

Representative Bradley G. Last proposes the following substitute bill:

STATE BOARD OF EDUCATION CANDIDATE SELECTION

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Bradley G. Last

LONG TITLE

General Description:

This bill amends provisions of the Election Code related to selecting candidates for the State Board of Education.

Highlighted Provisions:

This bill:

- ▶ describes the criteria and requirements relating to selecting candidates for the State Board of Education;
 - ▶ modifies dates in relation to selecting candidates for the State Board of Education;
 - ▶ repeals the State Board of Education nominating procedures on January 1, 2017;
- and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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



26 **20A-14-105**, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last
27 amended by Coordination Clause, Laws of Utah 2011, Chapter 327

28 **63I-2-220**, as last amended by Laws of Utah 2014, Chapter 3

29

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

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

32 **20A-14-104. Becoming a candidate for membership on the State Board of**
33 **Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.**

34 (1) (a) Persons interested in becoming a candidate for the State Board of Education
35 shall file a declaration of candidacy according to the procedures and requirements of Sections
36 **20A-9-201** and **20A-9-202**.

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

41 (2) ~~[By November]~~ On or before March 1 of ~~[the year preceding each]~~ a regular general
42 election year, the governor shall appoint a nominating and recruiting committee consisting of
43 12 members, each to serve a two-year term, ~~[shall be appointed by the governor]~~ as follows:

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

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

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

- 54 (i) teachers;
- 55 (ii) school administrators;
- 56 (iii) parents;

57 (iv) local school board members;

58 (v) charter schools; and

59 (vi) higher education.

60 (3) In appointing members of the nominating and recruiting committee, the governor:

61 (a) ~~[The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)~~
62 ~~through (vi) shall be appointed]~~ shall appoint from lists containing ~~[at least two]~~ the names of
63 at least two individuals submitted by organizations representing each of the ~~[respective]~~
64 sectors~~[-]~~ described in Subsection (2);

65 (b) ~~[At]~~ ensure that at least one member of the nominating and recruiting committee
66 ~~[shall reside]~~ resides within each state board district in which a member's term expires during
67 the committee's two-year term of office~~[-];~~ and

68 (c) may not consider, nor make an appointment, based on the political or educational
69 philosophies, viewpoints, or affiliations of an individual whose name is submitted under
70 Subsection (3)(a).

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

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

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

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

79 (5) The nominating and recruiting committee shall:

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

82 (b) interview each individual who files a declaration of candidacy for the office of
83 State Board of Education member;

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

87 ~~[(e)]~~ (d) submit a list of at least three candidates for each state board position to the

88 governor ~~[by July]~~ on or before April 1; and

89 ~~[(d)]~~ (e) ensure that the list includes appropriate background information on each
90 candidate.

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

94 ~~[(a) business and industry administration;]~~

95 ~~[(b) business and industry human resource management;]~~

96 ~~[(c) business and industry finance;]~~

97 ~~[(d) business and industry, including expertise in:]~~

98 ~~[(i) metrics and evaluation;]~~

99 ~~[(ii) manufacturing;]~~

100 ~~[(iii) retailing;]~~

101 ~~[(iv) natural resources;]~~

102 ~~[(v) information technology;]~~

103 ~~[(vi) construction;]~~

104 ~~[(vii) banking;]~~

105 ~~[(viii) science and engineering; and]~~

106 ~~[(ix) medical and healthcare;]~~

107 ~~[(e) higher education administration;]~~

108 ~~[(f) applied technology education;]~~

109 ~~[(g) public education administration;]~~

110 ~~[(h) public education instruction;]~~

111 ~~[(i) economic development;]~~

112 ~~[(j) labor; and]~~

113 ~~[(k) other life experiences that would benefit the State Board of Education.]~~

114 (6) The nominating committee shall select the most qualified of the candidates, taking
115 into account a candidate's:

116 (a) level and quality of experience, including experience in the following areas:

117 (i) education;

118 (ii) administration or management;

