, prioritization, support,~~  
138 ~~and reporting of college functions dealing with:]~~
- 139           ~~[(A) budgets and audits;]~~
- 140           ~~[(B) facilities, including capital, capital development, and leases;]~~
- 141           ~~[(C) management information systems;]~~
- 142           ~~[(D) campus and college master planning efforts;]~~
- 143           ~~[(E) strategic planning;]~~
- 144           ~~[(F) articulation with institutions of higher education and public education;]~~
- 145           ~~[(G) legislative, State System of Public Education, State System of Higher Education,~~  
146 ~~and Board of Regents contact;]~~
- 147           ~~[(H) general data collection; and]~~
- 148           ~~[(I) programs, certificates, and curriculum; and]~~
- 149           ~~[(iii) develop and implement a plan to inform citizens about the availability, cost, and~~

150 advantages of career and technical education;]

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

154 ~~[(h) in conjunction with the board of trustees, establish benchmarks, provide oversight,~~  
155 ~~evaluate program performance, and obtain independent audits to ensure that college campuses~~  
156 ~~follow the non-credit career and technical education mission described in this part; and]~~

157 ~~[(i) with the approval of the board of trustees, appoint each campus president in~~  
158 ~~accordance with Section [53B-2a-107](#) and annually set the compensation of each campus~~  
159 ~~president.]~~

160 (2) The board of trustees shall:

161 (a) set the salary of the director;

162 (b) prescribe the duties and functions of the director; and

163 (c) select a director on the basis of outstanding professional qualifications.

164 (3) The director is responsible to the board of trustees to:

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

166 (b) furnish information about the Utah College of Applied Technology and make  
167 recommendations regarding that information to the board of trustees;

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

169 (d) perform other duties as assigned by the board of trustees in carrying out the board  
170 of trustees' duties and responsibilities.

171 Section 4. Section **53B-2a-103** is amended to read:

172 **53B-2a-103. Utah College of Applied Technology Board of Trustees --**

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

174 **Compensation.**

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

176 (2) Except as provided in Subsections (3) and (4), the board of trustees is composed of  
177 the following members:

178 (a) one member of the State Board of Education appointed by the chair of the State  
179 Board of Education, to serve as a nonvoting member;

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

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

182 (c) one member representing business and industry employers from the campus board  
183 of directors of each applied technology college campus appointed by a majority vote of the  
184 business and industry employer members of the campus board;

185 (d) one member representing business and industry employers from the Snow College  
186 Economic Development and Workforce Preparation Advisory Committee appointed by a  
187 majority of the business and industry employer members of the advisory committee;

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

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

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

197 (h) one representative of 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;

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

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

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

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

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

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

211 [~~(i) individuals~~] (A) from the state at large with due consideration for geographical

212 representation;

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

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

216 (b) ~~[Appointments]~~ The governor shall make appointments to the board ~~[shall be~~  
217 ~~made]~~ of trustees on a nonpartisan basis.

218 (c) An individual may not serve on the board of trustees and a college campus board of  
219 directors at the same time.

220 (4) (a) Except as provided in Subsection (4)(d), to transition from the composition of  
221 the board of trustees described in Subsection (2) to the composition described in Subsection  
222 (3), for a member who was appointed to the board of trustees on or before May 10, 2016, the  
223 governor shall appoint a replacement:

224 (i) when the member's current term expires, for a member who, on May 10, 2016, has  
225 served less than two consecutive full terms on the board of trustees; or

226 (ii) on May 10, 2016, for a member who, on May 10, 2016, has served two or more  
227 consecutive full terms on the board of trustees.

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

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

233 (ii) selecting from the nominees presented.

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

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

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

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

241 (ii) may not reappoint the member who is being replaced.

242 ~~[(3)(a)]~~ (5) (a) (i) Except as provided under Subsection [(3)(b), members of the board



243 ~~of trustees]~~ (4)(a)(ii) or (5)(a)(ii), a member shall be appointed commencing on July 1 of each  
244 odd-numbered year to a four-year term.

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

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

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

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

251 ~~[(4)]~~ (6) When a vacancy occurs ~~[in]~~ on the ~~[membership]~~ board of trustees for any  
252 reason, the governor shall appoint a replacement ~~[shall be appointed]~~ for the unexpired term.

