

1                   **STATE BOARDS AND COMMISSIONS AMENDMENTS**

2                                   2017 GENERAL SESSION

3                                   STATE OF UTAH

4                   **Chief Sponsor: Norman K Thurston**

5                                   Senate Sponsor: Margaret Dayton

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6

7 **LONG TITLE**

8 **General Description:**

9           This bill modifies provisions related to the membership requirements for certain state  
10 entities.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ removes the political party affiliation requirement for certain boards and
- 14 commissions;
- 15           ▶ requires certain board appointments to be made without considering political
- 16 affiliation; and
- 17           ▶ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19           None

20 **Other Special Clauses:**

21           None

22 **Utah Code Sections Affected:**

23 AMENDS:

24           **4-30-2**, as last amended by Laws of Utah 2010, Chapter 286

25           **7-1-203**, as last amended by Laws of Utah 2013, Chapter 73

26           **11-38-201**, as last amended by Laws of Utah 2013, Chapter 310

27           **17-30a-202**, as enacted by Laws of Utah 2014, Chapter 366

28           **19-2-103**, as last amended by Laws of Utah 2015, Chapter 154

- 29            **19-4-103**, as last amended by Laws of Utah 2012, Chapter 360
- 30            **19-5-103**, as last amended by Laws of Utah 2015, Chapter 234
- 31            **19-6-103**, as last amended by Laws of Utah 2015, Chapter 451
- 32            **26-1-7.5**, as last amended by Laws of Utah 2011, Chapter 297
- 33            **26-33a-103**, as last amended by Laws of Utah 2014, Chapter 118
- 34            **32B-2-201**, as last amended by Laws of Utah 2012, Chapter 365
- 35            **34A-1-205**, as last amended by Laws of Utah 2013, Chapter 428
- 36            **35A-1-205**, as last amended by Laws of Utah 2010, Chapter 286
- 37            **36-12-20**, as last amended by Laws of Utah 2014, Chapter 387
- 38            **40-6-4**, as last amended by Laws of Utah 2013, Chapter 243
- 39            **51-7-16**, as last amended by Laws of Utah 2010, Chapter 286
- 40            **54-1-1.5**, as last amended by Laws of Utah 2002, Chapter 176
- 41            **54-10a-202**, as last amended by Laws of Utah 2010, Chapter 286
- 42            **62A-1-107**, as last amended by Laws of Utah 2016, Chapter 300
- 43            **63H-8-201**, as renumbered and amended by Laws of Utah 2015, Chapter 226
- 44            **63N-1-401**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 45            **63N-7-102**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 46            **72-4-302**, as last amended by Laws of Utah 2015, Chapter 258
- 47            **72-11-202**, as renumbered and amended by Laws of Utah 1999, Chapter 195
- 48            **73-10-2**, as last amended by Laws of Utah 2010, Chapter 286
- 49            **79-3-302**, as last amended by Laws of Utah 2010, Chapter 286
- 50            **79-4-302**, as last amended by Laws of Utah 2010, Chapter 286



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

53            Section 1. Section **4-30-2** is amended to read:

54            **4-30-2. Livestock Market Committee created -- Composition -- Terms -- Removal**  
55 **-- Compensation -- Duties.**

56 (1) There is created a Livestock Market Committee which consists of the following  
57 seven members appointed to a four-year term of office by the commissioner:

- 58 (a) one member recommended by the livestock market operators in the state;
- 59 (b) one member recommended by the Utah Cattlemen's Association;
- 60 (c) one member recommended by the Utah Dairymen's Association;
- 61 (d) one member recommended by the Utah Woolgrowers' Association;
- 62 (e) one member recommended by the horse industry;
- 63 (f) one member recommended by the Utah Farm Bureau Federation; and
- 64 (g) one member recommended by the Utah Farmers Union.

65 (2) Notwithstanding the requirements of Subsection (1), the commissioner shall, at the  
66 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
67 committee members are staggered so that approximately half of the committee is appointed  
68 every two years.

69 ~~[(3) No more than four members shall be members of the same political party.]~~

70 (3) The commissioner may not consider or seek to discover the political affiliation of a  
71 person when considering the person for appointment or reappointment to the committee.

72 (4) (a) The commissioner may remove a member of the committee at the request of the  
73 association or group which recommended the member's appointment.

74 (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
75 appointed for the unexpired term.

76 (5) The Livestock Market Committee shall elect a chair from its membership, who  
77 shall serve for a term of office of two years, but may be reelected for subsequent terms.

78 (6) (a) The chair is responsible for the call and conduct of meetings.

79 (b) Four members constitute a quorum for the transaction of official business.

80 (7) A member may not receive compensation or benefits for the member's service, but  
81 may receive per diem and travel expenses in accordance with:

82 (a) Section [63A-3-106](#);

83 (b) Section 63A-3-107; and  
84 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
85 63A-3-107.

86 (8) The Livestock Market Committee acts as advisor to the department with respect to  
87 the administration and enforcement of this chapter and makes recommendations necessary to  
88 carry out the intent of this chapter to the commissioner.

89 Section 2. Section 7-1-203 is amended to read:

90 **7-1-203. Board of Financial Institutions.**

91 (1) There is created a Board of Financial Institutions consisting of the commissioner  
92 and the following five members, who shall be qualified by training and experience in their  
93 respective fields and shall be appointed by the governor with the consent of the Senate:

- 94 (a) one representative from the commercial banking business;
- 95 (b) one representative from the consumer lending, money services business, or escrow  
96 agency business;
- 97 (c) one representative from the industrial bank business;
- 98 (d) one representative from the credit union business; and
- 99 (e) one representative of the general public who, as a result of education, training,  
100 experience, or interest, is well qualified to consider economic and financial issues and data as  
101 they may affect the public interest in the soundness of the financial systems of this state.

102 (2) The commissioner shall act as chair.

103 (3) (a) A member of the board shall be a resident of this state.

104 [~~(b) No more than three members of the board may be from the same political party.~~]

105 (b) The governor and the Senate may not consider or seek to discover the political  
106 affiliation of a person when considering the person for appointment, reappointment, or  
107 confirmation to the board.

108 (c) No more than two members of the board may be connected with the same financial  
109 institution or its holding company.

110 (d) A member may not participate in any matter involving an institution with which the  
111 member has a conflict of interest.

112 (4) (a) Except as required by Subsection (4)(b), the terms of office shall be four years  
113 each expiring on July 1.

114 (b) The governor shall, at the time of appointment or reappointment, adjust the length  
115 of terms to ensure that the terms of board members are staggered so that approximately half of  
116 the board is appointed every two years.

117 (c) A member serves until the member's successor is appointed and qualified.

118 (d) When a vacancy occurs in the membership for any reason, the governor shall  
119 appoint a replacement for the unexpired term.

120 (5) (a) The board shall meet at least quarterly on a date the board sets.

121 (b) The commissioner or any two members of the board may call additional meetings.

122 (c) Four members constitute a quorum for the transaction of business.

123 (d) Actions of the board require a vote of a majority of those present when a quorum is  
124 present.

125 (e) A meeting of the board and records of the board's proceedings are subject to Title  
126 52, Chapter 4, Open and Public Meetings Act, except for discussion of confidential  
127 information pertaining to a particular financial institution.

128 (6) (a) A member of the board shall, by sworn or written statement filed with the  
129 commissioner, disclose any position of employment or ownership interest that the member has  
130 with respect to any institution subject to the jurisdiction of the department.

131 (b) The member shall:

132 (i) file the statement required by this Subsection (6) when first appointed to the board;  
133 and

134 (ii) subsequently file amendments to the statement if there is any material change in the  
135 matters covered by the statement.

136 (7) A member may not receive compensation or benefits for the member's service, but

137 may receive per diem and travel expenses in accordance with:

138 (a) Section 63A-3-106;

139 (b) Section 63A-3-107; and

140 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
141 63A-3-107.

142 (8) The board shall advise the commissioner with respect to:

143 (a) the exercise of the commissioner's duties, powers, and responsibilities under this  
144 title; and

145 (b) the organization and performance of the department and its employees.

146 (9) The board shall recommend annually to the governor and the Legislature a budget  
147 for the requirements of the department in carrying out its duties, functions, and responsibilities  
148 under this title.

149 Section 3. Section 11-38-201 is amended to read:

150 **11-38-201. Quality Growth Commission -- Term of office -- Vacancy --**  
151 **Organization -- Expenses -- Staff.**

152 (1) (a) There is created a Quality Growth Commission consisting of:

153 (i) the director of the Department of Natural Resources;

154 (ii) the commissioner of the Department of Agriculture and Food;

155 (iii) six elected officials at the local government level, three of whom may not be  
156 residents of a county of the first or second class; and

157 [~~(iv) five persons from the profit and nonprofit private sector, two of whom may not be~~  
158 ~~residents of a county of the first or second class and no more than three of whom may be from~~  
159 ~~the same political party and one of whom shall be from the residential construction industry,~~  
160 ~~nominated by the Utah Home Builders Association, and one of whom shall be from the real~~  
161 ~~estate industry, nominated by the Utah Association of Realtors.]~~

162 (iv) five individuals from the profit or nonprofit private sector, including:

163 (A) two individuals who are residents of a county of the third, fourth, fifth, or sixth

164 class;

165 (B) one individual from the residential construction industry, nominated by the Utah  
166 Home Builders Association; and

167 (C) one individual from the real estate industry, nominated by the Utah Association of  
168 Realtors.

169 (b) The governor and the Senate may not consider or seek to discover the political  
170 affiliation of a person when considering the person for appointment, reappointment, or  
171 confirmation to the commission.

