

# HCR018S01 compared with HCR018

~~{deleted text}~~ shows text that was in HCR018 but was deleted in HCR018S01.

inserted text shows text that was not in HCR018 but was inserted into HCR018S01.

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~~{HOUSE CONCURRENT RESOLUTION CONDEMNING AND CENSURING STATE SCHOOL BOARD}~~ Representative Angela Romero proposes the following substitute bill:

## HOUSE RESOLUTION TO IMPEACH STATE BOARD OF EDUCATION

**MEMBER NATALIE CLINE**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Robert M. Spendlove**

Senate Sponsor: Ann Millner

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### LONG TITLE

#### General Description:

This House resolution ~~{censures Utah}~~ initiates proceedings for the impeachment of State Board of Education member Natalie Cline.

#### Highlighted Provisions:

This resolution:

- ▶ ~~{recognizes}~~ initiates proceedings for the ~~{constitutional duties}~~ impeachment of ~~{a member of the Utah}~~ State Board of Education ~~{(USBE) and that a member swears to discharge those duties with fidelity;~~

~~→ acknowledges that USBE bylaws require a member of USBE to treat students with~~

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- dignity and respect each student's privacy;
- strongly condemns USBE } member Natalie {Cline's social media post questioning a student's gender, which exposed the student to relentless harassment and bullying, including threats of violence; and
- censures } Cline;
  - ▶ creates a Special Investigative Committee (committee) to investigate board member {Cline for her conduct. } Cline's actions on February 6, 2024;
  - ▶ establishes the committee's membership and duties;
  - ▶ if the committee recommends impeachment, directs the committee to present articles of impeachment to the House of Representatives for consideration and action; and
  - ▶ provides for the committee's termination.

### Special Clauses:

None

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*Be it resolved by the {Legislature} House of Representatives of the state of Utah, {the Governor concurring therein}:*

WHEREAS, {under} Utah Constitution {Article X, Sec. 3, "general control and supervision of the public education system [is] vested in [the] State Board of Education";

— WHEREAS, members of the Utah, Article VI, Section 17, vests in the House of Representatives the sole power of impeachment;

WHEREAS, Utah Constitution, Article X, Section 3, establishes the State Board of Education (USBE) {hold a position of public trust and are charged with supporting and advocating for Utah students;

— WHEREAS, in November 2020, Natalie Cline was elected to the USBE, and in January} and its members as elected state officers;

WHEREAS, Utah Constitution, Article VI, Section 19, provides that state officers are liable to impeachment for high crimes, misdemeanors, or malfeasance in office;

WHEREAS, USBE member Natalie Cline, elected in 2020, represents State School Board District 9;

WHEREAS, on January 6, 2021, board member Cline {swore a constitutional oath that

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~~she would } took an oath of office under Utah Constitution, Article IV, Section 10, to discharge the duties of [her] office with fidelity{";~~

~~WHEREAS, under state law, the USBE is charged with adopting rules and setting expectations for local schools to provide safe and civil school environments where students are treated with dignity and respect and bullying is not tolerated;~~

~~WHEREAS, USBE bylaw, Article IV, states, "[w]hile Members [of the USBE] have the right to freedom of expression, members shall respect the privacy of students, USBE employees, [local school district] employees, and school level employees, including refraining from direct and indirect identification of such, in a negative light in any public setting, venue, or platform where there is a reasonable expectation of privacy" and those bylaws set expectations that members communicate with the public in an ethical and civil manner};~~

WHEREAS, on February 6, 2024, board member Cline ~~{posted a}~~ shared photos of a high school girls basketball team in Granite School District on her social media platform and publicly questioned the gender of one of the student ~~{athlete's photo on social media, thereby revealing the}~~ athletes;

WHEREAS, the accusation in board member Cline's social media post was made without evidence and revealed a student's identity~~{, and reprehensibly questioned the student's gender publicly and without evidence}~~;

WHEREAS, board member Cline's ~~{abhorrent actions caused the student emotional harm and exposed the student to relentless harassment and bullying, including threats of violence that created a need for additional security at}~~ social media post provoked vulgar and hateful responses toward the student and threatened the student's ~~{school}~~;

~~WHEREAS, } safety;~~

WHEREAS, on February 7, 2024, Governor Cox and Lieutenant Governor Henderson issued a statement denouncing board member Cline's ~~{bullying and failure to treat a student with dignity and respect undermine the mission of the USBE and displays a selfish indifference to her sworn oath to discharge her board member duties with fidelity, and~~

~~WHEREAS, } post;~~

WHEREAS, on February 8, 2024, the Utah House Democrats issued a statement reproaching board member Cline's "unconscionable online accusations" and called for her immediate resignation; and

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WHEREAS, on February 8, 2024, the House of Representatives Majority Caucus issued a statement that condemned board member Cline's ~~{actions on February 6 violate the moral and ethical standards expected of an elected official, particularly one charged with the duty to support our children in public education}~~ post and asserted consideration of further actions:

NOW, THEREFORE, BE IT RESOLVED that the ~~{Legislature of the state of Utah, the Governor concurring therein, condemns and denounces}~~ House of Representatives initiates proceedings for the impeachment of USBE member Natalie Cline and establishes impeachment procedures.

BE IT FURTHER RESOLVED that the House of Representatives creates a Special Investigative Committee (committee) to investigate board member Cline's ~~{repugnant attack on a student in the strongest possible terms and finds such behavior irreconcilable with the responsibilities of a Utah State Board of Education member}~~ actions on February 6, 2024.

BE IT FURTHER RESOLVED that the ~~{Legislature of the state of Utah, the Governor concurring therein, hereby formally censures board member Cline for her conduct}~~ committee consists of 10 members of the House of Representatives appointed by the Speaker, with no more than five members from the same political party.

BE IT FURTHER RESOLVED that the Speaker designates two members to serve as cochairs, one from each political party in the House of Representatives.

BE IT FURTHER RESOLVED that, in the event of a tie vote, the cochairs cast an additional joint vote to break the tie.

BE IT FURTHER RESOLVED that a ~~{copy of this resolution be sent to}~~ majority of the committee members constitutes a quorum, and action of a majority of a quorum constitutes the action of the committee.

BE IT FURTHER RESOLVED that the committee holds its first meeting before the 2024 annual general session adjourns sine die and meets as necessary thereafter to conduct its business.

BE IT FURTHER RESOLVED that the Office of Legislative Research and General Counsel provides staff to the committee.

BE IT FURTHER RESOLVED that the salaries and expenses of the members of the committee are paid in accordance with Utah Code Section 36-2-2 and Legislative Joint Rules.

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Title 5, Chapter 3, Legislator Compensation.

BE IT FURTHER RESOLVED that the committee adopts at its first meeting policies and procedures.

BE IT FURTHER RESOLVED that the committee's duties are to investigate board member ~~{Cline and the USBE and be recorded on the pages of the House and Senate journals.}~~ Cline's actions on February 6, 2024, and evaluate whether those actions constitute an impeachable offense.

BE IT FURTHER RESOLVED that, upon the conclusion of the investigation, the committee, by majority vote:

- determines whether board member Cline's conduct constitutes an impeachable offense; and
- makes a recommendation as to whether the House of Representatives proceeds with impeachment.

BE IT FURTHER RESOLVED that, if the committee recommends impeachment, the committee presents articles of impeachment to the House of Representatives for consideration and action.

BE IT FURTHER RESOLVED that members of the committee who do not vote in favor of the recommendation may present a minority recommendation to the House of Representatives.

BE IT FURTHER RESOLVED that the committee terminates after issuing its recommendation to the House of Representatives.