253 ~~[(5)]~~ (7) (a) Each member shall take the official oath of office prior to assuming the  
254 office.

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

256 ~~[(6)]~~ (8) (a) The board of trustees shall elect a chair and vice chair, who serve for two  
257 years and until their successors are elected and qualified.

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

260 ~~[(7)]~~ (9) (a) The board of trustees may enact bylaws for ~~[its]~~ the board of trustees' own  
261 government, including ~~[provision]~~ provisions for regular meetings.

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

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

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

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

269 ~~[(8)]~~ (10) A quorum shall be required to conduct business which shall consist of a  
270 majority of voting board of trustee members.

271 ~~[(9)]~~ (11) The board of trustees may establish advisory committees.

272 ~~[(10)]~~ (12) A member may not receive compensation or benefits for the member's  
273 service, but may receive per diem and travel expenses in accordance with:

- 274 (a) Section 63A-3-106;
- 275 (b) Section 63A-3-107; and
- 276 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 277 63A-3-107.

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

279 **53B-2a-104. Utah College of Applied Technology Board of Trustees -- Powers**  
280 **and duties.**

281 (1) The Utah College of Applied Technology Board of Trustees is vested with the  
282 control, management, and supervision of the Utah College of Applied Technology college  
283 campuses in a manner consistent with the policy and purpose of this title and the specific  
284 powers and responsibilities granted to it.

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

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

289 (b) appoint the [~~president for the Utah College of Applied Technology~~] director in  
290 accordance with Section 53B-2a-102;

291 (c) advise the [~~president of the Utah College of Applied Technology~~] director and the  
292 State Board of Regents on issues related to career and technical education, including  
293 articulation with institutions of higher education and public education;

294 (d) ensure that a secondary student in the public education system has access to career  
295 and technical education through a college campus in the secondary student's service region;

296 (e) in consultation with the State Board of Education, the State Board of Regents, and  
297 college campus presidents, develop strategies for providing career and technical education in  
298 rural areas, considering distances between rural career and technical education providers;

299 [~~(f)~~] (f) receive budget requests from each college campus, compile and prioritize the  
300 requests, and submit the request to:

301 (i) the Legislature; and

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

303 [~~(g)~~] (g) receive funding requests pertaining to capital facilities and land purchases  
304 from each college campus, ensure that the requests comply with Section 53B-2a-112, prioritize

305 the requests, and submit the prioritized requests to the State Building Board;

306 ~~[(f)]~~ (h) in conjunction with the ~~[Utah College of Applied Technology president]~~  
 307 director, establish benchmarks, provide oversight, evaluate program performance, and obtain  
 308 independent audits to ensure that college campuses follow the non-credit career and technical  
 309 education mission described in this part;

310 ~~[(g)]~~ (i) approve programs for the Utah College of Applied Technology;

311 ~~[(h)]~~ (j) approve the tuition rates for the Utah College of Applied Technology;

312 ~~[(i)]~~ (k) prepare and submit an annual report detailing its progress and  
 313 recommendations on career and technical education issues to the governor and to the  
 314 Legislature's Education Interim Committee by October 31 of each year, which shall include  
 315 information detailing:

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

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

320 (iii) performance outcomes, including:

321 (A) entered employment;

322 (B) job retention; and

323 (C) earnings; and

324 (iv) student tuition and fees; and

325 ~~[(j)]~~ (l) collaborate with the State Board of Regents, the State Board of Education, the  
 326 state system of public education, the state system of higher education, the Department of  
 327 Workforce Services, and the Governor's Office of Economic Development on the delivery of  
 328 career and technical education.

329 (3) The ~~[Utah College of Applied Technology Board of Trustees, the president of the~~  
 330 ~~Utah College of Applied Technology, and the Utah College of Applied Technology's]~~ board of  
 331 trustees, the director, or the college campuses, presidents, [and] or boards of directors may not  
 332 conduct a feasibility study or perform another act relating to offering a degree or awarding  
 333 credit.

