

HOUSE BILL NO. HB0083

UW board of trustees-selection by electorate.

Sponsored by: Representative(s) Gray, Jennings and Salazar
and Senator(s) Bouchard and James

A BILL

for

1 AN ACT relating to the University of Wyoming board of
2 trustees; providing for selection of prospective appointees
3 by the electorate and providing for gubernatorial
4 appointment; authorizing removal for cause; modifying
5 trustee terms; conforming provisions; repealing an
6 inconsistent provision; providing applicability; and
7 providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 22-18-113 is created to read:

12

13 **22-18-113. Applicability to members of the University**
14 **of Wyoming board of trustees.**

15

1 This chapter shall not apply to the selection and
2 appointment of members to the University of Wyoming board
3 of trustees.

4

5 **Section 2.** W.S. 9-1-202(a), 21-17-201, 21-17-202(a)
6 and by creating new subsections (c) and (d), 21-17-203,
7 22-1-102 by creating a new subsection (b),
8 22-2-105(a)(ii)(intro), 22-4-304(a), 22-5-206(a),
9 22-5-208(a)(i), 22-5-215, 22-6-117(a) by creating a new
10 paragraph (xii), 22-6-120(a)(x), 22-16-116, 22-16-121(b)
11 and 22-25-107(a)(iii) are amended to read:

12

13 **9-1-202. Removal of appointive officers and**
14 **commissioners; reason for removal to be filed.**

15

16 (a) Notwithstanding any other provision of law and
17 except as otherwise provided in this section, any person
18 may be removed by the governor, at the governor's pleasure,
19 if appointed by the governor to serve as head of a state
20 agency, department or division, or as a member of a state
21 board or commission. The governor may only remove a member
22 of the Wyoming business council as provided in W.S.
23 9-12-103. The governor may only remove a member of the

1 University of Wyoming board of trustees as provided in W.S.
2 21-17-202.

3

4 **21-17-201. Composition; selection and appointment;**
5 **quorum.**

6

7 The government of the university is vested in a board of
8 ~~twelve (12)~~ eight (8) trustees appointed by the governor,
9 ~~no two (2) of whom may be residents of the same county of~~
10 ~~the state~~ in accordance with this section. ~~At least One (1)~~
11 trustee shall be appointed from each of the seven (7)
12 appointment ~~district pursuant to~~ districts designated in
13 W.S. 9-1-218. ~~Not more than seventy five percent (75%) of~~
14 ~~the members of the board shall be registered in the same~~
15 ~~political party.~~ The electors of each appointment district
16 at a general election shall select two (2) prospective
17 appointees for the applicable trustee position. On or about
18 January 15 immediately following a general election, the
19 governor shall appoint one (1) of the two (2) prospective
20 appointees to fill an open position. In addition, at a
21 general election the electors of the state shall select two
22 (2) prospective appointees to be chairman of the board of
23 trustees. On or about January 15 immediately following a

1 general election, the governor shall appoint one (1) of the
2 two (2) prospective appointees to fill the position of
3 board chairman. All appointees shall be subject to the
4 advice and consent of the senate. The governor, the
5 president of the university, the state superintendent of
6 public instruction and the president of the associated
7 students of the university are members ex officio, having
8 the right to speak, but not to vote. A majority of the
9 board is a quorum.

10
11 **21-17-202. Term; vacancies; members of faculty**
12 **disqualified; removal.**

13
14 (a) The term of office of the trustees appointed is
15 ~~six (6)~~ four (4) years. ~~During each session of the~~
16 ~~legislature, the governor shall nominate, and with the~~
17 ~~advice and consent of the senate, appoint successors to~~
18 ~~those trustees whose term of office has expired or will~~
19 ~~expire before the next session of the legislature.~~ Any
20 vacancy in the board of trustees caused by death,
21 resignation, removal from the state, failure of the senate
22 to confirm appointment in the first legislative session
23 following appointment or otherwise, shall be filled by

1 appointment by the governor as provided in ~~W.S. 28-12-101~~
2 this section.

3
4 (c) The governor shall fill a vacancy in the board of
5 trustees by appointing the prospective appointee selected
6 through election for the trustee position under W.S.
7 21-17-201 but not appointed by the governor. That appointee
8 may serve as trustee for the remainder of the term unless
9 the senate fails to confirm the appointment in the
10 legislative session first following appointment, in which
11 case the trustee position shall be vacant. Subsequent
12 vacancies in a trustee position prior to a general election
13 at which prospective appointees are to be selected shall be
14 filled for the remainder of the term in accordance with the
15 following:

16
17 (i) The governor shall immediately notify in
18 writing the chairman of the state central committee of the
19 political party which last represented the trustee position
20 at the time of appointment. The chairman shall call a
21 meeting of the state central committee to be held not later
22 than fifteen (15) days after he receives notice of the
23 vacancy. At the meeting the state central committee shall

1 select and transmit to the governor the names of three (3)
2 persons qualified to hold the trustee position. Within five
3 (5) days after receiving these three (3) names, the
4 governor shall fill the vacancy by appointment of one (1)
5 of the three (3) to hold the position. If the person who
6 has vacated the position did not represent a political
7 party at the time of appointment the governor shall notify
8 in writing the chairman of all state central committees of
9 parties registered with the secretary of state. Each state
10 central committee shall submit to the governor, within
11 fifteen (15) days after notice of the vacancy, the name of
12 one (1) person qualified to hold the position. The
13 governor shall also cause to be published in a newspaper of
14 general circulation in the state notice of the vacancy in
15 the position. Persons qualified to hold the position who
16 do not belong to a party may, within fifteen (15) days
17 after publication of the vacancy in the position, submit a
18 petition signed by one hundred (100) registered voters,
19 seeking consideration for appointment. Within five (5)
20 days after receiving the names of qualified persons, the
21 governor shall fill the vacancy by appointment, from the
22 names submitted or from those petitioning for appointment.

23

1 (d) No member of the faculty, while holding that
2 position, shall ever be appointed a trustee. The governor
3 may only remove ~~any a~~ trustee ~~as provided in W.S. 9-1-202~~
4 for cause.

5

6 **21-17-203. To be body corporate; powers, duties and**
7 **functions generally.**

8

9 The board of trustees and their successors in office
10 constitute a body corporate by the name of "the trustees of
11 the University of Wyoming". They possess all the powers
12 necessary or convenient to accomplish the objects and
13 perform the duties prescribed by law, and shall have
14 custody of the books, records, buildings and all other
15 property of the university. The board shall elect a
16 ~~chairman,~~ secretary and treasurer, who shall perform the
17 duties prescribed in the bylaws of the board. The
18 treasurer shall execute a bond, with approved sureties in
19 double the sum likely to come into his hands, for the
20 faithful discharge of his duties. The term of office of
21 ~~board officers~~ the secretary and the treasurer, ~~their~~
22 ~~duties severally~~ duties of board officers and the times for
23 holding meetings shall be fixed in the bylaws of the board.

1 A majority of the board constitutes a quorum for the
2 transaction of business but a less number may adjourn from
3 time to time, and all routine business may be entrusted to
4 an executive committee of no fewer than three (3) members
5 subject to such conditions as the bylaws of the board
6 prescribe. The board may from time to time appoint and
7 authorize a person to examine and approve for payment all
8 legal claims against the corporation. The person shall
9 give bond with surety approved by the board, payable to the
10 state of Wyoming in such sum as the board may fix,
11 conditioned for the faithful performance of his duties. A
12 certificate of appointment signed by the chairman and
13 secretary of the board and the bond shall be filed with the
14 state auditor. At each meeting of the board all action
15 taken by the person so appointed subsequent to the
16 immediately preceding board meeting shall be submitted to
17 the board for its approval or disapproval. The actual and
18 necessary traveling expenses of nonresident members in
19 attending the annual meeting of the board may be audited by
20 the auditing committee thereof and paid by warrant on the
21 treasurer out of the general fund of the university.

22

23 **22-1-102. Definitions.**

1

2 (b) As used in this act unless the context clearly
3 indicates otherwise, "nominated" or "elected" to public
4 office or other similar term shall include the selection of
5 prospective appointees to the University of Wyoming board
6 of trustees in accordance with W.S. 21-17-201.

7

8 **22-2-105. Terms of office and offices voted on at**
9 **general elections.**

10

11 (a) The terms of office and offices voted on at
12 general elections are as follows:

13

14 (ii) Four Year Term. - At the general election
15 in 1974 and in every fourth (4th) year thereafter, there
16 shall be elected the following officers: one (1) governor,
17 one (1) secretary of state, one (1) state treasurer, one
18 (1) state auditor, one (1) superintendent of public
19 instruction, county clerks, county treasurers, county
20 assessors, county coroners, county and prosecuting
21 attorneys, district attorneys, sheriffs, clerks of the
22 district court. At the general election in 2020 and in
23 every fourth (4th) year thereafter, there shall be selected

1 two (2) prospective appointees for each of the eight (8)
2 trustee positions on the University of Wyoming board of
3 trustees. At every general election there shall be elected
4 the necessary member or members of the Wyoming senate and
5 county commissioners. The question of retention of a
6 circuit court judge or a magistrate of the circuit court
7 shall be submitted:

8

9 **22-4-304. Certification of candidates; fees.**

10

11 (a) The chairman and secretary of the state political
12 convention shall certify to the secretary of state the
13 names of its party's nominees for United States senator,
14 United States representative, University of Wyoming board
15 trustee, all elective state offices and legislative
16 offices.

