

1 **STATE SCHOOL BOARD CANDIDATE**
2 **SELECTION PROCESS AMENDMENTS**

3 2003 SECOND SPECIAL SESSION
4 STATE OF UTAH

5 **Sponsor: Thomas V. Hatch**

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the deadlines relating to the selection process of candidates for
10 membership on the State Board of Education.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ modifies the deadlines of the nominating and recruiting committee that selects
- 14 candidates for membership on the State Board of Education; and
- 15 ▶ modifies the governor's deadline for selecting candidates for membership on the
- 16 State Board of Education.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 This bill provides an immediate effective date.

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **20A-14-104**, as last amended by Chapter 315, Laws of Utah 2003

24 **20A-14-105**, as last amended by Chapter 315, Laws of Utah 2003

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

27 Section 1. Section **20A-14-104** is amended to read:



28 **20A-14-104. Becoming a candidate for membership on the State Board of**
29 **Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.**

30 (1) (a) Persons interested in becoming a candidate for the State Board of Education
31 shall file a declaration of candidacy according to the procedures and requirements of Sections
32 20A-9-201 and 20A-9-202.

33 (b) By May 1 of the year in which a State Board of Education member's term expires,
34 the lieutenant governor shall submit the name of each person who has filed a declaration of
35 candidacy for the State Board of Education to the nominating and recruiting committee for the
36 State Board of Education.

37 (2) (a) By [~~November~~] May 1 of [~~2003~~] 2004, and beginning on November 1 of 2007
38 and every four years thereafter, a nominating and recruiting committee consisting of 11
39 members, each to serve a four-year term, shall be appointed as follows:

40 (i) one member appointed by the governing board of the Utah Farm Bureau;

41 (ii) one member appointed by the governing board of the Utah Manufacturer's
42 Association;

43 (iii) one member appointed by the governing board of the Utah Taxpayers Association;

44 (iv) one member appointed by the governing board of the Utah State Chamber of
45 Commerce;

46 (v) one member jointly appointed by the governing boards of the Utah Food Industry
47 Association and Utah Retail Merchants Association;

48 (vi) one member appointed by the governing board of the American Federation of
49 Teachers/Utah;

50 (vii) one member appointed by the governing board of the Utah Education Association;

51 (viii) one member appointed by the governing board of the Utah Parent Teacher
52 Association;

53 (ix) one member appointed by the governing board of the Utah School Boards
54 Association;

55 (x) one member appointed by the governing board of the Utah School Superintendents
56 Association; and

57 (xi) one at large member appointed by the governor.

58 (b) The members shall elect one member to serve as chair for the committee.

59 (3) (a) The chair, or another member of the committee designated by the chair, shall
60 schedule and convene all committee meetings.

61 (b) Any formal action by the committee requires the approval of a majority of
62 committee members.

63 (c) Members of the nominating and recruiting committee shall serve without
64 compensation, but they may be reimbursed for expenses incurred in the performance of their
65 official duties as established by the Division of Finance.

66 (4) The nominating and recruiting committee shall:

67 (a) recruit potential candidates for membership on the State Board of Education prior
68 to the deadline to file a declaration of candidacy;

69 (b) prepare a list of candidates for membership on the State Board of Education for
70 each state board district subject to election in that year using the qualifications under
71 Subsection (5);

72 (c) submit a list of at least three candidates for each state board position to the
73 governor by:

74 (i) August 1 of 2004; and

75 (ii) beginning in 2006, July 1; and

76 (d) ensure that the list includes appropriate background information on each candidate.

77 (5) The nominating committee shall select a broad variety of candidates who possess
78 outstanding professional qualifications relating to the powers and duties of the State Board of
79 Education, including experience in the following areas:

80 (a) business and industry administration;

81 (b) business and industry human resource management;

82 (c) business and industry finance;

83 (d) business and industry, including expertise in:

84 (i) metrics and evaluation;

85 (ii) manufacturing;

86 (iii) retailing;

87 (iv) natural resources;

88 (v) information technology;

89 (vi) construction;

- 90 (vii) banking;
- 91 (viii) science and engineering; and
- 92 (ix) medical and healthcare;
- 93 (e) higher education administration;
- 94 (f) applied technology education;
- 95 (g) public education administration;
- 96 (h) public education instruction;
- 97 (i) economic development;
- 98 (j) labor; and
- 99 (k) other life experiences that would benefit the State Board of Education.

100 Section 2. Section **20A-14-105** is amended to read:

101 **20A-14-105. Becoming a candidate for membership on the State Board of**
102 **Education -- Selection of candidates by the governor -- Ballot placement.**

103 (1) By September 1 of 2004, and, beginning in 2006, August 1 of each regular general
104 election year, the governor shall:

105 (a) for each state board district subject to election in that year, select two candidates for
106 the State Board of Education from the lists submitted by the state board district nominating and
107 recruiting committee; and

108 (b) certify the names of the two candidates from each school board district to the
109 lieutenant governor.

110 (2) If the governor fails to select two candidates for a state board district by September
111 1, the nominating and recruiting committee shall:

112 (a) select the two candidates; and

113 (b) notify the lieutenant governor of its selections by September 15.

114 (3) The lieutenant governor shall:

115 (a) conduct a lottery to determine the order of the candidates' names on the ballot; and

116 (b) certify the names and order of the names to the county clerks for placement on the
117 nonpartisan section of the ballot.

118 Section 3. **Effective date.**

119 If approved by two-thirds of all the members elected to each house, this bill takes effect
120 upon approval by the governor, or the day following the constitutional time limit of Utah

121 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
122 the date of veto override.

Legislative Review Note
as of 11-13-03 4:04 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel