

HB0119S01 compared with HB0119

~~{deleted text}~~ shows text that was in HB0119 but was deleted in HB0119S01.

Inserted text shows text that was not in HB0119 but was inserted into HB0119S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Susan Pulsipher proposes the following substitute bill:

SCHOOL BOARD MIDTERM REPLACEMENT PROCESS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Susan Pulsipher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses the process by which a midterm vacancy is filled on a local school board.

Highlighted Provisions:

This bill:

- ~~{~~ → allows the governor to make an appointment to fill a vacancy on the State Board of Education after a member of the State Board of Education submits a letter of resignation;
- { →
 - ▶ allows a local school board to make an appointment to fill a vacancy on the local school board after a member of the local school board submits a letter of resignation; and
 - ▶ makes technical changes.

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Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{ 20A-1-507, as enacted by Laws of Utah 1993, Chapter 1~~

‡ 20A-1-511, as last amended by Laws of Utah 2012, Chapter 327

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

Section 1. Section ~~{20A-1-507}~~ 20A-1-511 is amended to read:

~~{ 20A-1-507. Midterm vacancies on the State Board of Education.~~

~~———— (1) If a vacancy occurs on the State Board of Education for any reason other than the expiration of a member's term, the governor, with the consent of the Senate, shall fill the vacancy by appointment of a qualified member to serve out the unexpired term.~~

~~———— (2) (a) Subject to Subsection (2)(b), the governor may appoint an individual to fill a vacancy described in Subsection (1), and the Senate may consent to the appointment, before the vacancy occurs if a member of the State Board of Education submits a letter of resignation.~~

~~———— (b) An individual appointed under Subsection (2)(a) may not take office until on or after the day on which the vacancy occurs for which the individual is appointed.~~

~~———— (c) A member of the State Board of Education who submits a letter of resignation under Subsection (2)(a) may not rescind the resignation after the governor makes an appointment to fill the vacancy created by the resignation.~~

~~———— [(2)] (3) The lieutenant governor shall issue a certificate of appointment to [the appointed] a member appointed under this section and certify the appointment to the board.~~

~~———— Section 2. Section 20A-1-511 is amended to read:~~

‡ 20A-1-511. **Midterm vacancies on local school boards.**

(1) (a) A local school board shall fill vacancies on the board by appointment, except as otherwise provided in Subsection (2).

(b) If the board fails to make an appointment within 30 days after a vacancy occurs, the county legislative body, or municipal legislative body in a city district, shall fill the vacancy by

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appointment.

(c) A member appointed and qualified under this ~~[subsection]~~ Subsection (1) shall serve until a successor is elected or appointed and qualified.

(2) (a) A vacancy on the board shall be filled by an interim appointment, followed by an election to fill a two-year term if:

(i) the vacancy on the board occurs, or a letter of resignation is received by the board, at least 14 days before the deadline for filing a declaration of candidacy; and

(ii) two years of the vacated term will remain after the first Monday of January following the next school board election.

(b) Members elected under this ~~[subsection]~~ Subsection (2) shall serve for the remaining two years of the vacated term and until a successor is elected and qualified.

(3) Before appointing ~~a person~~ an individual to fill a vacancy under this section, the local school board shall:

(a) give public notice of the vacancy at least two weeks before the local school board meets to fill the vacancy;

(b) identify, in the notice:

(i) the date, time, and place of the meeting where the vacancy will be filled; and

(ii) the person to whom ~~a person~~ and date by which an individual interested in being appointed to fill the vacancy may submit ~~his~~ the individual's name for consideration ~~[and any deadline for submitting it]~~; and

(c) in an open meeting, interview each ~~person~~ individual, whose name ~~was~~ is submitted for consideration and who meets the qualifications for office, regarding the ~~person's~~ individual's qualifications.

(4) (a) Subject to Subsection (4)(b), a local school board may appoint an individual to fill a vacancy described in Subsection (1) or (2) before the vacancy occurs if a member of the local school board submits a letter of resignation.

(b) An individual appointed under Subsection (4)(a) may not take office until on or after the day on which the vacancy occurs for which the individual is appointed.

(c) A member of a local school board who submits a letter of resignation under Subsection (4)(a) may not rescind the resignation after the local school board makes an appointment to fill the vacancy created by the resignation.

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~~Legislative Review Note~~

~~Office of Legislative Research and General Counsel~~