119 (iii) past service on:
120 (A) a local school board or a charter school governing board, or in a state education
121 agency; and
122 (B) other boards of public, private, for-profit, or nonprofit entities;
123 (iv) finances; and
124 (v) business management;
125 (b) knowledge and understanding of skill sets needed by Utah's citizens, including
126 Utah's future workforce;
127 (c) work ethic;
128 (d) financial responsibility;
129 (e) ability to perform the responsibilities of a member of the State Board of Education;
130 and
131 (f) commitment to the policies of Utah's public education system described in Section
132 [53A-1-101](#).
133 (7) The nominating and recruiting committee:
134 (a) may not consider, nor make a selection, based on the political or educational
135 philosophies, viewpoints, or affiliations of an individual who files a declaration of candidacy
136 for the office of State Board of Education member; and
137 (b) shall, with the list described in Subsection (5)(c), submit a written statement to the
138 governor describing the qualifications of the candidates on the list.
139 Section 2. Section **20A-14-105** is amended to read:
140 **20A-14-105. Becoming a candidate for membership on the State Board of**
141 **Education -- Selection of candidates by the governor -- Ballot placement.**
142 (1) [~~By~~] On or before August 1 of each regular general election year, the governor
143 shall:
144 (a) for each state board district subject to election in that year, select two candidates for
145 the State Board of Education from the lists submitted by the state board district nominating and
146 recruiting committee; and
147 (b) certify the names of the two candidates from each school board district to the
148 lieutenant governor.
149 (2) In selecting the candidates under Subsection (1)(a), the governor:

150 (a) shall select the most qualified of the candidates, taking into account the criteria
151 described in Subsection 20A-14-104(6);

152 (b) may not consider, nor make a selection, based on the political or educational
153 philosophies, viewpoints, or affiliations of a candidate; and

154 (c) shall, with the certification described in Subsection (1)(b), provide a written
155 statement to the lieutenant governor describing the qualifications of the candidates selected by
156 the governor.

157 ~~[(2)]~~ (3) If the governor fails to select two candidates for a state board district by
158 August 1, the nominating and recruiting committee shall:

159 (a) select the two candidates~~[-; and]~~ using the same criteria, and subject to the same
160 limitations, described in Subsections (2)(a) and (b);

161 (b) notify the lieutenant governor of ~~[its]~~ the committee's selections [by] on or before
162 August 31[-]; and

163 (c) with the notification described in Subsection (3)(b), submit a written statement to
164 the lieutenant governor describing the qualifications of the candidates selected by the
165 nominating and recruiting committee.

166 ~~[(3)]~~ (4) In accordance with Section 20A-6-305, the lieutenant governor shall certify
167 the names described in Subsection (1)(b) or (3)(b), as applicable, and the order of the names, to
168 the county clerks for placement on the nonpartisan section of the ballot.

169 Section 3. Section 63I-2-220 is amended to read:

170 **63I-2-220. Repeal dates, Title 20A.**

171 ~~[(1) Section 20A-3-704 is repealed January 1, 2016.]~~

172 ~~[(2) Section 20A-5-410 is repealed January 1, 2016.]~~

173 ~~[(3) (a) Subsection 20A-7-101(1)(a)(i), the language that states "of the first class" and~~
174 ~~"; or" is repealed January 1, 2015.]~~

175 ~~[(b) Subsection 20A-7-101(1)(a)(ii), the language that states "for a county not~~
176 ~~described in Subsection (1)(a)(i), a person designated as budget officer in Section 17-19-19" is~~
177 ~~repealed January 1, 2015.]~~

178 ~~[(4) Section 20A-9-403.1 is repealed on January 1, 2015.]~~

179 (1) Sections 20A-14-104 and 20A-14-105 are repealed on January 1, 2017.

180 Section 4. **Effective date.**

181 If approved by two-thirds of all the members elected to each house, this bill takes effect
182 upon approval by the governor, or the day following the constitutional time limit of Utah
183 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
184 the date of veto override.