

HOUSE BILL NO. HB0114

State board of education-members.

Sponsored by: Representative(s) Teeters and Kroeker and
Senator(s) Meier

A BILL

for

1 AN ACT relating to the state board of education; providing
2 for the election of members and modifying the appointment
3 of remaining members; providing conforming amendments;
4 prescribing initial terms; and providing for effective
5 dates.

6

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

8

9 **Section 1.** W.S. 21-2-301, as amended by 2013 Wyoming
10 Session Laws, Chapter 1, is amended to read:

11

12 **21-2-301. Appointment; qualifications, terms and**
13 **removal of members; meetings; chairman.**

14

15 (a) There is created a state board of education
16 composed of thirteen (13) members, eleven (11) of whom

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

1 representative of private business or industry in Wyoming.
2 ~~On and after March 1, 2013 and upon expiration of their~~
3 ~~respective terms, the appointments of the two (2) members~~
4 ~~previously designated to be representative of business or~~
5 ~~industry shall be at large, one (1) a representative of~~
6 ~~Wyoming private business or industry and one (1) a member~~
7 ~~of a school district board of trustees at the time of~~
8 ~~appointment. The first appointment to the term of such~~
9 ~~member which expires on or after March 1, 2013, shall be a~~
10 ~~school district board member at the time of appointment.~~
11 ~~The remaining seven (7) appointed members of the board~~
12 ~~shall be appointed from among the lay citizens of the state~~
13 ~~who are electors of the state, known for their public~~
14 ~~spirit, business or professional ability and interest in~~
15 ~~education. Not more than six (6) appointed members of the~~
16 ~~board shall be from one (1) political party.~~ Members shall
17 be appointed for six (6) year terms, except those who may
18 be appointed to fill unexpired terms. Appointed members
19 shall be ~~appointed by the governor with the approval of~~
20 confirmed by the senate. Vacancies shall be filled by the
21 governor without senate approval until the next session of
22 the legislature. No member is eligible to reappointment,
23 except any member appointed to fill an unexpired term of
24 less than six (6) years may be reappointed for one (1)

1 additional six (6) year term. Appointed members of the
2 board may be removed by the governor as provided in W.S.
3 9-1-202.

4

5 (b) The remaining six (6) voting members of the state
6 board shall be elected by nonpartisan ballot at each
7 general election for a term of four (4) years pursuant to
8 the provisions of this section and title 22 of the Wyoming
9 statutes. One (1) member shall be elected from among the
10 qualified elector residents of each of the following six
11 (6) election districts:

12

13 (i) State board of education district 1 which
14 shall consist of senate legislative districts 4, 5, 6, 7
15 and 8;

16

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

20

21 (iii) State board of education district 3 which
22 shall consist of senate legislative districts 14, 15, 16,
23 25 and 26;

24

1 (iv) State board of education district 4 which
2 shall consist of senate legislative districts 17, 18, 19,
3 20 and 21;

4
5 (v) State board of education district 5 which
6 shall consist of senate legislative districts 22, 27, 28,
7 29 and 30;

8
9 (vi) State board of education district 6 which
10 shall consist of senate legislative districts 1, 2, 3, 23
11 and 24.

12
13 ~~(b)~~(c) During the first quarter of the calendar year
14 a meeting shall be held at which a chairman shall be
15 elected. Meetings may be held at regular intervals as
16 often as the duties of the board require and the board
17 shall meet at the call of the state superintendent of
18 public instruction, ~~or~~ the director, the governor or the
19 chairman whenever in the opinion of these officials, or any
20 of them, the need for such meeting exists.

21
22 ~~(e)~~(d) Notwithstanding subsection (a) of this
23 section, the superintendent of public instruction and the
24 director shall not participate in board deliberations on

1 any matter relating to a contested case involving actions
2 of the department of education.

3

4 **Section 2.** W.S. 22-2-105(a)(ii)(intro), 22-5-206(a),
5 22-5-208(a)(i), 22-6-125(a) by creating a new paragraph
6 (ix) and by renumbering (ix) through (xiv) as (x) through
7 (xv), 22-6-126(b), 22-18-111(a) by creating a new paragraph
8 (vii), 22-22-202(a), 22-22-203 and 22-25-107(a)(ii) are
9 amended to read:

10

11 **22-2-105. Terms of office and offices voted on at**
12 **general elections.**

13

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

16

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

1 district court and members of the state board of education.

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

7

8 **22-5-206. Where nomination applications to be filed.**

9

10 (a) Nomination applications for United States
11 senators and representatives in congress, state offices,
12 members of the legislature, members of the state board of
13 education, circuit court judges, and state district court
14 judges shall be filed in the office of the secretary of
15 state.

16

17 **22-5-208. Filing fees; exception.**

18

19 (a) Applications shall be accompanied by the
20 following fees:

21

22 (i) Twenty-five dollars (\$25.00) for the offices
23 of state senator, state representative, and district
24 attorney, for membership on the state board of education

1 and for the offices to be voted for by electors wholly
2 within a county;

3

4 **22-6-125. Order of offices and ballot propositions on**
5 **nonpartisan ballots.**

6

7 (a) The nonpartisan ballot shall contain the offices
8 and ballot propositions to be voted on in the following
9 order:

10

11 (ix) Candidates for state board of education;

12

13 ~~(ix)~~ (x) Candidates for special district
14 directors;

15

16 ~~(x)~~ (xi) Candidates for other offices of county
17 subdivisions;

18

19 ~~(xi)~~ (xii) Constitutional amendments;

20

21 ~~(xii)~~ (xiii) Initiative propositions;

22

23 ~~(xiii)~~ (xiv) Referendum propositions;

24

1 ~~(xiv)~~ (xv) Other ballot propositions.

2

3 **22-6-126. Form of nonpartisan ballots.**

4

5 (b) The official nonpartisan ballot for a primary
6 election shall be so identified in the title and shall omit
7 all references to justices of the supreme court, judges of
8 the district court, ~~and~~ circuit court judges and members of
9 the state board of education, but otherwise shall be in the
10 same form as the general election nonpartisan ballot.

11

12 **22-18-111. Vacancies in other offices; temporary**
13 **appointments.**

14

15 (a) Any vacancy in any other elective office in the
16 state except representative in congress or the board of
17 trustees of a school or community college district, shall
18 be filled by the governing body, or as otherwise provided
19 in this section, by appointment of a temporary successor.
20 The person appointed shall serve until a successor for the
21 remainder of the unexpired term is elected at the next
22 general election and takes office on the first Monday of
23 the following January. Provided, if a vacancy in a four
24 (4) year term of office occurs in the term's second or

1 subsequent years after the first day for filing an
2 application for nomination pursuant to W.S. 22-5-209, no
3 election to fill the vacancy shall be held and the
4 temporary successor appointed shall serve the remainder of
5 the unexpired term. The following apply:

6

7 (vii) A vacancy in the office of any state board
8 of education membership shall be filled by the county
9 commissioners in accordance with subparagraphs (iii)(B) and
10 (C) of this subsection.

11

12 **22-22-202. Filing of application; form.**

13

14 (a) A qualified elector may be nominated for the
15 office of school district trustee, member of the state
16 board of education or member of a community college board
17 by filing an application for election in the office of the
18 county clerk not more than ninety (90) nor less than
19 seventy (70) days prior to the election. The application
20 shall be in substantially the following form:

21

22 APPLICATION FOR ELECTION FOR SCHOOL OR

23 COMMUNITY COLLEGE TRUSTEE

24

1 I, the undersigned, swear or affirm that I was born on
 2,(year), and that I have been a resident of the
 3 State of Wyoming since, and that I am a registered
 4 voter of the school district or community college
 5 district (and resident of trustee residence area or
 6 subdistrict, if any), residing at, and I do
 7 hereby request that my name,, be printed on the ballot
 8 of the election to be held on the day of,
 9(year), as a candidate for the office of for a
 10 term of years. I hereby declare that if I am elected,
 11 I will qualify for the office.

