

1                                   **STATE BOARD OF REGENTS AMENDMENTS**

2   2011 THIRD SPECIAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Kay L. McIff**

5   Senate Sponsor: Howard A. Stephenson

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7   **LONG TITLE**

8   **General Description:**

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

10 **Highlighted Provisions:**

11       This bill:

12           ▶ requires the governor to appoint a certain number of members to the State Board of  
13 Regents who reside in a county of the fourth, fifth, or sixth class; and

14           ▶ deletes obsolete language.

15 **Money Appropriated in this Bill:**

16       None

17 **Other Special Clauses:**

18       This bill provides an immediate effective date.

19 **Utah Code Sections Affected:**

20 AMENDS:

21       **53B-1-104**, as last amended by Laws of Utah 2010, Chapters 286 and 400

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

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

25       **53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath --**  
26 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.**

27       (1) (a) The board shall consist of 19 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 student body presidents council shall nominate three qualified, matriculated  
33 students enrolled in the state institutions of higher education.

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

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

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

37 (A) at least two individuals who [~~do not~~] reside [~~within a metropolitan statistical area,~~  
38 ~~as designated by the United States Census Bureau~~] within a county of the fourth, fifth, or sixth  
39 class;

40 (B) no more than six individuals who reside within a county of the first class;

41 (C) the remaining individuals from the state at large with due consideration for  
42 geographical representation and diversity of exposure to the various institutions in the Utah  
43 System of Higher Education; and

44 (D) at least three individuals with personal experience in career and technical  
45 education, which could include service on a campus board of directors.

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

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

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

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

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

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

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

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

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

68 [~~(d) The governor shall make the appointments in Subsection (1)(b)(iv)(A) by~~  
69 ~~September 30, 2011.~~]

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

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

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

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

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

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

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

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

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

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

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

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

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

90 executive officer, or five members of the board.

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

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

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

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

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

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

101 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
102 63A-3-107.

103 Section 2. **Effective date.**

104 If approved by two-thirds of all the members elected to each house, this bill takes effect  
105 upon approval by the governor, or the day following the constitutional time limit of Utah  
106 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
107 the date of veto override.

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**Legislative Review Note**  
**as of 9-27-11 3:42 PM**

**Office of Legislative Research and General Counsel**