172 ~~[(b)]~~ (c) (i) The director of the Department of Natural Resources and the commissioner  
173 of the Department of Agriculture and Food may not assume their positions on the commission  
174 until:

175 (A) after May 1, 2005; and

176 (B) the term of the respective predecessor in office, who is a state government level  
177 appointee, expires.

178 (ii) The term of a commission member serving on May 1, 2005 as one of the six  
179 elected local officials or five private sector appointees may not be shortened because of  
180 application of the restriction under Subsections (1)(a)(iii) and (iv) on the number of appointees  
181 from counties of the first or second class.

182 (2) (a) Each commission member appointed under Subsection (1)(a)(iii) or (iv) shall be  
183 appointed by the governor with the consent of the Senate.

184 (b) The governor shall select three of the six members under Subsection (1)(a)(iii) from  
185 a list of names provided by the Utah League of Cities and Towns, and shall select the  
186 remaining three from a list of names provided by the Utah Association of Counties.

187 (c) Two of the persons appointed under Subsection (1) shall be from the agricultural  
188 community from a list of names provided by Utah farm organizations.

189 (3) (a) The term of office of each member is four years, except that the governor shall  
190 appoint one of the persons at the state government level, three of the persons at the local

191 government level, and two of the persons under Subsection (1)(a)(iv) to an initial two-year  
192 term.

193 (b) No member of the commission may serve more than two consecutive four-year  
194 terms.

195 (4) Each mid-term vacancy shall be filled for the unexpired term in the same manner as  
196 an appointment under Subsection (2).

197 (5) Commission members shall elect a chair from their number and establish rules for  
198 the organization and operation of the commission.

199 (6) A member may not receive compensation or benefits for the member's service, but  
200 may receive per diem and travel expenses in accordance with:

201 (a) Section 63A-3-106;

202 (b) Section 63A-3-107; and

203 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
204 63A-3-107.

205 (7) A member is not required to give bond for the performance of official duties.

206 (8) Staff services to the commission:

207 (a) shall be provided by the Governor's Office of Management and Budget; and

208 (b) may be provided by local entities through the Utah Association of Counties and the  
209 Utah League of Cities and Towns, with funds approved by the commission from those  
210 identified as available to local entities under Subsection 11-38-203(1)(a).

211 Section 4. Section 17-30a-202 is amended to read:

212 **17-30a-202. Establishment of merit commission -- Appointment, qualifications,**  
213 **and compensation of members.**

214 (1) (a) Except as provided in Subsection (1)(b), a county subject to this chapter shall  
215 establish a merit system commission consisting of three appointed members:

216 (i) two members appointed by the legislative body of the county; and

217 (ii) one member appointed by the governing body of a police interlocal entity.



218 (b) If there is no police interlocal entity within the county, the county legislative body  
219 shall appoint all three members of a commission described in Subsection (1)(a).

220 ~~[(c) No more than two members of the commission may be affiliated with or members~~  
221 ~~of the same political party.]~~

222 (c) The county legislative body described in Subsection (1)(a)(i) and the police  
223 interlocal entity governing body described in Subsection (1)(a)(ii) may not consider or seek to  
224 discover the political affiliation of a person when considering the person for appointment or  
225 reappointment to the commission.

226 (d) (i) Of the original appointees described in Subsection (1)(a) or (b), one member  
227 shall be appointed for a term ending February 1 of the first odd-numbered year after the date of  
228 appointment, and one each for terms ending two and four years thereafter.

229 (ii) For a term subsequent to a term described in Subsection (1)(d)(i), a commission  
230 member shall hold a term of six years.

231 (e) If an appointed position described in Subsection (1)(a) or (b) is vacated for a cause  
232 other than expiration of the member's term, the position is filled by appointment for the  
233 unexpired portion of the term only.

234 (2) A member of the commission:

235 (a) shall be a resident of the state;

236 (b) for at least five years preceding the date of appointment a resident of:

237 (i) the county; or

238 (ii) if applicable, the area served by the police interlocal entity from which appointed;

239 and

240 (c) may not hold another office or employment with the county or, if applicable, in a  
241 municipality served by the police interlocal entity for which the member is appointed.

242 (3) The county legislative body or interlocal entity governing body may compensate a  
243 member for service on the commission and reimburse the member for necessary expenses  
244 incurred in the performance of the member's duties.

245 Section 5. Section **19-2-103** is amended to read:

246 **19-2-103. Members of board -- Appointment -- Terms -- Organization -- Per diem**  
247 **and expenses.**

248 (1) The board consists of the following nine members:

249 (a) the following non-voting member, except that the member may vote to break a tie  
250 vote between the voting members:

251 (i) the executive director; or

252 (ii) an employee of the department designated by the executive director; and

253 (b) the following eight voting members, who shall be appointed by the governor with  
254 the consent of the Senate:

255 (i) one representative who:

256 (A) is not connected with industry;

257 (B) is an expert in air quality matters; and

258 (C) is a Utah-licensed physician, a Utah-licensed professional engineer, or a scientist  
259 with relevant training and experience;

260 (ii) two government representatives who do not represent the federal government;

261 (iii) one representative from the mining industry;

262 (iv) one representative from the fuels industry;

263 (v) one representative from the manufacturing industry;

264 (vi) one representative from the public who represents:

265 (A) an environmental nongovernmental organization; or

266 (B) a nongovernmental organization that represents community interests and does not  
267 represent industry interests; and

268 (vii) one representative from the public who is trained and experienced in public  
269 health.

270 (2) A member of the board shall:

271 (a) be knowledgeable about air pollution matters, as evidenced by a professional

272 degree, a professional accreditation, or documented experience;

273 (b) be a resident of Utah;

274 (c) attend board meetings in accordance with the attendance rules made by the  
275 department under Subsection 19-1-201(1)(d)(i)(A); and

276 (d) comply with all applicable statutes, rules, and policies, including the conflict of  
277 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).

278 ~~[(3) No more than five of the appointed members of the board shall belong to the same  
279 political party.]~~

280 (3) The governor and the Senate may not consider or seek to discover the political  
281 affiliation of a person when considering the person for appointment, reappointment, or  
282 confirmation to the board.

283 (4) A majority of the members of the board may not derive any significant portion of  
284 their income from persons subject to permits or orders under this chapter.

285 (5) (a) Members shall be appointed for a term of four years.

286 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the  
287 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
288 board members are staggered so that half of the appointed board is appointed every two years.

289 (6) A member may serve more than one term.

290 (7) A member shall hold office until the expiration of the member's term and until the  
291 member's successor is appointed, but not more than 90 days after the expiration of the  
292 member's term.

293 (8) When a vacancy occurs in the membership for any reason, the replacement shall be  
294 appointed for the unexpired term.

295 (9) The board shall elect annually a chair and a vice chair from its members.

296 (10) (a) The board shall meet at least quarterly.

297 (b) Special meetings may be called by the chair upon the chair's own initiative, upon  
298 the request of the director, or upon the request of three members of the board.

299 (c) Three days' notice shall be given to each member of the board before a meeting.

300 (11) Five members constitute a quorum at a meeting, and the action of a majority of  
301 members present is the action of the board.

302 (12) A member may not receive compensation or benefits for the member's service, but  
303 may receive per diem and travel expenses in accordance with:

304 (a) Section 63A-3-106;

305 (b) Section 63A-3-107; and

306 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
307 63A-3-107.

308 Section 6. Section 19-4-103 is amended to read:

309 **19-4-103. Drinking Water Board -- Members -- Organization -- Meetings -- Per**  
310 **diem and expenses.**

311 (1) The board consists of the following nine members:

312 (a) the following non-voting member, except that the member may vote to break a tie  
313 vote between the voting members:

314 (i) the executive director; or

315 (ii) an employee of the department designated by the executive director; and

316 (b) the following eight voting members, who shall be appointed by the governor with  
317 the consent of the Senate:

318 (i) one representative who is a Utah-licensed professional engineer with expertise in  
319 civil or sanitary engineering;

320 (ii) two representatives who are elected officials from a municipal government that is  
321 involved in the management or operation of a public water system;

322 (iii) one representative from an improvement district, a water conservancy district, or a  
323 metropolitan water district;

324 (iv) one representative from an entity that manages or operates a public water system;

325 (v) one representative from:

- 326 (A) the state water research community; or
- 327 (B) an institution of higher education that has comparable expertise in water research
- 328 to the state water research community;
- 329 (vi) one representative from the public who represents:
- 330 (A) an environmental nongovernmental organization; or
- 331 (B) a nongovernmental organization that represents community interests and does not
- 332 represent industry interests; and
- 333 (vii) one representative from the public who is trained and experienced in public
- 334 health.
- 335 (2) A member of the board shall:
- 336 (a) be knowledgeable about drinking water and public water systems, as evidenced by a
- 337 professional degree, a professional accreditation, or documented experience;
- 338 (b) represent different geographical areas within the state insofar as practicable;
- 339 (c) be a resident of Utah;
- 340 (d) attend board meetings in accordance with the attendance rules made by the
- 341 department under Subsection 19-1-201(1)(d)(i)(A); and
- 342 (e) comply with all applicable statutes, rules, and policies, including the conflict of
- 343 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).
- 344 ~~[(3) No more than five appointed members of the board shall be from the same~~
- 345 ~~political party.]~~
- 346 (3) The governor and the Senate may not consider or seek to discover the political
- 347 affiliation of a person when considering the person for appointment, reappointment, or
- 348 confirmation to the board.
- 349 (4) (a) As terms of current board members expire, the governor shall appoint each new
- 350 member or reappointed member to a four-year term.
- 351 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
- 352 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

353 board members are staggered so that half of the appointed board is appointed every two years.

