

**Senator Wayne L. Niederhauser** proposes the following substitute bill:

**RESOLUTION PROVIDING APPOINTMENT OF  
STATE SUPERINTENDENT OF EDUCATION**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne L. Niederhauser**

House Sponsor: Craig A. Frank

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**LONG TITLE**

**General Description:**

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify a provision relating to the appointment of the state superintendent of public instruction.

**Highlighted Provisions:**

This resolution proposes to amend the Utah Constitution to:

- ▶ require the state superintendent of public instruction to be appointed by the Governor, with the advice and consent of the State Board of Education, rather than by the state board of education.

**Special Clauses:**

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2009 for this proposal.

**Utah Constitution Sections Affected:**

AMENDS:

**ARTICLE X, SECTION 3**

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*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each*



26 *of the two houses voting in favor thereof:*

27 Section 1. It is proposed to amend Utah Constitution Article X, Section 3, to read:

28 **Article X, Section 3. [State Board of Education.]**

29 The general control and supervision of the public education system shall be vested in a  
30 State Board of Education. The membership of the board shall be established and elected as  
31 provided by statute. The ~~[State Board of Education]~~ Governor, with the consent of the State  
32 Board of Education, shall appoint a State Superintendent of Public Instruction who shall be the  
33 executive officer of the ~~[board]~~ State Board of Education.

34 Section 2. **Submittal to voters.**

35 The lieutenant governor is directed to submit this proposed amendment to the voters of  
36 the state at the next regular general election in the manner provided by law.

37 Section 3. **Effective date.**

38 If the amendment proposed by this joint resolution is approved by a majority of those  
39 voting on it at the next regular general election, the amendment shall take effect on January 1,  
40 2009.