

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

3                                   1998 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Lloyd W. Frandsen**

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

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

14 AMENDS:

15                   **20A-14-103**, as enacted by Chapter 1, Laws of Utah 1995

16                   **20A-14-202**, as enacted by Chapter 1, Laws of Utah 1995

17 This act enacts uncodified material.

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

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

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

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

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

25                   (2) A member shall:

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

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

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

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

8 **20A-14-202. Local Boards of Education -- Membership -- When elected --**  
9 **Qualifications -- Avoiding conflicts of interest.**

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

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

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

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

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

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

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

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

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

30 **Section 3. Exceptions.**

31 Subsections 20A-14-103(3) and 20A-14-202(3) of this act do not apply to the current term

- 1 in office of a person who is serving as a member of the State Board of Education or a local board
- 2 of education in violation of this act on the effective date of this act.

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**Legislative Review Note**  
**as of 1-16-98 4:02 PM**

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

**Office of Legislative Research and General Counsel**