

## HOUSE BILL NO. HB0226

State board of education-members.

Sponsored by: Representative(s) Steinmetz, Halverson,  
Jennings, McKim and Reeder and Senator(s)  
Meier

A BILL

for

1 AN ACT relating to the state board of education; conforming  
2 law as specified to Powers v. State, 2014 WY 15, 318 P.3d  
3 300 and Powers v. State, No. 180-673 (1st Jud. Dist. Ct.  
4 Apr. 18, 2014); providing for the election of members and  
5 modifying the appointment of remaining members; providing  
6 conforming amendments; prescribing initial terms; and  
7 providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 21-2-301, as amended by 15LSO-0001  
12 conforming Wyoming Statute to Powers v. State, 2014 WY 15,  
13 318 P.3d 300 and Powers v. State, No. 180-673 (1<sup>st</sup> Jud.  
14 Dist. Ct. Apr. 18, 2014), is amended to read:

15

1           **21-2-301. Appointment; qualifications, terms and**  
2 **removal of members; meetings; chairman.**

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4           (a) There is created a state board of education  
5 composed of thirteen (13) members, ~~eleven (11)~~ five (5) of  
6 whom shall be appointed ~~members with at least one (1)~~  
7 ~~member appointed from each appointment district pursuant to~~  
8 ~~W.S. 9-1-218. Appointments from each appointment district~~  
9 ~~shall be rotated among the several counties comprising the~~  
10 ~~district~~ at large by the governor and six (6) shall be  
11 elected by nonpartisan ballot in accordance with subsection  
12 (b) of this section. The remaining voting member of the  
13 board shall be the state superintendent of public  
14 instruction. The executive director of the Wyoming  
15 community college commission shall be an ex-officio member  
16 and shall not have the right to vote. One (1) appointed  
17 member shall be ~~appointed at large and shall be~~ a certified  
18 classroom teacher at the time of appointment, ~~one (1)~~ one (1)  
19 ~~appointed member shall also be appointed at large and~~ shall  
20 be a certified school administrator at the time of  
21 appointment, ~~Two (2) appointed members shall be appointed~~  
22 ~~at large~~ one (1) shall be a member of a board of trustees  
23 of a school district with enrollment greater than the

1 statewide average Wyoming school district, as computed at  
2 the time of appointment, one (1) shall be a member of a  
3 board of trustees of a school district with enrollment less  
4 than the average Wyoming school district, as computed at  
5 the time of appointment and one (1) shall be a  
6 representative of private business or industry in Wyoming.  
7 ~~On and after March 1, 2013 and upon expiration of their~~  
8 ~~respective terms, the appointments of the two (2) members~~  
9 ~~previously designated to be representative of business or~~  
10 ~~industry shall be at large, one (1) a representative of~~  
11 ~~Wyoming private business or industry and one (1) a member~~  
12 ~~of a school district board of trustees at the time of~~  
13 ~~appointment. The first appointment to the term of such~~  
14 ~~member which expires on or after March 1, 2013, shall be a~~  
15 ~~school district board member at the time of appointment.~~  
16 ~~The remaining seven (7) appointed members of the board~~  
17 ~~shall be appointed from among the lay citizens of the state~~  
18 ~~who are electors of the state, known for their public~~  
19 ~~spirit, business or professional ability and interest in~~  
20 ~~education. Not more than six (6) appointed members of the~~  
21 ~~board shall be from one (1) political party.~~ Members shall  
22 be appointed for six (6) year terms, except those who may  
23 be appointed to fill unexpired terms. Appointed members

1 shall be ~~appointed by the governor with the approval of~~  
2 confirmed by the senate. Vacancies shall be filled by the  
3 governor without senate approval until the next session of  
4 the legislature. No member is eligible to reappointment,  
5 except any member appointed to fill an unexpired term of  
6 less than six (6) years may be reappointed for one (1)  
7 additional six (6) year term. Appointed members of the  
8 board may be removed by the governor as provided in W.S.  
9 9-1-202.

