

HB0210S02 compared with HB0210

{Omitted text} shows text that was in HB0210 but was omitted in HB0210S02

inserted text shows text that was not in HB0210 but was inserted into HB0210S02

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Higher Education Board of Trustees Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joseph Elison

Senate Sponsor:

LONG TITLE

General Description:

This bill modifies the requirements for appointment to the board of trustees of a degree-granting institution.

Highlighted Provisions:

This bill:

- defines {"service area";} a term;
- makes technical changes;
- requires a member of the board of trustees of a degree-granting institution to be a Utah resident;
- amends the requirements for appointed members of the board of trustees for a degree-granting institution and technical college; and
- requires applicants to provide additional application information.

Money Appropriated in this Bill:

None

None

AMENDS:

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22 **53B-2-104** , as last amended by Laws of Utah 2024, Chapter 529 , as last amended by Laws of Utah
2024, Chapter 529

23 **53B-2a-108** , as last amended by Laws of Utah 2020, Chapters 352, 365 and 373 , as last
amended by Laws of Utah 2020, Chapters 352, 365 and 373

24 **63G-24-202** , as last amended by Laws of Utah 2024, Chapter 12 , as last amended by Laws of Utah
2024, Chapter 12

25

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

27 Section 1. Section **53B-2-104** is amended to read:

28 **53B-2-104. Degree-granting institution board of trustees -- Membership -- Terms --
Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees -- Compensation.**

28 (1) As used in this section[;] :

29 (a) [~~"board~~] Board of trustees" means the board of trustees for a degree-granting institution.

31 (b) "Service area" means the geographic area, { described in Section 53B-2a-201 } as board policy
determines, where a degree-granting institution has primary responsibility for providing educational
programs and services.

34 (2)

. (a) The board of trustees of a degree-granting institution consists of the following:

35 (i) except as provided in Subsection [~~(2)(e)~~] (2)(d), eight individuals who are residents of Utah,
appointed by the governor with the advice and consent of the Senate in accordance with Title
63G, Chapter 24, Part 2, Vacancies; and

38 (ii) two ex officio members who are the president of the institution's alumni association, and the
president of the associated students of the institution.

40 (b) { ~~Each appointed member~~ } At least six appointed members of the board of trustees of a degree-
granting institution shall meet one of the following qualifications:

42 (i) the appointed member previously attended the institution the member represents;

43 (ii) the appointed member currently resides within the institution's service area; or

44 (iii) the appointed member:

45 (A) did not previously attend the institution;

46 (B) previously resided in the institution's service area for at least five years;

47 (C) no longer resides in the institution's service area; and

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- 48 (D) on the day on which the appointed member submits the application to serve on the institution's board of trustees, has not, since last moving from the institution's service area, resided outside of the institution's service area for more than five years.
- 52 ~~[(b)]~~ (c) In making the appointments described in Subsections ~~{(2)(a)(i)}~~ (2)(a)(i) and ~~[(2)(e)(i)]~~ (2)(d)(i), the governor:
- 54 (i) shall ensure that the membership of a board of trustees includes representation of interests of business, industry, and labor; and
- 56 (ii) may not appoint an individual to more than two consecutive full terms.
- 57 ~~[(e)]~~ (d)
- . (i) The board of trustees of Utah State University has nine individuals who are residents of Utah, appointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 60 (ii) One of the nine individuals described in Subsection ~~{(2)(e)(i)}~~ (2)(d)(i) shall reside in the Utah State University Eastern service region or the Utah State University Blanding service region.
- 66 (e) The qualifications required for an appointed board member under this Subsection (2) apply only to a board member appointed on or after May 7, 2025.
- 63 (3)
- . (a) The governor shall appoint four members of each board of trustees during each odd-numbered year to four-year terms commencing on July 1 of the year of appointment.
- 66 (b) Except as provided in Subsection (3)(d), a member appointed under Subsection (2)(a)(i) or ~~[(2)(e)(i)]~~ (2)(d)(i) holds office until a successor is appointed and qualified.
- 68 (c) The ex officio members serve for the same period as they serve as presidents and until their successors have qualified.
- 70 (d)
- . (i) The governor may remove a member appointed under Subsection (2)(a)(i) or ~~[(2)(e)(i)]~~ (2)(d)(i) for cause.
- 72 (ii) The governor shall consult with the president of the Senate before removing a member in accordance with Subsection (3)(d)(i).
- 74 (4) When a vacancy occurs in the membership of a board of trustees for any reason, the governor shall, with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, appoint a replacement for the unexpired term.

