STATE BOARD OF EDUCATION BOUNDARY AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kenneth W. Sumsion

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill makes minor adjustments to State Board of Education district boundaries to reconcile United States Census data with state maps and to resolve certain election administration issues.

Highlighted Provisions:

This bill:

▸ defines terms;

▸ makes changes to State Board of Education district boundaries to reconcile United States Census data with state maps;

▸ makes changes to State Board of Education district boundaries to resolve certain election administration issues; and

▸ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

20A-14-101.5, as enacted by Laws of Utah 2011, Third Special Session, Chapter 3

20A-14-102, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3

20A-14-102.2, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3

20A-14-102.3, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3

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

32   Section 1. Section **20A-14-101.5** is amended to read:

33   **20A-14-101.5.   State Board of Education -- Number of members -- State Board of**

34 **Education district boundaries.**

35   (1) As used in this section:

36   (a) "County boundary" means the county boundary's location in the database as of

37 January 1, 2010.

38   (b) "Database" means the State Geographic Information Database created in Section

39 63F-1-507.

40   (c) "Local school district boundary" means the local school district boundary's location

41 in the database as of January 1, 2010.

42   (d) "Municipal boundary" means the municipal boundary's location in the database as

43 of January 1, 2010.

44   [(1)] (2) The State Board of Education shall consist of 15 members, with one member

45 to be elected from each State Board of Education district.

46   [(2) The] (3) Except as modified in Subsection (5), the Legislature adopts the official

47 census population figures and maps of the Bureau of the Census of the United States

48 Department of Commerce developed in connection with the taking of the 2010 national

49 decennial census as the official data for establishing State Board of Education district

50 boundaries.

51   [(3)] (4) (a) [The] Except as modified in Subsection (5), the Legislature enacts the

52 numbers and boundaries of the State Board of Education districts designated in the Board block

53 assignment file that is the electronic component of the bill that enacts this section.

54   (b) That Board block assignment file, and the State Board of Education district

55 boundaries generated from that Board block assignment file, together with modifications made

56 by Subsection (5), may be accessed via the Utah Legislature's website.

57   (5) (a) The following census blocks from the 2010 Census are placed into State Board

58   of Education District 1 and removed from State Board of Education District 2:

59   490572105053022, 490572105053023, 490572105053032, and 490572105053033.

60   (b) The following census blocks from the 2010 Census are placed into State Board of

61   Education District 2 and removed from State Board of Education District 1:

62   490572104031002, 490572104031003, 490572104031008, 490572104031009,

63   490572104031010, 490572104031014, 490572104042050, 490572104042060, and

64   490572104042061.

65   (c) The following census blocks from the 2010 Census are placed into State Board of

66   Education District 4 and removed from State Board of Education District 2:

67   490572105112040, 490572105112042, 490572105112043, and 490572105123002.

68   (d) The following census blocks from the 2010 Census are placed into State Board of

69   Education District 4 and removed from State Board of Education District 5: 490111251021028

70   and 490111251021047.

71   (e) The following census blocks from the 2010 Census are placed into State Board of

72   Education District 6 and removed from State Board of Education District 8: 490351135331025

73   and 490351135331026.

74   (f) The following census block from the 2010 Census is placed into State Board of

75   Education District 7 and removed from State Board of Education District 12:

76   490439643061158.

77   (g) The following census blocks from the 2010 Census are placed into State Board of

78   Education District 8 and removed from State Board of Education District 6:

79   490351135331027, 490351135331032, 490351135331033, 490351135331034, and

80   490351135331035.

81   (h) The following census blocks from the 2010 Census are placed into State Board of

82   Education District 9 and removed from State Board of Education District 13:

83   490490022071013, 490490022073011, 490490022073012, 490490022073016,

84   490490022073017, and 490490101131460.

85   (i) The following census blocks from the 2010 Census are placed into State Board of

86 Education District 11 and removed from State Board of Education District 6:

87 490351142001009, 490351142001010, 490351142001011, 490351142001012,

88 490351142001020, and 490351142001021.

89   (j) The following census blocks from the 2010 Census are placed into State Board of

90 Education District 12 and removed from State Board of Education District 9:

91 490490022011002, 490490022011003, and 490490101122121.

92   (k) The boundary between State Board of Education District 7 and State Board of

93 Education District 12 is changed to follow the local school district boundary from the

94 intersection of the local school district boundary with the shared boundary between Morgan

95 County and Summit County, then along the same local school district boundary generally south

96 and east to the intersection of the State Board of Education district boundary with the boundary

97 of Summit County Service Area 3, then projecting the same service area boundary east to

98 intersect with Interstate 80.

