

**AVOIDING CONFLICTS OF INTEREST FOR
MEMBERS OF SCHOOL BOARDS**

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Lloyd W. Frandsen

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING THAT STATE AND LOCAL SCHOOL BOARD MEMBERS MAY NOT SERVE AS EMPLOYEES OF THEIR RESPECTIVE BOARDS DURING THEIR TERMS OF OFFICE; PROVIDING THAT STATE BOARD MEMBERS MAY NOT SERVE AS EMPLOYEES OR BOARD MEMBERS OF OTHER STATE EDUCATION ENTITIES DURING THEIR TERMS OF OFFICE; AND PROVIDING AN EXCEPTION TO THE CURRENT TERM FOR THOSE SERVING AS BOARD MEMBERS ON THE EFFECTIVE DATE OF THE ACT.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

20A-14-103, as enacted by Chapter 1, Laws of Utah 1995

20A-14-202, as enacted by Chapter 1, Laws of Utah 1995

This act enacts uncodified material.

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

Section 1. Section **20A-14-103** is amended to read:

20A-14-103. State Board of Education members -- When elected -- Qualifications.

(1) (a) In 1994 and every four years thereafter, one member each shall be elected from Districts 1, 3, 5, 7, 9, 10, and 13 to serve a four-year term.

(b) In 1992 and every four years thereafter, one member each shall be elected from Districts 2, 4, 6, 8, 11, 12, 14, and 15 to serve a four-year term.

(2) A member shall:

(a) be and remain a registered voter in the board district from which the member was elected or appointed; and

(b) maintain his primary residence within the board district from which the member was elected or appointed.

(3) A member of the State Board of Education may not, during the member's term of office, also serve as an employee of the board, the Utah State Office of Education, or the Utah State Office of Rehabilitation, or as an employee or board member for an applied technology center or the Utah Schools for the Deaf and the Blind.

Section 2. Section **20A-14-202** is amended to read:

**20A-14-202. Local Boards of Education -- Membership -- When elected --
Qualifications -- Avoiding conflicts of interest.**

(1) (a) Unless otherwise required by this part, the Salt Lake City Board of Education shall consist of seven members and the boards of education of all other local school districts shall consist of five members.

(b) (i) Members of a local board of education shall be elected at each regular general election.

(ii) Except as provided in Subsection (1)(b)(iii), no more than three members of a local board of education may be elected to a five-member board, nor more than four members elected to a seven-member board, in any election year.

(iii) More than three members of a local board of education may be elected to a five-member board and more than four members elected to a seven-member board in any election year only when required by reapportionment or to fill a vacancy.

(c) One member of the local board of education shall be elected from each local school board district.

(2) A member of a local school board shall:

(a) be and remain a registered voter in the local school board district from which the member is elected or appointed; and

(b) maintain his primary residence within the local school board district from which the member is elected or appointed.

(3) A member of a local school board may not, during the member's term in office, also serve as an employee of that board.

Section 3. **Exceptions.**

Subsections 20A-14-103(3) and 20A-14-202(3) of this act do not apply to the current term in office of a person who is serving as a member of the State Board of Education or a local board of education in violation of this act on the effective date of this act.