354 (c) (i) Notwithstanding Subsection (4)(a), the term of a board member who is  
355 appointed before May 1, 2013, shall expire on April 30, 2013.

356 (ii) On May 1, 2013, the governor shall appoint or reappoint board members in  
357 accordance with this section.

358 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
359 appointed for the unexpired term.

360 (6) Each member holds office until the expiration of the member's term, and until a  
361 successor is appointed, but not for more than 90 days after the expiration of the term.

362 (7) The board shall elect annually a chair and a vice chair from its members.

363 (8) (a) The board shall meet at least quarterly.

364 (b) Special meetings may be called by the chair upon the chair's own initiative, upon  
365 the request of the director, or upon the request of three members of the board.

366 (c) Reasonable notice shall be given to each member of the board before any meeting.

367 (9) Five members constitute a quorum at any meeting and the action of the majority of  
368 the members present is the action of the board.

369 (10) A member may not receive compensation or benefits for the member's service, but  
370 may receive per diem and travel expenses in accordance with:

371 (a) Section 63A-3-106;

372 (b) Section 63A-3-107; and

373 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
374 63A-3-107.

375 Section 7. Section 19-5-103 is amended to read:

376 **19-5-103. Water Quality Board -- Members of board -- Appointment -- Terms --**  
377 **Organization -- Meetings -- Per diem and expenses.**

378 (1) The board consists of the following nine members:

379 (a) the following non-voting member, except that the member may vote to break a tie

380 vote between the voting members:  
381 (i) the executive director; or  
382 (ii) an employee of the department designated by the executive director; and  
383 (b) the following eight voting members, who shall be appointed by the governor with  
384 the consent of the Senate:  
385 (i) one representative who:  
386 (A) is an expert and has relevant training and experience in water quality matters;  
387 (B) is a Utah-licensed physician, a Utah-licensed professional engineer, or a scientist  
388 with relevant training and experience; and  
389 (C) represents local and special service districts in the state;  
390 (ii) two government representatives who do not represent the federal government;  
391 (iii) one representative from the mineral industry;  
392 (iv) one representative from the manufacturing industry;  
393 (v) one representative who represents agricultural and livestock interests;  
394 (vi) one representative from the public who represents:  
395 (A) an environmental nongovernmental organization; or  
396 (B) a nongovernmental organization that represents community interests and does not  
397 represent industry interests; and  
398 (vii) one representative from the public who is trained and experienced in public  
399 health.  
400 (2) A member of the board shall:  
401 (a) be knowledgeable about water quality matters, as evidenced by a professional  
402 degree, a professional accreditation, or documented experience;  
403 (b) be a resident of Utah;  
404 (c) attend board meetings in accordance with the attendance rules made by the  
405 department under Subsection 19-1-201(1)(d)(i)(A); and  
406 (d) comply with all applicable statutes, rules, and policies, including the conflict of

407 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).

408 ~~[(3) No more than five of the appointed members may be from the same political~~  
409 ~~party.]~~

410 (3) The governor and the Senate may not consider or seek to discover the political  
411 affiliation of a person when considering the person for appointment, reappointment, or  
412 confirmation to the board.

413 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
414 appointed for the unexpired term with the consent of the Senate.

415 (5) (a) A member shall be appointed for a term of four years and is eligible for  
416 reappointment.

417 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the  
418 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
419 board members are staggered so that half of the appointed board is appointed every two years.

420 (c) (i) Notwithstanding Subsection (5)(a), the term of a board member who is  
421 appointed before March 1, 2013, shall expire on February 28, 2013.

422 (ii) On March 1, 2013, the governor shall appoint or reappoint board members in  
423 accordance with this section.

424 (6) A member shall hold office until the expiration of the member's term and until the  
425 member's successor is appointed, not to exceed 90 days after the formal expiration of the term.

426 (7) The board shall:

427 (a) organize and annually select one of its members as chair and one of its members as  
428 vice chair;

429 (b) hold at least four regular meetings each calendar year; and

430 (c) keep minutes of its proceedings which are open to the public for inspection.

431 (8) The chair may call a special meeting upon the request of three or more members of  
432 the board.

433 (9) Each member of the board and the director shall be notified of the time and place of



434 each meeting.

435 (10) Five members of the board constitute a quorum for the transaction of business,  
436 and the action of a majority of members present is the action of the board.

437 (11) A member may not receive compensation or benefits for the member's service, but  
438 may receive per diem and travel expenses in accordance with:

439 (a) Section 63A-3-106;

440 (b) Section 63A-3-107; and

441 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
442 63A-3-107.

443 Section 8. Section 19-6-103 is amended to read:

444 **19-6-103. Waste Management and Radiation Control Board -- Members -- Terms**  
445 **-- Organization -- Meetings -- Per diem and expenses.**

446 (1) The board consists of the following 12 members:

447 (a) the following non-voting member, except that the member may vote to break a tie  
448 vote between the voting members:

449 (i) the executive director; or

450 (ii) an employee of the department designated by the executive director; and

451 (b) the following 11 voting members appointed by the governor with the consent of the  
452 Senate:

453 (i) one representative who is:

454 (A) not connected with industry; and

455 (B) a Utah-licensed professional engineer;

456 (ii) two government representatives who do not represent the federal government;

457 (iii) one representative from the manufacturing, mining, or fuel industry;

458 (iv) one representative from the private solid or hazardous waste disposal industry;

459 (v) one representative from the private hazardous waste recovery industry;

460 (vi) one representative from the radioactive waste management industry;

- 461 (vii) one representative from the uranium milling industry;
- 462 (viii) one representative from the public who represents:
- 463 (A) an environmental nongovernmental organization; or
- 464 (B) a nongovernmental organization that represents community interests and does not
- 465 represent industry interests;
- 466 (ix) one representative from the public who is trained and experienced in public health
- 467 and a licensed:
- 468 (A) medical doctor; or
- 469 (B) dentist; and
- 470 (x) one representative who is:
- 471 (A) a medical physicist or a health physicist; or
- 472 (B) a professional employed in the field of radiation safety.
- 473 (2) A member of the board shall:
- 474 (a) be knowledgeable about solid and hazardous waste matters and radiation safety and
- 475 protection as evidenced by a professional degree, a professional accreditation, or documented
- 476 experience;
- 477 (b) be a resident of Utah;
- 478 (c) attend board meetings in accordance with the attendance rules made by the
- 479 department under Subsection 19-1-201(1)(d)(i)(A); and
- 480 (d) comply with all applicable statutes, rules, and policies, including the conflict of
- 481 interest rules made by the department in accordance with Subsection 19-1-201(1)(d)(i)(B).
- 482 [~~(3) No more than six of the appointed members may be from the same political party.~~]
- 483 (3) The governor and the Senate may not consider or seek to discover the political
- 484 affiliation of a person when considering the person for appointment, reappointment, or
- 485 confirmation to the board.
- 486 (4) (a) Members shall be appointed for terms of four years each.
- 487 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the

488 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
489 board members are staggered so that half of the appointed board is appointed every two years.

490 (c) (i) Notwithstanding Subsection (4)(a), the term of a board member who is  
491 appointed before March 1, 2013, shall expire on February 28, 2013.

492 (ii) On March 1, 2013, the governor shall appoint or reappoint board members in  
493 accordance with this section.

494 (5) Each member is eligible for reappointment.

495 (6) Board members shall continue in office until the expiration of their terms and until  
496 their successors are appointed, but not more than 90 days after the expiration of their terms.

497 (7) When a vacancy occurs in the membership for any reason, the replacement shall be  
498 appointed for the unexpired term by the governor, after considering recommendations of the  
499 board and with the consent of the Senate.

500 (8) The board shall elect a chair and vice chair on or before April 1 of each year from  
501 its membership.

502 (9) A member may not receive compensation or benefits for the member's service, but  
503 may receive per diem and travel expenses in accordance with:

504 (a) Section 63A-3-106;

505 (b) Section 63A-3-107; and

506 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
507 63A-3-107.

508 (10) (a) The board shall hold a meeting at least once every three months including one  
509 meeting during each annual general session of the Legislature.

510 (b) Meetings shall be held on the call of the chair, the director, or any three of the  
511 members.

512 (11) Six members constitute a quorum at any meeting, and the action of the majority of  
513 members present is the action of the board.

514 Section 9. Section 26-1-7.5 is amended to read:

515           **26-1-7.5. Health advisory council.**

516           (1) (a) There is created the Utah Health Advisory Council, comprised of nine persons  
517 appointed by the governor.

518           (b) The governor shall ensure that:

519           (i) members of the council:

520           (A) broadly represent the public interest;

521           (B) have an interest in or knowledge of public health, environmental health, health  
522 planning, health care financing, or health care delivery systems; and

523           (C) include health professionals;

524           (ii) the majority of the [~~membership~~] members of the council are nonhealth  
525 professionals; and

526           [~~(iii) no more than five persons are from the same political party, and]~~

527           [~~(iv)~~] (iii) the governor considers geography, sex, and ethnicity balance [~~are~~  
528 ~~considered~~] when selecting the members.

529           (c) The governor may not consider or seek to discover the political affiliation of a  
530 person when considering the person for appointment or reappointment to the council.

531           (2) (a) Except as required by Subsection (2)(b), members of the council shall be  
532 appointed to four-year terms.

533           (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
534 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
535 council members are staggered so that approximately half of the council is appointed every two  
536 years.

537           (c) Terms of office for subsequent appointments shall commence on July 1 of the year  
538 in which the appointment occurs.

