

IN THE SENATE

SENATE BILL NO. 1034

BY MALEPEAI, BOCK, STENNETT, WERK, BILYEU, LEFAVOUR

AN ACT

1 RELATING TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE  
2 UNIVERSITY OF IDAHO; PROVIDING A SHORT TITLE; AMENDING SECTION 33-107,  
3 IDAHO CODE, TO EXPAND THE POWERS AND DUTIES OF THE STATE BOARD OF EDUCA-  
4 TION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2804, IDAHO  
5 CODE, TO EXPAND THE POWERS AND DUTIES OF THE BOARD OF REGENTS OF THE  
6 UNIVERSITY OF IDAHO AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN  
7 EMERGENCY.  
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. SHORT TITLE. This act may be known and may be cited as the  
11 "University Technology Transfer Act."

12 SECTION 2. That Section 33-107, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 33-107. GENERAL POWERS AND DUTIES OF THE STATE BOARD. The state board  
15 shall have power to:

16 (1) Perform all duties prescribed for it by the school laws of the  
17 state;

18 (2) Acquire, hold and dispose of title, rights and interests in real and  
19 personal property;

20 (3) Have general supervision, through its executive departments and  
21 offices, of all entities of public education supported in whole or in part by  
22 state funds;

23 (4) (a) Delegate to its executive secretary, to its executive officer,  
24 or to such other administrators as the board may appoint, such powers as  
25 said officers require to carry out and administer the policies, orders  
26 and directives of the board;

27 (b) Delegate to its executive officer, if necessary to enhance ef-  
28 fectiveness and efficiency, such powers as he requires to exercise  
29 discretionary authority and to perform duties vested in the state board  
30 related to the operation, control and management of Idaho's state uni-  
31 versities and colleges and other agencies under the supervision and  
32 governance of the state board, and to perform duties and render deci-  
33 sions prescribed to the state board involving the exercise of judgment  
34 and discretion that affect the public schools in Idaho;

35 (c) Delegate to the presidents of Idaho's state universities and col-  
36 leges, if necessary to enhance effectiveness and efficiency, such pow-  
37 ers as said officers require to exercise discretionary authority and to  
38 perform duties vested in the state board related to the operation, con-  
39 trol and management of Idaho's state universities and colleges;

40 (d) Delegate to its executive secretary, the superintendent of public  
41 instruction, if necessary to enhance effectiveness and efficiency,

1 such powers as he requires to perform duties and render decisions  
2 prescribed to the state board involving the exercise of judgment and  
3 discretion that affect the public schools in Idaho;

4 (e) Delegations of powers under this subsection must be adopted as  
5 statements of agency action by the state board, as provided in section  
6 33-105(2), Idaho Code, and pursuant to a process that provides for no-  
7 tice, opportunity for input and formal adoption by the state board;

8 (5) Through its executive departments and offices:

9 (a) Enforce the school laws of the state;τ;

10 (b) Study the educational conditions and needs of the state and recom-  
11 mend to the legislature needed changes in existing laws or additional  
12 legislation;

13 (6) In addition to the powers conferred by chapter 24, title 33, Idaho  
14 Code:

15 (a) Maintain a register of postsecondary educational institutions ap-  
16 proved to provide programs and courses that lead to a degree or which  
17 provide, offer and sell degrees in accordance with the procedures es-  
18 tablished in chapter 24, title 33, Idaho Code;τ;

19 (b) Determine whether to accept academic credit at public postsec-  
20 ondary educational institutions in Idaho. Academic credit shall not  
21 be transferred into any Idaho public postsecondary institution from a  
22 postsecondary educational institution or other entity that is not ac-  
23 credited by an organization recognized by the board;τ;

24 (c) Maintain a register of proprietary schools approved to conduct,  
25 provide, offer or sell a course or courses of study in accordance with  
26 the procedures established in chapter 24, title 33, Idaho Code;

27 (7) Prescribe the courses and programs of study to be offered at the  
28 public institutions of higher education, after consultation with the pres-  
29 idents of the affected institutions;

30 (8) Approve new courses and programs of study to be offered at commu-  
31 nity colleges organized pursuant to chapter 21, title 33, Idaho Code, when  
32 the courses or programs of study are academic in nature and the credits de-  
33 rived therefrom are intended to be transferable to other state institutions  
34 of higher education for credit toward a baccalaureate degree, and when the  
35 courses or programs of study have been authorized by the board of trustees of  
36 the community college;

37 (9) Allow colleges and universities under its control to enhance tech-  
38 nology transfer to the market by Idaho-based companies and to establish  
39 foundations to enhance technology transfer to the market by Idaho-based  
40 companies.

41 SECTION 3. That Section 33-2804, Idaho Code, be, and the same is hereby  
42 amended to read as follows:

43 33-2804. GENERAL DUTIES OF BOARD. (1) The members of the state board  
44 of education, in the performance of their functions as the board of regents  
45 of the university and their successors in office, shall constitute a body  
46 corporate, by the name of the regents of the ~~U~~university of Idaho, and shall  
47 possess all the powers necessary or convenient to accomplish the objects  
48 and perform the duties prescribed by law, and shall have the custody of the  
49 books, records, buildings and other property of said university. The board

1 shall elect a president, secretary and treasurer, who shall perform such du-  
2 ties as shall be prescribed by the ~~by-laws~~ bylaws of the board. The secretary  
3 shall keep a faithful record of all the transactions of the board and of the  
4 executive committee thereof. The treasurer shall perform all the duties of  
5 such office, subject to such ~~regulations~~ rules as the board may adopt, and  
6 shall be bonded to the state of Idaho in the time, form and manner prescribed  
7 by chapter 8, title 59, Idaho Code.

8 (2) The university of Idaho shall be authorized to enhance technology  
9 transfer to the market by Idaho-based companies and to establish foundations  
10 to enhance technology transfer to the market by Idaho-based companies.

11 SECTION 4. An emergency existing therefor, which emergency is hereby  
12 declared to exist, this act shall be in full force and effect on and after its  
13 passage and approval.