

Senator Dennis E. Stowell 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

LONG TITLE

General Description:

This bill modifies provisions related to appointments to the State Board of Regents.

Highlighted Provisions:

This bill:

c 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; and

▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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



26 **53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath --**
 27 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.**

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

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

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

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

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

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

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

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

40 ~~[(A)]~~ (B) the remaining individuals from the state at large with due consideration for
 41 geographical representation **§→ and diversity of exposure to the various institutions in the Utah**
 41a **System of Higher Education ←§** ; and

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

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

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

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

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

56 (2) (a) Five members of the board, other than the student member, the State Board of

57 Education members, and the Utah College of Applied Technology Board of Trustees member,
58 shall be appointed during each odd-numbered year to six-year staggered terms which
59 commence on July 1 of the year of appointment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

87 (b) The board may also meet, in full or executive session, at the request of its chair, its

88 executive officer, or five members of the board.

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

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

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

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

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

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Fiscal Note

2010 General Session
State of Utah

State Impact

Additional travel and reimbursement expenses to meet the required appointments would result in an increased cost of \$3,500.

	<u>FY 2010 Approp.</u>	<u>FY 2011 Approp.</u>	<u>FY 2012 Approp.</u>	<u>FY 2010 Revenue</u>	<u>FY 2011 Revenue</u>	<u>FY 2012 Revenue</u>
General Fund	\$0	\$3,500	\$3,500	\$0	\$0	\$0
Total	\$0	\$3,500	\$3,500	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.