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77 (5)

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

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

80 (6) A board of trustees shall elect a chair and vice chair, who serve for two years and until their successors are elected and qualified.

82 (7)

. (a) A board of trustees may enact bylaws for the board of trustees' own government, including provisions for regular meetings.

84 (b)

. (i) A board of trustees may provide for an executive committee in the board of trustees' bylaws.

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

89 (iii) An executive committee may act on nonroutine matters only under extraordinary and emergency circumstances.

91 (iv) An executive committee shall report the executive committee's activities to the board of trustees at the board of trustees' next regular meeting following the action.

93 (c) Copies of a board of trustees' bylaws shall be filed with the board.

94 (8) A quorum is required to conduct business and consists of six members.

95 (9) A board of trustees may establish advisory committees.

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

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

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

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

102 (11) A board of trustees member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

109 Section 2. Section 53B-2a-108 is amended to read:

110 **53B-2a-108. Technical college boards of trustees -- Membership -- Appointments.**

111 (1) As used in this section:

112 (a) "Higher education institution" means the same as that term is defined in Section 53B-2a-112.

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- (b) "Technical college service area" means the geographic area served by each technical college as described in Section 53B-2a-105.
- 116 (2) A technical college board of trustees consists of:
- 117 (a) one member [øf] each from no more than four of the local school [board for each school district] boards for the school districts in the technical college service area, appointed by the local school board to which the member belongs, in a rotation specified by the technical college as described in Subsection (6);
- 121 (b) except as provided in Subsection (3)(b), one individual who is a member of the higher education institution board of trustees, appointed by the higher education institution board of trustees; and
- 124 (c) a number of individuals, appointed by the governor with the advice and consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2, Vacancies, that is:
- 126 (i) seven for:
- 127 (A) Tooele Technical College;
- 128 (B) Uintah Basin Technical College; and
- 129 (C) Dixie Technical College;
- 130 (ii) eight for:
- 131 (A) Bridgerland Technical College;
- 132 (B) Ogden-Weber Technical College;
- 133 (C) Davis Technical College; and
- 134 (D) Southwest Technical College; or
- 135 (iii) nine for Mountainland Technical College.
- 136 (3)
- . (a) In appointing the members described in Subsection (2)(c), the governor shall appoint individuals who represent the interests of business, industry, or labor in the technical college service area.
- 139 (b) If no member of the institution of higher education board of trustees lives within the technical college service area, the institution of higher education board of trustees may nominate an individual to be appointed by the governor with the advice and consent of the Senate instead of appointing a member described in Subsection (2)(b).
- 143 (4)
- . (a) The governor may remove a member appointed under Subsection (2)(c) or (3)(b) for cause.
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(b) The governor shall consult with the president of the Senate before removing a member appointed under Subsection (2)(c) or (3)(b).

147 (5) A member described in Subsection (2)(c) shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

149 (6) A technical college with a service region containing more than four school districts shall create, in the bylaws of the technical college's board of trustees, a rotation schedule for school board representation on the technical college's board of trustees.

152 (7) The board shall review the bylaw components described in Subsection (6) before the technical college formally adopts the bylaw amendments.

154 (8) The qualifications required for an appointed board member under Subsection (2)(a) apply only to a board member appointed on or after May 7, 2025.

156 Section 3. Section **63G-24-202** is amended to read:

157 **63G-24-202. Application.**

106 (1) The application period for an appointed board member shall last for a period of at least:

107 (a) 30 days for an open position due to an expiring term; or

108 (b) 14 days for an open position due to a vacancy occurring for a reason other than the expiration of a term.

110 (2) An applicant shall use the application feature on the governor's website described in Subsection 67-1-2.5(4) to apply for a vacant appointed board member position unless the notice described in Section 63G-24-201 specifies a different application process.

113 (3) The application feature described in Subsection (2) shall require the applicant to provide information including:

115 (a) the applicant's name;

116 (b) the applicant's current employment;[-and]

117 (c) the applicant's affiliation with public and private entities, including employment, in the five years on or before the day on which the applicant submits the application[-] ; and

120 (d) proof of meeting one of the qualifications described in Subsection 53B-2-104(b).

173 Section 4. **Effective date.**

This bill takes effect on May 7, 2025.

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