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

335 **53B-2a-107. Campus presidents -- Appointments -- Duties.**

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

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

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

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

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

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

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

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

351 [~~(b)~~] (2) (a) A campus president shall serve as the chief administrative officer of the  
352 college campus.

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

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

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

361 (e) The board of trustees, in cooperation with a college campus board of directors, shall  
362 set the compensation for a college president.

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

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

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

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

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

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

371 **53B-2a-113. College campuses -- Leasing authority -- Lease-purchase agreements**  
372 **-- Report.**

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

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

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

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

380 (ii) the lease agreement includes language that allows termination of the lease without  
381 penalty.

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

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

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

387 (iii) the lease-purchase agreement includes language that allows termination of the  
388 lease;

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

391 (v) the lease-purchase agreement is:

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

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

394 (C) approved by the Legislature.

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

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

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

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

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

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

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

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

408 **53B-17-105. Utah Education and Telehealth Network.**

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

410 (2) UETN shall:

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

416 (b) coordinate the various telecommunications technology initiatives of public and  
417 higher education;

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

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

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

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

425 (i) public and higher education; and

426 (ii) telehealth services;

427 (g) in consultation with health care providers from a variety of health care systems,  
428 explore and encourage the development of telehealth services as a means of reducing health

429 care costs and increasing health care quality and access, with emphasis on assisting rural health  
430 care providers and special populations; and

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

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

434 (ii) the policy issues related to telehealth;

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

436 (iv) state budgetary matters related to telehealth.

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

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

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

441 (c) avoid duplicating facilities, equipment, or services of private providers or public  
442 telecommunications service, as defined under Section 54-8b-2;

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

445 (e) assure that public service entities, such as educators, public service providers, and  
446 public broadcasters, are provided access to the telecommunications infrastructure developed in  
447 the state.

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

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

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

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

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

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

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

459 (iii) one member representing applied technology centers appointed by the [president]

460 director of the Utah College of Applied Technology;

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

462 (v) two members representing hospitals as follows:

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

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

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

466 (D) the chief administrator or the administrator's designee for each hospital licensed in

467 this state shall select the two hospital representatives; and

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

469 (c) When a vacancy occurs in the membership for any reason, the replacement shall be

470 appointed for the unexpired term.

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

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

473 (6) A member of the board may not receive compensation or benefits for the member's

474 service, but may receive per diem and travel expenses in accordance with:

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

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

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

478 [63A-3-107](#).

479 (7) The board:

480 (a) shall hire an executive director for UETN who may hire staff for UETN as

481 permitted by the budget;

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

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

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

485 (e) shall establish policies the board determines are necessary for the operation of

486 UETN and the administration of UETN's duties; and

487 (f) shall advise UETN in:

488 (i) the development and operation of a coordinated, statewide, multi-option

489 telecommunications system to assist in the delivery of educational services and telehealth

490 services throughout the state; and



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

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

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

495 (10) Educational institutions shall manage site operations under policy established by  
496 UETN.

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

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

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

504 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

505 (1) Section [53A-1-403.5](#) is repealed July 1, 2017.

506 [~~(2) Subsection [53A-1-410\(5\)](#) is repealed July 1, 2015.~~]

507 [~~(3)~~] (2) Section [53A-1-411](#) is repealed July 1, 2017.

508 [~~(4)~~] (3) Section [53A-1a-513.5](#) is repealed July 1, 2017.

509 [~~(5)~~] (4) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2019.

510 [~~(6)~~] (5) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is  
511 repealed July 1, 2017.

512 (6) (a) Subsections [53B-2a-103\(2\)](#) and (4) are repealed July 1, 2019.

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

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

517 **63N-12-203. STEM Action Center Board creation -- Membership.**

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

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

521 (b) the state superintendent of public instruction or the state superintendent of public

522 instruction's designee;

523 (c) the commissioner of higher education or the commissioner of higher education's  
524 designee;

525 (d) one member appointed by the governor;

526 (e) a member of the State Board of Education, chosen by the chair of the State Board of  
527 Education;

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

529 (g) the ~~[president]~~ director of the Utah College of Applied Technology or the  
530 ~~[president]~~ director of the Utah College of Applied Technology's designee; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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