

Joseph Elison proposes the following substitute bill:

Higher Education Board of Trustees Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joseph Elison

Senate Sponsor: John D. Johnson

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 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

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

53B-2-104 . Degree-granting institution board of trustees -- Membership --

29 **Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees --**
30 **Compensation.**

31 (1) As used in this section^[~~1~~] :

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

34 (b) "Service area" means the geographic area, as board policy determines, where a
35 degree-granting institution has primary responsibility for providing educational
36 programs and services.

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

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

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

43 (b) At least six appointed members of the board of trustees of a degree-granting
44 institution shall meet one of the following qualifications:

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

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

47 (iii) the appointed member:

48 (A) did not previously attend the institution;

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

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

51 (D) on the day on which the appointed member submits the application to serve on
52 the institution's board of trustees, has not, since last moving from the
53 institution's service area, resided outside of the institution's service area for
54 more than five years.

55 [~~(b)]~~ (c) In making the appointments described in Subsections (2)(a)(i) and [~~(2)(e)(i);~~]
56 (2)(d)(i), the governor:

57 (i) shall ensure that the membership of a board of trustees includes representation of
58 interests of business, industry, and labor; and

59 (ii) may not appoint an individual to more than two consecutive full terms.

60 [~~(e)]~~ (d)(i) The board of trustees of Utah State University has nine individuals who are
61 residents of Utah, appointed by the governor with the advice and consent of the
62 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

- 63 (ii) One of the nine individuals described in Subsection [~~(2)(e)(i)~~] (2)(d)(i) shall reside
64 in the Utah State University Eastern service region or the Utah State University
65 Blanding service region.
- 66 (e) The qualifications required for an appointed board member under this Subsection (2)
67 apply only to a board member appointed on or after May 7, 2025.
- 68 (3)(a) The governor shall appoint four members of each board of trustees during each
69 odd-numbered year to four-year terms commencing on July 1 of the year of
70 appointment.
- 71 (b) Except as provided in Subsection (3)(d), a member appointed under Subsection
72 (2)(a)(i) or [~~(2)(e)(i)~~] (2)(d)(i) holds office until a successor is appointed and qualified.
- 73 (c) The ex officio members serve for the same period as they serve as presidents and
74 until their successors have qualified.
- 75 (d)(i) The governor may remove a member appointed under Subsection (2)(a)(i) or [
76 ~~(2)(e)(i)~~] (2)(d)(i) for cause.
- 77 (ii) The governor shall consult with the president of the Senate before removing a
78 member in accordance with Subsection (3)(d)(i).
- 79 (4) When a vacancy occurs in the membership of a board of trustees for any reason, the
80 governor shall, with the advice and consent of the Senate in accordance with Title 63G,
81 Chapter 24, Part 2, Vacancies, appoint a replacement for the unexpired term.
- 82 (5)(a) Each member of a board of trustees shall take the official oath of office prior to
83 assuming the office.
- 84 (b) The oath shall be filed with the Division of Archives and Records Services.
- 85 (6) A board of trustees shall elect a chair and vice chair, who serve for two years and until
86 their successors are elected and qualified.
- 87 (7)(a) A board of trustees may enact bylaws for the board of trustees' own government,
88 including provisions for regular meetings.
- 89 (b)(i) A board of trustees may provide for an executive committee in the board of
90 trustees' bylaws.
- 91 (ii) If established, an executive committee shall have full authority of the board of
92 trustees to act upon routine matters during the interim between board of trustees
93 meetings.
- 94 (iii) An executive committee may act on nonroutine matters only under extraordinary
95 and emergency circumstances.
- 96 (iv) An executive committee shall report the executive committee's activities to the

97 board of trustees at the board of trustees' next regular meeting following the action.

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

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

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

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

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

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

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

107 (11) A board of trustees member shall comply with the conflict of interest provisions
108 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
113 53B-2a-112.

114 (b) "Technical college service area" means the geographic area served by each technical
115 college as described in Section 53B-2a-105.

116 (2) A technical college board of trustees consists of:

117 (a) one member ~~[of]~~ each from no more than four of the local school [board for each
118 school district] boards for the school districts in the technical college service area,
119 appointed by the local school board to which the member belongs, in a rotation
120 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
122 higher education institution board of trustees, appointed by the higher education
123 institution board of trustees; and

124 (c) a number of individuals, appointed by the governor with the advice and consent of
125 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
- 137 appoint individuals who represent the interests of business, industry, or labor in the
- 138 technical college service area.
- 139 (b) If no member of the institution of higher education board of trustees lives within the
- 140 technical college service area, the institution of higher education board of trustees
- 141 may nominate an individual to be appointed by the governor with the advice and
- 142 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)
- 144 for cause.
- 145 (b) The governor shall consult with the president of the Senate before removing a
- 146 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
- 148 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
- 150 create, in the bylaws of the technical college's board of trustees, a rotation schedule for
- 151 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
- 153 technical college formally adopts the bylaw amendments.
- 154 (8) The qualifications required for an appointed board member under Subsection (2)(a)
- 155 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.**
- 158 (1) The application period for an appointed board member shall last for a period of at least:
- 159 (a) 30 days for an open position due to an expiring term; or
- 160 (b) 14 days for an open position due to a vacancy occurring for a reason other than the
- 161 expiration of a term.
- 162 (2) An applicant shall use the application feature on the governor's website described in
- 163 Subsection 67-1-2.5(4) to apply for a vacant appointed board member position unless
- 164 the notice described in Section 63G-24-201 specifies a different application process.

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

167 (a) the applicant's name;

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

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

171 and

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

173 Section 4. **Effective Date.**

174 This bill takes effect on May 7, 2025.