

**Representative Kevin S. Garn** proposes the following substitute bill:

**STATE BOARD OF REGENTS AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Dennis E. Stowell**

House Sponsor: Kay L. McIff

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to appointments to the State Board of Regents and requires the State Board of Regents to approve certain academic programs.

**Highlighted Provisions:**

This bill:

- ▶ requires the governor to appoint at least two members who do not reside within a metropolitan statistical area to the Board of Regents;
- ▶ when making appointments to the Board of Regents, requires the governor to consider certain factors;
- ▶ provides for transition provisions;
- ▶ requires the Board of Regents to approve an electronics engineering program at Weber State University; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



26 AMENDS:

27 **53B-1-104**, as last amended by Laws of Utah 2009, Chapter 346

28 ENACTS:

29 **53B-16-106**, Utah Code Annotated 1953



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

32 Section 1. Section **53B-1-104** is amended to read:

33 **53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath --**  
34 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.**

35 (1) (a) The board shall consist of 19 residents of the state.

36 (b) (i) Fifteen members shall be appointed by the governor with the consent of the  
37 Senate.

38 (ii) (A) One additional member shall be appointed by the governor from nominations  
39 of the student body presidents council.

40 (B) The student body presidents council shall nominate three qualified, matriculated  
41 students enrolled in the state institutions of higher education.

42 (C) Student body presidents are not eligible for nomination.

43 (iii) All appointments to the board shall be made on a nonpartisan basis.

44 (iv) In making appointments to the board, the governor shall select:

45 (A) at least two individuals who do not reside within a metropolitan statistical area, as  
46 designated by the United States Census Bureau;

47 [~~(A)~~] (B) the remaining individuals from the state at large with due consideration for  
48 geographical representation and diversity of exposure to the various institutions in the Utah  
49 System of Higher Education; and

50 [~~(B)~~] (C) at least three individuals with personal experience in career and technical  
51 education, which could include service on a campus board of directors.

52 (c) (i) In addition to the members designated under Subsection (1)(b), two members of  
53 the State Board of Education, appointed by the chair of the State Board of Education, shall  
54 serve as nonvoting members of the board.

55 (ii) A nonvoting State Board of Education member shall continue to serve as a member  
56 without a set term until the member is replaced by the chair of the State Board of Education.

57 (d) (i) In addition to the members designated under Subsection (1)(b), one member of  
58 the Utah College of Applied Technology Board of Trustees, appointed by the chair of the Utah  
59 College of Applied Technology Board of Trustees, shall serve as a nonvoting member of the  
60 board.

61 (ii) A nonvoting Utah College of Applied Technology Board of Trustees member shall  
62 continue to serve as a member without a set term until the member is replaced by the chair of  
63 the Utah College of Applied Technology Board of Trustees.

64 (2) (a) Five members of the board, other than the student member, the State Board of  
65 Education members, and the Utah College of Applied Technology Board of Trustees member,  
66 shall be appointed during each odd-numbered year to six-year staggered terms which  
67 commence on July 1 of the year of appointment.

68 (b) (i) The student member shall be appointed for a one-year term and may be  
69 reappointed for one additional term.

70 (ii) The student member has full voting rights and may vote on selection of a board  
71 chair or vice chair, but not serve in either office.

72 (c) Board members shall hold office until their successors have been appointed and  
73 qualified.

74 (d) The governor shall make the appointments in Subsection (1)(b)(iv)(A) by  
75 September 30, 2011.

76 (3) (a) Each member of the board shall take the official oath of office before entering  
77 upon the duties of office.

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

79 (4) The board shall elect a chair and vice chair from its members who shall serve terms  
80 of two years and until their successors are chosen and qualified.

81 (5) (a) The board shall appoint a secretary from the staff of its chief executive to serve  
82 at its discretion.

83 (b) The secretary shall be a full-time employee who receives a salary set by the board.

84 (c) The secretary shall record and maintain a record of all board meetings and perform  
85 other duties as the board directs.

86 (6) The board shall appoint a treasurer who serves at the discretion of the board.

87 (7) (a) The board may establish advisory committees.

88 (b) The powers and authority of the board are nondelegable, except as specifically  
89 provided for in this title.

90 (c) All matters requiring board determination shall be addressed in a properly convened  
91 meeting of the board or its executive committee.

92 (8) The board shall enact bylaws for its own government not inconsistent with the  
93 constitution or the laws of this state.

94 (9) (a) The board shall meet regularly upon its own determination.

95 (b) The board may also meet, in full or executive session, at the request of its chair, its  
96 executive officer, or five members of the board.

97 (10) A quorum of the voting members of the board is required to conduct its business  
98 and consists of nine members.

99 (11) (a) A vacancy in the board occurring before the expiration of a voting member's  
100 full term shall be immediately filled by appointment by the governor with the consent of the  
101 Senate.

102 (b) The appointee serves for the remainder of the unexpired term.

103 (12) (a) Each member of the board shall receive a per diem as provided by law as  
104 compensation for services for attending meetings of the board.

105 (b) Each member shall also be paid actual expenses incurred for attending meetings of  
106 the board or its committees or for attending to any business of the institutions under the  
107 direction of the board or authority of the board or its committees.

108 Section 2. Section **53B-16-106** is enacted to read:

109 **53B-16-106. Board to establish electronics engineering program at Weber State**  
110 **University.**

111 (1) The board shall approve a proposal submitted by Weber State University, in  
112 accordance with Section 53B-16-102 and board policy, to establish a bachelor of science  
113 degree program in electronics engineering.

114 (2) Weber State University shall establish the program described in Subsection (1)  
115 within existing budgets and with no additional appropriation.