539           (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall  
540 be appointed for the unexpired term.

541           (b) No person shall be appointed to the council for more than two consecutive terms.

542 (c) The chair of the council shall be appointed by the governor from the membership of  
543 the council.

544 (4) The council shall meet at least quarterly or more frequently as determined necessary  
545 by the chair. A quorum for conducting business shall consist of four members of the council.

546 (5) A member may not receive compensation or benefits for the member's service, but,  
547 at the executive director's discretion, may receive per diem and travel expenses in accordance  
548 with:

549 (a) Section 63A-3-106;

550 (b) Section 63A-3-107; and

551 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
552 63A-3-107.

553 (6) The council shall be empowered to advise the department on any subject deemed to  
554 be appropriate by the council except that the council may not become involved in  
555 administrative matters. The council shall also advise the department as requested by the  
556 executive director.

557 (7) The executive director shall ensure that the council has adequate staff support and  
558 shall provide any available information requested by the council necessary for their  
559 deliberations. The council shall observe confidential requirements placed on the department in  
560 the use of such information.

561 Section 10. Section 26-33a-103 is amended to read:

562 **26-33a-103. Committee membership -- Terms -- Chair -- Compensation.**

563 (1) The Health Data Committee created by Section 26-1-7 shall be composed of 15  
564 members.

565 (2) (a) One member shall be:

566 (i) the commissioner of the Utah Insurance Department; or

567 (ii) the commissioner's designee who shall have knowledge regarding the health care  
568 system and characteristics and use of health data.

569 (b) (i) Fourteen members shall be appointed by the governor with the consent of the  
570 Senate in accordance with Subsection (3). [~~No more than seven members of the committee~~  
571 ~~appointed by the governor may be members of the same political party.~~]

572 (ii) The governor and the Senate may not consider or seek to discover the political  
573 affiliation of a person when considering the person for appointment, reappointment, or  
574 confirmation to the committee.

575 (3) The members of the committee appointed under Subsection (2)(b) shall:

576 (a) be knowledgeable regarding the health care system and the characteristics and use  
577 of health data;

578 (b) be selected so that the committee at all times includes individuals who provide  
579 care;

580 (c) include one person employed by or otherwise associated with a general acute  
581 hospital as defined by Section 26-21-2, who is knowledgeable about the collection, analysis,  
582 and use of health care data;

583 (d) include two physicians, as defined in Section 58-67-102:

584 (i) who are licensed to practice in this state;

585 (ii) who actively practice medicine in this state;

586 (iii) who are trained in or have experience with the collection, analysis, and use of  
587 health care data; and

588 (iv) one of whom is selected by the Utah Medical Association;

589 (e) include three persons:

590 (i) who are:

591 (A) employed by or otherwise associated with a business that supplies health care  
592 insurance to its employees; and

593 (B) knowledgeable about the collection and use of health care data; and

594 (ii) at least one of whom represents an employer employing 50 or fewer employees;

595 (f) include three persons representing health insurers:

596 (i) at least one of whom is employed by or associated with a third-party payor that is  
597 not licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited  
598 Health Plans;

599 (ii) at least one of whom is employed by or associated with a third party payer that is  
600 licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health  
601 Plans; and

602 (iii) who are trained in, or experienced with the collection, analysis, and use of health  
603 care data;

604 (g) include two consumer representatives:

605 (i) from organized consumer or employee associations; and

606 (ii) knowledgeable about the collection and use of health care data;

607 (h) include one person:

608 (i) representative of a neutral, non-biased entity that can demonstrate that it has the  
609 broad support of health care payers and health care providers; and

610 (ii) who is knowledgeable about the collection, analysis, and use of health care data;  
611 and

612 (i) include two persons representing public health who are trained in, or experienced  
613 with the collection, use, and analysis of health care data.

614 (4) (a) Except as required by Subsection (4)(b), as terms of current committee members  
615 expire, the governor shall appoint each new member or reappointed member to a four-year  
616 term.

617 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
618 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
619 committee members are staggered so that approximately half of the committee is appointed  
620 every two years.

621 (c) Members may serve after their terms expire until replaced.

622 (5) When a vacancy occurs in the membership for any reason, the replacement shall be

623 appointed for the unexpired term.

624 (6) Committee members shall annually elect a chair of the committee from among their  
625 membership. The chair shall report to the executive director.

626 (7) The committee shall meet at least once during each calendar quarter. Meeting dates  
627 shall be set by the chair upon 10 working days notice to the other members, or upon written  
628 request by at least four committee members with at least 10 working days notice to other  
629 committee members.

630 (8) Eight committee members constitute a quorum for the transaction of business.  
631 Action may not be taken except upon the affirmative vote of a majority of a quorum of the  
632 committee.

633 (9) A member may not receive compensation or benefits for the member's service, but  
634 may receive per diem and travel expenses in accordance with:

635 (a) Section 63A-3-106;

636 (b) Section 63A-3-107; and

637 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
638 63A-3-107.

639 (10) All meetings of the committee shall be open to the public, except that the  
640 committee may hold a closed meeting if the requirements of Sections 52-4-204, 52-4-205, and  
641 52-4-206 are met.

642 Section 11. Section 32B-2-201 is amended to read:

643 **32B-2-201. Alcoholic Beverage Control Commission created.**

644 (1) There is created the "Alcoholic Beverage Control Commission." The commission is  
645 the governing board over the department.

646 (2) (a) The commission is composed of seven part-time commissioners appointed by  
647 the governor with the consent of the Senate.

648 ~~[(b) No more than four commissioners may be of the same political party.]~~

649 (b) The governor and the Senate may not consider or seek to discover the political



650 affiliation of a person when considering the person for appointment, reappointment, or  
651 confirmation to the commission.

652 (3) (a) Except as required by Subsection (3)(b), as terms of commissioners expire, the  
653 governor shall appoint each new commissioner or reappointed commissioner to a four-year  
654 term.

655 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
656 time of appointment or reappointment, adjust the length of terms to ensure that the terms of no  
657 more than three commissioners expire in a fiscal year.

658 (4) (a) When a vacancy occurs on the commission for any reason, the governor shall  
659 appoint a replacement for the unexpired term with the consent of the Senate.

660 (b) Unless removed in accordance with Subsection (6), a commissioner shall remain on  
661 the commission after the expiration of a term until a successor is appointed by the governor,  
662 with the consent of the Senate.

663 (5) A commissioner shall take the oath of office.

664 (6) (a) The governor may remove a commissioner from the commission for cause,  
665 neglect of duty, inefficiency, or malfeasance after a public hearing conducted by:

- 666 (i) the governor; or  
667 (ii) an impartial hearing examiner appointed by the governor to conduct the hearing.

668 (b) At least 10 days before the hearing described in Subsection (6)(a), the governor  
669 shall provide the commissioner notice of:

- 670 (i) the date, time, and place of the hearing; and  
671 (ii) the alleged grounds for the removal.  
672 (c) The commissioner shall have an opportunity to:  
673 (i) attend the hearing;  
674 (ii) present witnesses and other evidence; and  
675 (iii) confront and cross examine witnesses.

676 (d) After a hearing under this Subsection (6):

677 (i) the person conducting the hearing shall prepare written findings of fact and  
678 conclusions of law; and

679 (ii) the governor shall serve a copy of the prepared findings and conclusions upon the  
680 commissioner.

681 (e) If a hearing under this Subsection (6) is held before a hearing examiner, the hearing  
682 examiner shall issue a written recommendation to the governor in addition to complying with  
683 Subsection (6)(d).

684 (f) A commissioner has five days from the day on which the commissioner receives the  
685 findings and conclusions described in Subsection (6)(d) to file written objections to the  
686 recommendation before the governor issues a final order.

687 (g) The governor shall:

688 (i) issue the final order under this Subsection (6) in writing; and

689 (ii) serve the final order upon the commissioner.

690 (7) A commissioner may not receive compensation or benefits for the commissioner's  
691 service, but may receive per diem and travel expenses in accordance with:

692 (a) Section 63A-3-106;

693 (b) Section 63A-3-107; and

694 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
695 63A-3-107.

696 (8) (a) The governor shall annually appoint the chair of the commission. A  
697 commissioner serves as chair to the commission at the pleasure of the governor. If removed as  
698 chair, the commissioner continues to serve as a commissioner unless removed as a  
699 commissioner under Subsection (6).

700 (b) The commission shall elect:

701 (i) another commissioner to serve as vice chair; and

702 (ii) other commission officers as the commission considers advisable.

703 (c) A commissioner elected under Subsection (8)(b) shall serve in the office to which

704 the commissioner is elected at the pleasure of the commission.

705 (9) (a) Each commissioner has equal voting rights on a commission matter when in  
706 attendance at a commission meeting.

707 (b) Four commissioners is a quorum for conducting commission business.

708 (c) A majority vote of the quorum present at a meeting is required for the commission  
709 to act.

710 (10) (a) The commission shall meet at least monthly, but may hold other meetings at  
711 times and places as scheduled by:

712 (i) the commission;

713 (ii) the chair; or

714 (iii) three commissioners upon filing a written request for a meeting with the chair.

715 (b) Notice of the time and place of a commission meeting shall be given to each  
716 commissioner, and to the public in compliance with Title 52, Chapter 4, Open and Public  
717 Meetings Act. A commission meeting is open to the public, except for a commission meeting  
718 or portion of a commission meeting that is closed by the commission as authorized by Sections  
719 [52-4-204](#) and [52-4-205](#).

