

BOARD OF REGENTS AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeff Alexander

Senate Sponsor: John W. Hickman

LONG TITLE

General Description:

This bill requires all appointments to the State Board of Regents to be made on a nonpartisan basis.

Highlighted Provisions:

This bill:

► requires all appointments to the State Board of Regents to be made on a nonpartisan basis.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53B-1-104, as last amended by Chapter 289, Laws of Utah 2003

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

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

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

(1) (a) The board shall consist of 18 residents of the state.



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

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

32 (B) The council shall nominate three qualified, matriculated students enrolled in the
33 state institutions of higher education.

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

35 ~~[(iii) Other than the student appointee, not more than eight members appointed by the
36 governor shall, at any time, be from one political party.]~~

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

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

39 (A) individuals from the state at large with due consideration for geographical
40 representation; and

41 (B) at least three individuals with personal experience in applied technology education,
42 which could include service on a campus board of directors.

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

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

48 (2) (a) Five members of the board, other than the student member and the State Board
49 of Education members, shall be appointed during each odd-numbered year to six-year
50 staggered terms which commence on July 1 of the year of appointment.

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

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

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

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

- 59 (b) The oath shall be filed with the Division of Archives and Records Services.
- 60 (4) The board shall elect a chair and vice chair from its members who shall serve terms
- 61 of two years and until their successors are chosen and qualified.
- 62 (5) (a) The board shall appoint a secretary from the staff of its chief executive to serve
- 63 at its discretion.
- 64 (b) The secretary shall be a full-time employee who receives a salary set by the board.
- 65 (c) The secretary shall record and maintain a record of all board meetings and perform
- 66 other duties as the board directs.
- 67 (6) The board shall appoint a treasurer who serves at the discretion of the board.
- 68 (7) (a) The board may establish advisory committees.
- 69 (b) The powers and authority of the board are nondelegable, except as specifically
- 70 provided for in this title.
- 71 (c) All matters requiring board determination shall be addressed in a properly convened
- 72 meeting of the board or its executive committee.
- 73 (8) The board shall enact bylaws for its own government not inconsistent with the
- 74 constitution or the laws of this state.
- 75 (9) (a) The board shall meet regularly upon its own determination.
- 76 (b) The board may also meet, in full or executive session, at the request of its chair, its
- 77 executive officer, or five members of the board.
- 78 (10) A quorum of the voting members of the board is required to conduct its business
- 79 and consists of nine members.
- 80 (11) (a) A vacancy in the board occurring before the expiration of a voting member's
- 81 full term shall be immediately filled by appointment by the governor with the consent of the
- 82 Senate.
- 83 (b) The appointee serves for the remainder of the unexpired term.
- 84 (12) (a) Each member of the board shall receive a per diem as provided by law as
- 85 compensation for services for attending meetings of the board.
- 86 (b) Each member shall also be paid actual expenses incurred for attending meetings of
- 87 the board or its committees or for attending to any business of the institutions under the
- 88 direction of the board or authority of the board or its committees.

Legislative Review Note

as of 11-22-05 9:48 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel