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H.193

Introduced by Representatives Jerman of Essex, Beck of St. Johnsbury, Berry  
of Manchester, Bissonnette of Winooski, Burke of Brattleboro,  
Buxton of Tunbridge, Christie of Hartford, Cole of Burlington,  
Condon of Colchester, Cupoli of Rutland City, Dakin of  
Colchester, Davis of Washington, Deen of Westminster,  
Dickinson of St. Albans Town, Donovan of Burlington,  
Emmons of Springfield, Evans of Essex, Gonzalez of Winooski,  
Greshin of Warren, Helm of Fair Haven, Juskiewicz of  
Cambridge, Klein of East Montpelier, Krowinski of Burlington,  
Lippert of Hinesburg, Long of Newfane, Macaig of Williston,  
Masland of Thetford, Morris of Bennington, Nuovo of  
Middlebury, O’Sullivan of Burlington, Parent of St. Albans  
City, Partridge of Windham, Rachelson of Burlington, Russell  
of Rutland City, Ryerson of Randolph, Sheldon of Middlebury,  
Stuart of Brattleboro, Toleno of Brattleboro, Townsend of  
South Burlington, and Wright of Burlington

Referred to Committee on

Date:

Subject: Education; Vermont State Colleges

1 Statement of purpose of bill as introduced: This bill proposes to revise the  
2 membership, powers, and duties of the Board of Trustees of the Vermont State  
3 Colleges.

4 An act relating to governance of the Vermont State Colleges

5 It is hereby enacted by the General Assembly of the State of Vermont:

6 Sec. 1. 16 V.S.A. chapter 72 is amended to read:

7 CHAPTER 72. VERMONT STATE COLLEGES

8 § 2170. STATUTORY PURPOSES

9 The statutory purpose of the exemption for the Vermont State Colleges in  
10 section 2178 of this title is to allow institutions providing higher education to  
11 deploy more of their financial resources to their educational missions.

12 § 2171. CORPORATION ESTABLISHED; PURPOSES; POWERS

13 (a) There is created as a part of the educational system of the State of  
14 Vermont a public corporation to be known as “Vermont State Colleges,” which  
15 shall plan, supervise, administer, and operate facilities for education at the  
16 postsecondary level supported in whole or in substantial part with State funds;  
17 however, while the Corporation shall maintain cooperative relations with the  
18 University of Vermont and State Agricultural College, nothing in this chapter  
19 shall give the corporation any responsibility for the planning, supervision,  
20 administration, or operation of the University.

1           (b) The Corporation shall own the real and personal property of the  
2           Castleton State College, Johnson State College, ~~and Lyndon teachers colleges~~  
3           ~~and the Vermont Agricultural and Technical Institute~~ State College, Vermont  
4           Technical College, Community College of Vermont, and of other ~~state-~~  
5           ~~operated~~ State-operated institutions of higher education that may be  
6           established. It shall protect, preserve, and improve the properties and promote  
7           their use as institutions of higher education.

8           (c) The Corporation may acquire, hold, and dispose of property in fee or in  
9           trust, or any other estate, except as provided in subsection (d) of this section,  
10          shall have a common seal, and shall be an instrumentality of the State for the  
11          purposes set forth in this section. The State of Vermont shall support and  
12          maintain the Corporation.

13          (d) The Corporation shall not abandon, lease, sell, or dispose of any of the  
14          institutions under its control unless that action is specifically authorized by the  
15          General Assembly. The terms of any such sale, lease, or other disposal shall  
16          be prescribed by the Agency of Administration, with the approval of the  
17          Governor, within the terms of the authorization of the General Assembly.

18          (e) The Corporation may make expenditures for capital improvements.  
19          The Corporation is authorized to borrow money for building purposes, to give  
20          security that may be required, and to execute necessary related instruments,  
21          and is also authorized to accept, use, and administer any funds made available

1 to it for any of its corporate purposes by the United States or any of its  
2 agencies, and to agree to any terms and conditions that may be required that  
3 are not inconsistent with its corporate purposes.

4 § 2172. TRUSTEES; APPOINTMENT; VACANCIES

5 (a) The Corporation shall be governed by a board of 15 trustees who shall  
6 be appointed or elected as follows:

7 (1) Biennially the Governor, with the advice and consent of the Senate,  
8 shall appoint trustees to serve for ~~six-year~~ four-year terms expiring March 1 of  
9 the year of the biennial session. ~~Nine~~ Five trustees may be in office at one  
10 time under this subdivision. In the event of any vacancy occurring between  
11 biennial sessions in an office under this subdivision, the Governor pursuant to  
12 3 V.S.A. § 257; shall fill the ~~same, which appointment shall terminate~~  
13 vacancy, and the term of a person so appointed shall expire on March 1 in the  
14 year of the next following biennial session.

15 (2)~~(A)~~ One trustee shall be a student trustee:

16 ~~(A)(i)~~ who ~~shall be~~ is a matriculated student at an educational  
17 institution operated by the Vermont State Colleges ~~corporation~~ Corporation;

18 ~~(B)(ii)~~ who ~~shall be~~ is pursuing a degree program; and

19 ~~(C)(iii)~~ who ~~shall have~~ has reached the age of majority.

20 ~~(B)~~ The student trustee shall serve a one-year term expiring on  
21 June 1. The student trustee shall be appointed, and a vacancy may be filled,

1 from among those eligible students applying for the position by the decision of  
2 those members of the steering committee of the Vermont State Colleges  
3 Student Association who have been elected at large to that committee by the  
4 students at their respective colleges. ~~No college may be represented by a~~  
5 ~~student trustee for more than two consecutive terms, and no~~ student trustee  
6 may serve more than two consecutive terms.