720 Section 12. Section **34A-1-205** is amended to read:

721 **34A-1-205. Appeals Board -- Chair -- Appointment -- Compensation --**

722 **Qualifications.**

723 (1) There is created the Appeals Board within the commission consisting of three  
724 members. The board may call and preside at adjudicative proceedings to review an order or  
725 decision that is subject to review by the Appeals Board under this title.

726 (2) (a) The governor shall appoint the members with the consent of the Senate and in  
727 accordance with this section.

728 (b) One member of the board shall be appointed to represent employers, in making this  
729 appointment, the governor shall consider nominations from employer organizations.

730 (c) One member of the board shall be appointed to represent employees, in making this

731 appointment, the governor shall consider nominations from employee organizations.

732 ~~[(d) No more than two members may belong to the same political party.]~~

733 (d) The governor and the Senate may not consider or seek to discover the political  
734 affiliation of a person when considering the person for appointment, reappointment, or  
735 confirmation to the board.

736 (e) The governor shall, at the time of appointment or reappointment, make  
737 appointments to the board so that at least two of the members of the board are members of the  
738 Utah State Bar in good standing or resigned from the Utah State Bar in good standing.

739 (3) (a) The term of a member shall be six years beginning on March 1 of the year the  
740 member is appointed, except that the governor shall, at the time of appointment or  
741 reappointment, adjust the length of terms to ensure that the terms of members are staggered so  
742 that one member is appointed every two years.

743 (b) The governor may remove a member only for inefficiency, neglect of duty,  
744 malfeasance or misfeasance in office, or other good and sufficient cause.

745 (c) A member shall hold office until a successor is appointed and has qualified.

746 (4) A member shall be part-time and receive compensation as provided by Title 67,  
747 Chapter 19, Utah State Personnel Management Act.

748 (5) (a) The chief officer of the board shall be the chair, who shall serve as the executive  
749 and administrative head of the board.

750 (b) The governor shall appoint and may remove at will the chair from the position of  
751 chair.

752 (6) A majority of the board shall constitute a quorum to transact business.

753 (7) (a) The commission shall provide the Appeals Board necessary staff support,  
754 except as provided in Subsection (7)(b).

755 (b) At the request of the Appeals Board, the attorney general shall act as an impartial  
756 aid to the Appeals Board in outlining the facts and the issues.

757 Section 13. Section **35A-1-205** is amended to read:

758           **35A-1-205. Workforce Appeals Board -- Chair -- Appointment -- Compensation**  
759 **-- Qualifications.**

760           (1) There is created the Workforce Appeals Board within the department consisting of  
761 one or more panels to hear and decide appeals from the decision of an administrative law  
762 judge.

763           (2) (a) A panel shall consist of three impartial members appointed by the governor as  
764 follows:

765           (i) the board chair, appointed in accordance with Subsection (5);

766           (ii) one member appointed to represent employers; and in making this appointment,  
767 the governor shall consider nominations from employer organizations; and

768           (iii) one member appointed to represent employees; and in making this appointment,  
769 the governor shall consider nominations from employee organizations.

770           ~~[(b) No more than two members of a panel may belong to the same political party.]~~

771           **(b) The governor may not consider or seek to discover the political affiliation of a**  
772 **person when considering the person for appointment or reappointment to the board.**

773           (3) (a) (i) The term of a member shall be six years beginning on March 1 of the year  
774 the member is appointed, except as otherwise provided in Subsection (3)(a)(ii).

775           (ii) The governor shall, at the time of appointment or reappointment, adjust the length  
776 of terms to ensure that the terms of members are staggered so that approximately one third of  
777 the members are appointed every two years.

778           (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
779 appointed for the unexpired term.

780           (c) The governor may remove a member for inefficiency, neglect of duty, malfeasance  
781 or misfeasance in office, or other good and sufficient cause.

782           (d) A member shall hold office until a successor is appointed and has qualified.

783           (4) (a) Except as provided in Subsection (4)(b), a member may not receive  
784 compensation or benefits for the member's service, but may receive per diem and travel

785 expenses in accordance with:

786 (i) Section 63A-3-106;

787 (ii) Section 63A-3-107; and

788 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
789 63A-3-107.

790 (b) The member appointed as board chair in accordance with Subsection (5) shall be  
791 compensated at an hourly rate determined by the Department of Human Resource Management  
792 in accordance with Title 67, Chapter 19, Utah State Personnel Management Act.

793 (5) (a) The chief officer of the board shall be the chair, who shall serve as the executive  
794 and administrative head of the board.

795 (b) The chair shall be appointed by the governor to represent the public and may be  
796 removed from that position at the will of the governor.

797 (c) The chair shall be experienced in administration and possess any additional  
798 qualifications determined by the governor.

799 (6) (a) The chair shall designate an alternate from a panel appointed under this section:

800 (i) in the absence of a regular member or the chair; or

801 (ii) if the regular member or the chair has a conflict of interest.

802 (b) Each case shall be decided by a full three-member panel.

803 (7) The department shall provide the Workforce Appeals Board necessary staff  
804 support, except, the board may employ, retain, or appoint legal counsel.

805 Section 14. Section 36-12-20 is amended to read:

806 **36-12-20. Development of proposed energy producer states' agreement --**

807 **Membership selection -- Agreements -- Goals -- Meetings -- Reports.**

808 (1) (a) The speaker of the House of Representatives shall appoint two members of the  
809 House of Representatives and the president of the Senate shall appoint two members of the  
810 Senate~~[, of which no more than three of the four members shall be from the same political~~  
811 ~~party.]~~ to study and work with legislative members of other energy producing states for the

812 purpose of developing a proposed energy producer states' agreement.

813 (b) The speaker of the House of Representatives and the president of the Senate may  
814 not consider the political affiliation of a House of Representatives or Senate member when  
815 considering the member for the appointment described in Subsection (1)(a).

816 (2) The proposed energy producer states' agreement shall have the following goals:

- 817 (a) to encourage domestic development of energy in the United States;
- 818 (b) to ensure the continued development of each state's domestic natural resources;
- 819 (c) to deliver a unified message to the federal government from energy producing states

820 by:

- 821 (i) participating in the development of proposed federal legislation and regulations; and
  - 822 (ii) making recommendations regarding existing federal law and regulations including
- 823 the following:

- 824 (A) the Environmental Protection Act;
  - 825 (B) the Endangered Species Act; and
  - 826 (C) federal land access issues that affect the production of energy;
  - 827 (d) to eliminate or reduce overly broad federal legislation; and
  - 828 (e) to identify and address consequences of delays and cancellations of economically
- 829 viable energy projects.

830 (3) Appointed members shall:

- 831 (a) produce a report with recommendations regarding an energy producer states'
- 832 agreement; and

833 (b) present the report to the Natural Resources, Agriculture, and Environment Interim  
834 Committee on or before November 30 of each year.

835 (4) Compensation and expenses of a member who is a legislator are governed by  
836 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

837 (5) The Office of Legislative Research and General Counsel shall provide staff  
838 assistance as requested.

839 Section 15. Section **40-6-4** is amended to read:

840 **40-6-4. Board of Oil, Gas, and Mining created -- Functions -- Appointment of**  
841 **members -- Terms -- Chair -- Quorum -- Expenses.**

842 (1) (a) There is created within the Department of Natural Resources the Board of Oil,  
843 Gas, and Mining.

844 (b) The board shall be the policy making body for the Division of Oil, Gas, and  
845 Mining.

846 (2) (a) The board shall consist of seven members appointed by the governor with the  
847 consent of the Senate.

848 ~~[(b) No more than four members shall be from the same political party.]~~

849 (b) The governor and the Senate may not consider or seek to discover the political  
850 affiliation of a person when considering the person for appointment, reappointment, or  
851 confirmation to the board.

852 (c) In accordance with the requirements of Section 79-2-203, the members appointed  
853 under Subsection (2)(a) shall include the following:

854 (i) two members who are knowledgeable in mining matters;

855 (ii) two members who are knowledgeable in oil and gas matters;

856 (iii) one member who is knowledgeable in ecological and environmental matters;

857 (iv) one member who:

858 (A) is a private land owner;

859 (B) owns a mineral or royalty interest; and

860 (C) is knowledgeable in mineral or royalty interests; and

861 (v) one member who is knowledgeable in geological matters.

862 (3) (a) Except as required by Subsection (3)(b), as terms of current board members  
863 expire, the governor shall appoint each new member or reappointed member to a four-year  
864 term.

865 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the



866 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
867 board members are staggered so that approximately half of the board is appointed every two  
868 years.

869 (c) A member shall hold office until the expiration of the member's term and until the  
870 member's successor is appointed, but not more than 90 days after the expiration of the  
871 member's term.

872 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall  
873 be appointed for the unexpired term by the governor with the consent of the Senate.

874 (b) The person appointed shall have the same qualifications as the person's  
875 predecessor.

876 (5) (a) The board shall appoint its chair from the membership.

877 (b) Four members of the board shall constitute a quorum for the transaction of business  
878 and the holding of hearings.

879 (6) A member may not receive compensation or benefits for the member's service, but  
880 may receive per diem and travel expenses in accordance with:

881 (a) Section 63A-3-106;

882 (b) Section 63A-3-107; and

883 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
884 63A-3-107.

885 Section 16. Section 51-7-16 is amended to read:

886 **51-7-16. State Money Management Council -- Members -- Terms -- Vacancies --**  
887 **Chair and vice chair-- Executive secretary -- Meetings -- Quorum -- Members' disclosure**  
888 **of interests -- Per diem and expenses.**

889 (1) (a) There is created a State Money Management Council composed of five  
890 members appointed by the governor after consultation with the state treasurer and with the  
891 consent of the Senate.