12

13 Dated:

14 (Signature of Candidate)

15 Name as it is to appear on the ballot

16 (Residence Address)

17

18 **22-22-203. Determining validity of application;**
 19 **placement on ballot; procedure for multi-county districts.**

20

21 (a) The county clerk receiving a nomination
 22 application shall determine whether the person seeking
 23 nomination is a qualified candidate. If the application is
 24 sufficient in all respects, the name of the person

1 nominated shall appear on the official ballot for the
2 election specified in the application. In the case of a
3 school, state board of education election district or
4 community college district which crosses county boundaries,
5 the clerk of the county in which a valid application is
6 filed shall certify the name of the person nominated to the
7 clerk of the other county or counties involved for
8 placement on the official ballot for the election specified
9 in the application.

10
11 (b) Each county clerk in each election involving a
12 school, state board of education election district or
13 community college district which crosses county boundaries
14 shall determine whether voting machines, electronic voting
15 system, paper ballots, or a combination thereof, shall be
16 used to insure that each qualified elector votes only for
17 the candidate or candidates from the school district and
18 trustee residence area, if any, from the state board of
19 education election district, if any, and from the community
20 college district and subdistrict, if any, for which he is
21 entitled to vote.

22
23 **22-25-107. Where statements to be filed.**
24

1 (a) All statements required under this chapter shall
2 be filed as follows:

3

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

9

10 **Section 3.** W.S. 21-2-301, as in effect prior to the
11 enactment of 2013 Wyoming Session Laws, Chapter 1, is
12 amended to read:

13

14 **21-2-301. Appointment; qualifications, terms and**
15 **removal of members; meetings; chairman.**

16

17 (a) There is created a state board of education
18 composed of twelve (12) members, ~~eleven (11)~~ five (5) of
19 whom shall be appointed ~~members with at least one (1)~~
20 ~~member appointed from each appointment district pursuant to~~
21 ~~W.S. 9-1-218. Appointments from each appointment district~~
22 ~~shall be rotated among the several counties comprising the~~
23 district at large by the governor and six (6) shall be
24 elected by nonpartisan ballot in accordance with subsection

1 (b) of this section. The remaining voting member of the
2 board shall be the state superintendent of public
3 instruction. One (1) appointed member shall be ~~appointed at~~
4 ~~large and shall be~~ a certified classroom teacher at the
5 time of appointment, one (1) ~~appointed member shall also~~
6 ~~be appointed at large and~~ shall be a certified school
7 administrator at the time of appointment, ~~Two (2)~~
8 ~~appointed members shall be appointed at large~~ one (1) shall
9 be a member of a board of trustees of a school district
10 with enrollment greater than the statewide average Wyoming
11 school district, as computed at the time of appointment,
12 one (1) shall be a member of a board of trustees of a
13 school district with enrollment less than the average
14 Wyoming school district, as computed at the time of
15 appointment, and one (1) shall be a representative of
16 private business or industry in Wyoming. ~~On and after~~
17 ~~March 1, 2013 and upon expiration of their respective~~
18 ~~terms, the appointments of the two (2) members previously~~
19 ~~designated to be representative of business or industry~~
20 ~~shall be at large, one (1) a representative of Wyoming~~
21 ~~private business or industry and one (1) a member of a~~
22 ~~school district board of trustees at the time of~~
23 ~~appointment. The first appointment to the term of such~~
24 ~~member which expires on or after March 1, 2013, shall be a~~

1 ~~school district board member at the time of appointment.~~
2 ~~The remaining seven (7) appointed members of the board~~
3 ~~shall be appointed from among the lay citizens of the state~~
4 ~~who are electors of the state, known for their public~~
5 ~~spirit, business or professional ability and interest in~~
6 ~~education. Not more than six (6) appointed members of the~~
7 ~~board shall be from one (1) political party.~~ Members shall
8 be appointed for six (6) year terms, except those who may
9 be appointed to fill unexpired terms. Appointed members
10 shall be ~~appointed by the governor with the approval of~~
11 confirmed by the senate. Vacancies shall be filled by the
12 governor without senate approval until the next session of
13 the legislature. No member is eligible to reappointment,
14 except any member appointed to fill an unexpired term of
15 less than six (6) years may be reappointed for one (1)
16 additional six (6) year term. Appointed members of the
17 board may be removed by the governor as provided in W.S.
18 9-1-202.