7 (3) Four trustees shall be legislative trustees who are members of the  
8 General Assembly at the time of their election. Legislative trustees shall serve  
9 four-year terms expiring on March 1 of the second year of the biennial session,  
10 and they shall be elected by joint assembly of the Legislature. Vacancies for  
11 any cause shall be filled by the General Assembly ~~at the next session~~ its  
12 earliest opportunity and the term of a person so appointed shall expire on  
13 March 1 of the next even numbered year.

14 (4) Four trustees shall be elected by the Board of Trustees to four-year  
15 terms expiring on March 1. Vacancies for any cause shall be filled by the  
16 remaining members of the Board of Trustees, and the term of the person so  
17 appointed shall expire on the next following March 1.

18 (b) Appointments by the Governor and elections by the General Assembly  
19 shall be made with consideration of the geographic distribution of members to  
20 prevent an unfair focus on any single college.

1 (c) No trustee shall be a member of the Board of Trustees of the University  
2 of Vermont.

3 (d) The Governor, in the case of gubernatorial-appointed trustees, or the  
4 Board of Trustees, in the case of Board-elected trustees:

5 (1) after notice and a hearing, may remove a trustee for incompetency,  
6 failure to discharge duties, malfeasance, illegal acts, or other cases inimical to  
7 the welfare of the Corporation; and

8 (2) in the event of a vacancy occurring under this subsection, shall fill  
9 the vacancy pursuant to subsection (a) of this section.

10 § 2173. BOARD OF TRUSTEES; ORGANIZATION

11 In addition to the 14 elected and appointed trustees, the Board of Trustees  
12 shall include as a member the Governor of Vermont. A majority of the trustees  
13 shall constitute a quorum for the transaction of business. ~~Annually~~ Biennially,  
14 the Board shall elect one of its voting members to serve as its chair.

15 § 2174. BOARD OF TRUSTEES; POWER

16 The Board of Trustees may confer such honors and degrees as are usually  
17 given in colleges and universities and any other appropriate degrees, and ~~may~~  
18 ~~elect a president, a secretary, a director of educational affairs and a director of~~  
19 ~~financial affairs; it may also appoint necessary officers for each institution~~  
20 ~~under its control, professors and instructors and any other necessary members~~  
21 ~~of staff~~ shall appoint a chancellor of the Corporation and a president for each

1 institution under its control and prescribe their duties, salaries, and terms of  
2 office. The Board shall make bylaws and regulations for the government of its  
3 meetings and each institution under its control prescribing among other things,  
4 the terms of admission, courses of instruction, educational standards, rates of  
5 tuition, scholarships, and other student aids.

6 \* \* \*

7 § 2180. ~~FIRST MEETING OF BOARD~~

8 ~~The Governor shall call the first meeting of the Board of Trustees. At this~~  
9 ~~meeting, the permanent location of the Corporation and the place of its~~  
10 ~~principal office in the State of Vermont shall be determined by the Board.~~

11 [Repealed.]

12 \* \* \*

13 § 2185. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

14 (a) The Board of Trustees shall adopt policies related to residency for  
15 tuition purposes, consistent with federal requirements.

16 (b) Any member of the Armed Forces of the United States on active duty  
17 who is transferred to Vermont for duty other than for the purpose of education  
18 shall, upon transfer and for the period of active duty served in Vermont, be  
19 considered a resident for in-state tuition purposes at the start of the next  
20 semester or academic period.

21 \* \* \*

1       Sec. 2. TRANSITION

2           (a) Notwithstanding 16 V.S.A. § 2172 as amended by this act, all existing  
3       six-year terms of members of the Board of Trustees commencing on or before  
4       February 28, 2017 shall be completed, including terms of trustees appointed or  
5       elected due to vacancy. Beginning on March 1, 2017, new terms for all Board  
6       members, except the student trustee and the Governor, shall be four years  
7       in duration.

8           (b) In 2017:

9           (1) On March 1, two of the three gubernatorial-appointed Board seats  
10       expiring on that date shall be eliminated. The Governor shall appoint a trustee  
11       to fill the third seat for a four-year term commencing on March 1.

12           (2) The Board shall elect two trustees, selected pursuant to Sec. 1 of this  
13       act, 16 V.S.A. § 2172(a)(4), to fill two self-perpetuating four-year Board seats  
14       with terms commencing on March 1.

15           (c) In 2019:

16           (1) On March 1, one of the three gubernatorial-appointed Board seats  
17       expiring on that date shall be eliminated. The Governor shall appoint two  
18       trustees to fill the remaining two seats for four-year terms commencing on  
19       March 1.



1           (2) The Board shall elect a trustee, selected pursuant to Sec. 1 of this act,  
2           16 V.S.A. § 2172(a)(4), to fill one self-perpetuating four-year Board seat with  
3           a term commencing on March 1.

4           (d) In 2021:

5           (1) On March 1, one of the three gubernatorial-appointed Board seats  
6           expiring on that date shall be eliminated. The Governor shall appoint two  
7           trustees to fill the remaining two seats for four-year terms commencing on  
8           March 1.

9           (2) The Board shall elect a trustee, selected pursuant to Sec. 1 of this act,  
10          16 V.S.A. § 2172(a)(4), to fill one self-perpetuating four-year Board seat with  
11          a term commencing on March 1.

12          Sec. 3. EFFECTIVE DATE

13          This act shall take effect on July 15, 2015.