892 (b) The members of the council shall be qualified by training and experience in the

893 field of investment or finance as follows:

894 (i) at least one member, but not more than two members, shall be experienced in the  
895 banking business;

896 (ii) at least one member, but not more than two members, shall be an elected treasurer;

897 (iii) at least one member, but not more than two members, shall be an appointed public  
898 treasurer; and

899 (iv) two members, but not more than two members, shall be experienced in the field of  
900 investment.

901 ~~[(c) No more than three members of the council may be from the same political party.]~~

902 (c) The governor and the Senate may not consider or seek to discover the political  
903 affiliation of a person when considering the person for appointment, reappointment, or  
904 confirmation to the board.

905 (2) (a) Except as required by Subsection (2)(b), the council members shall be appointed  
906 for terms of four years.

907 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
908 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
909 council members are staggered so that approximately half of the council is appointed every two  
910 years.

911 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
912 appointed for the unexpired term.

913 (d) All members shall serve until their successors are appointed and qualified.

914 (3) (a) The council members shall elect a chair and vice chair.

915 (b) The state treasurer shall serve as executive secretary of the council without vote.

916 (4) (a) The council shall meet at least once per quarter at a regular date to be fixed by  
917 the council and at other times at the call of the chair, the state treasurer, or any two members of  
918 the council.

919 (b) Three members are a quorum for the transaction of business.

920 (c) Actions of the council require a vote of a majority of those present.

921 (d) All meetings of the council and records of its proceedings are open for inspection  
922 by the public at the state treasurer's office during regular business hours except for:

923 (i) reports of the commissioner of financial institutions concerning the identity,  
924 liquidity, or financial condition of qualified depositories and the amount of public funds each is  
925 eligible to hold; and

926 (ii) reports of the director concerning the identity, liquidity, or financial condition of  
927 certified dealers.

928 (5) (a) Each member of the council shall file a sworn or written statement with the  
929 lieutenant governor that discloses any position or employment or ownership interest that he has  
930 in any financial institution or investment organization.

931 (b) Each member shall file the statement required by this Subsection (5) when he  
932 becomes a member of the council and when substantial changes in his position, employment,  
933 or ownership interests occur.

934 (6) A member may not receive compensation or benefits for the member's service, but  
935 may receive per diem and travel expenses in accordance with:

936 (a) Section 63A-3-106;

937 (b) Section 63A-3-107; and

938 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
939 63A-3-107.

940 Section 17. Section 54-1-1.5 is amended to read:

941 **54-1-1.5. Appointment of members -- Terms -- Qualifications -- Chairman --**  
942 **Quorum -- Removal -- Vacancies -- Compensation.**

943 (1) The commission shall be composed of three members appointed by the governor  
944 with the consent of the Senate.

945 (2) The terms of the members shall be staggered so that one commissioner is appointed  
946 for a term of six years on March 1 of each odd-numbered year. [~~Not more than two members~~

947 of the commission shall belong to the same political party. One member of the commission  
948 shall be designated by the governor as chairman of the commission. Any two]

949 (3) The governor shall designate one commissioner as the chair of the commission.

950 (4) Two commissioners constitute a quorum. [Any member of the commission may be  
951 removed for cause by the governor. Vacancies in the commission shall be filled for unexpired  
952 terms by appointment of the governor.]

953 (5) The governor:

954 (a) may remove a commissioner for cause; and

955 (b) shall fill any vacancy on the commission by appointing a member for the remainder  
956 of the unexpired term.

957 (6) The governor and the Senate may not consider or seek to discover the political  
958 affiliation of a person when considering the person for appointment, reappointment, or  
959 confirmation to the commission.

960 (7) Commissioners shall receive compensation as established by the governor within  
961 the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation,  
962 and all actual and necessary expenses incurred in attending to official business.

963 (8) Each commissioner at the time of appointment and qualification shall be:

964 (a) a resident citizen of the United States and of the state of Utah; and [shall be]

965 (b) not less than 30 years of age.

966 (9) Except as provided by law, [no] a commissioner may not hold any other office  
967 either under the government of the United States or of this state or of any municipal  
968 corporation within this state.

969 Section 18. Section **54-10a-202** is amended to read:

970 **54-10a-202. Committee of Consumer Services.**

971 (1) (a) There is created within the office a committee known as the "Committee of  
972 Consumer Services."

973 (b) A member of the committee shall maintain the member's principal residence within

974 Utah.

975 (2) (a) The governor shall appoint nine members to the committee subject to  
976 Subsection (3).

977 (b) Except as required by Subsection (2)(c), as terms of current committee members  
978 expire, the governor shall appoint a new member or reappointed member to a four-year term.

979 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the  
980 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
981 committee members are staggered so that approximately half of the committee is appointed  
982 every two years.

983 (d) When a vacancy occurs in the membership for any reason, the governor shall  
984 appoint a replacement for the unexpired term.

985 (3) Members of the committee shall represent the following geographic and consumer  
986 interests:

987 (a) one member shall be from Salt Lake City, Provo, or Ogden;

988 (b) one member shall be from a city other than Salt Lake City, Provo, or Ogden;

989 (c) one member shall be from an unincorporated area of the state;

990 (d) one member shall be a low-income resident;

991 (e) one member shall be a retired person;

992 (f) one member shall be a small commercial consumer;

993 (g) one member shall be a farmer or rancher who uses electric power to pump water in  
994 the member's farming or ranching operation;

995 (h) one member shall be a residential consumer; and

996 (i) one member shall be appointed to provide geographic diversity on the committee to  
997 ensure to the extent possible that all areas of the state are represented.

998 ~~[(4) (a) No more than five members of the committee shall be from the same political~~  
999 ~~party.]~~

1000 (4) (a) The governor may not consider or seek to discover the political affiliation of a

1001 person when considering the person for appointment or reappointment to the committee.

1002 (b) Subject to Subsection (3), for a member of the committee appointed on or after  
1003 May 12, 2009, the governor shall appoint, to the extent possible, an individual with expertise or  
1004 experience in:

1005 (i) public utility matters related to consumers;

1006 (ii) economics;

1007 (iii) accounting;

1008 (iv) financing;

1009 (v) engineering; or

1010 (vi) public utilities law.

1011 (5) The governor shall designate one member as chair of the committee.

1012 (6) A member may not receive compensation or benefits for the member's service, but  
1013 may receive per diem and travel expenses in accordance with:

1014 (a) Section 63A-3-106;

1015 (b) Section 63A-3-107; and

1016 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1017 63A-3-107.

1018 (7) (a) The committee may hold monthly meetings.

1019 (b) The committee may hold other meetings, at the times and places the chair and a  
1020 majority of the committee determine.

1021 (8) (a) Five members of the committee constitute a quorum of the committee.

1022 (b) A majority of members voting when a quorum is present constitutes an action of  
1023 the committee.

1024 Section 19. Section 62A-1-107 is amended to read:

1025 **62A-1-107. Boards within department -- Members, appointment, terms,**  
1026 **vacancies, chairperson, compensation, meetings, quorum.**

1027 (1) (a) This section applies only to the Board of Aging and Adult Services and the

1028 Board of Juvenile Justice Services described in Subsections 62A-1-105(1)(a) and (b).

1029 (b) Each board shall have seven members who are appointed by the governor with the  
1030 consent of the Senate.

1031 (2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a  
1032 term of four years, and is eligible for one reappointment.

1033 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
1034 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1035 board members are staggered so that approximately half of the board is appointed every two  
1036 years.

1037 (c) Board members shall continue in office until the expiration of their terms and until  
1038 their successors are appointed, which may not exceed 90 days after the formal expiration of a  
1039 term.

1040 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
1041 appointed for the unexpired term.

1042 [~~(3) No more than four members of any board may be from the same political party.~~]

1043 (3) (a) The governor and the Senate may not consider or seek to discover the political  
1044 affiliation of a person when considering the person for appointment, reappointment, or  
1045 confirmation to a board under this section.

1046 (b) Each board shall have diversity of gender, ethnicity, and culture; and members shall  
1047 be chosen on the basis of their active interest, experience, and demonstrated ability to deal with  
1048 issues related to their specific boards.

1049 (4) Each board shall annually elect a chairperson from its membership. Each board  
1050 shall hold meetings at least once every three months. Within budgetary constraints, meetings  
1051 may be held from time to time on the call of the chairperson or of the majority of the members  
1052 of any board. Four members of a board are necessary to constitute a quorum at any meeting,  
1053 and, if a quorum exists, the action of the majority of members present shall be the action of the  
1054 board.

1055 (5) A member may not receive compensation or benefits for the member's service, but,  
1056 at the executive director's discretion, may receive per diem and travel expenses in accordance  
1057 with:

1058 (a) Section 63A-3-106;

1059 (b) Section 63A-3-107; and

1060 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1061 63A-3-107.

1062 (6) Each board shall adopt bylaws governing its activities. Bylaws shall include  
1063 procedures for removal of a board member who is unable or unwilling to fulfill the  
1064 requirements of his appointment.

1065 (7) The board has program policymaking authority for the division over which it  
1066 presides.

1067 Section 20. Section 63H-8-201 is amended to read:

1068 **63H-8-201. Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers --**  
1069 **Quorum -- Per diem and expenses.**

1070 (1) (a) There is created an independent body politic and corporate, constituting a public  
1071 corporation, known as the "Utah Housing Corporation."

1072 (b) The corporation may also be known and do business as the:

1073 (i) Utah Housing Finance Association; and

1074 (ii) Utah Housing Finance Agency in connection with a contract entered into when that  
1075 was the corporation's legal name.