17

18 **22-5-206. Where nomination applications to be filed.**

19

20 (a) Nomination applications for United States
21 senators and representatives in congress, state offices,
22 members of the legislature, University of Wyoming board
23 trustees, circuit court judges, and state district court

1 judges shall be filed in the office of the secretary of
2 state.

3

4 **22-5-208. Filing fees; exception.**

5

6 (a) Applications shall be accompanied by the
7 following fees:

8

9 (i) Twenty-five dollars (\$25.00) for the offices
10 of state senator, state representative, University of
11 Wyoming board trustee to an appointment district, district
12 attorney and for the offices to be voted for by electors
13 wholly within a county;

14

15 **22-5-215. Nomination of partisan candidates and**
16 **write-in candidates.**

17

18 On each party ballot the candidate or candidates equal in
19 number to the number to be elected to each office who
20 receive the largest number of votes shall be nominated and
21 shall be entitled to have their names printed on the ballot
22 for the next general election. For appointed positions on
23 the University of Wyoming's board of trustees, the two (2)

1 candidates who receive the largest number of votes on each
2 party ballot shall be nominated and shall be entitled to
3 have their names printed on the ballot for the next general
4 election. A write-in candidate shall not be nominated and
5 shall not be entitled to have his name printed on the
6 ballot for the next general election unless he received at
7 least twenty-five (25) write-in votes. An unsuccessful
8 candidate for office at a primary election whose name is
9 printed on any party ballot may not accept nomination for
10 the same office at the next general election.

11

12 **22-6-117. Order of listing offices in partisan**
13 **elections.**

14

15 (a) The major party primary and general partisan
16 election ballots shall contain the offices to be voted on
17 in the following order:

18

19 (xii) Candidates for University of Wyoming board
20 trustees.

21

22 **22-6-120. Format of general election ballot.**

23

1 (a) The general election ballot shall be printed in
2 substantial compliance with this format:

3

4 (x) Below the names of candidates for each
5 office shall be printed blank lines for write-in candidates
6 equal in number to the number of persons to be elected. In
7 the case of selection of University of Wyoming board
8 trustees for appointment, two (2) blank lines for write-in
9 candidates shall be printed for each person to be appointed
10 by the governor;

11

12 **22-16-116. Statewide abstract; discrepancies with**
13 **county abstracts.**

14

15 From the unofficial tabulations delivered directly to his
16 office, the secretary of state shall tabulate a statewide
17 abstract by counties of votes for president and
18 vice-president, state officers, justice of the supreme
19 court, United States senator, representative in congress,
20 district court judges, circuit court judges, members of the
21 state legislature, University of Wyoming board trustee and
22 the votes for and against ballot propositions voted on by
23 electors of a district larger than a county. The unofficial

1 tabulation shall then be reconciled to the official
2 abstracts of the county canvassing boards and the secretary
3 of state shall prepare the state abstract from the official
4 county abstracts.

5

6 **22-16-121. Certificates of nomination, selection and**
7 **election following state or county canvass.**

8

9 (b) The governor shall issue a certificate of
10 election to a candidate duly elected to an office to be
11 filled by electors of the state, district court judges,
12 circuit court judges and members of the state legislature.
13 The governor shall issue a certificate of selection to a
14 candidate duly selected for prospective appointment to the
15 office of University of Wyoming board trustee. The county
16 clerk shall issue a certificate of election to each
17 candidate duly elected to a county or precinct office in
18 the county and to members elected to boards of trustees of
19 special districts, school or community college districts
20 and city or town councils.

21

22 **22-25-107. Where reports to be filed.**

23

1 (a) All reports required under this chapter shall be
2 filed as follows:

3

4 (iii) Any candidate for statewide office or
5 University of Wyoming board trustee shall file with the
6 secretary of state;

7

8 **Section 3.** W.S. 21-17-202(b) is repealed.

9

10 **Section 4.** New members to the University of Wyoming
11 board of trustees shall be selected in accordance with this
12 act in the 2020 general election. Pursuant to W.S.
13 21-17-201, as amended by this act, the governor shall
14 nominate and, with the advice and consent of the Wyoming
15 senate, appoint members to the University of Wyoming board
16 of trustees. The terms of an existing board member not
17 selected through a general election shall expire when a
18 successor, designated by the governor, is duly appointed to
19 that existing board member's position. All existing board
20 members' term shall expire not later than March 31, 2021.

21

1 **Section 5.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)