

1                                   **STATE SCHOOL BOARD AMENDMENTS**

2   2005 GENERAL SESSION

3   STATE OF UTAH

4                                   **Sponsor: Karen W. Morgan**

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6   **LONG TITLE**

7   **General Description:**

8               This bill modifies quorum requirements for the State Board of Education nominating  
9   and recruiting committee.

10   **Highlighted Provisions:**

11           This bill:

12               ▸ specifies attendance requirements of the State Board of Education nominating and  
13   recruiting committee members to constitute a quorum for the transaction of official  
14   business; and

15               ▸ requires the affirmative vote of a majority of committee members present to  
16   constitute official action of the committee.

17   **Monies Appropriated in this Bill:**

18           None

19   **Other Special Clauses:**

20           None

21   **Utah Code Sections Affected:**

22   AMENDS:

23               **20A-14-104**, as last amended by Chapter 19, Laws of Utah 2004

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

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

27               **20A-14-104. Becoming a candidate for membership on the State Board of**



**Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.**

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

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

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

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

- (i) manufacturing and mining;
- (ii) transportation and public utilities;
- (iii) service, trade, and information technology;
- (iv) finance, insurance, and real estate;
- (v) construction; and
- (vi) agriculture; and

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

- (i) teachers;
- (ii) school administrators;
- (iii) parents;
- (iv) local school board members;
- (v) charter schools; and
- (vi) higher education.

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

(b) At least one member of the nominating and recruiting committee shall reside within

each state board district in which a member's term expires during the committee's two-year term of office.

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

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

(c) Attendance of four or more members who represent business and industry sectors and four or more members who represent education sectors constitute a quorum for the transaction of official business.

~~[(c) Any formal action by the committee requires the approval of a majority of committee members.]~~

(d) If a quorum is present when a vote is taken, the affirmative vote of a majority of committee members is an official action of the committee.

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

(5) The nominating and recruiting committee shall:

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

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

(c) submit a list of at least three candidates for each state board position to the governor by July 1; and

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

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

(a) business and industry administration;

(b) business and industry human resource management;

(c) business and industry finance;

(d) business and industry, including expertise in:

- 90 (i) metrics and evaluation;
- 91 (ii) manufacturing;
- 92 (iii) retailing;
- 93 (iv) natural resources;
- 94 (v) information technology;
- 95 (vi) construction;
- 96 (vii) banking;
- 97 (viii) science and engineering; and
- 98 (ix) medical and healthcare;
- 99 (e) higher education administration;
- 100 (f) applied technology education;
- 101 (g) public education administration;
- 102 (h) public education instruction;
- 103 (i) economic development;
- 104 (j) labor; and
- 105 (k) other life experiences that would benefit the State Board of Education.

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**Legislative Review Note**  
**as of 2-7-05 3:40 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0345**

State School Board Amendments

16-Feb-05  
7:20 AM

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**State Impact**  
No fiscal impact.

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**Individual and Business Impact**  
No fiscal impact.

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Office of the Legislative Fiscal Analyst