1076 (c) No other entity may use the names described in Subsections (1)(a) and (b) without  
1077 the express approval of the corporation.

1078 (2) The corporation is governed by a board of trustees composed of the following nine  
1079 trustees:

1080 (a) the executive director of the Department of Workforce Services or the executive  
1081 director's designee;



1082 (b) the commissioner of the Department of Financial Institutions or the commissioner's  
1083 designee;

1084 (c) the state treasurer or the treasurer's designee; and

1085 (d) six public trustees, who are private citizens of the state, as follows:

1086 (i) two people who represent the mortgage lending industry;

1087 (ii) two people who represent the home building and real estate industry; and

1088 (iii) two people who represent the public at large.

1089 (3) (a) The governor shall:

1090 ~~[(a)]~~ (i) appoint the six public trustees of the corporation with the consent of the  
1091 Senate; and

1092 ~~[(b)]~~ (ii) ensure that~~[(i)]~~ the six public trustees are from different counties and are  
1093 residents of the state~~[-and]~~.

1094 (b) The governor and the Senate may not consider or seek to discover the political  
1095 affiliation of a person when considering the person for appointment, reappointment, or  
1096 confirmation to the board of trustees.

1097 ~~[(ii) not more than three of the public trustees are members of the same political party.]~~

1098 (4) (a) Except as required by Subsection (4)(b), the governor shall appoint the six  
1099 public trustees to terms of office of four years each.

1100 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
1101 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1102 corporation trustees are staggered so that approximately half of the board is appointed every  
1103 two years.

1104 (5) (a) A public trustee of the corporation may be removed from office for cause either  
1105 by the governor or by an affirmative vote of six trustees of the corporation.

1106 (b) When a vacancy occurs in the board of trustees for any reason, the replacement  
1107 shall be appointed for the unexpired term.

1108 (c) A public trustee shall hold office for the term of appointment and until the trustee's

1109 successor has been appointed and qualified.

1110 (d) A public trustee is eligible for reappointment but may not serve more than two full  
1111 consecutive terms.

1112 (6) (a) The governor shall select the chair of the corporation.

1113 (b) The trustees shall elect from among their number a vice chair and other officers  
1114 they may determine.

1115 (7) (a) Five trustees of the corporation constitute a quorum for transaction of business.

1116 (b) An affirmative vote of at least five trustees is necessary for any action to be taken  
1117 by the corporation.

1118 (c) A vacancy in the board of trustees does not impair the right of a quorum to exercise  
1119 all rights and perform all duties of the corporation.

1120 (8) A trustee may not receive compensation or benefits for the trustee's service, but  
1121 may receive per diem and travel expenses in accordance with:

1122 (a) Section 63A-3-106;

1123 (b) Section 63A-3-107; and

1124 (c) rules made by the Division of Finance according to Sections 63A-3-106 and  
1125 63A-3-107.

1126 Section 21. Section 63N-1-401 is amended to read:

1127 **63N-1-401. Board of Business and Economic Development -- Membership --**  
1128 **Expenses.**

1129 (1) (a) There is created within the office the Board of Business and Economic  
1130 Development, consisting of 15 members appointed by the governor to four-year terms of office  
1131 with the consent of the Senate.

1132 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the  
1133 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1134 board members are staggered so that approximately half of the board is appointed every two  
1135 years.

1136 (c) The members may not serve more than two full consecutive terms except where the  
 1137 governor determines that an additional term is in the best interest of the state.

1138 (2) (a) In appointing members of the committee, the governor shall ensure that~~[(a) no~~  
 1139 ~~more than eight members of the board are from one political party, and (b)]~~ members represent  
 1140 a variety of geographic areas and economic interests of the state.

1141 (b) The governor and the Senate may not consider or seek to discover the political  
 1142 affiliation of a person when considering the person for appointment, reappointment, or  
 1143 confirmation to the board.

1144 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
 1145 appointed for the unexpired term.

1146 (4) Eight members of the board constitute a quorum for conducting board business and  
 1147 exercising board power.

1148 (5) The governor shall select one board member as the board's chair.

1149 (6) A member may not receive compensation or benefits for the member's service, but  
 1150 may receive per diem and travel expenses in accordance with:

1151 (a) Section 63A-3-106;

1152 (b) Section 63A-3-107; and

1153 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

1154 Section 22. Section 63N-7-102 is amended to read:

1155 **63N-7-102. Members -- Meetings -- Expenses.**

1156 (1) (a) The board shall consist of 13 members appointed by the governor to four-year  
 1157 terms with the consent of the Senate.

1158 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the  
 1159 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
 1160 board members are staggered so that approximately half of the board is appointed every two  
 1161 years.

1162 (2) The members may not serve more than two full consecutive terms unless the

1163 governor determines that an additional term is in the best interest of the state.

1164 ~~[(3) Not more than seven members of the board may be of the same political party.]~~

1165 (3) The governor and the Senate may not consider or seek to discover the political  
1166 affiliation of a person when considering the person for appointment, reappointment, or  
1167 confirmation to the board.

1168 (4) (a) The members shall be representative of:

1169 (i) all areas of the state with six being appointed from separate geographical areas as  
1170 provided in Subsection (4)(b); and

1171 (ii) a diverse mix of business ownership or executive management of tourism related  
1172 industries.

1173 (b) The geographical representatives shall be appointed as follows:

1174 (i) one member from Salt Lake, Tooele, or Morgan County;

1175 (ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;

1176 (iii) one member from Utah, Summit, Juab, or Wasatch County;

1177 (iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;

1178 (v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and

1179 (vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.

1180 (c) The tourism industry representatives of ownership or executive management shall  
1181 be appointed as follows:

1182 (i) one member from ownership or executive management of the lodging industry, as  
1183 recommended by the lodging industry for the governor's consideration;

1184 (ii) one member from ownership or executive management of the restaurant industry,  
1185 as recommended by the restaurant industry for the governor's consideration;

1186 (iii) one member from ownership or executive management of the ski industry, as  
1187 recommended by the ski industry for the governor's consideration; and

1188 (iv) one member from ownership or executive management of the motor vehicle rental  
1189 industry, as recommended by the motor vehicle rental industry for the governor's consideration.

1190 (d) One member shall be appointed at large from ownership or executive management  
1191 of business, finance, economic policy, or the academic media marketing community.

1192 (e) One member shall be appointed from the Utah Tourism Industry Coalition as  
1193 recommended by the coalition for the governor's consideration.

1194 (f) One member shall be appointed to represent the state's counties as recommended by  
1195 the Utah Association of Counties for the governor's consideration.

1196 (g) (i) The governor may choose to disregard a recommendation made for a board  
1197 member under Subsections (4)(c), (e), and (f).

1198 (ii) The governor shall request additional recommendations if recommendations are  
1199 disregarded under Subsection (4)(g)(i).

1200 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
1201 appointed for the unexpired term from the same geographic area or industry representation as  
1202 the member whose office was vacated.

1203 (6) Seven members of the board constitute a quorum for conducting board business and  
1204 exercising board powers.

1205 (7) The governor shall select one of the board members as chair and one of the board  
1206 members as vice chair, each for a four-year term as recommended by the board for the  
1207 governor's consideration.

1208 (8) A member may not receive compensation or benefits for the member's service, but  
1209 may receive per diem and travel expenses in accordance with:

1210 (a) Section [63A-3-106](#);

1211 (b) Section [63A-3-107](#); and

1212 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

1213 (9) The board shall meet monthly or as often as the board determines to be necessary at  
1214 various locations throughout the state.

1215 (10) Members who may have a potential conflict of interest in consideration of fund  
1216 allocation decisions shall identify the potential conflict prior to voting on the issue.

1217 (11) (a) The board shall determine attendance requirements for maintaining a  
1218 designated board seat.

1219 (b) If a board member fails to attend according to the requirements established  
1220 pursuant to Subsection (11)(a), the board member shall be replaced upon written certification  
1221 from the board chair or vice chair to the governor.

1222 (c) A replacement appointed by the governor under Subsection (11)(b) shall serve for  
1223 the remainder of the board member's unexpired term.

1224 (12) The board's office shall be in Salt Lake City.

1225 Section 23. Section **72-4-302** is amended to read:

1226 **72-4-302. Utah State Scenic Byway Committee -- Creation -- Membership --**  
1227 **Meetings -- Expenses.**

1228 (1) There is created the Utah State Scenic Byway Committee.

1229 (2) (a) The committee shall consist of the following 15 members:

1230 (i) a representative from each of the following entities appointed by the governor:

1231 (A) the Governor's Office of Economic Development;

1232 (B) the Utah Department of Transportation;

1233 (C) the Department of Heritage and Arts;

1234 (D) the Division of Parks and Recreation;

1235 (E) the Federal Highway Administration;

1236 (F) the National Park Service;

1237 (G) the National Forest Service; and

1238 (H) the Bureau of Land Management;

1239 (ii) one local government tourism representative appointed by the governor;

1240 (iii) a representative from the private business sector appointed by the governor;

1241 (iv) three local elected officials from a county, city, or town within the state appointed  
1242 by the governor;

1243 (v) a member from the House of Representatives appointed by the speaker of the

1244 House of Representatives; and

1245 (vi) a member from the Senate appointed by the president of the Senate.

1246 (b) Except as provided in Subsection (2)(c), the members appointed in this Subsection  
1247 (2) shall be appointed for a four-year term of office.

1248 (c) The governor shall, at the time of appointment or reappointment for appointments  
1249 made under Subsection (2)(a)(i), (ii), (iii), or (iv) adjust the length of terms to ensure that the  
1250 terms of committee members are staggered so that approximately half of the committee is  
1251 appointed every two years.