99   (l) The boundary between State Board of Education District 8 and State Board of

100 Education District 10 is changed to follow 900 East Street south from the intersection of I-215

101 with 900 East Street, south to the intersection of 900 East Street with the Midvale municipal

102 boundary, then along the Midvale municipal boundary generally west to the intersection of

103 established State Board of Educations Districts 8, 10, and 11.

104   (m) The boundary between State Board of Education District 8 and State Board of

105 Education District 11 is changed to follow the Midvale municipal boundary from the

106 intersection of established State Board of Education Districts 8, 10, and 11, generally west to

107 the intersection of Midvale municipal boundary with Interstate 15.

108   (n) The boundary of State Board of Education District 9 is changed to follow the Lehi

109 City municipal boundary so that all of Lehi City is within State Board of Education District 9.

110   (o) The boundary between State Board of Education District 9 and State Board of

111 Education District 12 is changed to follow the Pleasant Grove municipal boundary from the

112 southernmost intersection of the Pleasant Grove municipal boundary with State Street generally

113 east to the intersection of the Pleasant Grove municipal boundary with the Murdock Canal.

114   (p) The boundary of State Board of Education District 11 is changed to follow State

115   Highway 73 from the easternmost point where State Highway 73 intersects with the established

116   boundary between State Board of Education Districts 9 and 11, east to the intersection of State

117   Highway 73 with State Highway 68, then north to the southernmost intersection of State

118   Highway 68 with the Lehi municipal boundary, then following the Lehi municipal boundary

119   north to the next point where the Lehi municipal boundary intersects with State Highway 68,

120   then following the Lehi municipal boundary generally east, north, and west to the next

121   intersection of the Lehi municipal boundary with State Highway 68.

122   (q) The following census block from the 2010 Census is placed into State Board of

123   Education District 12 and removed from State Board of Education District

124   13: 490490022011099.

125   Section 2. Section **20A-14-102** is amended to read:

126   **20A-14-102.   State Board of Education districts.**

127   (1) (a) The Legislature shall file a copy of the Board block assignment file enacted by

128   the Legislature with the lieutenant governor's office.

129   (b) [The] Except as provided in Subsection 20A-14-101.5(5), the legal boundaries of

130   State Board of Education districts are contained in the Board block assignment file on file with

131   the lieutenant governor's office.

132   (2) (a) The lieutenant governor shall:

133   (i) generate maps of each State Board of Education district from the Board block

134   assignment file and modifications to boundaries made in Subsection 20A-14-101.5(5); and

135   (ii) ensure that those maps are available for viewing on the lieutenant governor's

136   website.

137   (b) If there is any inconsistency between the maps [and], the Board block assignment

138   file, and the modifications made to boundaries in Subsection 20A-14-101.5(5), the Board block

139   assignment file [is] as adjusted by the modifications to boundaries made in Subsection

140   20A-14-101.5(5), are controlling.

141   Section 3. Section **20A-14-102.2** is amended to read:

142   **20A-14-102.2. Uncertain boundaries -- How resolved.**

143   (1) As used in this section[, "affected]:

144   (a) "Affected party" means:

145   [(a)] (i) a state school board member whose State Board of Education district boundary

146   is uncertain because the [boundary] feature used to establish the district boundary in the Board

147   block assignment file [used to establish the district boundary] or in any modifications to the

148   boundary made in Subsection 20A-14-101.5(5) has been removed, modified, or is unable to be

149   identified or who is uncertain about whether or not the member or another person resides in a

150   particular State Board of Education district;

151   [(b)] (ii) a candidate for state school board whose State Board of Education district

152   boundary is uncertain because the [boundary] feature used to establish the district boundary in

153   the Board block assignment file [used to establish the district boundary] or in any modification

154   to the boundary made in Subsection 20A-14-101.5(5) has been removed, modified, or is unable

155   to be identified or who is uncertain about whether or not the candidate or another person

156   resides in a particular State Board of Education district; or

157   [(c)] (iii) a person who is uncertain about which State Board of Education district

158   contains the person's residence because the [boundary] feature used to establish the district

159   boundary in the Board block assignment file [used to establish the State Board of Education

160   district boundary has] or in any modification to the boundary made in Subsection

161   20A-14-101.5(5) been removed, modified, or is unable to be identified.

162   (b) "Feature" means a geographic or other tangible or intangible mark such as a road or

163   political subdivision boundary that is used to establish a State Board of Education district

164   boundary.

165   (2) (a) An affected party may file a written request petitioning the lieutenant governor

166   to determine:

167   (i) the precise location of the State Board of Education district boundary;

168   (ii) the number of the State Board of Education district in which a person resides; or

169   (iii) both Subsections (2)(a)(i) and (ii).

170   (b) In order to make the determination required by Subsection (2)(a), the lieutenant

171   governor shall review:

172   (i) the Board block assignment file [and obtain and review]:

173   (ii) the modifications to the boundary made in Subsection 20A-14-101.5(5); and

174   (iii) other relevant data such as aerial photographs, aerial maps, or other data about the

175   area.

