

## SB0078S02 compared with SB0078S01

~~deleted text~~ shows text that was in SB0078S01 but was deleted in SB0078S02.

inserted text shows text that was not in SB0078S01 but was inserted into SB0078S02.

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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

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#### 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:

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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

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

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

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

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

**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]~~ On or before March 1 of ~~[the year preceding each]~~ a regular general election year, the governor shall appoint 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

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

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

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

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

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

(d) 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;

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

~~[(b)]~~ (c) 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)]~~ (d) submit a list of at least three candidates for each state board position to the governor ~~[by July]~~ on or before April 1; and

~~[(d)]~~ (e) 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:]~~

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

~~[(ii) manufacturing;]~~

~~[(iii) retailing;]~~

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

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

~~[(vi) construction;]~~

~~[(vii) banking;]~~

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

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

~~[(c) higher education administration;]~~

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

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

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

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

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

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

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

(a) commitment to the policies of Utah's public education system described in Section 53A-1-101;

~~(f)(b)~~ level and quality of experience, including experience in the following areas:

(i) education;

(ii) administration or management;

(iii) past service on:

(A) a local school board or a charter school governing board, or in a state education agency; and

(B) other boards of public, private, for-profit, or nonprofit entities;

(iv) finances; and

(v) business management;

(f)(c) knowledge and understanding of skill sets needed by Utah's citizens, including Utah's future workforce;

~~(f)(d)~~ work ethic;

~~(f)(d)~~ financial responsibility; and

~~(f)(e)~~ ability to perform the responsibilities of a member of the State Board of Education; and

~~{ (f) commitment to the policies of Utah's public education system described in Section 53A-1-101.~~

~~{~~ (7) The nominating and recruiting committee:

(a) may not consider, nor make a selection, based on the political or educational philosophies, viewpoints, or affiliations of an individual who files a declaration of candidacy for the office of State Board of Education member; and

(b) shall, with the list described in Subsection (5)(c), submit a written statement to the governor describing the qualifications of the candidates on the list.

Section 2. Section **20A-14-105** is amended to read:

**20A-14-105. Becoming a candidate for membership on the State Board of Education -- Selection of candidates by the governor -- Ballot placement.**

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(1) ~~[By]~~ On or before August 1 of each regular general election year, the governor shall:

(a) for each state board district subject to election in that year, select two candidates for the State Board of Education from the lists submitted by the state board district nominating and recruiting committee; and

(b) certify the names of the two candidates from each school board district to the lieutenant governor.

(2) In selecting the candidates under Subsection (1)(a), the governor:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Section 4. **Effective date.**

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