1252 ~~[(d)(i) The appointments made under Subsections (2)(a)(v) and (vi) by the speaker of  
1253 the House and the president of the Senate may not be from the same political party.]~~

1254 ~~[(ii) The speaker of the House and the president of the Senate shall alternate the  
1255 appointments made under Subsections (2)(a)(v) and (vi) as follows:]~~

1256 ~~[(A) if the speaker appoints a member under Subsection (2)(a)(v), the next appointment  
1257 made by the speaker following the expiration of the existing member's four-year term of office  
1258 shall be from a different political party; and]~~

1259 ~~[(B) if the president appoints a member under Subsection (2)(a)(vi), the next  
1260 appointment made by the president following the expiration of the existing member's four-year  
1261 term of office shall be from a different political party.]~~

1262 (d) The governor, the speaker of the House of Representatives, and the president of the  
1263 Senate may not consider or seek to discover the political affiliation of a person when  
1264 considering the person for appointment or reappointment to the board.

1265 (3) (a) The representative from the Governor's Office of Economic Development shall  
1266 chair the committee.

1267 (b) The members appointed under Subsections (2)(a)(i)(E) through (H) serve as  
1268 nonvoting, ex officio members of the committee.

1269 (4) The Governor's Office of Economic Development and the department shall provide  
1270 staff support to the committee.

1271 (5) (a) The chair may call a meeting of the committee only with the concurrence of the  
1272 department.

1273 (b) A majority of the voting members of the committee constitute a quorum.

1274 (c) Action by a majority vote of a quorum of the committee constitutes action by the  
1275 committee.

1276 (6) (a) A member who is not a legislator may not receive compensation or benefits for  
1277 the member's service, but may receive per diem and travel expenses as allowed in:

1278 (i) Section 63A-3-106;

1279 (ii) Section 63A-3-107; and

1280 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and  
1281 63A-3-107.

1282 (b) Compensation and expenses of a member who is a legislator are governed by  
1283 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.  
1284 Section 24. Section 72-11-202 is amended to read:

1285 **72-11-202. Passenger ropeways -- Creation of Passenger Ropeway Safety**  
1286 **Committee within Department of Transportation -- Members.**

1287 (1) There is created within the Department of Transportation a Passenger Ropeway  
1288 Safety Committee.

1289 (2) The committee is comprised of six appointive members and one ex officio member  
1290 who shall be appointed by the executive director of the Department of Transportation.

1291 (3) The appointive members shall be appointed by the governor from persons  
1292 representing the following interests:

1293 (a) two members to represent the industry;

1294 (b) two members to represent the public at large;

1295 (c) one member who is a licensed engineer in Utah; and

1296 (d) one member to represent the United States Forest Service.

1297 (4) (a) Except as required by Subsection (4)(b), as terms of committee members expire,



1298 the governor shall appoint each new member or reappointed member to a four-year term.

1299 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
1300 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1301 committee members are staggered so that approximately half of the committee is appointed  
1302 every two years.

1303 ~~[(c) No more than four members shall be of the same political party.]~~

1304 (c) The governor may not consider or seek to discover the political affiliation of a  
1305 person when considering the person for appointment or reappointment to the committee.

1306 (5) The governor, in making the appointments, shall request and consider  
1307 recommendations made to him by:

1308 (a) the membership of the particular interest from which the appointments are to be  
1309 made; and

1310 (b) the Department of Transportation.

1311 Section 25. Section **73-10-2** is amended to read:

1312 **73-10-2. Board of Water Resources -- Members -- Appointment -- Terms --**  
1313 **Vacancies.**

1314 (1) (a) The Board of Water Resources shall be comprised of eight members to be  
1315 appointed by the governor with the consent of the Senate.

1316 ~~[(b) In addition to the requirements of Section [79-2-203](#), not more than four members~~  
1317 ~~shall be from the same political party.]~~

1318 (b) The governor and the Senate may not consider or seek to discover the political  
1319 affiliation of a person when considering the person for appointment, reappointment, or  
1320 confirmation to the board.

1321 (2) ~~[One]~~ In addition to the requirements described in Section [79-2-203](#), one member  
1322 of the board shall be appointed from each of the following districts:

1323 (a) Bear River District, comprising the counties of Box Elder, Cache, and Rich;

1324 (b) Weber District, comprising the counties of Weber, Davis, Morgan, and Summit;

- 1325 (c) Salt Lake District, comprising the counties of Salt Lake and Tooele;
- 1326 (d) Provo River District, comprising the counties of Juab, Utah, and Wasatch;
- 1327 (e) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute,  
1328 and Wayne;
- 1329 (f) Green River District, comprising the counties of Daggett, Duchesne, and Uintah;
- 1330 (g) Upper Colorado River District, comprising the counties of Carbon, Emery, Grand,  
1331 and San Juan; and
- 1332 (h) Lower Colorado River District, comprising the counties of Beaver, Garfield, Iron,  
1333 Washington, and Kane.
- 1334 (3) (a) Except as required by Subsection (3)(b), all appointments shall be for terms of  
1335 four years.
- 1336 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
1337 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1338 board members are staggered so that approximately half of the board is appointed every two  
1339 years.
- 1340 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
1341 appointed for the unexpired term with the consent of the Senate and shall be from the same  
1342 district as such person.
- 1343 (4) A member may not receive compensation or benefits for the member's service, but  
1344 may receive per diem and travel expenses in accordance with:
- 1345 (a) Section [63A-3-106](#);
- 1346 (b) Section [63A-3-107](#); and
- 1347 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1348 [63A-3-107](#).
- 1349 Section 26. Section **79-3-302** is amended to read:
- 1350 **79-3-302. Members of board -- Qualifications and appointment -- Vacancies --**  
1351 **Organization -- Meetings -- Financial gain prohibited -- Expenses.**

1352 (1) The board consists of seven members appointed by the governor, with the consent  
1353 of the Senate.

1354 (2) In addition to the requirements of Section 79-2-203, the members shall have the  
1355 following qualifications:

1356 (a) one member knowledgeable in the field of geology as applied to the practice of civil  
1357 engineering;

1358 (b) four members knowledgeable and representative of various segments of the mineral  
1359 industry throughout the state, such as hydrocarbons, solid fuels, metals, and industrial minerals;

1360 (c) one member knowledgeable of the economic or scientific interests of the mineral  
1361 industry in the state; and

1362 (d) one member who is interested in the goals of the survey and from the public at  
1363 large.

1364 (3) The director of the School and Institutional Trust Lands Administration is an ex  
1365 officio member of the board but without any voting privileges.

1366 (4) (a) Except as required by Subsection (4)(b), members are appointed for terms of  
1367 four years.

1368 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
1369 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1370 board members are staggered so that approximately half of the board is appointed every two  
1371 years.

1372 [~~(c) No more than four members may be of the same political party.~~]

1373 (c) The governor and the Senate may not consider or seek to discover the political  
1374 affiliation of a person when considering the person for appointment, reappointment, or  
1375 confirmation to the board.

1376 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
1377 appointed for the unexpired term by the governor with the consent of the Senate.

1378 (5) The board shall select from its members a chair and such officers and committees

1379 as it considers necessary.

1380 (6) (a) The board shall hold meetings at least quarterly on such dates as may be set by  
1381 its chair.

1382 (b) Special meetings may be held upon notice of the chair or by a majority of its  
1383 members.

1384 (c) A majority of the members of the board present at a meeting constitutes a quorum  
1385 for the transaction of business.

1386 (7) Members of the board may not obtain financial gain by reason of information  
1387 obtained during the course of their official duties.

1388 (8) A member may not receive compensation or benefits for the member's service, but  
1389 may receive per diem and travel expenses in accordance with:

1390 (a) Section 63A-3-106;

1391 (b) Section 63A-3-107; and

1392 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1393 63A-3-107.

1394 Section 27. Section 79-4-302 is amended to read:

1395 **79-4-302. Board appointment and terms of members -- Expenses.**

1396 (1) (a) The board is composed of nine members appointed by the governor, with the  
1397 consent of the Senate, to four-year terms.

1398 (b) In addition to the requirements of Section 79-2-203, the governor shall appoint:

1399 (i) [~~appoint~~] one member from each judicial district [~~and~~];

1400 (ii) one member from the public at large; and

1401 [~~(ii) ensure that not more than five members are from the same political party; and~~]

1402 (iii) [~~appoint~~] persons who have an understanding of and demonstrated interest in parks  
1403 and recreation.

1404 (c) The governor and the Senate may not consider or seek to discover the political  
1405 affiliation of a person when considering the person for appointment, reappointment, or

1406 confirmation to the board.

1407           ~~(c)~~ (d) Notwithstanding the term requirements of Subsection (1)(a), the governor may  
1408 adjust the length of terms to ensure that the terms of board members are staggered so that  
1409 approximately half of the board is appointed every two years.

1410           (2) When vacancies occur because of death, resignation, or other cause, the governor,  
1411 with the consent of the Senate, shall:

1412           (a) appoint a person to complete the unexpired term of the person whose office was  
1413 vacated; and

1414           (b) if the person was appointed from a judicial district, appoint the replacement from  
1415 the judicial district from which the person whose office has become vacant was appointed.

1416           (3) The board shall appoint its chair from its membership.

1417           (4) A member may not receive compensation or benefits for the member's service, but  
1418 may receive per diem and travel expenses in accordance with:

1419           (a) Section [63A-3-106](#);

1420           (b) Section [63A-3-107](#); and

1421           (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1422 [63A-3-107](#).