176   (c) Within five days of receipt of the request, the lieutenant governor shall:

177   (i) review the Board block assignment file[, obtain and]:

178   (ii) review the modifications to the boundary made in Subsection 20A-14-101.5(5);

179   (iii) review any relevant data[.]; and

180   (iv) make a determination.

181   (d) If the lieutenant governor determines the precise location of the State Board of

182   Education district boundary, the lieutenant governor shall:

183   (i) prepare a certification identifying the appropriate State Board of Education district

184   boundary and attaching a map, if necessary; and

185   (ii) send a copy of the certification to:

186   (A) the affected party;

187   (B) the county clerk of the affected county; and

188   (C) the Automated Geographic Reference Center created under Section 63F-1-506.

189   (e) If the lieutenant governor determines the number of the State Board of Education

190   district in which a particular person resides, the lieutenant governor shall send a letter

191   identifying that district by number to:

192   (i) the person;

193   (ii) the affected party who filed the petition, if different than the person whose State

194   Board of Education district number was identified; and

195   (iii) the county clerk of the affected county.

196   Section 4. Section **20A-14-102.3** is amended to read:

197   **20A-14-102.3.   County clerk, Automated Geographic Reference Center, and**

198 **lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

199 (1) As used in this section, "redistricting boundary data" means the State Board of

200 Education block assignment file and any modifications made to the State Board of Education

201 district boundaries by Subsection 20A-14-101.5(5).

202 [(1)] (2) Each county clerk shall obtain a copy of the [Board block assignment file]

203 redistricting boundary data for the clerk's county from the lieutenant governor's office.

204 [(2)] (3) (a) A county clerk may create one or more county maps that identify the

205 boundaries of State Board of Education districts as generated from the [Board block

206 assignment file] redistricting boundary data.

207 (b) Before publishing or distributing any map or data created by the county clerk that

208 identifies the boundaries of State Board of Education districts within the county, the clerk shall

209 submit the county map and data to the lieutenant governor and to the Automated Geographic

210 Reference Center for review.

211 (c) Within 30 days after receipt of a county map and data from a county clerk, the

212 Automated Geographic Reference Center shall:

213 (i) review the county map and data to evaluate if the county map and data accurately

214 reflect the boundaries of State Board of Education districts established by the Legislature in the

215 [Board block assignment file] redistricting boundary data;

216 (ii) determine whether the county map and data are correct or incorrect; and

217 (iii) communicate those findings to the lieutenant governor.

218 (d) The lieutenant governor shall either notify the county clerk that the county map and

219 data are correct or inform the county clerk that the county map and data are incorrect.

220 (e) If the county clerk receives notice from the lieutenant governor that the county map

221 and data submitted are incorrect, the county clerk shall:

222 (i) make the corrections necessary to conform the county map and data to the [Board

223 block assignment file] redistricting boundary data; and

224 (ii) resubmit the corrected county map and data to the lieutenant governor for a new

225 review under this Subsection [(2)] (3).

226   [(3)] (4) (a) Subject to the requirements of this Subsection [(3)] (4), each county clerk

227   shall establish voting precincts and polling places within each State Board of Education district

228   according to the procedures and requirements of Section 20A-5-303.

229   (b) Within five working days after approval of voting precincts and polling places by

230   the county legislative body as required by Section 20A-5-303, each county clerk shall submit a

231   voting precinct map identifying the boundaries of each voting precinct within the county to the

232   lieutenant governor and to the Automated Geographic Reference Center for review.

233   (c) Within 30 days after receipt of a voting precinct map from a county clerk, the

234   Automated Geographic Reference Center shall:

235   (i) review the voting precinct map to evaluate if the voting precinct map accurately

236   reflects the boundaries of State Board of Education districts established by the Legislature in

237   the [Board block assignment file] redistricting boundary data;

238   (ii) determine whether the voting precinct map is correct or incorrect; and

239   (iii) communicate those findings to the lieutenant governor.

240   (d) The lieutenant governor shall either notify the county clerk that the voting precinct

241   map is correct or notify the county clerk that the voting precinct map is incorrect.

242   (e) If the county clerk receives notice from the lieutenant governor that the voting

243   precinct map is incorrect, the county clerk shall:

244   (i) make the corrections necessary to conform the voting precinct map to the [Board

245   block assignment file] redistricting boundary data; and

246   (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the

247   Automated Geographic Reference Center for a new review under this Subsection [(3)] (4).

248   Section 5. **Effective date.**

249   If approved by two-thirds of all the members elected to each house, this bill takes effect

250   upon approval by the governor, or the day following the constitutional time limit of Utah

251   Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,

252   the date of veto override.