10  
11 (b) As provided by subsection (a) of this section,  
12 six (6) voting members of the state board shall be elected  
13 for a term of four (4) years by nonpartisan ballot at each  
14 general election pursuant to the provisions of this section  
15 and title 22 of the Wyoming statutes. One (1) member shall  
16 be elected from among the qualified elector residents of  
17 each of the following six (6) election districts:

18  
19 (i) State board of education district 1 which  
20 shall consist of senate legislative districts 4, 5, 6, 7  
21 and 8;

22

1           (ii) State board of education district 2 which  
2 shall consist of senate legislative districts 9, 10, 11, 12  
3 and 13;

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5           (iii) State board of education district 3 which  
6 shall consist of senate legislative districts 14, 15, 16,  
7 25 and 26;

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9           (iv) State board of education district 4 which  
10 shall consist of senate legislative districts 17, 18, 19,  
11 20 and 21;

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13           (v) State board of education district 5 which  
14 shall consist of senate legislative districts 22, 27, 28,  
15 29 and 30;

16  
17           (vi) State board of education district 6 which  
18 shall consist of senate legislative districts 1, 2, 3, 23  
19 and 24.

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21       ~~(b)~~ (c) During the first quarter of the calendar year  
22 a meeting shall be held at which a chairman shall be  
23 elected. Meetings may be held at regular intervals as

1 often as the duties of the board require and the board  
2 shall meet at the call of the state superintendent of  
3 public instruction or the governor or the chairman whenever  
4 in the opinion of these officials, or any of them, the need  
5 for such meeting exists.

6  
7 ~~(e)~~ (d) Notwithstanding subsection (a) of this  
8 section, the superintendent of public instruction shall not  
9 participate in board deliberations on or vote on any matter  
10 relating to a contested case involving actions of the  
11 department of education.

12  
13 **Section 2.** W.S. 22-2-105(a)(ii)(intro), 22-5-206(a),  
14 22-5-208(a)(i), 22-6-125(a) by creating a new paragraph  
15 (ix) and by renumbering (ix) through (xiv) as (x) through  
16 (xv), 22-6-126(b), 22-18-111(a) by creating a new paragraph  
17 (vii) and 22-25-107(a)(ii) are amended to read:

18  
19 **22-2-105. Terms of office and offices voted on at**  
20 **general elections.**

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22 (a) The terms of office and offices voted on at  
23 general elections are as follows:

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(ii) Four Year Term. - At the general election in 1974 and in every fourth (4th) year thereafter, there shall be elected the following officers: one (1) governor, one (1) secretary of state, one (1) state treasurer, one (1) state auditor, one (1) superintendent of public instruction, county clerks, county treasurers, county assessors, county coroners, county and prosecuting attorneys, district attorneys, sheriffs, clerks of the district court and members of the state board of education.

At every general election there shall be elected the necessary member or members of the Wyoming senate and county commissioners. The question of retention of a circuit court judge or a magistrate of the circuit court shall be submitted:

**22-5-206. Where nomination applications to be filed.**

(a) Nomination applications for United States senators and representatives in congress, state offices, members of the legislature, members of the state board of education, circuit court judges, and state district court

1 judges shall be filed in the office of the secretary of  
2 state.

3

4 **22-5-208. Filing fees; exception.**

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6 (a) Applications shall be accompanied by the  
7 following fees:

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9 (i) Twenty-five dollars (\$25.00) for the offices  
10 of state senator, state representative, and district  
11 attorney, for membership on the state board of education  
12 and for the offices to be voted for by electors wholly  
13 within a county;

14

15 **22-6-125. Order of offices and ballot propositions on**  
16 **nonpartisan ballots.**

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18 (a) The nonpartisan ballot shall contain the offices  
19 and ballot propositions to be voted on in the following  
20 order:

21

22 (ix) Candidates for state board of education;

23

1           ~~(ix)~~ (x) Candidates for special district  
2 directors;

3  
4           ~~(x)~~ (xi) Candidates for other offices of county  
5 subdivisions;

6  
7           ~~(xi)~~ (xii) Constitutional amendments;

8  
9           ~~(xii)~~ (xiii) Initiative propositions;

10  
11           ~~(xiii)~~ (xiv) Referendum propositions;

12  
13           ~~(xiv)~~ (xv) Other ballot propositions.

14  
15           **22-6-126. Form of nonpartisan ballots.**

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17           (b) The official nonpartisan ballot for a primary  
18 election shall be so identified in the title and shall omit  
19 all references to justices of the supreme court, judges of  
20 the district court, ~~and~~ circuit court judges and members of  
21 the state board of education, but otherwise shall be in the  
22 same form as the general election nonpartisan ballot.

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1           **22-18-111. Vacancies in other offices; temporary**  
2 **appointments.**

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4           (a) Any vacancy in any other elective office in the  
5 state except representative in congress or the board of  
6 trustees of a school or community college district, shall  
7 be filled by the governing body, or as otherwise provided  
8 in this section, by appointment of a temporary successor.  
9 The person appointed shall serve until a successor for the  
10 remainder of the unexpired term is elected at the next  
11 general election and takes office on the first Monday of  
12 the following January. Provided, if a vacancy in a four  
13 (4) year term of office occurs in the term's second or  
14 subsequent years after the first day for filing an  
15 application for nomination pursuant to W.S. 22-5-209, no  
16 election to fill the vacancy shall be held and the  
17 temporary successor appointed shall serve the remainder of  
18 the unexpired term. The following apply:

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20                   (vii) A vacancy of an elected state board of  
21 education member shall be filled by the county  
22 commissioners in accordance with subparagraphs (iii)(C) and  
23 (D) of this subsection.

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2           **22-25-107. Where statements to be filed.**

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4           (a) All statements required under this chapter shall  
5 be filed as follows:

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7                   (ii) Any candidate for a state legislative or  
8 district judgeship office, for elected membership on the  
9 state board of education and any political action committee  
10 or candidate's campaign committee supporting or opposing  
11 such a candidate, shall file with the secretary of state;

12

13           **Section 3.**

14

15           (a) As necessary to conform with the requirements of  
16 W.S. 21-2-301(a), as amended by section 1 of this act, as  
17 applicable, the governor shall appoint one (1) member to  
18 the state board which, at the time of appointment, is a  
19 member of a board of trustees of a school district with  
20 enrollment either more or less than the average Wyoming  
21 school district, depending upon the enrollment of the  
22 district of that board member appointed to represent a  
23 school district board of trustees prior to the effective

1 date of this act. The term of the appointment under this  
2 subsection shall commence on January 7, 2019.

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4 (b) The service of the seven (7) members appointed at  
5 large to the state board prior to the effective date of  
6 this act, who represent the lay citizens of the state who  
7 are electors of the state, known for their public spirit,  
8 business or professional ability and interest in education  
9 and who were not appointed to fulfill the requirements for  
10 a certified classroom teacher, a certified school  
11 administrator, a representative of private business or  
12 industry in Wyoming or a representative of a school  
13 district board of trustees, shall terminate on January 7,  
14 2019.

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16 (c) The election of six (6) state board members as  
17 required by W.S. 21-2-301(a), as amended by section 1 of  
18 this act, as applicable, shall commence with the 2018  
19 general election by nonpartisan ballot. The service of the  
20 elected members shall commence on January 7, 2019.  
21 Notwithstanding W.S. 21-2-301(b), the initial term of the  
22 elected state board members from board of education

1 election districts 1, 3 and 5 shall be for a term of two  
2 (2) years.

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4 (d) The provisions of W.S. 21-2-301(a), as amended by  
5 section 1 of this act, as applicable, shall not be  
6 implemented in a manner that affects the terms of those  
7 state board members appointed prior to the effective date  
8 of this act and appointed at large to represent a certified  
9 classroom teacher, a certified school administrator, a  
10 representative of private business or industry in Wyoming  
11 or a member of a school district school board of trustees.  
12 Any member appointed prior to the effective date of this  
13 act and serving on the effective date of this act may be  
14 reappointed if otherwise qualified for reappointment under  
15 W.S. 21-2-301(a).

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17 **Section 4.** This act is effective July 1, 2015.

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(END)