19

20 (b) The remaining six (6) voting members of the state
21 board shall be elected by nonpartisan ballot at each
22 general election for a term of four (4) years pursuant to
23 the provisions of this section and title 22 of the Wyoming
24 statutes. One (1) member shall be elected from among the

1 qualified elector residents of each of the following six
2 (6) election districts:

3

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

7

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

11

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

15

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

19

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

23

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

4
5 ~~(b)~~(c) During the first quarter of the calendar year
6 a meeting shall be held at which a chairman shall be
7 elected. Meetings may be held at regular intervals as
8 often as the duties of the board require and the board
9 shall meet at the call of the state superintendent of
10 public instruction or the governor or the chairman whenever
11 in the opinion of these officials, or any of them, the need
12 for such meeting exists.

13
14 ~~(e)~~(d) Notwithstanding subsection (a) of this
15 section, the superintendent of public instruction shall not
16 participate in board deliberations on or vote on any matter
17 relating to a contested case involving actions of the
18 department of education.

19
20 **Section 4.**

21
22 (a) As necessary to conform with the requirements of
23 W.S. 21-2-301(a), as amended by section 1 or 3 of this act,
24 as applicable, the governor shall appoint one (1) member to

1 the state board which, at the time of appointment, is a
2 member of a board of trustees of a school district with
3 enrollment either more or less than the average Wyoming
4 school district, depending upon the enrollment of the
5 district of that board member appointed to represent a
6 school district board of trustees prior to the effective
7 date of this act. The term of the appointment under this
8 subsection shall commence on January 5, 2015.

9

10 (b) The service of the seven (7) members appointed at
11 large to the state board prior to the effective date of
12 this act, who represent the lay citizens of the state who
13 are electors of the state, known for their public spirit,
14 business or professional ability and interest in education
15 and who were not appointed to fulfill the requirements for
16 a certified classroom teacher, a certified school
17 administrator, a representative of private business or
18 industry in Wyoming and a representative of a school
19 district board of trustees, shall terminate on January 5,
20 2015.

21

22 (c) The election of six (6) state board members as
23 required by W.S. 21-2-301(a), as amended by section 1 or 3
24 of this act, as applicable, shall commence with the 2014

1 general election by nonpartisan ballot. The service of the
2 elected members shall commence their respective board
3 duties on January 5, 2015. Notwithstanding W.S.
4 21-2-301(b), the initial term of the elected state board
5 members from board of education election districts 1, 3 and
6 5 shall be for a term of two (2) years.

7
8 (d) The provisions of W.S. 21-2-301(a), as amended by
9 section 1 or 3 of this act, as applicable, shall not be
10 implemented in a manner that affects the terms of those
11 state board members appointed prior to the effective date
12 of this act and appointed at large to represent a certified
13 classroom teacher, a certified school administrator, a
14 representative of private business or industry in Wyoming
15 and a member of a school district school board of trustees.
16 Any member appointed prior to the effective date of this
17 act and serving on the effective date of this act may be
18 reappointed if otherwise qualified for reappointment under
19 W.S. 21-2-301(a).

20

21 **Section 5.**

22

23 (a) Sections 1 and 2 of this act are effective
24 immediately upon completion of all acts necessary for a

1 bill to become law as provided by Article 4, Section 8 of
2 the Wyoming Constitution, subject to section 3 of this act
3 as provided by subsection (b) of this section.

4
5 (b) If a final order by the district court of Laramie
6 County, Wyoming, is issued implementing without change the
7 final ruling of the Wyoming Supreme Court issued January
8 28, 2014, in the case of Kerry and Clara Powers, on behalf
9 of themselves and the citizens of Wyoming, and Cindy Hill,
10 on behalf of herself and as the Superintendent of Public
11 Instruction v. State of Wyoming and Matthew H. Mead,
12 Governor, in his official capacity [Docket No. S-13-0052],
13 then upon expiration of time for appeal of that order, or
14 if appealed, upon issuance of a final order or mandate of
15 the Wyoming Supreme Court confirming the district court
16 final order, the Governor shall certify the entry of the
17 district court final order. The Governor shall immediately
18 file any certification under this section together with the
19 final order with the secretary of state. Upon filing
20 certification with the secretary of state, section 3 of
21 this act is effective and shall supersede W.S. 21-2-301, as
22 amended by section 1 of this act.

23

24

(END)