

1 **STATE SCHOOL BOARD NOMINATION REVISIONS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kraig Powell**

5 Senate Sponsor: Aaron Osmond

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to the nomination of candidates for the State Board
10 of Education.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ prohibits a lobbyist from serving as a member of the nominating and recruiting
14 committee for the State Board of Education.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **20A-14-101.1**, as last amended by Laws of Utah 2013, Chapter 455

22 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19

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

25 Section 1. Section **20A-14-101.1** is amended to read:

26 **20A-14-101.1. Definitions.**

27 As used in this part:



28 (1) "Board" means the State Board of Education.

29 (2) "Board block assignment file" means the electronic file that assigns each of Utah's
30 115, 406 census blocks to a particular State Board of Education district.

31 (3) "Board shapefile" means the electronic shapefile that stores the boundary of each of
32 the 15 State Board of Education districts.

33 (4) "Census block" means any one of the 115, 406 individual geographic areas into
34 which the Bureau of the Census of the United States Department of Commerce has divided the
35 state of Utah, to each of which the Bureau of the Census has attached a discrete population
36 tabulation from the 2010 decennial census.

37 ~~§ → (5) (a) "Lobbyist" means an individual who contracts for economic consideration, other
38 than reimbursement for reasonable travel expenses, with a principal to lobby a public official.~~

39 ~~—— (b) "Lobbyist" does not include:~~

40 ~~—— (i) a government officer;~~

41 ~~—— (ii) a member or employee of the legislative branch of state government;~~

42 ~~—— (iii) a person while appearing at or providing written comments to a hearing conducted
43 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or Title 63G,
44 Chapter 4, Administrative Procedures Act;~~

45 ~~—— (iv) a person participating on or appearing before an advisory or study task force,
46 commission, board, or committee constituted by the Legislature or any agency or department of
47 state government, except legislative standing, appropriation, or interim committees;~~

48 ~~—— (v) a representative of a political party;~~

49 ~~—— (vi) an individual representing a bona fide church solely for the purpose of protecting
50 the right to practice the religious doctrines of the church, unless the individual or church makes
51 an expenditure that confers a benefit on a public official;~~

52 ~~—— (vii) a newspaper, television station or network, radio station or network, periodical of
53 general circulation, or book publisher for the purpose of publishing news items, editorials,
54 other comments, or paid advertisements that directly or indirectly urge legislative or executive
55 action; or~~

56 ~~—— (viii) an individual who appears on the individual's own behalf before a committee of
57 the Legislature or an agency of the executive branch of state government solely for the purpose
58 of testifying in support of or in opposition to legislative or executive action. ← §~~

59 ~~§(6) "Principal" is as defined in Section 36-11-102;~~ ←§
 60 [(5)] §→ [(7)] (5) ←§ "Shapefile" means the digital vector storage format for storing
 61 geometric
 62 location and associated attribute information.

62 Section 2. Section **20A-14-104** is amended to read:

63 **20A-14-104. Becoming a candidate for membership on the State Board of**
 64 **Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.**

65 (1) (a) Persons interested in becoming a candidate for the State Board of Education
 66 shall file a declaration of candidacy according to the procedures and requirements of Sections
 67 [20A-9-201](#) and [20A-9-202](#).

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

72 (2) By November 1 of the year preceding each regular general election year, a
 73 nominating and recruiting committee consisting of 12 members, each to serve a two-year term,
 74 shall be appointed by the governor as follows:

75 (a) one member shall be appointed to represent each of the following business and
 76 industry sectors:

- 77 (i) manufacturing and mining;
- 78 (ii) transportation and public utilities;
- 79 (iii) service, trade, and information technology;
- 80 (iv) finance, insurance, and real estate;
- 81 (v) construction; and

82 (vi) agriculture; and

83 (b) one member shall be appointed to represent each of the following education
 84 sectors:

- 85 (i) teachers;
- 86 (ii) school administrators;
- 87 (iii) parents;
- 88 (iv) local school board members;
- 89 (v) charter schools; and

90 (vi) higher education.

91 (3) (a) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)
92 through (vi) shall be appointed from lists containing at least two names submitted by
93 organizations representing each of the respective sectors.

94 (b) At least one member of the nominating and recruiting committee shall reside within
95 each state board district in which a member's term expires during the committee's two-year
96 term of office.

97 ~~§~~ → [(c) ~~The nominating and recruiting committee may not include a member who is a~~
98 ~~lobbyist as defined in Section 20A-14-101.1;~~] ← ~~§~~

99 (4) (a) The members shall elect one member to serve as chair for the committee.

100 (b) The chair, or another member of the committee designated by the chair, shall
101 schedule and convene all committee meetings.

102 (c) Any formal action by the committee requires the approval of a majority of
103 committee members.

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

107 (5) The nominating and recruiting committee shall:

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

110 (b) prepare a list of candidates for membership on the State Board of Education for
111 each state board district subject to election in that year using the qualifications under
112 Subsection (6);

113 (c) submit a list of at least three candidates for each state board position to the
114 governor by July 1 ~~§~~ → , including the person currently serving in that position if that person is
114a seeking reelection ← ~~§~~ ; and

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

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

119 (a) business and industry administration;

120 (b) business and industry human resource management;

- 121 (c) business and industry finance;
- 122 (d) business and industry, including expertise in:
- 123 (i) metrics and evaluation;
- 124 (ii) manufacturing;
- 125 (iii) retailing;
- 126 (iv) natural resources;
- 127 (v) information technology;
- 128 (vi) construction;
- 129 (vii) banking;
- 130 (viii) science and engineering; and
- 131 (ix) medical and healthcare;
- 132 (e) higher education administration;
- 133 (f) applied technology education;
- 134 (g) public education administration;
- 135 (h) public education instruction;
- 136 (i) economic development;
- 137 (j) labor; and
- 138 (k) other life experiences that would benefit the State Board of Education.

Legislative Review Note
as of 11-25-13 11:48 AM

Office of Legislative Research and General Counsel