



30           **4-22-3**, as last amended by Laws of Utah 1996, Chapter 243  
31           **4-23-4**, as last amended by Laws of Utah 1996, Chapter 243  
32           **4-24-4**, as last amended by Laws of Utah 1996, Chapter 243  
33           **4-30-2**, as last amended by Laws of Utah 1999, Chapter 298  
34           **4-35-3**, as last amended by Laws of Utah 1996, Chapter 243  
35           **4-37-503**, as last amended by Laws of Utah 2008, Chapter 69  
36           **4-37-602**, as last amended by Laws of Utah 2008, Chapter 382  
37           **4-38-3**, as last amended by Laws of Utah 1997, Chapter 82  
38           **4-39-104**, as enacted by Laws of Utah 1997, Chapter 302  
39           **7-1-203**, as last amended by Laws of Utah 2006, Chapter 14  
40           **7-3-40**, as enacted by Laws of Utah 2000, Chapter 260  
41           **7-9-43**, as last amended by Laws of Utah 1996, Chapter 243  
42           **9-1-803**, as last amended by Laws of Utah 2009, Chapter 59  
43           **9-3-403**, as last amended by Laws of Utah 2009, Chapter 356  
44           **9-4-304**, as last amended by Laws of Utah 2005, Chapters 130 and 148  
45           **9-4-503**, as last amended by Laws of Utah 2005, Chapter 170  
46           **9-4-703**, as last amended by Laws of Utah 2006, Chapter 14  
47           **9-4-801**, as last amended by Laws of Utah 2005, Chapter 148  
48           **9-4-904**, as last amended by Laws of Utah 2006, Chapter 23  
49           **9-6-204**, as last amended by Laws of Utah 2002, Chapter 176  
50           **9-6-305**, as last amended by Laws of Utah 1996, Chapter 243  
51           **9-6-604**, as renumbered and amended by Laws of Utah 2006, Chapter 24  
52           **9-6-704**, as enacted by Laws of Utah 2006, Chapter 229  
53           **9-7-204**, as last amended by Laws of Utah 1996, Chapters 194 and 243  
54           **9-8-204**, as last amended by Laws of Utah 2002, Chapter 176  
55           **9-9-104.5**, as last amended by Laws of Utah 2006, Chapters 14 and 118  
56           **9-9-104.6**, as last amended by Laws of Utah 2006, Chapter 118  
57           **9-9-405**, as last amended by Laws of Utah 2008, Chapter 114

- 58           **9-10-103**, as last amended by Laws of Utah 1996, Chapter 243
- 59           **9-11-105**, as last amended by Laws of Utah 2008, Chapters 202 and 382
- 60           **10-6-153**, as last amended by Laws of Utah 2003, Chapter 292
- 61           **11-38-201**, as last amended by Laws of Utah 2005, Chapter 138
- 62           **13-14-103**, as last amended by Laws of Utah 2008, Chapter 362
- 63           **13-35-103**, as last amended by Laws of Utah 2005, Chapter 268
- 64           **13-43-202**, as enacted by Laws of Utah 2006, Chapter 258
- 65           **17-36-5**, as last amended by Laws of Utah 1996, Chapters 212 and 243
- 66           **17B-1-307**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 67           **19-2-103**, as last amended by Laws of Utah 2009, Chapter 356
- 68           **19-2-109.2**, as last amended by Laws of Utah 1996, Chapter 243
- 69           **19-3-103**, as last amended by Laws of Utah 2002, Chapters 176 and 297
- 70           **19-4-103**, as last amended by Laws of Utah 2008, Chapter 250
- 71           **19-5-103**, as last amended by Laws of Utah 2008, Chapters 250 and 336
- 72           **19-6-103**, as last amended by Laws of Utah 2002, Chapter 176
- 73           **19-9-104**, as last amended by Laws of Utah 2005, Chapter 148
- 74           **20A-5-402.7**, as enacted by Laws of Utah 2005, First Special Session, Chapter 5
- 75           **23-14-2**, as last amended by Laws of Utah 2009, Chapter 344
- 76           **23-14-2.6**, as last amended by Laws of Utah 1997, Chapter 276
- 77           **26-1-7.5**, as last amended by Laws of Utah 2009, Chapter 75
- 78           **26-8a-103**, as last amended by Laws of Utah 2001, Chapter 228
- 79           **26-9f-103**, as last amended by Laws of Utah 2009, Chapter 75
- 80           **26-10-6**, as last amended by Laws of Utah 1998, Chapter 162
- 81           **26-18-102**, as last amended by Laws of Utah 1996, Chapter 243
- 82           **26-18a-2**, as last amended by Laws of Utah 2009, Chapter 75
- 83           **26-21-4**, as repealed and reenacted by Laws of Utah 1996, Chapter 243
- 84           **26-33a-103**, as last amended by Laws of Utah 2006, Chapter 14
- 85           **26-40-104**, as last amended by Laws of Utah 2001, Chapters 53 and 116

86           **26-46-103**, as last amended by Laws of Utah 2009, Chapter 97  
87           **26-50-202**, as last amended by Laws of Utah 2009, Chapter 75  
88           **31A-2-403**, as last amended by Laws of Utah 2008, Chapter 345  
89           **31A-29-104**, as last amended by Laws of Utah 2007, Chapter 40  
90           **31A-35-201**, as last amended by Laws of Utah 2007, Chapter 307  
91           **32A-1-106**, as last amended by Laws of Utah 2007, Chapter 284  
92           **34-20-3**, as last amended by Laws of Utah 2002, Chapter 176  
93           **34A-2-107**, as last amended by Laws of Utah 2009, Chapter 85  
94           **34A-5-105**, as last amended by Laws of Utah 2003, Chapter 65  
95           **34A-6-106**, as last amended by Laws of Utah 2002, Chapter 104  
96           **35A-1-205**, as last amended by Laws of Utah 2006, Chapter 139  
97           **35A-1-206**, as last amended by Laws of Utah 2005, Chapter 148  
98           **35A-2-103**, as last amended by Laws of Utah 2002, Chapter 58  
99           **35A-3-205**, as last amended by Laws of Utah 2005, Chapters 81 and 148  
100          **35A-4-502**, as last amended by Laws of Utah 2008, Chapter 382  
101          **36-2-4**, as last amended by Laws of Utah 2003, Chapter 16  
102          **36-23-104**, as last amended by Laws of Utah 2008, Chapter 218  
103          **36-26-102**, as last amended by Laws of Utah 2007, Chapter 306  
104          **39-2-1**, as last amended by Laws of Utah 1997, Chapter 10  
105          **40-2-203**, as enacted by Laws of Utah 2008, Chapter 113  
106          **40-2-204**, as renumbered and amended by Laws of Utah 2008, Chapter 113  
107          **40-6-4**, as last amended by Laws of Utah 2009, Chapter 344  
108          **41-3-106**, as last amended by Laws of Utah 1996, Chapter 243  
109          **49-11-202**, as last amended by Laws of Utah 2003, Chapter 240  
110          **51-7-16**, as last amended by Laws of Utah 2002, Chapter 176  
111          **51-7a-301**, as enacted by Laws of Utah 2006, Chapter 277  
112          **53-2-108**, as last amended by Laws of Utah 2007, Chapter 66  
113          **53-3-303**, as last amended by Laws of Utah 2001, Chapter 85

- 114           **53-3-908**, as last amended by Laws of Utah 1996, Chapter 243
- 115           **53-5-703**, as last amended by Laws of Utah 1997, Chapters 10 and 280
- 116           **53-6-106**, as last amended by Laws of Utah 2003, Chapter 292
- 117           **53-7-203**, as last amended by Laws of Utah 2001, Chapter 25
- 118           **53-7-304**, as last amended by Laws of Utah 2001, Chapter 25
- 119           **53-8-203**, as last amended by Laws of Utah 2008, Chapter 251
- 120           **53-9-104**, as last amended by Laws of Utah 1998, Chapter 212
- 121           **53-11-104**, as enacted by Laws of Utah 1998, Chapter 257
- 122           **53A-1-202**, as last amended by Laws of Utah 1997, Chapter 314
- 123           **53A-1a-501.5**, as enacted by Laws of Utah 2004, Chapter 251
- 124           **53A-1a-602**, as last amended by Laws of Utah 2008, Chapter 382
- 125           **53A-6-802**, as enacted by Laws of Utah 2008, Chapter 144
- 126           **53A-20b-103**, as enacted by Laws of Utah 2007, Chapter 167
- 127           **53A-25b-203**, as enacted by Laws of Utah 2009, Chapter 294
- 128           **53B-1-104**, as last amended by Laws of Utah 2009, Chapter 346
- 129           **53B-2-104**, as last amended by Laws of Utah 2007, Chapter 356
- 130           **53B-2a-103**, as last amended by Laws of Utah 2009, Chapter 346
- 131           **53B-2a-109**, as last amended by Laws of Utah 2009, Chapter 346
- 132           **53B-6-105.5**, as last amended by Laws of Utah 2009, Chapter 210
- 133           **53B-17-102**, as last amended by Laws of Utah 2006, Chapter 150
- 134           **53B-17-803**, as enacted by Laws of Utah 2007, Chapter 232
- 135           **53C-1-203**, as last amended by Laws of Utah 2000, Chapter 237
- 136           **54-8a-13**, as enacted by Laws of Utah 2008, Chapter 344
- 137           **54-10a-202**, as renumbered and amended by Laws of Utah 2009, Chapter 237
- 138           **54-14-301**, as last amended by Laws of Utah 2007, Chapter 242
- 139           **58-1-201**, as last amended by Laws of Utah 1997, Chapter 10
- 140           **58-1-402**, as last amended by Laws of Utah 2008, Chapter 382
- 141           **58-54-3**, as last amended by Laws of Utah 1996, Chapters 232 and 243

142           **58-55-103**, as last amended by Laws of Utah 2009, Chapter 183  
143           **58-56-5**, as last amended by Laws of Utah 2009, Chapter 339  
144           **59-1-905**, as last amended by Laws of Utah 1996, Chapter 243  
145           **61-1-18.5**, as last amended by Laws of Utah 2009, Chapter 351  
146           **61-2-5.5**, as last amended by Laws of Utah 2008, Chapter 387  
147           **61-2b-7**, as last amended by Laws of Utah 2007, Chapter 325  
148           **61-2c-104**, as last amended by Laws of Utah 2009, Chapters 352 and 372  
149           **62A-1-107**, as last amended by Laws of Utah 2009, Chapter 75  
150           **62A-3-107**, as last amended by Laws of Utah 2009, Chapter 75  
151           **62A-4a-311**, as last amended by Laws of Utah 2009, Chapter 75  
152           **62A-5a-103**, as last amended by Laws of Utah 2002, Fifth Special Session, Chapter 8  
153           **62A-7-501**, as renumbered and amended by Laws of Utah 2005, Chapter 13  
154           **62A-15-605**, as last amended by Laws of Utah 2003, Chapter 171  
155           **63A-3-403**, as last amended by Laws of Utah 2009, Chapter 310  
156           **63A-5-101**, as last amended by Laws of Utah 2003, Chapter 16  
157           **63A-9-301**, as last amended by Laws of Utah 2003, Chapter 5  
158           **63B-1-201**, as last amended by Laws of Utah 1996, Chapter 243  
159           **63B-1-304**, as renumbered and amended by Laws of Utah 2003, Chapter 86  
160           **63C-4-101**, as last amended by Laws of Utah 2009, Chapter 121  
161           **63C-6-103**, as last amended by Laws of Utah 1996, Chapter 243  
162           **63C-8-103**, as enacted by Laws of Utah 1997, Chapter 202  
163           **63C-9-202**, as last amended by Laws of Utah 2006, Chapter 256  
164           **63C-9-702**, as last amended by Laws of Utah 2003, Chapter 66  
165           **63C-10-102**, as last amended by Laws of Utah 2008, Chapter 33  
166           **63C-11-201**, as repealed and reenacted by Laws of Utah 2009, Chapter 369  
167           **63F-1-202**, as enacted by Laws of Utah 2005, Chapter 169  
168           **63G-2-501**, as renumbered and amended by Laws of Utah 2008, Chapter 382  
169           **63G-2-502**, as renumbered and amended by Laws of Utah 2008, Chapter 382

- 170           **63G-6-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 171           **63G-6-807**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 172           **63H-2-202**, as enacted by Laws of Utah 2009, Chapter 378
- 173           **63I-4-201**, as renumbered and amended by Laws of Utah 2008, Chapter 147
- 174           **63J-4-502**, as last amended by Laws of Utah 2009, Chapter 344
- 175           **63K-3-201**, as last amended by Laws of Utah 2009, Chapter 65
- 176           **63K-3-301**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 177           **63M-1-302**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 178           **63M-1-604**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 179           **63M-1-1205**, as last amended by Laws of Utah 2008, Chapter 18 and renumbered and
- 180 amended by Laws of Utah 2008, Chapter 382
- 181           **63M-1-1402**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 182           **63M-1-1503**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 183           **63M-1-2611**, as enacted by Laws of Utah 2008, Chapter 352
- 184           **63M-1-2706**, as enacted by Laws of Utah 2008, Chapter 50
- 185           **63M-2-301**, as last amended by Laws of Utah 2009, Chapter 242
- 186           **63M-2-303**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 187           **63M-7-302**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 188           **63M-7-304**, as last amended by Laws of Utah 2008, Chapter 31 and renumbered and
- 189 amended by Laws of Utah 2008, Chapter 382
- 190           **63M-7-405**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 191           **63M-7-504**, as last amended by Laws of Utah 2008, Chapter 339 and renumbered and
- 192 amended by Laws of Utah 2008, Chapter 382
- 193           **63M-8-202**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 194           **63M-9-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 195           **63M-9-202**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 196           **65A-1-3**, as last amended by Laws of Utah 2009, Chapter 344
- 197           **65A-8-306**, as renumbered and amended by Laws of Utah 2007, Chapter 136

198           **67-1-8.1**, as last amended by Laws of Utah 1996, Chapter 243  
199           **67-1a-10**, as enacted by Laws of Utah 2006, Chapter 142  
200           **67-5a-8**, as last amended by Laws of Utah 2008, Chapter 382  
201           **67-8-4**, as last amended by Laws of Utah 2007, Chapter 34  
202           **67-19a-201**, as last amended by Laws of Utah 1996, Chapters 194 and 243  
203           **67-19d-202**, as enacted by Laws of Utah 2007, Chapter 99  
204           **68-4-5**, as last amended by Laws of Utah 2007, Chapter 91  
205           **68-4-9**, as last amended by Laws of Utah 2007, Chapter 91  
206           **71-7-4**, as last amended by Laws of Utah 2007, Chapter 173  
207           **71-8-4**, as last amended by Laws of Utah 2007, Chapter 173  
208           **71-11-7**, as last amended by Laws of Utah 2007, Chapter 173  
209           **72-1-301**, as last amended by Laws of Utah 2009, Chapter 364  
210           **72-4-302**, as last amended by Laws of Utah 2009, Chapter 393  
211           **72-6-115**, as last amended by Laws of Utah 2001, Chapter 27  
212           **72-9-201**, as renumbered and amended by Laws of Utah 1998, Chapter 270  
213           **72-11-204**, as last amended by Laws of Utah 2009, Chapter 344  
214           **73-10-2**, as last amended by Laws of Utah 2009, Chapter 344  
215           **73-10c-3**, as last amended by Laws of Utah 2005, Chapter 148  
216           **73-16-4**, as last amended by Laws of Utah 1983, Chapter 320  
217           **77-32-401**, as last amended by Laws of Utah 2000, Chapter 1  
218           **77-32-401.5**, as last amended by Laws of Utah 2004, Chapter 90  
219           **78A-2-502**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
220           **78A-6-1208**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
221           **78A-12-202**, as enacted by Laws of Utah 2008, Chapter 248  
222           **78B-3-416**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
223           **79-3-302**, as renumbered and amended by Laws of Utah 2009, Chapter 344  
224           **79-4-302**, as renumbered and amended by Laws of Utah 2009, Chapter 344  
225           **79-5-202**, as renumbered and amended by Laws of Utah 2009, Chapter 344



226 REPEALS AND REENACTS:

227 26-39-202, as enacted by Laws of Utah 2008, Chapter 111

228 63C-12-105, as enacted by Laws of Utah 2009, Chapter 262

229 63I-3-206, as renumbered and amended by Laws of Utah 2008, Chapter 382

230 63M-7-207, as renumbered and amended by Laws of Utah 2008, Chapter 382

231 63M-7-604, as renumbered and amended by Laws of Utah 2008, Chapter 382

232 63M-11-206, as renumbered and amended by Laws of Utah 2008, Chapter 382

233 67-5a-3, as repealed and reenacted by Laws of Utah 1996, Chapter 243

234 78A-10-205, as enacted by Laws of Utah 2008, Chapter 3

235 78A-10-305, as enacted by Laws of Utah 2008, Chapter 3

236 78A-11-104, as enacted by Laws of Utah 2008, Chapter 3

237 78B-12-403, as enacted by Laws of Utah 2008, Chapter 3

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

240 Section 1. Section 4-2-7 is amended to read:

241 **4-2-7. Agricultural Advisory Board created -- Composition -- Responsibility --**

242 **Terms of office -- Compensation.**

243 (1) There is created the Agricultural Advisory Board composed of 13 members

244 representing each of the following:

245 (a) Utah Farm Bureau Federation;

246 (b) Utah Farmers Union;

247 (c) Utah Cattlemen's Association;

248 (d) Utah Wool Growers' Association;

249 (e) Utah Dairymen's Association;

250 (f) Utah Pork Producer's Association;

251 (g) Utah Veterinary Medical Association;

252 (h) Livestock Auction Marketing Association;

253 (i) Utah Association of Conservation Districts;

- 254 (j) the Utah horse industry;
- 255 (k) the food processing industry;
- 256 (l) manufacturers of food supplements; and
- 257 (m) a consumer affairs group.

258 (2) The Agricultural Advisory Board shall advise the commissioner regarding the  
259 planning, implementation, and administration of the department's programs.

260 (3) (a) Except as required by Subsection (3)(c), members are appointed by the  
261 commissioner to four-year terms of office.

262 (b) Representatives of the organizations cited in Subsections (1)(a) through ~~[(+)]~~ (h)  
263 shall be appointed to the Agricultural Advisory Board by the commissioner from a list of  
264 nominees submitted by each organization.

265 (c) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at  
266 the time of appointment or reappointment, adjust the length of terms to ensure that the terms  
267 of board members are staggered so that approximately half of the board is appointed every two  
268 years.

269 (d) Members may be removed at the discretion of the commissioner upon the request  
270 of the group they represent.

271 (e) When a vacancy occurs in the membership for any reason, the replacement shall be  
272 appointed for the unexpired term.

273 (4) The board shall elect one member to serve as chair of the Agricultural Advisory  
274 Board for a term of one year.

275 (5) (a) The board shall meet four times annually, but may meet more often at the  
276 discretion of the chair.

277 (b) Attendance of seven members at a duly called meeting constitutes a quorum for the  
278 transaction of official business.

279 ~~[(6) (a) Members shall receive no compensation or benefits for their services, but may  
280 receive per diem and expenses incurred in the performance of the member's official duties at  
281 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

282 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~  
283 (6) A member may not receive compensation or benefits for the member's service, but  
284 may receive per diem and travel expenses in accordance with:  
285 (a) Section 63A-3-106;  
286 (b) Section 63A-3-107; and  
287 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
288 63A-3-107.

289 Section 2. Section ~~4-2-8~~ is amended to read:  
290 **4-2-8. Temporary advisory committees -- Appointment -- Compensation.**  
291 (1) The commissioner may request the governor to appoint other advisory committees  
292 on a temporary basis to offer technical advice to the department. ~~[Members of any such]~~  
293 (2) A member of a committee ~~[shall serve]~~ serves at the pleasure of the commissioner  
294 ~~[and be compensated at the rates established by the director of the Division of Finance under~~  
295 ~~Sections 63A-3-106 and 63A-3-107].~~

296 (3) A member may not receive compensation or benefits for the member's service, but  
297 may receive per diem and travel expenses in accordance with:  
298 (a) Section 63A-3-106;  
299 (b) Section 63A-3-107; and  
300 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
301 63A-3-107.

302 Section 3. Section ~~4-14-10~~ is amended to read:  
303 **4-14-10. Pesticide Committee created -- Composition -- Terms -- Compensation**  
304 **-- Duties.**  
305 (1) There is created a Pesticide Committee comprising nine persons appointed by the  
306 governor to four-year terms of office, one member from each of the following state agencies  
307 and organizations:  
308 (a) Utah State Agricultural Extension Service;  
309 (b) Department of Agriculture and Food;

- 310 (c) Department of Health;
- 311 (d) Division of Wildlife Resources;
- 312 (e) Department of Environmental Quality;
- 313 (f) Utah Pest Control Association;
- 314 (g) agricultural chemical industry;
- 315 (h) Utah Farmers Union; and
- 316 (i) Utah Farm Bureau Federation.

317 (2) Notwithstanding the requirements of Subsection (1), the governor shall, at the time  
318 of appointment or reappointment, adjust the length of terms to ensure that the terms of  
319 committee members are staggered so that approximately half of the committee is appointed  
320 every two years.

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

323 (4) The committee shall elect one of its members to serve as chair. The chair is  
324 responsible for the call and conduct of meetings of the Pesticide Committee.

325 (5) Attendance of a simple majority of the members constitutes a quorum for the  
326 transaction of official business.

327 ~~[(6) (a) (i) Members who are not government employees shall receive no~~  
328 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
329 ~~the performance of the member's official duties at the rates established by the Division of~~  
330 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

331 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

332 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
333 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
334 ~~incurred in the performance of their official duties from the committee at the rates established~~  
335 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

336 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
337 ~~and expenses for their service.]~~

338 ~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses~~  
339 ~~from the entity that they represent for their service may receive per diem and expenses~~  
340 ~~incurred in the performance of their official duties from the committee at the rates established~~  
341 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

342 ~~[(ii) Higher education members may decline to receive per diem and expenses for their~~  
343 ~~service.]~~

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

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

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

348 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
349 63A-3-107.

350 (7) The Pesticide Committee shall make recommendations to the commissioner  
351 regarding making rules pertaining to the sale, distribution, use, and disposal of pesticides.

352 Section 4. Section ~~4-17-3.5~~ is amended to read:

353 **4-17-3.5. Creation of State Weed Committee -- Membership -- Powers and duties**  
354 **-- Expenses.**

355 (1) There is created a State Weed Committee composed of five members, one member  
356 representing each of the following:

357 (a) the Department of Agriculture and Food;

358 (b) the Utah State University Agricultural Experiment Station;

359 (c) the Utah State University Extension Service;

360 (d) the Utah Association of Counties; and

361 (e) private agricultural industry.

362 (2) The commissioner shall select the members of the committee from those  
363 nominated by each of the respective groups or agencies following approval by the Agricultural  
364 Advisory Board.

365 (3) (a) Except as required by Subsection (3)(b), as terms of current committee

366 members expire, the commissioner shall appoint each new member or reappointed member to  
367 a four-year term.

368 (b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at  
369 the time of appointment or reappointment, adjust the length of terms to ensure that the terms  
370 of committee members are staggered so that approximately half of the committee is appointed  
371 every two years.

372 (4) (a) Members may be removed by the commissioner for cause.

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

375 (5) The State Weed Committee shall:

376 (a) confer and advise on matters pertaining to the planning, implementation, and  
377 administration of the state noxious weed program;

378 (b) recommend names for membership on the committee; and

379 (c) serve as members of the executive committee of the Utah Weed Control  
380 Association.

381 ~~[(6) (a) (i) Members who are not government employees shall receive no~~  
382 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
383 ~~the performance of the member's official duties at the rates established by the Division of~~  
384 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

385 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

386 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
387 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
388 ~~incurred in the performance of their official duties from the committee at the rates established~~  
389 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

390 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
391 ~~and expenses for their service.]~~

392 ~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses~~  
393 ~~from the entity that they represent for their service may receive per diem and expenses~~

394 incurred in the performance of their official duties from the committee at the rates established  
395 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]

396 [(ii) Higher education members may decline to receive per diem and expenses for their  
397 service.]

398 [(d)(i) Local government members who do not receive salary, per diem, or expenses  
399 from the entity that they represent for their service may receive per diem and expenses  
400 incurred in the performance of their official duties at the rates established by the Division of  
401 Finance under Sections 63A-3-106 and 63A-3-107.]

402 [(ii) Local government members may decline to receive per diem and expenses for  
403 their service.]

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

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

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

408 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
409 63A-3-107.

410 Section 5. Section **4-18-4** is amended to read:

411 **4-18-4. Conservation Commission created -- Composition -- Appointment --**  
412 **Terms -- Compensation -- Attorney general to provide legal assistance.**

413 (1) There is created within the department the Conservation Commission to perform  
414 the functions specified in this chapter.

415 (2) The Conservation Commission shall be comprised of 16 members, including:

416 (a) the director of the Extension Service at Utah State University or the director's  
417 designee;

418 (b) the president of the Utah Association of Conservation Districts or the president's  
419 designee;

420 (c) the commissioner or the commissioner's designee;

421 (d) the executive director of the Department of Natural Resources or the executive

422 director's designee;

423 (e) the executive director of the Department of Environmental Quality or the executive  
424 director's designee;

425 (f) the chair and the vice chair of the State Grazing Advisory Board created in Section  
426 4-20-1.5;

427 (g) the president of the County Weed Supervisors Association;

428 (h) seven district supervisors who provide district representation on the commission  
429 on a multicounty basis; and

430 (i) the director of the School and Institutional Trust Lands Administration or the  
431 director's designee.

432 (3) If a district supervisor is unable to attend a meeting, an alternate may serve in the  
433 place of the district supervisor for that meeting.

434 (4) The members of the commission specified in Subsection (2)(h) shall:

435 (a) be recommended by the commission to the governor; and

436 (b) be appointed by the governor with the consent of the Senate.

437 (5) (a) Except as required by Subsection (5)(b), as terms of current commission  
438 members expire, the governor shall appoint each new member or reappointed member to a  
439 four-year term.

440 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the  
441 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
442 commission members are staggered so that approximately half of the commission is appointed  
443 every two years.

444 (6) When a vacancy occurs in the membership for any reason, the replacement shall be  
445 appointed for the unexpired term.

446 (7) The commissioner is chair of the commission.

447 (8) Attendance of a majority of the commission members at a meeting constitutes a  
448 quorum.

449 ~~[(9) (a) (i) A member who is not a government employee may not receive~~



450 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~  
451 ~~incurred in the performance of the member's official duties at the rates established by the~~  
452 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

453 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~  
454 ~~service.]~~

455 ~~[(b) (i) A state government officer and employee member who does not receive salary,~~  
456 ~~per diem, or expenses from the agency the member represents for the member's service may~~  
457 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
458 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

459 ~~[(ii) A state government officer and employee member may decline to receive per~~  
460 ~~diem and expenses for the member's service.]~~

461 ~~[(c) (i) A higher education member who does not receive salary, per diem, or expenses~~  
462 ~~from the entity that the member represents for the member's service may receive per diem and~~  
463 ~~expenses incurred in the performance of the member's official duties from the committee at the~~  
464 ~~rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

465 ~~[(ii) A higher education member may decline to receive per diem and expenses for the~~  
466 ~~member's service.]~~

467 ~~[(d) (i) A local government member who does not receive salary, per diem, or~~  
468 ~~expenses from the entity that the member represents for the member's service may receive per~~  
469 ~~diem and expenses incurred in the performance of the member's official duties at the rates~~  
470 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

471 ~~[(ii) A local government member may decline to receive per diem and expenses for the~~  
472 ~~member's service.]~~

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

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

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

477 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

478 63A-3-107.

479 (10) The commission shall keep a record of its actions.

480 (11) The attorney general shall provide legal services to the commission upon request.

481 Section 6. Section **4-20-1.5** is amended to read:

482 **4-20-1.5. State Grazing Advisory Board -- Duties.**

483 (1) (a) There is created within the department the State Grazing Advisory Board.

484 (b) The commissioner shall appoint the following members:

485 (i) one member from each regional board;

486 (ii) one member from the Conservation Commission created in Section 4-18-4;

487 (iii) one representative of the Department of Natural Resources;

488 (iv) two livestock producers at-large; and

489 (v) one representative of the oil, gas, or mining industry.

490 (2) The term of office for a state board member is four years.

491 (3) Members of the state board shall elect a chair, who shall serve for two years.

492 [~~(4) (a) (i) A member who is not a government employee may not receive~~  
493 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~  
494 ~~incurred in the performance of the member's official duties at the rates established by the~~  
495 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

496 [~~(ii) A member may decline to receive per diem and expenses for the member's~~  
497 ~~service.]~~

498 [~~(b) (i) A state government officer and employee member who does not receive salary,~~  
499 ~~per diem, or expenses from the agency the member represents for the member's service may~~  
500 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
501 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

502 [~~(ii) A state government officer and employee member may decline to receive per~~  
503 ~~diem and expenses for the member's service.]~~

504 [~~(c) (i) A local government member who does not receive salary, per diem, or expenses~~  
505 ~~from the entity that the member represents for the member's service may receive per diem and~~

506 ~~expenses incurred in the performance of the member's official duties at the rates established by~~  
507 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

508 ~~[(ii) A local government member may decline to receive per diem and expenses for the~~  
509 ~~member's service.]~~

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

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

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

514 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
515 63A-3-107.

516 (5) The state board shall:

517 (a) receive:

518 (i) advice and recommendations from a regional board concerning:

519 (A) management plans for public lands, state lands, and school and institutional trust  
520 lands as defined in Section 53C-1-103, within the regional board's region; and

521 (B) any issue that impacts grazing on private lands, public lands, state lands, or school  
522 and institutional trust lands as defined in Section 53C-1-103, in its region; and

523 (ii) requests for fund monies from the entities described in Subsections (5)(c)(i)  
524 through (iv);

525 (b) recommend state policy positions and cooperative agency participation in federal  
526 and state land management plans to the department and to the Public Lands Policy  
527 Coordinating Office created under Section 63J-4-602; and

528 (c) advise the department on the requests and recommendations of:

529 (i) regional boards;

530 (ii) county weed control boards created under Section 4-17-4;

531 (iii) cooperative weed management associations; and

532 (iv) conservation districts created under the authority of Title 17D, Chapter 3,  
533 Conservation District Act.

534 Section 7. Section 4-22-3 is amended to read:

535 **4-22-3. Commission -- Organization -- Quorum to transact business -- Vacancies**  
536 **-- Ineligibility to serve -- Compensation.**

537 (1) The members of the commission shall elect a chair, vice chair, and secretary from  
538 among their number.

539 (2) Attendance of a simple majority of the commission members at a called meeting  
540 shall constitute a quorum for the transaction of official business.

541 (3) The commission shall meet:

542 (a) at the time and place designated by the chair; and

543 (b) no less often than once every three months.

544 (4) Vacancies which occur on the commission for any reason shall be filled for the  
545 unexpired term of the vacated member by appointment of a majority of the remaining  
546 members.

547 (5) If a member moves from the district that he represents or ceases to act as a  
548 producer during his term of office, he must resign from the commission within 30 days after  
549 moving from the district or ceasing production.

550 ~~[(6) (a) (i) Members who are not government employees shall receive no~~  
551 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
552 ~~the performance of the member's official duties at the rates established by the Division of~~  
553 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

554 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

555 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
556 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
557 ~~incurred in the performance of their official duties from the commission at the rates~~  
558 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

559 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
560 ~~and expenses for their service.]~~

561 ~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses~~

562 from the entity that they represent for their service may receive per diem and expenses  
563 incurred in the performance of their official duties from the committee at the rates established  
564 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]

565 [~~(ii) Higher education members may decline to receive per diem and expenses for their~~  
566 ~~service.~~]

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

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

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

571 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
572 63A-3-107.

573 Section 8. Section ~~4-23-4~~ is amended to read:

574 **4-23-4. Agricultural and Wildlife Damage Prevention Board created --**

575 **Composition -- Appointment -- Terms -- Vacancies -- Compensation.**

576 (1) There is created an Agricultural and Wildlife Damage Prevention Board composed  
577 of the commissioner and the director of the Division of Wildlife Resources, who shall serve,  
578 respectively, as the board's chair and vice chair, together with seven other members appointed  
579 by the governor to four-year terms of office as follows:

580 (a) one sheep producer representing wool growers of the state;

581 (b) one cattle producer representing range cattle producers of the state;

582 (c) one person from the United States Department of Agriculture;

583 (d) one agricultural landowner representing agricultural landowners of the state;

584 (e) one person representing wildlife interests in the state;

585 (f) one person from the United States Forest Service; and

586 (g) one person from the United States Bureau of Land Management.

587 (2) Appointees' term of office shall commence June 1.

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

590 term.

591 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
592 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
593 board members are staggered so that approximately half of the board is appointed every two  
594 years.

595 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
596 appointed for the unexpired term.

597 (5) Attendance of five members at a duly called meeting shall constitute a quorum for  
598 the transaction of official business. The board shall convene at the times and places  
599 prescribed by the chair or vice chair.

600 ~~[(6) (a) (i) Members who are not government employees shall receive no~~  
601 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
602 ~~the performance of the member's official duties at the rates established by the Division of~~  
603 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

604 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

605 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
606 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
607 ~~incurred in the performance of their official duties from the board at the rates established by~~  
608 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

609 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
610 ~~and expenses for their service.]~~

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

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

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

615 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
616 63A-3-107.

617 Section 9. Section ~~4-24-4~~ is amended to read:

618           **4-24-4. Livestock Brand Board created -- Composition -- Terms -- Removal --**  
619 **Quorum for transaction of business -- Compensation -- Duties.**

620           (1) There is created the Livestock Brand Board consisting of seven members  
621 appointed by the governor as follows:

622           (a) four cattle ranchers recommended by the Utah Cattlemen's Association, one of  
623 whom shall be a feeder operator;

624           (b) one dairyman recommended by the Utah Dairymen's Association;

625           (c) one livestock market operator recommended jointly by the Utah Cattlemen's  
626 Association and the Utah Dairymen's Association and the Livestock Market Association; and

627           (d) one horse breeder recommended by the Utah Horse Council.

628           (2) If a nominee is rejected by the governor, the recommending association shall  
629 submit another nominee.

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

633           (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
634 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
635 board members are staggered so that approximately half of the board is appointed every two  
636 years.

637           (4) (a) A member may, at the discretion of the governor, be removed at the request of  
638 the association that recommended the appointment.

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

641           (5) One member elected by the board shall serve as chair for a term of one year and be  
642 responsible for the call and conduct of meetings of the Livestock Brand Board. Attendance of  
643 a simple majority of the members at a duly called meeting shall constitute a quorum for the  
644 transaction of official business.

645           ~~[(6) (a) Members shall receive no compensation or benefits for their services, but may~~

646 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
647 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

648 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

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

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

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

653 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
654 63A-3-107.

655 (7) The Livestock Brand Board with the cooperation of the department shall direct the  
656 procedures and policies to be followed in administering and enforcing this chapter.

657 Section 10. Section **4-30-2** is amended to read:

658 **4-30-2. Livestock Market Committee created -- Composition -- Terms -- Removal**  
659 **-- Compensation -- Duties.**

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

662 (a) one member recommended by the livestock market operators in the state;

663 (b) one member recommended by the Utah Cattlemen's Association;

664 (c) one member recommended by the Utah Dairywomen's Association;

665 (d) one member recommended by the Utah Woolgrowers' Association;

666 (e) one member recommended by the horse industry;

667 (f) one member recommended by the Utah Farm Bureau Federation; and

668 (g) one member recommended by the Utah Farmers Union.

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

673 (3) No more than four members shall be members of the same political party.



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

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

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

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

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

682 ~~[(7) (a) (i) Members who are not government employees shall receive no~~  
683 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
684 ~~the performance of the member's official duties at the rates established by the Division of~~  
685 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

686 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

687 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
688 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
689 ~~incurred in the performance of their official duties from the committee at the rates established~~  
690 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

691 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
692 ~~and expenses for their service.]~~

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

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

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

697 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
698 63A-3-107.

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

702 Section 11. Section **4-35-3** is amended to read:

703 **4-35-3. Decision and Action Committee created -- Members -- How appointed --**  
704 **Duties of committee -- Per diem and expenses allowed.**

705 (1) (a) There is created the Decision and Action Committee which consists of not  
706 fewer than six members.

707 (b) One member is the commissioner and one member is appointed to represent the  
708 department.

709 (c) The remaining members of the committee are appointed by the commissioner on  
710 an ad hoc basis as necessary from persons directly affected by and involved in the current  
711 insect infestation emergency.

712 (d) The committee is dissolved when the commissioner declares that the insect  
713 infestation emergency is over.

714 (2) The committee shall:

715 (a) establish a system of priorities for any insect infestation emergency; and

716 (b) certify to the commissioner any area which requires the establishment of an insect  
717 control district in areas of infestation and in which a simple majority of the landowners and  
718 lessees whose total production exceeds 50% of the production in that area has agreed to pay  
719 proportionate shares of the costs of controlling the insects infesting the area.

720 [~~(3) (a) (i) Members who are not government employees shall receive no~~  
721 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
722 ~~the performance of the member's official duties at the rates established by the Division of~~  
723 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

724 [~~(i) Members may decline to receive per diem and expenses for their service.]~~

725 [~~(b) (i) State government officer and employee members who do not receive salary, per~~  
726 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
727 ~~incurred in the performance of their official duties from the committee at the rates established~~  
728 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

729 [~~(ii) State government officer and employee members may decline to receive per diem~~

730 and expenses for their service.]

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

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

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

735 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
736 63A-3-107.

737 Section 12. Section **4-37-503** is amended to read:

738 **4-37-503. Fish Health Policy Board.**

739 (1) There is created within the department the Fish Health Policy Board which shall  
740 establish policies designed to prevent the outbreak of, control the spread of, and eradicate  
741 pathogens that cause disease in aquatic animals.

742 (2) The Fish Health Policy Board shall:

743 (a) in accordance with Subsection (6)(b), determine procedures and requirements for  
744 certifying a source of aquatic animals as health approved, including:

745 (i) the pathogens for which inspection is required to receive health approval;

746 (ii) the pathogens that may not be present to receive health approval; and

747 (iii) standards and procedures required for the inspection of aquatic animals;

748 (b) establish procedures for the timely reporting of the presence of a pathogen and  
749 disease threat;

750 (c) create policies and procedures for, and appoint, an emergency response team to:

751 (i) investigate a serious disease threat;

752 (ii) develop and monitor a plan of action; and

753 (iii) report to:

754 (A) the commissioner of agriculture and food;

755 (B) the director of the Division of Wildlife Resources; and

756 (C) the chair of the Fish Health Policy Board; and

757 (d) develop a unified statewide aquaculture disease control plan.

758 (3) The Fish Health Policy Board shall advise the commissioner of agriculture and  
759 food and the executive director of the Department of Natural Resources regarding:

760 (a) educational programs and information systems to educate and inform the public  
761 about practices that the public may employ to prevent the spread of disease; and

762 (b) communication and interaction between the department and the Division of  
763 Wildlife Resources regarding fish health policies and procedures.

764 (4) (a) (i) The governor shall appoint the following seven members to the Fish Health  
765 Policy Board:

766 (A) one member from names submitted by the Department of Natural Resources;

767 (B) one member from names submitted by the Department of Agriculture and Food;

768 (C) one member from names submitted by a nonprofit corporation that promotes sport  
769 fishing;

770 (D) one member from names submitted by a nonprofit corporation that promotes the  
771 aquaculture industry;

772 (E) one member from names submitted by the Department of Natural Resources and  
773 the Department of Agriculture and Food;

774 (F) one member from names submitted by a nonprofit corporation that promotes sport  
775 fishing; and

776 (G) one member from names submitted by a nonprofit corporation that promotes the  
777 aquaculture industry.

778 (ii) The members appointed under Subsections (4)(a)(i)(E) through (G) shall be:

779 (A) (I) faculty members of an institution of higher education; or

780 (II) qualified professionals; and

781 (B) have education and knowledge in:

782 (I) fish pathology;

783 (II) business;

784 (III) ecology; or

785 (IV) parasitology.

786 (iii) At least one member appointed under Subsections (4)(a)(i)(E) through (G) shall  
787 have education and knowledge about fish pathology.

788 (iv) (A) A nominating person shall submit at least three names to the governor.

789 (B) If the governor rejects all the names submitted for a member, the recommending  
790 person shall submit additional names.

791 (b) Except as required by Subsection (4)(c), the term of office of board members shall  
792 be four years.

793 (c) Notwithstanding the requirements of Subsection (4)(b), the governor shall, at the  
794 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
795 board members are staggered so that approximately half of the board is appointed every two  
796 years.

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

799 (e) The board members shall elect a chair of the board from the board's membership.

800 (f) The board shall meet upon the call of the chair or a majority of the board members.

801 (g) An action of the board shall be adopted upon approval of the majority of voting  
802 members.

803 ~~[(5) (a) (i) A member who is not a government employee may not receive~~  
804 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~  
805 ~~incurred in the performance of the member's official duties at the rates established by the~~  
806 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

807 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~  
808 ~~service.]~~

809 ~~[(b) (i) A state government officer and employee member who does not receive salary,~~  
810 ~~per diem, or expenses from the agency the member represents for the member's service may~~  
811 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
812 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

813 ~~[(ii) A state government officer and employee member may decline to receive per~~

814 ~~diem and expenses for the member's service.]~~

815 ~~[(c) (i) A higher education member who does not receive salary, per diem, or expenses~~  
816 ~~from the entity that the member represents for the member's service may receive per diem and~~  
817 ~~expenses incurred in the performance of the member's official duties at the rates established by~~  
818 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

819 ~~[(ii) A higher education member may decline to receive per diem and expenses for the~~  
820 ~~member's service.]~~

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

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

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

825 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
826 63A-3-107.

827 (6) (a) The board shall make rules consistent with its responsibilities and duties  
828 specified in this section.

829 (b) Except as provided by this chapter, all rules adopted by the Fish Health Policy  
830 Board must be consistent with the suggested procedures for the detection and identification of  
831 pathogens published by the American Fisheries Society's Fish Health Section.

832 (c) (i) Rules of the department and Fish Health Policy Board pertaining to the control  
833 of disease shall remain in effect until the Fish Health Policy Board enacts rules to replace  
834 those provisions.

835 (ii) The Fish Health Policy Board shall promptly amend rules that are inconsistent  
836 with the current suggested procedures published by the American Fisheries Society.

837 (d) The Fish Health Policy Board may waive a requirement established by the Fish  
838 Health Policy Board's rules if:

839 (i) the rule specifies the waiver criteria and procedures; and

840 (ii) the waiver will not threaten other aquaculture facilities or wild aquatic animal  
841 populations.

842 Section 13. Section **4-37-602** is amended to read:

843 **4-37-602. Adjudicative proceedings -- Presiding officer.**

844 (1) Adjudicative proceedings under this chapter shall be conducted in accordance with  
845 Title 63G, Chapter 4, Administrative Procedures Act.

846 (2) The revocation of an aquaculture facility's certificate of registration, the denial of  
847 an aquaculture facility's future certificate of registration, and a denial or cancellation of an  
848 aquaculture facility's health approval number is a state agency action governed by Title 63G,  
849 Chapter 4, Administrative Procedures Act.

850 (3) (a) An owner or operator of an aquaculture facility may ask for an agency review,  
851 as provided by Section 63G-4-301, of an agency action specified in Subsection (2).

852 (b) The presiding officer, as defined in Section 63G-4-103, conducting the agency  
853 review shall consist of three members as follows:

854 (i) the person representing sport fishermen, appointed under Subsection  
855 4-37-503(4)(a)(i)(C);

856 (ii) one person representing the aquaculture industry, appointed by the governor from  
857 names submitted by a nonprofit corporation, as defined in Section 16-6a-102, that promotes  
858 the efficient production, distribution, and marketing of aquaculture products and the welfare  
859 of all persons engaged in aquaculture; and

860 (iii) one person, appointed by the governor, who is knowledgeable about aquatic  
861 diseases and is employed by an institution of higher education.

862 (c) If the governor rejects all the names submitted under Subsection (3)(b)(ii), the  
863 recommending nonprofit corporation shall submit additional names.

864 (d) The final decision of the presiding officer shall be adopted upon approval of at  
865 least two of the members.

866 (e) The term [~~and compensation~~] for the member listed in Subsection (3)(b)(i) shall be  
867 the same as provided in Section 4-37-503.

868 (f) The term for the members appointed under Subsections (3)(b)(ii) and (iii) shall be  
869 four years.

870 ~~[(g) (i) (A) A higher education member who does not receive salary, per diem, or~~  
871 ~~expenses from the entity that the member represents for the member's service may receive per~~  
872 ~~diem and expenses incurred in the performance of the member's official duties at the rates~~  
873 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

874 ~~[(B) A higher education member may decline to receive per diem and expenses for the~~  
875 ~~member's service.]~~

876 ~~[(ii) (A) A member who is not a government employee may not receive compensation~~  
877 ~~or benefits for the member's service, but may receive per diem and expenses incurred in~~  
878 ~~performance of the member's official duties at rates established by the Division of Finance~~  
879 ~~under Sections 63A-3-106 and 63A-3-107.]~~

880 ~~[(B) A member may decline to receive per diem and expenses for the member's~~  
881 ~~service.]~~

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

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

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

886 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
887 63A-3-107.

888 Section 14. Section **4-38-3** is amended to read:

889 **4-38-3. Utah Horse Racing Commission.**

890 (1) (a) There is created within the Department the Utah Horse Racing Commission.

891 (b) (i) The commission shall consist of five members who shall be U.S. citizens, Utah  
892 residents, and qualified voters of Utah.

893 (ii) Each member shall have an interest in horse racing.

894 (c) (i) The members of the commission shall be appointed by the governor with the  
895 consent of the Senate.

896 (ii) The governor shall appoint commission members from a list of nominees  
897 submitted by the commissioner of agriculture and food.



898 (d) (i) The members of the commission shall be appointed to four-year terms, except  
899 that the original members shall be appointed within 30 days after the effective date of this  
900 chapter, two of whom shall be appointed for terms expiring December 31, 1992, two for terms  
901 expiring December 31, 1994, and one for a term expiring December 31, 1996.

902 (ii) A commission member may not serve more than two consecutive terms.

903 (e) The governor shall make the appointments so that a resident of each of Utah's three  
904 congressional districts is a member of the commission at all times.

905 (f) Each member shall hold office until his or her successor is appointed and qualified.

906 (g) Vacancies on the commission shall be filled by appointment by the governor with  
907 the consent of the Senate for the unexpired term.

908 (h) Any member may be removed from office by the governor for cause after a public  
909 hearing. Notice of the hearing shall fix the time and place of the hearing and shall specify the  
910 charges. Copies of the notice of the hearing shall be served on the member by mailing it to the  
911 member at his last known address at least 10 days before the date fixed for the hearing. The  
912 governor may designate a hearing officer to preside over the hearing and report his findings to  
913 the governor.

914 (2) (a) The members of the commission shall annually elect a chairperson.

915 (b) Three members of the commission shall constitute a quorum for the transaction of  
916 any business of the commission.

917 ~~[(c) Members of the commission shall receive per diem and expenses as established by~~  
918 ~~the Division of Finance.]~~

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

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

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

923 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
924 63A-3-107.

925 ~~[(3)]~~ (4) All claims and expenditures made under this chapter shall be first audited and

926 passed upon by the commission and when approved shall be paid in the manner provided by  
927 law for payment of claims against the state.

928        [~~(4)~~] (5) Any member of the commission who has a personal or private interest in any  
929 matter proposed or pending before the commission shall publicly disclose this fact to the  
930 commission and may not vote on the matter.

931        [~~(5)~~] (6) Any member of the commission who owns or who has any interest or whose  
932 spouse or member of his immediate family has any interest in a horse participating in a race  
933 shall disclose that interest and may not participate in any commission decision involving that  
934 race.

935        Section 15. Section **4-39-104** is amended to read:

936        **4-39-104. Advisory council.**

937        (1) The department shall establish an advisory council to give advice and make  
938 recommendations on policies and rules adopted pursuant to this chapter.

939        (2) The advisory council shall consist of eight members appointed by the  
940 commissioner of agriculture to four-year terms as follows:

941        (a) two members, recommended by the executive director of the Department of  
942 Natural Resources, shall represent the Department of Natural Resources;

943        (b) two members shall represent the Department of Agriculture, one of whom shall be  
944 the state veterinarian;

945        (c) two members shall represent the livestock industry, one of whom shall represent  
946 the domesticated elk industry; and

947        (d) two members, recommended by the executive director of the Department of  
948 Natural Resources from a list of candidates submitted by the Division of Wildlife Resources,  
949 shall represent wildlife interests.

950        (3) Notwithstanding the requirements of Subsection (2), the commissioner shall, at the  
951 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
952 council members are staggered so that approximately half of the council is appointed every  
953 two years.

954 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
955 appointed for the unexpired term.

956 (5) A majority of the advisory council constitutes a quorum. A quorum is necessary  
957 for the council to act.

958 ~~[(6) (a) (i) Members who are not government employees shall receive no~~  
959 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
960 ~~the performance of the member's official duties at the rates established by the Division of~~  
961 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

962 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

963 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
964 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
965 ~~incurred in the performance of their official duties from the department at the rates established~~  
966 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

967 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
968 ~~and expenses for their service.]~~

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

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

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

973 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
974 63A-3-107.

975 Section 16. Section **7-1-203** is amended to read:

976 **7-1-203. Board of Financial Institutions.**

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

980 (a) one representative from the commercial banking business;

981 (b) one representative from the savings and loan, consumer lending, mortgage

982 brokerage, or escrow agency business;

983 (c) one representative from the industrial bank business;

984 (d) one representative from the credit union business; and

985 (e) one representative of the general public who, as a result of education, training,  
986 experience, or interest, is well qualified to consider economic and financial issues and data as  
987 they may affect the public interest in the soundness of the financial systems of this state.

988 (2) The commissioner shall act as chair.

989 (3) (a) All members of the board shall be residents of this state.

990 (b) No more than three members of the board may be from the same political party.

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

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

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

997 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
998 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
999 board members are staggered so that approximately half of the board is appointed every two  
1000 years.

1001 (c) All members serve until their respective successors are appointed and qualified.

1002 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
1003 appointed for the unexpired term.

1004 (5) (a) The board shall meet at least quarterly on a date it sets.

1005 (b) The commissioner or any two members of the board may call additional meetings.

1006 (c) Four members constitute a quorum for the transaction of business.

1007 (d) Actions of the board require a vote of a majority of those present.

1008 (e) Meetings of the board and records of its proceedings are subject to Title 52,  
1009 Chapter 4, Open and Public Meetings Act, except for discussion of confidential information

1010 pertaining to a particular financial institution.

1011 (6) (a) Each member of the board shall, by sworn or written statement filed with the  
1012 commissioner, disclose any position of employment or ownership interest that the member has  
1013 with respect to any institution subject to the jurisdiction of the department.

1014 (b) The member shall:

1015 (i) file the statement required by this Subsection (6) when first appointed to the board;  
1016 and

1017 (ii) subsequently file amendments to the statement if there is any material change in  
1018 the matters covered by the statement.

1019 ~~[(7) (a) (i) Members who are not government employees shall receive no  
1020 compensation or benefits for their services, but may receive per diem and expenses incurred in  
1021 the performance of the member's official duties at the rates established by the Division of  
1022 Finance under Sections 63A-3-106 and 63A-3-107.]~~

1023 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

1024 ~~[(b) (i) State government officer and employee members who do not receive salary, per  
1025 diem, or expenses from their agency for their service may receive per diem and expenses  
1026 incurred in the performance of their official duties from the board at the rates established by  
1027 the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1028 ~~[(ii) State government officer and employee members may decline to receive per diem  
1029 and expenses for their service.]~~

1030 (7) A member may not receive compensation or benefits for the member's service, but  
1031 may receive per diem and travel expenses in accordance with:

1032 (a) Section 63A-3-106;

1033 (b) Section 63A-3-107; and

1034 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1035 63A-3-107.

1036 (8) The board shall advise the commissioner with respect to:

1037 (a) the exercise of the commissioner's duties, powers, and responsibilities under this

1038 title; and

1039 (b) the organization and performance of the department and its employees.

1040 (9) The board shall recommend annually to the governor and the Legislature a budget  
1041 for the requirements of the department in carrying out its duties, functions, and responsibilities  
1042 under this title.

1043 Section 17. Section **7-3-40** is amended to read:

1044 **7-3-40. Board of Bank Advisors.**

1045 (1) There is created a Board of Bank Advisors consisting of five members to be  
1046 appointed by the governor as follows:

1047 (a) each member of the board shall be an individual who is familiar with and  
1048 associated with banks organized under this chapter; and

1049 (b) at least three of the members of the board shall be individuals who:

1050 (i) have had three or more years experience as a bank executive officer; and

1051 (ii) are selected from a list submitted to the governor by an association in this state  
1052 representing commercial banks.

1053 (2) (a) The board shall meet quarterly.

1054 (b) Subject to Subsection (2)(a), meetings of the board shall be held on the call of the  
1055 chair.

1056 (3) The members of the board shall elect the chair of the board each year from the  
1057 membership of the advisory board by a majority of the members present at the board's first  
1058 meeting each year.

1059 (4) (a) Except as required by Subsection (4)(b), as terms of current board members  
1060 expire, the governor shall appoint each new member or reappointed member to a four-year  
1061 term.

1062 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
1063 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1064 board members are staggered so that approximately half of the board is appointed every two  
1065 years.

1066 (5) When a vacancy occurs in the membership of the board for any reason, the  
1067 replacement shall be appointed for the unexpired term.

1068 (6) All members shall serve until their successors are appointed and qualified.

1069 ~~[(7) (a) Members shall receive no compensation or benefits for their services, but may~~  
1070 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
1071 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1072 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

1073 (7) A member may not receive compensation or benefits for the member's service, but  
1074 may receive per diem and travel expenses in accordance with:

1075 (a) Section 63A-3-106;

1076 (b) Section 63A-3-107; and

1077 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1078 63A-3-107.

1079 (8) A majority of the members of the board shall constitute a quorum.

1080 (9) The board has the duty to advise the governor and commissioner on problems  
1081 relating to banks organized under this chapter and to foster the interest and cooperation of  
1082 banks in the improvement of their services to the people of the state.

1083 Section 18. Section **7-9-43** is amended to read:

1084 **7-9-43. Board of Credit Union Advisors.**

1085 There is created a Board of Credit Union Advisors of five members to be appointed by  
1086 the governor.

1087 (1) Members of the board shall be individuals who are familiar with and associated in  
1088 the field of credit unions.

1089 (2) At least three of the members shall be persons who have had three or more years of  
1090 experience as a credit union officer and shall be selected from a list submitted to the governor  
1091 by the Utah League of Credit Unions.

1092 (3) The board shall meet quarterly.

1093 (4) A chair of the advisory board shall be chosen each year from the membership of

1094 the advisory board by a majority of the members present at the board's first meeting each year.

1095 (5) (a) Except as required by Subsection (5)(b), as terms of current board members  
1096 expire, the governor shall appoint each new member or reappointed member to a four-year  
1097 term.

1098 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the  
1099 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1100 board members are staggered so that approximately half of the board is appointed every two  
1101 years.

1102 (6) When a vacancy occurs in the membership for any reason, the replacement shall be  
1103 appointed for the unexpired term.

1104 (7) All members shall serve until their successors are appointed and qualified.

1105 ~~[(8) (a) Members shall receive no compensation or benefits for their services, but may  
1106 receive per diem and expenses incurred in the performance of the member's official duties at  
1107 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1108 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

1109 (8) A member may not receive compensation or benefits for the member's service, but  
1110 may receive per diem and travel expenses in accordance with:

1111 (a) Section 63A-3-106;

1112 (b) Section 63A-3-107; and

1113 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1114 63A-3-107.

1115 (9) Meetings of the advisory board shall be held on the call of the chair. A majority of  
1116 the members of the board shall constitute a quorum.

1117 (10) The Board of Credit Union Advisors has the duty to advise the governor and  
1118 commissioner on problems relating to credit unions and to foster the interest and cooperation  
1119 of credit unions in the improvement of their services to the people of the state ~~[of Utah]~~.

1120 Section 19. Section **9-1-803** is amended to read:

1121 **9-1-803. Creation -- Members -- Appointment -- Terms -- Vacancies -- Per diem**



1122 **and expenses.**

1123 (1) There is created the Utah Commission on Volunteers consisting of the following  
1124 25 members:

1125 (a) the lieutenant governor;

1126 (b) the commissioner of higher education or the commissioner's designee;

1127 (c) the superintendent of public instruction or the superintendent's designee;

1128 (d) nine members appointed by the governor as follows:

1129 (i) an individual with expertise in the educational, training, and developmental needs  
1130 of youth, particularly disadvantaged youth;

1131 (ii) an individual with experience in promoting the involvement of older adults in  
1132 service and volunteerism;

1133 (iii) a representative of community-based agencies or community-based organizations  
1134 within the state;

1135 (iv) a representative of local governments in the state;

1136 (v) a representative of local labor organizations in the state;

1137 (vi) a representative of business;

1138 (vii) an individual between the ages of 16 and 25 who is a participant or supervisor in  
1139 a volunteer or service program;

1140 (viii) a representative of a National Service Program; and

1141 (ix) a representative of the corporation as a nonvoting, ex officio member; and

1142 (e) 13 members appointed by the governor from the following groups:

1143 (i) local educators;

1144 (ii) experts in the delivery of human, educational, cultural, environmental, or public  
1145 safety services to communities and individuals;

1146 (iii) representatives of Native American tribes;

1147 (iv) out-of-school youth or other at-risk youth; and

1148 (v) representatives of entities that receive assistance under the Domestic Volunteer  
1149 Service Act of 1973, 42 U.S.C. 4950 et seq.

1150 (2) (a) In appointing persons to serve on the commission, the governor shall ensure  
1151 that:

1152 (i) no more than 13 members of the commission are members of the same political  
1153 party; and

1154 (ii) no more than six members of the commission are state government employees.

1155 (b) In appointing persons to serve on the commission, the governor shall strive for  
1156 balance on the commission according to race, ethnicity, age, gender, and disability  
1157 characteristics.

1158 (3) (a) Except as required by Subsection (3)(b), as terms of current commission  
1159 members expire, the governor shall appoint each new member or reappointed member to a  
1160 three-year term.

1161 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
1162 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1163 commission members are staggered so that approximately one-third of the commission is  
1164 appointed every year.

1165 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
1166 appointed for the unexpired term.

1167 (5) A member appointed by the governor may not serve more than two consecutive  
1168 terms.

1169 ~~[(6) (a) A member may not receive compensation or benefits for the member's service,  
1170 but may receive per diem and expenses incurred in the performance of the member's official  
1171 duties at the rates established by the Division of Finance under Sections 63A-3-106 and  
1172 63A-3-107.]~~

1173 ~~[(b) A member may decline to receive per diem and expenses for the member's  
1174 service.]~~

1175 (6) A member may not receive compensation or benefits for the member's service, but  
1176 may receive per diem and travel expenses in accordance with:

1177 (a) Section 63A-3-106;

1178           (b) Section 63A-3-107; and  
1179           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1180 63A-3-107.

1181           (7) (a) The lieutenant governor is the chair of the commission.  
1182           (b) The commission shall select a vice chair from among its members.

1183           Section 20. Section **9-3-403** is amended to read:

1184           **9-3-403. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and**  
1185 **expenses.**

1186           (1) There is created an independent state agency and a body politic and corporate  
1187 known as the "Utah Science Center Authority."

1188           (2) (a) The authority shall be composed of 13 members.  
1189           (b) The governor shall appoint:

1190           (i) three members representing the informal science and arts community that could  
1191 include members from the board of directors of the Hansen Planetarium, the Hogle Zoo, the  
1192 Children's Museum of Utah, the Utah Museum of Natural History, and other related museums,  
1193 centers, and agencies;

1194           (ii) one member of the State Board of Education;

1195           (iii) one member of the Division of Housing and Community Development of the  
1196 Department of Community and Culture;

1197           (iv) one member of the Board of Tourism Development;

1198           (v) one member of the State Board of Regents; and

1199           (vi) three public members representing Utah industry, the diverse regions of the state,  
1200 and the public at large.

1201           (c) The county legislative body of Salt Lake County shall appoint one member to  
1202 represent Salt Lake County.

1203           (d) The mayor of Salt Lake City shall appoint one member to represent Salt Lake City  
1204 Corporation.

1205           (e) The State Science Advisor or the advisor's designee is also a member of the

1206 authority.

1207 (f) In appointing the three public members, the governor shall ensure that there is  
1208 representation from the science, technology, and business communities.

1209 (3) All members shall be residents of Utah.

1210 (4) Each member shall be appointed for four-year terms beginning July 1 of the year  
1211 appointed.

1212 (5) (a) Except as required by Subsection (5)(b), as terms of current authority members  
1213 expire, the governor shall appoint each new member or reappointed member to a four-year  
1214 term.

1215 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the  
1216 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1217 authority members are staggered so that approximately half of the authority is appointed every  
1218 two years.

1219 (6) A member may be removed from office by the governor or for cause by an  
1220 affirmative vote of nine members of the authority.

1221 (7) When a vacancy occurs in the membership for any reason, the replacement shall be  
1222 appointed by the governor for the unexpired term.

1223 (8) Each public member shall hold office for the term of his appointment and until the  
1224 member's successor has been appointed and qualified.

1225 (9) A public member is eligible for reappointment, but may not serve more than two  
1226 full consecutive terms.

1227 (10) The governor shall appoint the chair of the authority from among its members.

1228 (11) The members shall elect from among their number a vice chair and other officers  
1229 they may determine.

1230 (12) The chair and vice chair shall be elected for two-year terms.

1231 (13) The powers of the authority shall be vested in its members.

1232 (14) Seven members constitute a quorum for transaction of authority business.

1233 ~~[(15) (a) (i) Members who are not government employees shall receive no~~

1234 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
1235 ~~the performance of the member's official duties at the rates established by the Division of~~  
1236 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

1237 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

1238 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
1239 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
1240 ~~incurred in the performance of their official duties from the authority at the rates established~~  
1241 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1242 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
1243 ~~and expenses for their service.]~~

1244 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~  
1245 ~~from the entity that they represent for their service may receive per diem and expenses~~  
1246 ~~incurred in the performance of their official duties at the rates established by the Division of~~  
1247 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

1248 ~~[(ii) Local government members may decline to receive per diem and expenses for~~  
1249 ~~their service.]~~

1250 ~~[(d) (i) Higher education members who do not receive salary, per diem, or expenses~~  
1251 ~~from the entity that they represent for their service may receive per diem and expenses~~  
1252 ~~incurred in the performance of their official duties from the committee at the rates established~~  
1253 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1254 ~~[(ii) Higher education members may decline to receive per diem and expenses for their~~  
1255 ~~service.]~~

1256 (15) A member may not receive compensation or benefits for the member's service,  
1257 but may receive per diem and travel expenses in accordance with:

1258 (a) Section 63A-3-106;

1259 (b) Section 63A-3-107; and

1260 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1261 63A-3-107.

1262 Section 21. Section **9-4-304** is amended to read:

1263 **9-4-304. Permanent Community Impact Fund Board created -- Members --**  
1264 **Terms -- Chair -- Expenses.**

1265 (1) There is created within the Department of Community and Culture the Permanent  
1266 Community Impact Fund Board composed of 11 members as follows:

1267 (a) the chair of the Board of Water Resources or the chair's designee;

1268 (b) the chair of the Water Quality Board or the chair's designee;

1269 (c) the director of the department or the director's designee;

1270 (d) the state treasurer;

1271 (e) the chair of the Transportation Commission or the chair's designee;

1272 (f) a locally elected official who resides in Carbon, Emery, Grand, or San Juan  
1273 County;

1274 (g) a locally elected official who resides in Juab, Millard, Sanpete, Sevier, Piute, or  
1275 Wayne County;

1276 (h) a locally elected official who resides in Duchesne, Daggett, or Uintah County;

1277 (i) a locally elected official who resides in Beaver, Iron, Washington, Garfield, or Kane  
1278 County; and

1279 (j) a locally elected official from each of the two counties that produced the most  
1280 mineral lease monies during the previous four-year period, prior to the term of appointment, as  
1281 determined by the Department of Community and Culture.

1282 (2) (a) The members specified under Subsections (1)(f) through (j) may not reside in  
1283 the same county and shall be:

1284 (i) nominated by the Board of Directors of the Southeastern Association of  
1285 Governments, Central Utah Association of Governments, Uintah Basin Association of  
1286 Governments, and Southwestern Association of Governments, respectively, except that a  
1287 member under Subsection (1)(j) shall be nominated by the Board of Directors of the  
1288 Association of Governments from the region of the state in which the county is located; and

1289 (ii) appointed by the governor with the consent of the Senate.

1290 (b) Except as required by Subsection (2)(c), as terms of current board members expire,  
1291 the governor shall appoint each new member or reappointed member to a four-year term.

1292 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the  
1293 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1294 board members are staggered so that approximately half of the board is appointed every two  
1295 years.

1296 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
1297 appointed for the unexpired term.

1298 (3) The terms of office for the members of the impact board specified under  
1299 Subsections (1)(a) through (1)(e) shall run concurrently with the terms of office for the  
1300 councils, boards, committees, commission, departments, or offices from which the members  
1301 come.

1302 (4) The executive director of the department, or the executive director's designee, shall  
1303 be the chair of the impact board.

1304 ~~[(5) (a) (i) Members who are not government employees shall receive no  
1305 compensation or benefits for their services, but may receive per diem and expenses incurred in  
1306 the performance of the member's official duties at the rates established by the Division of  
1307 Finance under Sections 63A-3-106 and 63A-3-107.]~~

1308 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

1309 ~~[(b) (i) State government officer and employee members who do not receive salary, per  
1310 diem, or expenses from their agency for their service may receive per diem and expenses  
1311 incurred in the performance of their official duties from the board at the rates established by  
1312 the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1313 ~~[(ii) State government officer and employee members may decline to receive per diem  
1314 and expenses for their service.]~~

1315 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses  
1316 from the entity that they represent for their service may receive per diem and expenses  
1317 incurred in the performance of their official duties at the rates established by the Division of~~

1318 Finance under Sections 63A-3-106 and 63A-3-107.]

1319 ~~[(ii) Local government members may decline to receive per diem and expenses for~~  
1320 ~~their service.]~~

1321 (5) A member may not receive compensation or benefits for the member's service, but  
1322 may receive per diem and travel expenses in accordance with:

1323 (a) Section 63A-3-106;

1324 (b) Section 63A-3-107; and

1325 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1326 63A-3-107.

1327 Section 22. Section **9-4-503** is amended to read:

1328 **9-4-503. Private Activity Bond Review Board.**

1329 (1) There is created within the department the Private Activity Bond Review Board,  
1330 composed of 11 members as follows:

1331 (a) five ex officio members who shall be:

1332 (i) the executive director of the department or the executive director's designee;

1333 (ii) the director of the Division of Business and Economic Development or the  
1334 director's designee;

1335 (iii) the state treasurer or the treasurer's designee;

1336 (iv) the chair of the Board of Regents or the chair's designee; and

1337 (v) the chair of the Utah Housing Corporation or the chair's designee; and

1338 (b) six local government members who shall be:

1339 (i) three elected or appointed county officials, nominated by the Utah Association of  
1340 Counties and appointed by the governor with the consent of the Senate; and

1341 (ii) three elected or appointed municipal officials, nominated by the Utah League of  
1342 Cities and Towns and appointed by the governor with the consent of the Senate.

1343 (2) (a) Except as required by Subsection (2)(b), the terms of office for the local  
1344 government members of the board of review shall be four-year terms.

1345 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the



1346 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1347 board members are staggered so that approximately half of the board is appointed every two  
1348 years.

1349 (c) Members may be reappointed only once.

1350 (3) (a) If a local government member ceases to be an elected or appointed official of  
1351 the city or county the member is appointed to represent, that membership on the board of  
1352 review terminates immediately and there shall be a vacancy in the membership.

1353 (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
1354 appointed within 30 days in the manner of the regular appointment for the unexpired term, and  
1355 until his successor is appointed and qualified.

1356 (4) (a) The chair of the board of review shall be the executive director of the  
1357 department or the executive director's designee.

1358 (b) The chair is nonvoting except in the case of a tie vote.

1359 (5) Six members of the board of review constitute a quorum.

1360 (6) Formal action by the board of review requires a majority vote of a quorum.

1361 ~~[(7) (a) Members who are not government employees may not receive compensation or~~  
1362 ~~benefits for their services, but may receive per diem and expenses incurred in the performance~~  
1363 ~~of the member's official duties at the rates established by the Division of Finance under~~  
1364 ~~Sections 63A-3-106 and 63A-3-107.]~~

1365 ~~[(b) State government officer and employee members who do not receive salary, per~~  
1366 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
1367 ~~incurred in the performance of their official duties from the board at the rates established by~~  
1368 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1369 ~~[(c) Local government members who do not receive salary, per diem, or expenses from~~  
1370 ~~the entity that they represent for their service may receive per diem and expenses incurred in~~  
1371 ~~the performance of their official duties at the rates established by the Division of Finance~~  
1372 ~~under Sections 63A-3-106 and 63A-3-107.]~~

1373 ~~[(d) Higher education members who do not receive salary, per diem, or expenses from~~

1374 the entity that they represent for their service may receive per diem and expenses incurred in  
1375 the performance of their official duties from the committee at the rates established by the  
1376 Division of Finance under Sections 63A-3-106 and 63A-3-107.]

1377 [~~(e) Members identified in Subsections (7)(a) through (d) may decline to receive per  
1378 diem and expenses for their service.]~~

1379 (7) A member may not receive compensation or benefits for the member's service, but  
1380 may receive per diem and travel expenses in accordance with:

1381 (a) Section 63A-3-106;

1382 (b) Section 63A-3-107; and

1383 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1384 63A-3-107.

1385 (8) The chair of the board of review serves as the state official designated under state  
1386 law to make certifications required to be made under Section 146 of the code including the  
1387 certification required by Section 149(e)(2)(F) of the code.

1388 Section 23. Section **9-4-703** is amended to read:

1389 **9-4-703. Housing loan fund board -- Duties -- Expenses.**

1390 (1) There is created the Olene Walker Housing Loan Fund Board.

1391 (2) The board shall be composed of 11 voting members.

1392 (a) The governor shall appoint the following members to four-year terms:

1393 (i) two members from local governments;

1394 (ii) two members from the mortgage lending community;

1395 (iii) one member from real estate sales interests;

1396 (iv) one member from home builders interests;

1397 (v) one member from rental housing interests;

1398 (vi) one member from housing advocacy interests;

1399 (vii) one member of the manufactured housing interest; and

1400 (viii) two members of the general public.

1401 (b) The director or his designee shall serve as the secretary of the committee.

1402 (c) The members of the board shall annually elect a chair from among the voting  
1403 membership of the board.

1404 (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the  
1405 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1406 board members are staggered so that approximately half of the board is appointed every two  
1407 years.

1408 (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
1409 appointed for the unexpired term.

1410 (4) (a) The board shall:

1411 (i) meet regularly, at least quarterly, on dates fixed by the board;

1412 (ii) keep minutes of its meetings; and

1413 (iii) comply with the procedures and requirements of Title 52, Chapter 4, Open and  
1414 Public Meetings Act.

1415 (b) Seven members of the board constitute a quorum, and the governor, the chair, or a  
1416 majority of the board may call a meeting of the board.

1417 (5) The board shall:

1418 (a) review the housing needs in the state;

1419 (b) determine the relevant operational aspects of any grant, loan, or revenue collection  
1420 program established under the authority of this chapter;

1421 (c) determine the means to implement the policies and goals of this chapter;

1422 (d) determine specific projects that the board considers should receive grant or loan  
1423 moneys; and

1424 (e) determine how fund moneys shall be allocated and distributed.

1425 ~~[(6) (a) (i) Members who are not government employees shall receive no~~  
1426 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
1427 ~~the performance of the member's official duties at the rates established by the Division of~~  
1428 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

1429 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

1430 ~~[(b) (i) State government employee members who do not receive salary, per diem, or~~  
1431 ~~expenses from their agency for their service may receive per diem and expenses incurred in the~~  
1432 ~~performance of their official duties from the board at the rates established by the Division of~~  
1433 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

1434 ~~[(ii) State government employee members may decline to receive per diem and~~  
1435 ~~expenses for their service.]~~

1436 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~  
1437 ~~from the entity that they represent for their service may receive per diem and expenses~~  
1438 ~~incurred in the performance of their official duties at the rates established by the Division of~~  
1439 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

1440 ~~[(ii) Local government members may decline to receive per diem and expenses for~~  
1441 ~~their service.]~~

1442 (6) A member may not receive compensation or benefits for the member's service, but  
1443 may receive per diem and travel expenses in accordance with:

1444 (a) Section 63A-3-106;

1445 (b) Section 63A-3-107; and

1446 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1447 63A-3-107.

1448 Section 24. Section **9-4-801** is amended to read:

1449 **9-4-801. Creation.**

1450 (1) There is created the Homeless Coordinating Committee.

1451 (2) (a) The committee shall consist of the state planning coordinator, the state  
1452 superintendent of public instruction, the chair of the board of trustees of the Utah Housing  
1453 Corporation, and the executive directors of the Department of Human Services, the  
1454 Department of Corrections, the Department of Community and Culture, the Department of  
1455 Workforce Services, and the Department of Health, or their designees.

1456 (b) The governor shall appoint the chair from among these members.

1457 (3) The governor may also appoint as members of the committee representatives of

1458 local governments, local housing authorities, local law enforcement agencies, and of federal  
 1459 and private agencies and organizations concerned with the homeless, mentally ill, elderly,  
 1460 single-parent families, substance abusers, and persons with a disability.

1461 (4) (a) Except as required by Subsection (4)(b), as terms of current committee  
 1462 members expire, the governor shall appoint each new member or reappointed member to a  
 1463 four-year term.

1464 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
 1465 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
 1466 committee members are staggered so that approximately half of the committee is appointed  
 1467 every two years.

1468 (c) A person appointed under this Subsection (4) may not be appointed to serve more  
 1469 than three consecutive terms.

1470 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
 1471 appointed for the unexpired term.

1472 ~~[(6) (a) (i) Members who are not government employees shall receive no~~  
 1473 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
 1474 ~~the performance of the member's official duties at the rates established by the Division of~~  
 1475 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

1476 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

1477 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
 1478 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
 1479 ~~incurred in the performance of their official duties from the committee at the rates established~~  
 1480 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1481 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
 1482 ~~and expenses for their service.]~~

1483 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~  
 1484 ~~from the entity that they represent for their service may receive per diem and expenses~~  
 1485 ~~incurred in the performance of their official duties at the rates established by the Division of~~

1486 Finance under Sections ~~63A-3-106 and 63A-3-107.~~]

1487 [~~(ii) Local government members may decline to receive per diem and expenses for~~  
1488 ~~their service.~~]

1489 (6) A member may not receive compensation or benefits for the member's service, but  
1490 may receive per diem and travel expenses in accordance with:

1491 (a) Section 63A-3-106;

1492 (b) Section 63A-3-107; and

1493 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1494 63A-3-107.

1495 Section 25. Section **9-4-904** is amended to read:

1496 **9-4-904. Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers -- Quorum**  
1497 **-- Per diem and expenses.**

1498 (1) (a) There is created an independent body politic and corporate, constituting a  
1499 public corporation, known as the "Utah Housing Corporation."

1500 (b) The corporation may also be known and do business as the:

1501 (i) Utah Housing Finance Association; and

1502 (ii) Utah Housing Finance Agency in connection with any contract entered into when  
1503 that was the corporation's legal name.

1504 (c) Any other entity may not use the names described in Subsections (1)(a) and (b)  
1505 without the express approval of the corporation.

1506 (2) The corporation shall be governed by a board of trustees composed of the  
1507 following nine trustees:

1508 (a) three ex officio trustees who shall be:

1509 (i) the executive director of the Department of Community and Culture or the  
1510 executive director's designee;

1511 (ii) the commissioner of the Department of Financial Institutions or the  
1512 commissioner's designee; and

1513 (iii) the state treasurer or the treasurer's designee; and

- 1514 (b) six public trustees, being private citizens of the state, as follows:
- 1515 (i) two people representing the mortgage lending industry;
- 1516 (ii) two people representing the home building and real estate industry; and
- 1517 (iii) two people representing the public at large.
- 1518 (3) The governor shall:
- 1519 (a) appoint the six public trustees of the corporation with the consent of the Senate;
- 1520 and
- 1521 (b) ensure that:
- 1522 (i) the six public trustees are from different counties and are residents of Utah; and
- 1523 (ii) not more than three of the public trustees belong to the same political party.
- 1524 (4) (a) Except as required by Subsection (4)(b), the six public trustees shall be
- 1525 appointed to terms of office of four years each.
- 1526 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
- 1527 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 1528 corporation trustees are staggered so that approximately half of the board is appointed every
- 1529 two years.
- 1530 (5) (a) Any of the six public trustees of the corporation may be removed from office
- 1531 for cause either by the governor or by an affirmative vote of any six trustees of the corporation.
- 1532 (b) When a vacancy occurs in the board of trustees for any reason, the replacement
- 1533 shall be appointed for the unexpired term.
- 1534 (c) Each public trustee shall hold office for the term of appointment and until the
- 1535 trustee's successor has been appointed and qualified.
- 1536 (d) Any public trustee is eligible for reappointment but may not serve more than two
- 1537 full consecutive terms.
- 1538 (6) (a) The governor shall select the chair of the corporation.
- 1539 (b) The trustees shall elect from among their number a vice chair and other officers
- 1540 they may determine.
- 1541 (7) (a) Five trustees of the corporation constitute a quorum for transaction of business.

1542 (b) An affirmative vote of at least five trustees is necessary for any action to be taken  
1543 by the corporation.

1544 (c) A vacancy in the board of trustees may not impair the right of a quorum to exercise  
1545 all rights and perform all duties of the corporation.

1546 ~~[(8) (a) (i) Trustees who are not government employees may not receive compensation  
1547 or benefits for their services, but may receive a reasonable per diem and reimbursement  
1548 expenses incurred in the performance of the trustee's official duties at the rates established by  
1549 the board of trustees.]~~

1550 ~~[(ii) Trustees may decline to receive per diem and expenses for their service.]~~

1551 ~~[(b) (i) State government officer and employee trustees who do not receive salary, per  
1552 diem, or expenses from their agency for their service may receive per diem and expenses  
1553 incurred in the performance of their official duties from the corporation at the rates established  
1554 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1555 ~~[(ii) State government officer and employee trustees may decline to receive per diem  
1556 and expenses for their service.]~~

1557 (8) A trustee may not receive compensation or benefits for the trustee's service, but  
1558 may receive per diem and travel expenses in accordance with:

1559 (a) Section 63A-3-106;

1560 (b) Section 63A-3-107; and

1561 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1562 63A-3-107.

1563 Section 26. Section **9-6-204** is amended to read:

1564 **9-6-204. Utah Arts Council Board of Directors.**

1565 (1) There is created within the department the Board of Directors of the Utah Arts  
1566 Council.

1567 (2) (a) The board shall consist of 13 members appointed by the governor to four-year  
1568 terms of office with the consent of the Senate.

1569 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the



1570 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1571 board members are staggered so that approximately half of the board is appointed every two  
1572 years.

1573 (c) Nine board members shall be working artists in the following areas:

1574 (i) visual arts;

1575 (ii) architecture or design;

1576 (iii) literature;

1577 (iv) music;

1578 (v) sculpture;

1579 (vi) folklore or folk arts;

1580 (vii) theatre;

1581 (viii) dance; and

1582 (ix) media arts.

1583 (d) Four board members shall be citizens knowledgeable in the arts.

1584 (3) The members shall be appointed from the state at large with due consideration for  
1585 geographical representation.

1586 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
1587 appointed for the unexpired term by the governor within one month from the time of vacancy.

1588 (5) Seven members of the board constitute a quorum for the transaction of business.

1589 (6) The governor shall annually select one of the board members as chair.

1590 ~~[(7) (a) Members shall receive no compensation or benefits for their services, but may~~  
1591 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
1592 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1593 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

1594 (7) A member may not receive compensation or benefits for the member's service, but  
1595 may receive per diem and travel expenses in accordance with:

1596 (a) Section 63A-3-106;

1597 (b) Section 63A-3-107; and

1598 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1599 63A-3-107.

1600 [~~(c) Members~~] (8) A member may not receive gifts, prizes, or awards of money from  
1601 the purchasing fund of the division during [~~their terms~~] the member's term of office.

1602 Section 27. Section **9-6-305** is amended to read:

1603 **9-6-305. Art collection committee.**

1604 (1) The division shall appoint a committee of artists or judges of art to take charge of  
1605 all works of art acquired under this chapter. This collection shall be known as the Utah State  
1606 Alice Art Collection.

1607 (2) (a) Except as required by Subsection (2)(b), as terms of current board members  
1608 expire, the division shall appoint each new member or reappointed member to a four-year  
1609 term.

1610 (b) Notwithstanding the requirements of Subsection (2)(a), the division shall, at the  
1611 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1612 board members are staggered so that approximately half of the board is appointed every two  
1613 years.

1614 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
1615 appointed for the unexpired term.

1616 [~~(4) (a) Members shall receive no compensation or benefits for their services, but may~~  
1617 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
1618 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1619 [~~(b) Members may decline to receive per diem and expenses for their service.]~~

1620 (4) A member may not receive compensation or benefits for the member's service, but  
1621 may receive per diem and travel expenses in accordance with:

1622 (a) Section 63A-3-106;

1623 (b) Section 63A-3-107; and

1624 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1625 63A-3-107.

1626 Section 28. Section **9-6-604** is amended to read:

1627 **9-6-604. Museum Services Advisory Board -- Membership.**

1628 (1) There is created the Museum Services Advisory Board.

1629 (2) The board shall consist of 11 members appointed by the governor.

1630 (3) The governor shall ensure that the board includes:

1631 (a) at least six members who are qualified, trained, and experienced museum

1632 professionals, three of whom shall have a minimum of five years continuous paid work

1633 experience in a museum and be drawn from a list proposed by the Utah Museums Association;

1634 (b) other persons with an interest in Utah's museums; and

1635 (c) representation from throughout Utah.

1636 (4) (a) Advisory board members shall be appointed for terms of four years except that

1637 three shall initially be appointed for two years, four for three years, and four for four years.

1638 (b) They serve until their successors are appointed and qualified.

1639 (5) (a) The governor shall appoint the chair of the board.

1640 (b) The board shall choose a vice chair from its own members.

1641 (c) Members may be reappointed for one additional term only, unless the governor

1642 determines that unusual circumstances warrant a further term.

1643 (6) When a vacancy occurs in the membership for any reason, the replacement shall be

1644 appointed for the unexpired term.

1645 (7) Six members of the board constitute a quorum for the transaction of business.

1646 (8) The advisory board shall meet at least once a year.

1647 ~~[(9) (a) Members shall receive no compensation or benefits for their services, but may~~

1648 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~

1649 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1650 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

1651 (9) A member may not receive compensation or benefits for the member's service, but

1652 may receive per diem and travel expenses in accordance with:

1653 (a) Section 63A-3-106;

1654           (b) Section 63A-3-107; and  
1655           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1656 63A-3-107.

1657           (10) The department shall pay those expenses on warrant to the Division of Finance  
1658 from money in the budget appropriated for that purpose.

1659           Section 29. Section **9-6-704** is amended to read:

1660           **9-6-704. State-Owned Art Collections Inventory Program Committee --**  
1661 **Membership -- Chair -- Expenses -- Duties.**

1662           (1) There is created within the division the State-Owned Art Collections Inventory  
1663 Committee.

1664           (2) The committee consists of seven members who shall be experts in one or more  
1665 aspect of the program as follows:

- 1666           (a) the director of the Utah Museum of Fine Arts, or a designee;
- 1667           (b) the director of the Utah Arts Council, or a designee;
- 1668           (c) the director of the Division of Risk Management, or a designee;
- 1669           (d) the director of the Utah Academic Library Consortium, or a designee;
- 1670           (e) the director of the Utah State Archives and Records Service, or a designee;
- 1671           (f) the director of the Division of Facilities Construction and Management; and
- 1672           (g) a member of the public with expertise in the area of web site or database design  
1673 and administration appointed by the other members of the committee to serve at the pleasure  
1674 of the committee.

1675           (3) (a) The committee shall annually elect a chairperson from its membership.

1676           (b) (i) The committee shall hold meetings as needed to carry out its duties.

1677           (ii) A meeting may be held on the call of the chair or a majority of the committee  
1678 members.

1679           (c) Four committee members are necessary to constitute a quorum at any meeting and,  
1680 if a quorum exists, the action of a majority of members present shall be the action of the  
1681 committee.

1682           ~~[(4) (a) Committee members who are not government employees may not receive~~  
1683 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
1684 ~~the performance of their official duties at rates established by the Division of Finance under~~  
1685 ~~Sections 63A-3-106 and 63A-3-107.]~~

1686           ~~[(b) A committee member may decline to receive per diem and expenses for service to~~  
1687 ~~the committee.]~~

1688           (4) A committee member may not receive compensation or benefits for the member's  
1689 service, but may receive per diem and travel expenses in accordance with:

1690           (a) Section 63A-3-106;

1691           (b) Section 63A-3-107; and

1692           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1693 63A-3-107.

1694           (5) The division shall provide staff support to the committee.

1695           (6) The funding of the committee shall be a separate line item to the division in the  
1696 annual appropriations act.

1697           (7) The committee shall:

1698           (a) advise the division on the design and implementation of the inventory study  
1699 program;

1700           (b) monitor, advise, and make recommendations to the division to promote and ensure  
1701 the efficient and effective plan for the inventory study program; and

1702           (c) study promoting collaborative efforts to develop public awareness, public school  
1703 curriculum, and teacher training materials on the provisions of the program.

1704           Section 30. Section **9-7-204** is amended to read:

1705           **9-7-204. State Library Board -- Members -- Meetings -- Expenses.**

1706           (1) There is created within the department the State Library Board.

1707           (2) (a) The board shall consist of nine members appointed by the governor.

1708           (b) One member shall be appointed on recommendation from each of the following  
1709 agencies:

- 1710 (i) the State Office of Education;
- 1711 (ii) the Board of Control of the State Law Library;
- 1712 (iii) the Office of Legislative Research and General Counsel; and
- 1713 (iv) the Utah System of Higher Education.

1714 (c) Of the five remaining members at least two shall be appointed from rural areas.

1715 (3) (a) Except as required by Subsection (3)(b), as terms of current board members  
1716 expire, the governor shall appoint each new member or reappointed member to a four-year  
1717 term.

1718 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
1719 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1720 board members are staggered so that approximately half of the board is appointed every two  
1721 years.

1722 (4) The members may not serve more than two full consecutive terms.

1723 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
1724 appointed for the unexpired term in the same manner as originally appointed.

1725 (6) Five members of the board constitute a quorum for conducting board business.

1726 (7) The governor shall select one of the board members as chair who shall serve for a  
1727 period of two years.

1728 (8) The director of the State Library Division shall be executive officer of the board.

1729 ~~[(9) (a) (i) Members who are not government employees shall receive no~~  
1730 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
1731 ~~the performance of the member's official duties at the rates established by the Division of~~  
1732 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

1733 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

1734 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
1735 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
1736 ~~incurred in the performance of their official duties from the board at the rates established by~~  
1737 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1738 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
1739 ~~and expenses for their service.]~~

1740 ~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses~~  
1741 ~~from the entity that they represent for their service may receive per diem and expenses~~  
1742 ~~incurred in the performance of their official duties from the committee at the rates established~~  
1743 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1744 ~~[(ii) Higher education members may decline to receive per diem and expenses for their~~  
1745 ~~service.]~~

1746 (9) A member may not receive compensation or benefits for the member's service, but  
1747 may receive per diem and travel expenses in accordance with:

1748 (a) Section 63A-3-106;

1749 (b) Section 63A-3-107; and

1750 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1751 63A-3-107.

1752 Section 31. Section **9-8-204** is amended to read:

1753 **9-8-204. Board of State History.**

1754 (1) There is created within the department the Board of State History.

1755 (2) The board shall consist of 11 members appointed by the governor with the consent  
1756 of the Senate as follows:

1757 (a) sufficient representatives to satisfy the federal requirements for an adequately  
1758 qualified State Historic Preservation Review Board; and

1759 (b) other persons with an interest in the subject matter of the division's  
1760 responsibilities.

1761 (3) (a) Except as required by Subsection (3)(b), the members shall be appointed for  
1762 terms of four years and shall serve until their successors are appointed and qualified.

1763 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
1764 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1765 board members are staggered so that approximately half of the board is appointed every two

1766 years.

1767 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
1768 appointed for the unexpired term with the consent of the Senate.

1769 (5) Six members of the board are a quorum for the transaction of business.

1770 (6) The governor shall select a chair and vice chair from the board members.

1771 [~~(7) (a) Members shall receive no compensation or benefits for their services, but may  
1772 receive per diem and expenses incurred in the performance of the member's official duties at  
1773 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1774 [~~(b) Members may decline to receive per diem and expenses for their service.]~~

1775 (7) A member may not receive compensation or benefits for the member's service, but  
1776 may receive per diem and travel expenses in accordance with:

1777 (a) Section 63A-3-106;

1778 (b) Section 63A-3-107; and

1779 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1780 63A-3-107.

1781 Section 32. Section **9-9-104.5** is amended to read:

1782 **9-9-104.5. Meetings with tribal leaders and Indian groups.**

1783 (1) The division shall meet regularly with:

1784 (a) elected officials of Indian tribes located in whole or in part in the state; or

1785 (b) individuals designated by elected officials of the tribes described in Subsection

1786 (1)(a).

1787 (2) (a) Subject to Section 9-9-104.6, at least five times each year, the division shall  
1788 coordinate and attend a joint meeting of the representatives of tribal governments listed in  
1789 Subsection (2)(b) for the purpose of coordinating the efforts of state and tribal governments in  
1790 meeting the needs of the Native Americans residing in the state.

1791 (b) (i) The representatives to be included in the meeting described in Subsection (2)(a)  
1792 shall be selected as follows:

1793 (A) an elected official of the Navajo Nation that resides in San Juan County selected



1794 by the Navajo Nation government;

1795 (B) an elected official of the Ute Indian Tribe of the Uintah and Ouray Reservation  
1796 selected by the Uintah and Ouray Tribal Business Committee;

1797 (C) an elected official of the Paiute Indian Tribe of Utah selected by the Paiute Indian  
1798 Tribe of Utah Tribal Council;

1799 (D) an elected official of the Northwestern Band of the Shoshoni Nation that resides in  
1800 Northern Utah selected by the Northwestern Band of the Shoshoni Nation Tribal Council;

1801 (E) an elected official of the Confederate Tribes of Goshute Reservation that resides in  
1802 Ibapah selected by the Goshute Business Council;

1803 (F) an elected official of the Skull Valley Band of Goshute Indians selected by the  
1804 Goshute Indian Tribal Executive Committee;

1805 (G) an elected official of the Ute Mountain Ute Tribe that resides in Utah selected by  
1806 the Ute Mountain Ute Tribal Council; and

1807 (H) an elected official of the San Juan Southern Paiute Tribe selected by the San Juan  
1808 Southern Paiute Tribal Council.

1809 (ii) Notwithstanding Subsection (2)(b)(i), if an elected official of an Indian tribe  
1810 provides notice to the division, the Indian tribe may designate an individual other than the  
1811 elected official selected under Subsection (2)(b)(i) to represent the Indian tribe at a meeting  
1812 held under Subsection (2)(a).

1813 (c) (i) A meeting held in accordance with Subsection (2)(a) is subject to Title 52,  
1814 Chapter 4, Open and Public Meetings Act.

1815 (ii) A meeting of representatives listed in Subsection (2)(b) is not subject to the  
1816 requirements of Title 52, Chapter 4, Open and Public Meetings Act, notwithstanding whether  
1817 it is held on the same day as a meeting held in accordance with Subsection (2)(a) if:

1818 (A) the division does not coordinate the meeting described in this Subsection  
1819 (2)(c)(ii);

1820 (B) no state agency participates in the meeting described in this Subsection (2)(c)(ii);

1821 (C) a representative receives no per diem or expenses under this section for attending

1822 the meeting described in this Subsection (2)(c)(ii) that is in addition to any per diem or  
1823 expenses the representative receives under Subsection (2)(d) for attending a meeting described  
1824 in Subsection (2)(a); and

1825 (D) the meeting described in this Subsection (2)(c)(ii) is not held:

1826 (I) after a meeting described in Subsection (2)(a) begins; and

1827 (II) before the meeting described in Subsection (2)(c)(ii)(D)(I) adjourns.

1828 ~~[(d)(i) The representative selected under Subsection (2)(b) that attends a meeting held  
1829 in accordance with Subsection (2)(a) who does not receive compensation, per diem, or  
1830 expenses from the tribal government specifically for the representative's attendance at that  
1831 meeting may receive per diem and expenses incurred in attending the meeting at the rates  
1832 established by the Division of Finance under Sections 63A-3-106 and 63A-3-107;]~~

1833 ~~[(ii) A representative of a tribal government that attends a meeting held in accordance  
1834 with Subsection (2)(a) may decline to receive per diem and expenses for the representative's  
1835 attendance;]~~

1836 (d) A representative of a tribal government that attends a meeting held in accordance  
1837 with Subsection (2)(a) may not receive compensation or benefits for the representative's  
1838 service, but may receive per diem and travel expenses in accordance with:

1839 (i) Section 63A-3-106;

1840 (ii) Section 63A-3-107; and

1841 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1842 63A-3-107.

1843 ~~[(iii)] (e) For each meeting, only one individual from each tribe may receive per diem  
1844 and expenses, as provided in this Subsection (2)(d).~~

1845 (3) The division may meet as necessary with Indian groups other than tribal  
1846 governments representing the interests of Native Americans who are citizens of the state  
1847 residing on or off reservation land.

1848 Section 33. Section **9-9-104.6** is amended to read:

1849 **9-9-104.6. Participation of state agencies in meetings with tribal leaders --**

1850 **Contact information.**

1851 (1) For at least three of the joint meetings described in Subsection 9-9-104.5(2)(a), the  
1852 division shall coordinate with representatives of tribal governments and the entities listed in  
1853 Subsection (2) to provide for the broadest participation possible in the joint meetings.

1854 (2) The following may participate in all meetings described in Subsection (1):

1855 (a) the chairs of the Native American Legislative Liaison Committee created in  
1856 Section 36-22-1;

1857 (b) the governor or the governor's designee; and

1858 (c) a representative appointed by the chief administrative officer of the following:

1859 (i) the Department of Health;

1860 (ii) the Department of Human Services;

1861 (iii) the Department of Natural Resources;

1862 (iv) the Department of Workforce Services;

1863 (v) the Governor's Office of Economic Development;

1864 (vi) the State Office of Education; and

1865 (vii) the State Board of Regents.

1866 (3) (a) The chief administrative officer of the agencies listed in Subsection (3)(b)  
1867 shall:

1868 (i) designate the name of a contact person for that agency that can assist in  
1869 coordinating the efforts of state and tribal governments in meeting the needs of the Native  
1870 Americans residing in the state; and

1871 (ii) notify the division:

1872 (A) who is the designated contact person described in Subsection (3)(a)(i); and

1873 (B) of any change in who is the designated contact person described in Subsection  
1874 (3)(a)(i).

1875 (b) This Subsection (3) applies to:

1876 (i) the Department of Agriculture and Food;

1877 (ii) the Department of Community and Culture;

- 1878 (iii) the Department of Corrections;
- 1879 (iv) the Department of Environmental Quality;
- 1880 (v) the Department of Public Safety;
- 1881 (vi) the Department of Transportation;
- 1882 (vii) the Office of the Attorney General;
- 1883 (viii) the State Tax Commission; and
- 1884 (ix) any agency described in Subsection (2)(c).

1885 (c) At the request of the division, a contact person listed in Subsection (3)(b) may  
1886 participate in a meeting described in Subsection (1).

1887 ~~[(4) (a) Salaries and expenses of a legislator participating in accordance with this~~  
1888 ~~section in a meeting described in Subsection (1) shall be paid in accordance with Section~~  
1889 ~~36-2-2 and Joint Rule 15.03.]~~

1890 ~~[(b) A state government officer or employee may receive per diem and expenses at the~~  
1891 ~~rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107 for~~  
1892 ~~participating in a meeting described in Subsection (1) if the officer or employee:]~~

1893 ~~[(i) participates in the meeting in accordance with this section; and]~~

1894 ~~[(ii) does not receive salary, per diem, or expenses from the officer's or employee's~~  
1895 ~~agency for participating in the meeting.]~~

1896 ~~[(c) A state government officer or employee that participates in a meeting described in~~  
1897 ~~Subsection (1) may decline to receive per diem and expenses for participating in the meeting.]~~

1898 (4) A participant under this section who is not a legislator may not receive  
1899 compensation or benefits for the participant's service, but may receive per diem and travel  
1900 expenses in accordance with:

1901 (a) Section 63A-3-106;

1902 (b) Section 63A-3-107; and

1903 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1904 63A-3-107.

1905 Section 34. Section **9-9-405** is amended to read:

1906           **9-9-405. Review committee.**  
1907           (1) There is created a Native American Remains Review Committee.  
1908           (2) (a) The review committee shall be composed of seven members as follows:  
1909           (i) four shall be appointed by the director from nominations submitted by Indian  
1910 tribes; and  
1911           (ii) three shall be appointed by the director from nominations submitted by  
1912 representatives of repositories.  
1913           (b) Except as required by Subsection (2)(c), as terms of current committee members  
1914 expire, the director shall appoint each new member or reappointed member to a four-year term.  
1915           (c) Notwithstanding the requirements of Subsection (2)(b), the director shall, at the  
1916 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1917 committee members are staggered so that approximately half of the review committee is  
1918 appointed every two years.  
1919           (d) When a vacancy occurs in the membership for any reason, the director shall  
1920 appoint a replacement for the unexpired term.  
1921           ~~[(e) (i) A member may not receive compensation or benefits for the member's services;~~  
1922 ~~but may receive per diem and expenses incurred in the performance of the member's official~~  
1923 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~  
1924 ~~63A-3-107.]~~  
1925           ~~[(ii) A member may decline to receive per diem and expenses for the member's~~  
1926 ~~service.]~~  
1927           (e) A member may not receive compensation or benefits for the member's service, but  
1928 may receive per diem and travel expenses in accordance with:  
1929           (i) Section 63A-3-106;  
1930           (ii) Section 63A-3-107; and  
1931           (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1932 63A-3-107.  
1933           (f) The review committee shall designate one of its members as chair.

- 1934 (3) The review committee shall:
- 1935 (a) monitor the identification process conducted under Section 9-9-403 to ensure a fair  
1936 and objective consideration and assessment of all available relevant information and evidence;
- 1937 (b) review a finding relating to the following, subject to the rules made by the division  
1938 under Subsection 9-9-403(6):
- 1939 (i) the identity or cultural affiliation of Native American remains; or
- 1940 (ii) the return of Native American remains;
- 1941 (c) facilitate the resolution of a dispute among Indian tribes or lineal descendants and  
1942 state agencies relating to the return of Native American remains, including convening the  
1943 parties to the dispute if considered desirable;
- 1944 (d) consult with Indian tribes on matters within the scope of the work of the review  
1945 committee affecting these tribes;
- 1946 (e) consult with the division in the development of rules to carry out this part;
- 1947 (f) perform other related functions as the division may assign to the review committee;  
1948 and
- 1949 (g) make recommendations, if appropriate, regarding care of Native American remains  
1950 that are to be repatriated.
- 1951 (4) A record or finding made by the review committee relating to the identity of or  
1952 cultural affiliation of Native American remains and the return of Native American remains  
1953 may be admissible in any action brought under this part.
- 1954 (5) The appropriate state agency having primary authority over the lands as provided  
1955 in Chapter 8, Part 3, Antiquities, shall ensure that the review committee has reasonable access  
1956 to:
- 1957 (a) Native American remains under review; and
- 1958 (b) associated scientific and historical documents.
- 1959 (6) The division shall provide reasonable administrative and staff support necessary  
1960 for the deliberations of the review committee.
- 1961 (7) The review committee shall submit an annual report to the Native American

1962 Legislative Liaison Committee, created in Section 36-22-1, on the progress made, and any  
1963 barriers encountered, in implementing this section during the previous year.

1964 Section 35. Section **9-10-103** is amended to read:

1965 **9-10-103. Uintah Basin Revitalization Fund Board created -- Members -- Terms**  
1966 **-- Chair -- Quorum -- Expenses.**

1967 (1) There is created within the division the Revitalization Board composed of five  
1968 members as follows:

- 1969 (a) the governor or his designee;
- 1970 (b) a Uintah County commissioner;
- 1971 (c) a Duchesne County commissioner; and
- 1972 (d) two representatives of the Business Committee of the Tribe.

1973 (2) The terms of office for the members of the board shall run concurrently with the  
1974 terms of office for the governor, commissioners, and Business Committee of the Tribe.

1975 (3) The governor, or his designee, shall be the chair of the board.

1976 (4) Four board members are a quorum.

1977 (5) All decisions of the board require four affirmative votes.

1978 ~~[(6) (a) (i) Members who are not government employees shall receive no~~  
1979 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
1980 ~~the performance of the member's official duties at the rates established by the Division of~~  
1981 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

1982 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

1983 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
1984 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
1985 ~~incurred in the performance of their official duties from the board at the rates established by~~  
1986 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

1987 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
1988 ~~and expenses for their service.]~~

1989 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~

1990 from the entity that they represent for their service may receive per diem and expenses  
1991 incurred in the performance of their official duties at the rates established by the Division of  
1992 Finance under Sections 63A-3-106 and 63A-3-107.]

1993 [~~(ii) Local government members may decline to receive per diem and expenses for  
1994 their service.~~]

1995 (6) A member may not receive compensation or benefits for the member's service, but  
1996 may receive per diem and travel expenses in accordance with:

1997 (a) Section 63A-3-106;

1998 (b) Section 63A-3-107; and

1999 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2000 63A-3-107.

2001 Section 36. Section **9-11-105** is amended to read:

2002 **9-11-105. Navajo Revitalization Fund Board.**

2003 (1) There is created within the division the Navajo Revitalization Board composed of  
2004 five members as follows:

2005 (a) the governor or the governor's designee;

2006 (b) the two members of the San Juan County commission whose districts include  
2007 portions of the Navajo Reservation;

2008 (c) the chair of the Navajo Utah Commission or a member of the commission  
2009 designated by the chair of the Navajo Utah Commission; and

2010 (d) (i) ending June 30, 2008, the chair of the Utah Dineh Committee, as created in  
2011 Section 63-88-107, or a member of the committee designated by the chair; and

2012 (ii) beginning July 1, 2008, a president of a Utah Navajo Chapter or an individual  
2013 designated by the president under an annual rotation system of Utah Navajo Chapters as  
2014 follows:

2015 (A) the president of a Utah Navajo Chapter shall serve for one year;

2016 (B) the Utah Navajo Chapter is rotated in alphabetical order as provided in Subsection  
2017 9-11-102(7), except that the rotation will begin on July 1, 2008 with the Dennehotso Chapter;



2018 (C) if the president of a Utah Navajo Chapter under Subsection (1)(d)(ii)(B) is the  
2019 same individual as the individual listed in Subsection (1)(c):

2020 (I) that Utah Navajo Chapter is skipped as part of that rotation; and

2021 (II) the president of the next Utah Navajo Chapter in the alphabetical rotation shall  
2022 serve on the board.

2023 (2) The term of office for a member of the board described in Subsections (1)(a)  
2024 through (c) runs concurrently with the term of office for the governor, county commissioner,  
2025 or member of the Navajo Utah Commission.

2026 (3) (a) The governor, or the governor's designee, is the chair of the board.

2027 (b) The chair shall call necessary meetings.

2028 ~~[(4) (a) (i) A member who is not a government employee of the state or local  
2029 government may not receive compensation or benefits for the member's services, but may  
2030 receive per diem and expenses incurred in the performance of the member's official duties at  
2031 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2032 ~~[(ii) A member who is not a government employee of the state or local government  
2033 may decline to receive per diem and expenses for the member's service.]~~

2034 ~~[(b) (i) A state government officer or employee member who does not receive salary,  
2035 per diem, or expenses from the member's agency for the member's service may receive per  
2036 diem and expenses incurred in the performance of the member's official duties from the board  
2037 at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2038 ~~[(ii) A state government officer or employee member may decline to receive per diem  
2039 and expenses for the member's service.]~~

2040 ~~[(c) (i) A local government member who does not receive salary, per diem, or expenses  
2041 from the entity that the member represents for the member's service may receive per diem and  
2042 expenses incurred in the performance of the member's official duties at the rates established by  
2043 the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2044 ~~[(ii) A local government member may decline to receive per diem and expenses for the  
2045 member's service.]~~

2046 (4) A member may not receive compensation or benefits for the member's service, but  
2047 may receive per diem and travel expenses in accordance with:

2048 (a) Section 63A-3-106;

2049 (b) Section 63A-3-107; and

2050 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2051 63A-3-107.

2052 [~~(4)~~] (5) The per diem and travel expenses permitted under [~~this~~] Subsection (4) may  
2053 be included as costs of administration of the revitalization fund.

2054 [~~(5)~~] (6) Four board members are a quorum.

2055 [~~(6)~~] (7) An affirmative vote of each member of the board present at a meeting when a  
2056 quorum is present is required for a board decision related to monies in or disbursed from the  
2057 revitalization fund.

2058 Section 37. Section **10-6-153** is amended to read:

2059 **10-6-153. Municipal government fiscal committee created -- Members -- Terms**  
2060 **-- Vacancies -- Recommendations.**

2061 (1) There is hereby created a municipal government fiscal committee, the members of  
2062 which shall be:

2063 (a) all auditors of cities of the first class and two auditors from cities of the second  
2064 class appointed by the state auditor;

2065 (b) four elected or appointed municipal officials, two of whom shall be from larger  
2066 cities of the third class, one of whom shall be from cities of the fourth class, and one of whom  
2067 shall be from cities of the fifth class, appointed by the state auditor from a list recommended  
2068 by the Utah League of Cities and Towns; and

2069 (c) two additional members who are knowledgeable in the area of municipal fiscal  
2070 affairs appointed by the state auditor.

2071 (2) (a) Members shall be appointed to four-year terms on the committee, provided that  
2072 the term of an elected or appointed official shall terminate upon ceasing to be an elected  
2073 official or an employee of the city for which such person worked when appointed.

2074 (b) Notwithstanding the requirements of Subsection (2)(a), the auditor shall, at the  
2075 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2076 committee members are staggered so that approximately half of the committee is appointed  
2077 every two years.

2078 (3) Any vacancy shall be filled by the state auditor from the same class as the original  
2079 appointment as described in Subsection (1). Members may be reappointed.

2080 (4) The advisory committee shall assist, advise, and make recommendations to the  
2081 state auditor in the preparation of uniform accounting and reporting procedures and program  
2082 and performance accounting, budgeting, and reporting for cities.

2083 ~~[(5) (a) Members shall receive no compensation or benefits for their services, but may  
2084 receive per diem and expenses incurred in the performance of the member's official duties at  
2085 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2086 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

2087 ~~[(c) Local government members who do not receive salary, per diem, or expenses from  
2088 the entity that they represent for their service may receive per diem and expenses incurred in  
2089 the performance of their official duties at the rates established by the Division of Finance  
2090 under Sections 63A-3-106 and 63A-3-107.]~~

2091 ~~[(d) Local government members may decline to receive per diem and expenses for  
2092 their service.]~~

2093 (5) A member may not receive compensation or benefits for the member's service, but  
2094 may receive per diem and travel expenses in accordance with:

2095 (a) Section 63A-3-106;

2096 (b) Section 63A-3-107; and

2097 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2098 63A-3-107.

2099 Section 38. Section **11-38-201** is amended to read:

2100 **11-38-201. Quality Growth Commission -- Term of office -- Vacancy --**  
2101 **Organization -- Expenses -- Staff.**

2102 (1) (a) There is created a Quality Growth Commission consisting of:  
2103 (i) the director of the Department of Natural Resources;  
2104 (ii) the commissioner of the Department of Agriculture and Food;  
2105 (iii) six elected officials at the local government level, three of whom may not be  
2106 residents of a county of the first or second class; and  
2107 (iv) five persons from the profit and nonprofit private sector, two of whom may not be  
2108 residents of a county of the first or second class and no more than three of whom may be from  
2109 the same political party and one of whom shall be from the residential construction industry,  
2110 nominated by the Utah Home Builders Association, and one of whom shall be from the real  
2111 estate industry, nominated by the Utah Association of Realtors.

2112 (b) (i) The director of the Department of Natural Resources and the commissioner of  
2113 the Department of Agriculture and Food may not assume their positions on the commission  
2114 until:

2115 (A) after May 1, 2005; and  
2116 (B) the term of the respective predecessor in office, who is a state government level  
2117 appointee, expires.

2118 (ii) The term of a commission member serving on May 1, 2005 as one of the six  
2119 elected local officials or five private sector appointees may not be shortened because of  
2120 application of the restriction under Subsections (1)(a)(iii) and (iv) on the number of appointees  
2121 from counties of the first or second class.

2122 (2) (a) Each commission member appointed under Subsection (1)(a)(iii) or (iv) shall  
2123 be appointed by the governor with the consent of the Senate.

2124 (b) The governor shall select three of the six members under Subsection (1)(a)(iii)  
2125 from a list of names provided by the Utah League of Cities and Towns, and shall select the  
2126 remaining three from a list of names provided by the Utah Association of Counties.

2127 (c) Two of the persons appointed under Subsection (1) shall be from the agricultural  
2128 community from a list of names provided by Utah farm organizations.

2129 (3) (a) The term of office of each member is four years, except that the governor shall

2130 appoint one of the persons at the state government level, three of the persons at the local  
2131 government level, and two of the persons under Subsection (1)(a)(iv) to an initial two-year  
2132 term.

2133 (b) No member of the commission may serve more than two consecutive four-year  
2134 terms.

2135 (4) Each mid-term vacancy shall be filled for the unexpired term in the same manner  
2136 as an appointment under Subsection (2).

2137 (5) Commission members shall elect a chair from their number and establish rules for  
2138 the organization and operation of the commission.

2139 [~~(6) (a) No member may receive compensation or benefits for the member's service on~~  
2140 ~~the commission.~~]

2141 [~~(b) (i) A member who is not a government officer or employee may be reimbursed for~~  
2142 ~~reasonable expenses incurred in the performance of the member's official duties at the rates~~  
2143 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]

2144 [~~(ii) A member who is a government officer or employee and who does not receive~~  
2145 ~~expenses from the member's agency may be reimbursed for reasonable expenses incurred in~~  
2146 ~~the performance of the member's official duties at the rates established by the Division of~~  
2147 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]

2148 [~~(c) A member may decline to be reimbursed for reasonable expenses incurred in the~~  
2149 ~~performance of the member's official duties.~~]

2150 (6) A member may not receive compensation or benefits for the member's service, but  
2151 may receive per diem and travel expenses in accordance with:

2152 (a) Section 63A-3-106;

2153 (b) Section 63A-3-107; and

2154 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2155 63A-3-107.

2156 [~~(7)~~ (7) A member is not required to give bond for the performance of official duties.

2157 [~~(7)~~ (8) Staff services to the commission:

2158 (a) shall be provided by OPB; and

2159 (b) may be provided by local entities through the Utah Association of Counties and  
2160 the Utah League of Cities and Towns, with funds approved by the commission from those  
2161 identified as available to local entities under Subsection 11-38-203(1)(a).

2162 Section 39. Section **13-14-103** is amended to read:

2163 **13-14-103. Utah Motor Vehicle Franchise Advisory Board -- Creation --**

2164 **Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of**  
2165 **interest.**

2166 (1) There is created within the department the Utah Motor Vehicle Franchise Advisory  
2167 Board that consists of:

2168 (a) the executive director or the executive director's designee; and

2169 (b) seven members appointed by the executive director, with the concurrence of the  
2170 governor as follows:

2171 (i) one recreational motor vehicle franchisee;

2172 (ii) three new motor vehicle franchisees from different congressional districts in the  
2173 state; and

2174 (iii) (A) three members representing motor vehicle franchisors registered by the  
2175 department pursuant to Section 13-14-105;

2176 (B) three members of the general public, none of whom shall be related to any  
2177 franchisee; or

2178 (C) three members consisting of any combination of these representatives under this  
2179 Subsection (1)(b)(iii).

2180 (2) (a) The executive director shall appoint, with the concurrence of the governor,  
2181 three alternate members, with one alternate from each of the designations set forth in  
2182 Subsections (1)(b)(i), (1)(b)(ii), and (1)(b)(iii), except that the new motor vehicle franchisee  
2183 alternate or alternates for the designation under Subsection (1)(b)(ii) may be from any  
2184 congressional district.

2185 (b) An alternate shall take the place of a regular advisory board member from the same

2186 designation at a meeting of the advisory board where that regular advisory board member is  
2187 absent or otherwise disqualified from participating in the advisory board meeting.

2188 (3) (a) (i) Members of the advisory board appointed under Subsections (1)(b) and (2)  
2189 are appointed for a term of four years.

2190 (ii) No specific term applies to the executive director or the executive director's  
2191 designee.

2192 (b) The executive director may adjust the term of members who were appointed to the  
2193 advisory board prior to July 1, 2001, by extending the unexpired term of a member for up to  
2194 two additional years in order to insure that approximately half of the members are appointed  
2195 every two years.

2196 (c) In the event of a vacancy on the advisory board of a member appointed under  
2197 Subsection (1)(b) or (2), the executive director with the concurrence of the governor, shall  
2198 appoint an individual to complete the unexpired term of the member whose office is vacant.

2199 (d) A member may not be appointed to more than two consecutive terms.

2200 (4) (a) The executive director or the executive director's designee is the chair of the  
2201 advisory board.

2202 (b) The department shall keep a record of all hearings, proceedings, transactions,  
2203 communications, and recommendations of the advisory board.

2204 (5) (a) Four or more members of the advisory board constitute a quorum for the  
2205 transaction of business.

2206 (b) The action of a majority of a quorum present is considered the action of the  
2207 advisory board.

2208 (6) (a) A member of the advisory board may not participate as a board member in a  
2209 proceeding or hearing:

2210 (i) involving the member's licensed business or employer; or

2211 (ii) when a member, a member's business or family, or employer has a pecuniary  
2212 interest in the outcome or other conflict of interest concerning an issue before the advisory  
2213 board.

2214 (b) If a member of the advisory board is disqualified under Subsection (6)(a), the  
2215 executive director shall select the appropriate alternate member to act on the issue before the  
2216 advisory board as provided in Subsection (2).

2217 (7) Except for the executive director or the executive director's designee, an individual  
2218 may not be appointed or serve on the advisory board while holding any other elective or  
2219 appointive state or federal office.

2220 ~~[(8)(a)(i) A member of the advisory board who is not a government employee shall~~  
2221 ~~receive no compensation or benefits for the member's services, but may receive per diem and~~  
2222 ~~expenses incurred in the performance of the member's official duties at the rates established by~~  
2223 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2224 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~  
2225 ~~services.]~~

2226 ~~[(b)(i) A state government officer and employee member who does not receive salary,~~  
2227 ~~per diem, or expenses from the member's agency for the member's service may receive per~~  
2228 ~~diem and expenses incurred in the performance of the member's official duties at the rates~~  
2229 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2230 ~~[(ii) A state government officer and employee member may decline to receive per~~  
2231 ~~diem and expenses for the member's service.]~~

2232 (8) A member may not receive compensation or benefits for the member's service, but  
2233 may receive per diem and travel expenses in accordance with:

2234 (a) Section 63A-3-106;

2235 (b) Section 63A-3-107; and

2236 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2237 63A-3-107.

2238 (9) The department shall provide necessary staff support to the advisory board.

2239 Section 40. Section **13-35-103** is amended to read:

2240 **13-35-103. Utah Powersport Vehicle Franchise Advisory Board -- Creation --**

2241 **Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of**



2242 **interest.**

2243 (1) There is created within the department the Utah Powersport Vehicle Franchise  
2244 Advisory Board that consists of:

2245 (a) the executive director or the executive director's designee; and

2246 (b) six members appointed by the executive director, with the concurrence of the  
2247 governor, as follows:

2248 (i) three new powersport vehicle franchisees, one from each of the three congressional  
2249 districts in the state; and

2250 (ii) (A) three members representing powersport vehicle franchisors registered by the  
2251 department pursuant to Section 13-35-105;

2252 (B) three members of the general public, none of whom shall be related to any  
2253 franchisee; or

2254 (C) three members consisting of any combination of these representatives under this  
2255 Subsection (1)(b)(ii).

2256 (2) (a) The executive director shall also appoint, with the concurrence of the governor,  
2257 three alternate members, with at least one alternate from each of the designations set forth in  
2258 Subsections (1)(b)(i) and (1)(b)(ii), except that the new powersport vehicle franchisee alternate  
2259 or alternates for the designation under Subsection (1)(b)(i) may be from any congressional  
2260 district.

2261 (b) An alternate shall take the place of a regular advisory board member from the same  
2262 designation at a meeting of the advisory board where that regular advisory board member is  
2263 absent or otherwise disqualified from participating in the advisory board meeting.

2264 (3) (a) (i) Members of the advisory board appointed under Subsections (1)(b) and (2)  
2265 shall be appointed for a term of four years.

2266 (ii) No specific term shall apply to the executive director or the executive director's  
2267 designee.

2268 (b) The executive director may adjust the term of members who were appointed to the  
2269 advisory board prior to July 1, 2002, by extending the unexpired term of a member for up to

2270 two additional years in order to insure that approximately half of the members are appointed  
2271 every two years.

2272 (c) In the event of a vacancy on the advisory board of a member appointed under  
2273 Subsection (1)(b) or (2), the executive director with the concurrence of the governor, shall  
2274 appoint an individual to complete the unexpired term of the member whose office is vacant.

2275 (d) A member may not be appointed to more than two consecutive terms.

2276 (4) (a) The executive director or the executive director's designee shall be the chair of  
2277 the advisory board.

2278 (b) The department shall keep a record of all hearings, proceedings, transactions,  
2279 communications, and recommendations of the advisory board.

2280 (5) (a) Four or more members of the advisory board constitute a quorum for the  
2281 transaction of business.

2282 (b) The action of a majority of a quorum present is considered the action of the  
2283 advisory board.

2284 (6) (a) A member of the advisory board may not participate as a board member in a  
2285 proceeding or hearing:

2286 (i) involving the member's business or employer; or

2287 (ii) when a member, a member's business, family, or employer has a pecuniary interest  
2288 in the outcome or other conflict of interest concerning an issue before the advisory board.

2289 (b) If a member of the advisory board is disqualified under Subsection (6)(a), the  
2290 executive director shall select the appropriate alternate member to act on the issue before the  
2291 advisory board as provided in Subsection (2).

2292 (7) Except for the executive director or the executive director's designee, an individual  
2293 may not be appointed or serve on the advisory board while holding any other elective or  
2294 appointive state or federal office.

2295 ~~[(8) (a) (i) A member of the advisory board who is not a government employee shall~~  
2296 ~~receive no compensation or benefits for the member's services, but may receive per diem and~~  
2297 ~~expenses incurred in the performance of the member's official duties at the rates established by~~

2298 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2299 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~  
2300 ~~services.]~~

2301 ~~[(b) (i) A state government officer or employee member who does not receive salary,~~  
2302 ~~per diem, or expenses from the member's agency for the member's service may receive per~~  
2303 ~~diem and expenses incurred in the performance of the member's official duties at the rates~~  
2304 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2305 ~~[(ii) A state government officer or employee member may decline to receive per diem~~  
2306 ~~and expenses for the member's service.]~~

2307 (8) A member may not receive compensation or benefits for the member's service, but  
2308 may receive per diem and travel expenses in accordance with:

2309 (a) Section 63A-3-106;

2310 (b) Section 63A-3-107; and

2311 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2312 63A-3-107.

2313 (9) The department shall provide necessary staff support to the advisory board.

2314 Section 41. Section ~~13-43-202~~ is amended to read:

2315 **13-43-202. Land Use and Eminent Domain Advisory Board -- Appointment --**  
2316 **Compensation -- Duties.**

2317 (1) There is created the Land Use and Eminent Domain Advisory Board, within the  
2318 Office of the Property Rights Ombudsman, consisting of the following seven members:

2319 (a) one individual representing special service districts, nominated by the Utah  
2320 Association of Special Districts;

2321 (b) one individual representing municipal government, nominated by the Utah League  
2322 of Cities and Towns;

2323 (c) one individual representing county government, nominated by the Utah  
2324 Association of Counties;

2325 (d) one individual representing the residential construction industry, nominated by the

2326 Utah Home Builders Association;

2327 (e) one individual representing the real estate industry, nominated by the Utah  
2328 Association of Realtors;

2329 (f) one individual representing the land development community, jointly nominated by  
2330 the Utah Association of Realtors and the Home Builders Association of Utah; and

2331 (g) one individual who:

2332 (i) is a citizen with experience in land use issues;

2333 (ii) does not hold public office; and

2334 (iii) is not currently employed, nor has been employed in the previous 12 months, by  
2335 any of the entities or industries listed in Subsections (1)(a) through (f).

2336 (2) After receiving nominations, the governor shall appoint members to the board.

2337 (3) The term of office of each member is four years, except that the governor shall  
2338 appoint three of the members of the board to an initial two-year term.

2339 (4) Each mid-term vacancy shall be filled for the unexpired term in the same manner  
2340 as an appointment under Subsections (1) and (2).

2341 (5) (a) Board members shall elect a chair from their number and establish rules for the  
2342 organization and operation of the board.

2343 (b) Five members of the board constitute a quorum for the conduct of the board's  
2344 business.

2345 (c) The affirmative vote of five members is required to constitute the decision of the  
2346 board on any matter.

2347 ~~[(6) (a) No member may receive compensation or benefits for the member's service on  
2348 the board.]~~

2349 ~~[(b) (i) A member who is not a government officer or employee may be reimbursed for  
2350 reasonable expenses incurred in the performance of the member's official duties at the rates  
2351 established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2352 ~~[(ii) A member who is a government officer or employee and who does not receive  
2353 expenses from the member's agency may be reimbursed for reasonable expenses incurred in~~

2354 ~~the performance of the member's official duties at the rates established by the Division of~~  
2355 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

2356 ~~[(c) A member may decline to be reimbursed for reasonable expenses incurred in the~~  
2357 ~~performance of the member's official duties.]~~

2358 (6) A member may not receive compensation or benefits for the member's service, but  
2359 may receive per diem and travel expenses in accordance with:

2360 (a) Section 63A-3-106;

2361 (b) Section 63A-3-107; and

2362 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2363 63A-3-107.

2364 ~~[(d)] (7) A member need not give a bond for the performance of official duties.~~

2365 ~~[(7)] (8) The Office of the Property Rights Ombudsman shall provide staff to the~~  
2366 ~~board.~~

2367 ~~[(8)] (9) The board shall:~~

2368 (a) receive reports from the Office of the Property Rights Ombudsman that are  
2369 requested by the board;

2370 (b) establish rules of conduct and performance for the Office of the Property Rights  
2371 Ombudsman;

2372 (c) receive donations or contributions from any source for the Office of the Property  
2373 Rights Ombudsman's benefit;

2374 (d) subject to any restriction placed on a donation or contribution received under  
2375 Subsection ~~[(8)] (9)(c)~~, authorize the expenditure of donations or contributions for the Office  
2376 of the Property Rights Ombudsman's benefit;

2377 (e) receive budget recommendations from the Office of the Property Rights  
2378 Ombudsman; and

2379 (f) revise budget recommendations received under Subsection ~~[(8)] (9)(e)~~.

2380 ~~[(9)] (10) The board shall maintain a resource list of qualified arbitrators and~~  
2381 ~~mediators who may be appointed under Section 13-43-204 and qualified persons who may be~~

2382 appointed to render advisory opinions under Section 13-43-205.

2383 Section 42. Section **17-36-5** is amended to read:

2384 **17-36-5. Creation of Citizens and County Officials Advisory Committee.**

2385 (1) For the purpose of this act there is created a Citizens and County Officials  
2386 Advisory Committee appointed by the state auditor composed of the following persons:

- 2387 (a) five county auditors elected to that specific and exclusive position;
- 2388 (b) five county treasurers elected to that specific and exclusive position;
- 2389 (c) two citizens with expertise in the area of local government and the needs and  
2390 problems of such government;

2391 (d) four additional elected county officers, one of whom shall be from the five largest  
2392 counties in the state and one of whom shall be from the five smallest counties in the state; and

2393 (e) such other members as the auditor considers appropriate.

2394 (2) (a) Except as required by Subsection (2)(b), the terms of committee members shall  
2395 be four years each.

2396 (b) Notwithstanding the requirements of Subsection (2)(a), the state auditor shall, at  
2397 the time of appointment or reappointment, adjust the length of terms to ensure that the terms  
2398 of committee members are staggered so that approximately half of the committee is appointed  
2399 every two years.

2400 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
2401 appointed for the unexpired term.

2402 ~~[(4) (a) (i) Members who are not government employees shall receive no  
2403 compensation or benefits for their services, but may receive per diem and expenses incurred in  
2404 the performance of the member's official duties at the rates established by the Division of  
2405 Finance under Sections 63A-3-106 and 63A-3-107.]~~

2406 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

2407 ~~[(b) (i) State government officer and employee members who do not receive salary, per  
2408 diem, or expenses from their agency for their service may receive per diem and expenses  
2409 incurred in the performance of their official duties from the committee at the rates established~~

2410 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]

2411 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
2412 ~~and expenses for their service.]~~

2413 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~  
2414 ~~from the entity that they represent for their service may receive per diem and expenses~~  
2415 ~~incurred in the performance of their official duties at the rates established by the Division of~~  
2416 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

2417 ~~[(ii) Local government members may decline to receive per diem and expenses for~~  
2418 ~~their service.]~~

2419 (4) A member may not receive compensation or benefits for the member's service, but  
2420 may receive per diem and travel expenses in accordance with:

2421 (a) Section 63A-3-106;

2422 (b) Section 63A-3-107; and

2423 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2424 63A-3-107.

2425 (5) The advisory committee shall assist, advise, and make recommendations to the  
2426 state auditor in the preparation of a uniform system of county budgeting, accounting, and  
2427 reporting.

2428 Section 43. Section **17B-1-307** is amended to read:

2429 **17B-1-307. Annual compensation -- Per diem compensation -- Participation in**  
2430 **group insurance plan -- Reimbursement of expenses.**

2431 (1) (a) Except as provided in Subsection 17B-1-308(1)(e), a member of a board of  
2432 trustees may receive compensation for service on the board, as determined by the board of  
2433 trustees.

2434 (b) The amount of compensation under this Subsection (1) may not exceed \$5,000 per  
2435 year.

2436 (c) (i) As determined by the board of trustees, a member of the board of trustees may  
2437 participate in a group insurance plan provided to employees of the local district on the same

2438 basis as employees of the local district.

2439 (ii) The amount that the local district pays to provide a member with coverage under a  
2440 group insurance plan shall be included as part of the member's compensation for purposes of  
2441 Subsection (1)(b).

2442 [~~(2)(a) As determined by the board of trustees, a member of a board of trustees may~~  
2443 ~~receive per diem compensation, in addition to the compensation provided in Subsection (1);~~  
2444 ~~for attendance at up to 12 meetings or activities per year related to any district business.]~~

2445 [~~(b) The amount of per diem compensation under Subsection (2)(a) shall be as~~  
2446 ~~established by the Division of Finance for policy boards, advisory boards, councils, or~~  
2447 ~~committees within state government.]~~

2448 [~~(3) In addition to any compensation a member receives under this section, each~~  
2449 ~~member of a board of trustees shall be reimbursed by the local district for all actual and~~  
2450 ~~necessary expenses incurred in attending board meetings and in performing the member's~~  
2451 ~~official duties.]~~

2452 (2) In addition to the compensation provided under Subsection (1), the board of  
2453 trustees may elect to allow a member to receive per diem and travel expenses for up to 12  
2454 meetings or activities per year in accordance with:

2455 (a) Section 63A-3-106;

2456 (b) Section 63A-3-107; and

2457 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2458 63A-3-107.

2459 Section 44. Section **19-2-103** is amended to read:

2460 **19-2-103. Members of board -- Appointment -- Terms -- Organization -- Per**  
2461 **diem and expenses.**

2462 (1) The board comprises 11 members, one of whom shall be the executive director and  
2463 10 of whom shall be appointed by the governor with the consent of the Senate.

2464 (2) The members shall be knowledgeable of air pollution matters and shall be:

2465 (a) a practicing physician and surgeon licensed in the state not connected with



2466 industry;

2467 (b) a registered professional engineer who is not from industry;

2468 (c) a representative from municipal government;

2469 (d) a representative from county government;

2470 (e) a representative from agriculture;

2471 (f) a representative from the mining industry;

2472 (g) a representative from manufacturing;

2473 (h) a representative from the fuel industry; and

2474 (i) two representatives of the public not representing or connected with industry, at

2475 least one of whom represents organized environmental interests.

2476 (3) No more than five of the appointed members shall belong to the same political

2477 party.

2478 (4) The majority of the members may not derive any significant portion of their

2479 income from persons subject to permits or orders under this chapter. Any potential conflict of

2480 interest of any member or the executive secretary, relevant to the interests of the board, shall

2481 be adequately disclosed.

2482 (5) Members serving on the Air Conservation Committee created by Laws of Utah

2483 1981, Chapter 126, as amended, shall serve as members of the board throughout the terms for

2484 which they were appointed.

2485 (6) (a) Except as required by Subsection (6)(b), members shall be appointed for a term

2486 of four years.

2487 (b) Notwithstanding the requirements of Subsection (6)(a), the governor shall, at the

2488 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

2489 board members are staggered so that approximately half of the board is appointed every two

2490 years.

2491 (7) A member may serve more than one term.

2492 (8) A member shall hold office until the expiration of the member's term and until the

2493 member's successor is appointed, but not more than 90 days after the expiration of the

2494 member's term.

2495 (9) When a vacancy occurs in the membership for any reason, the replacement shall be  
2496 appointed for the unexpired term.

2497 (10) The board shall elect annually a chair and a vice chair from its members.

2498 (11) (a) The board shall meet at least quarterly, and special meetings may be called by  
2499 the chair upon his own initiative, upon the request of the executive secretary, or upon the  
2500 request of three members of the board.

2501 (b) Three days' notice shall be given to each member of the board prior to any  
2502 meeting.

2503 (12) Six members constitute a quorum at any meeting, and the action of a majority of  
2504 members present is the action of the board.

2505 ~~[(13) (a) (i) A member who is not a government employee shall receive no~~  
2506 ~~compensation or benefits for the member's services, but may receive per diem and expenses~~  
2507 ~~incurred in the performance of the member's official duties at the rates established by the~~  
2508 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2509 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~  
2510 ~~service.]~~

2511 ~~[(b) (i) A state government officer and employee member who does not receive salary,~~  
2512 ~~per diem, or expenses from the agency the member represents for the member's service may~~  
2513 ~~receive per diem and expenses incurred in the performance of the member's official duties~~  
2514 ~~from the board at the rates established by the Division of Finance under Sections 63A-3-106~~  
2515 ~~and 63A-3-107.]~~

2516 ~~[(ii) A state government officer and employee member may decline to receive per~~  
2517 ~~diem and expenses for the member's service.]~~

2518 ~~[(c) (i) A local government member who does not receive salary, per diem, or expenses~~  
2519 ~~from the entity that the member represents for the member's service may receive per diem and~~  
2520 ~~expenses incurred in the performance of the member's official duties at the rates established by~~  
2521 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2522 ~~[(ii) A local government member may decline to receive per diem and expenses for the~~  
2523 ~~member's service.]~~

2524 (13) A member may not receive compensation or benefits for the member's service,  
2525 but may receive per diem and travel expenses in accordance with:

2526 (a) Section 63A-3-106;

2527 (b) Section 63A-3-107; and

2528 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2529 63A-3-107.

2530 Section 45. Section **19-2-109.2** is amended to read:

2531 **19-2-109.2. Small business assistance program.**

2532 (1) The board shall establish a small business stationary source technical and  
2533 environmental compliance assistance program that conforms with Title V of the 1990 Clean  
2534 Air Act to assist small businesses to comply with state and federal air pollution laws.

2535 (2) There is created the Compliance Advisory Panel to advise and monitor the  
2536 program created in Subsection (1). The seven panel members are:

2537 (a) two members who are not owners or representatives of owners of small business  
2538 stationary air pollution sources, selected by the governor to represent the general public;

2539 (b) four members who are owners or who represent owners of small business  
2540 stationary sources selected by leadership of the Utah Legislature as follows:

2541 (i) one member selected by the majority leader of the Senate;

2542 (ii) one member selected by the minority leader of the Senate;

2543 (iii) one member selected by the majority leader of the House of Representatives; and

2544 (iv) one member selected by the minority leader of the House of Representatives; and

2545 (c) one member selected by the executive director to represent the Division of Air  
2546 Quality, Department of Environmental Quality.

2547 (3) (a) Except as required by Subsection (3)(b), as terms of current panel members  
2548 expire, the department shall appoint each new member or reappointed member to a four-year  
2549 term.

2550 (b) Notwithstanding the requirements of Subsection (3)(a), the department shall, at the  
2551 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2552 panel members are staggered so that approximately half of the panel is appointed every two  
2553 years.

2554 (4) Members may serve more than one term.

2555 (5) Members shall hold office until the expiration of their terms and until their  
2556 successors are appointed, but not more than 90 days after the expiration of their terms.

2557 (6) When a vacancy occurs in the membership for any reason, the replacement shall be  
2558 appointed for the unexpired term.

2559 (7) Every two years, the panel shall elect a chair from its members.

2560 (8) (a) The panel shall meet as necessary to carry out its duties. Meetings may be  
2561 called by the chair, the executive secretary, or upon written request of three of the members of  
2562 the panel.

2563 (b) Three days' notice shall be given to each member of the panel prior to a meeting.

2564 (9) Four members constitute a quorum at any meeting, and the action of the majority  
2565 of members present is the action of the panel.

2566 ~~[(10) (a) (i) Members who are not government employees shall receive no~~  
2567 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
2568 ~~the performance of the member's official duties at the rates established by the Division of~~  
2569 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

2570 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

2571 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
2572 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
2573 ~~incurred in the performance of their official duties from the panel at the rates established by~~  
2574 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2575 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
2576 ~~and expenses for their service.]~~

2577 ~~[(c) Legislators on the committee shall receive compensation and expenses as provided~~

2578 ~~by law and legislative rule.]~~

2579 (10) A member may not receive compensation or benefits for the member's service,  
2580 but may receive per diem and travel expenses in accordance with:

2581 (a) Section 63A-3-106;

2582 (b) Section 63A-3-107; and

2583 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2584 63A-3-107.

2585 Section 46. Section **19-3-103** is amended to read:

2586 **19-3-103. Radiation Control Board -- Members -- Organization -- Meetings --**  
2587 **Per diem and expenses.**

2588 (1) The board created under Section 19-1-106 comprises 13 members, one of whom  
2589 shall be the executive director, or his designee, and the remainder of whom shall be appointed  
2590 by the governor with the consent of the Senate.

2591 (2) No more than six appointed members shall be from the same political party.

2592 (3) The appointed members shall be knowledgeable about radiation protection and  
2593 shall be as follows:

2594 (a) one physician;

2595 (b) one dentist;

2596 (c) one health physicist or other professional employed in the field of radiation safety;

2597 (d) three representatives of regulated industry, at least one of whom represents the  
2598 radioactive waste management industry, and at least one of whom represents the uranium  
2599 milling industry;

2600 (e) one registrant or licensee representative from academia;

2601 (f) one representative of a local health department;

2602 (g) one elected county official; and

2603 (h) three members of the general public, at least one of whom represents organized  
2604 environmental interests.

2605 (4) (a) Except as required by Subsection (4)(b), as terms of current board members

2606 expire, the governor shall appoint each new member or reappointed member to a four-year  
2607 term.

2608 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
2609 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2610 board members are staggered so that approximately half of the board is appointed every two  
2611 years.

2612 (5) Each board member is eligible for reappointment to more than one term.

2613 (6) Each board member shall continue in office until the expiration of his term and  
2614 until a successor is appointed, but not more than 90 days after the expiration of his term.

2615 (7) When a vacancy occurs in the membership for any reason, the replacement shall be  
2616 appointed for the unexpired term by the governor, after considering recommendations by the  
2617 department and with the consent of the Senate.

2618 (8) The board shall annually elect a chair and vice chair from its members.

2619 (9) The board shall meet at least quarterly. Other meetings may be called by the chair,  
2620 by the executive secretary, or upon the request of three members of the board.

2621 (10) Reasonable notice shall be given each member of the board prior to any meeting.

2622 (11) Seven members constitute a quorum. The action of a majority of the members  
2623 present is the action of the board.

2624 [~~(12) (a) (i) Members who are not government employees receive no compensation or~~  
2625 ~~benefits for their services, but may receive per diem and expenses incurred in the performance~~  
2626 ~~of the member's official duties at the rates established by the Division of Finance under~~  
2627 ~~Sections 63A-3-106 and 63A-3-107.]~~

2628 [~~(ii) Members may decline to receive per diem and expenses for their service.]~~

2629 [~~(b) (i) State government officer and employee members who do not receive salary, per~~  
2630 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
2631 ~~incurred in the performance of their official duties from the board at the rates established by~~  
2632 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2633 [~~(ii) State government officer and employee members may decline to receive per diem~~

2634 and expenses for their service.]

2635 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~  
2636 ~~from the entity that they represent for their service may receive per diem and expenses~~  
2637 ~~incurred in the performance of their official duties at the rates established by the Division of~~  
2638 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

2639 ~~[(ii) Local government members may decline to receive per diem and expenses for~~  
2640 ~~their service.]~~

2641 (12) A member may not receive compensation or benefits for the member's service,  
2642 but may receive per diem and travel expenses in accordance with:

2643 (a) Section 63A-3-106;

2644 (b) Section 63A-3-107; and

2645 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2646 63A-3-107.

2647 Section 47. Section **19-4-103** is amended to read:

2648 **19-4-103. Drinking Water Board -- Members -- Organization -- Meetings -- Per**  
2649 **diem and expenses.**

2650 (1) The board created under Section 19-1-106 comprises 11 members, one of whom is  
2651 the executive director and the remainder of whom shall be appointed by the governor with the  
2652 consent of the Senate.

2653 (2) No more than five appointed members shall be from the same political party.

2654 (3) The appointed members shall be knowledgeable about drinking water and public  
2655 water systems and shall represent different geographical areas within the state insofar as  
2656 practicable.

2657 (4) The 10 appointed members shall be appointed from the following areas:

2658 (a) two elected officials of municipal government or their representatives involved in  
2659 management or operation of public water systems;

2660 (b) two representatives of improvement districts, water conservancy districts, or  
2661 metropolitan water districts;

2662 (c) one representative from an industry which manages or operates a public water  
2663 system;

2664 (d) one registered professional engineer with expertise in civil or sanitary engineering;

2665 (e) one representative from the state water research community or from an institution  
2666 of higher education which has comparable expertise in water research;

2667 (f) two representatives of the public who do not represent other interests named in this  
2668 section and who do not receive, and have not received during the past two years, a significant  
2669 portion of their income, directly or indirectly, from suppliers; and

2670 (g) one representative from a local health department.

2671 (5) (a) Members of the Utah Safe Drinking Water Committee created by Laws of Utah  
2672 1981, Chapter 126, shall serve as members of the board throughout the terms for which they  
2673 were appointed.

2674 (b) Except as required by Subsection (5)(c), as terms of current board members expire,  
2675 the governor shall appoint each new member or reappointed member to a four-year term.

2676 (c) Notwithstanding the requirements of Subsection (5)(b), the governor shall, at the  
2677 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2678 board members are staggered so that approximately half of the board is appointed every two  
2679 years.

2680 (6) When a vacancy occurs in the membership for any reason, the replacement shall be  
2681 appointed for the unexpired term.

2682 (7) Each member holds office until the expiration of the member's term, and until a  
2683 successor is appointed, but not for more than 90 days after the expiration of the term.

2684 (8) The board shall elect annually a chair and a vice chair from its members.

2685 (9) (a) The board shall meet at least quarterly.

2686 (b) Special meetings may be called by the chair upon his own initiative, upon the  
2687 request of the executive secretary, or upon the request of three members of the board.

2688 (c) Reasonable notice shall be given each member of the board prior to any meeting.

2689 (10) Six members constitute a quorum at any meeting and the action of the majority of



2690 the members present is the action of the board.

2691 ~~[(11) (a) (i) A member who is not a government employee shall receive no~~  
2692 ~~compensation or benefits for the member's services, but may receive per diem and expenses~~  
2693 ~~incurred in the performance of the member's official duties at the rates established by the~~  
2694 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2695 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~  
2696 ~~service.]~~

2697 ~~[(b) (i) A state government officer and employee member who does not receive salary,~~  
2698 ~~per diem, or expenses from the agency the member represents for the member's service may~~  
2699 ~~receive per diem and expenses incurred in the performance of the member's official duties~~  
2700 ~~from the board at the rates established by the Division of Finance under Sections 63A-3-106~~  
2701 ~~and 63A-3-107.]~~

2702 ~~[(ii) A state government officer and employee member may decline to receive per~~  
2703 ~~diem and expenses for the member's service.]~~

2704 ~~[(c) (i) A local government member who does not receive salary, per diem, or expenses~~  
2705 ~~from the entity that the member represents for the member's service may receive per diem and~~  
2706 ~~expenses incurred in the performance of the member's official duties at the rates established by~~  
2707 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2708 ~~[(ii) A local government member may decline to receive per diem and expenses for the~~  
2709 ~~member's service.]~~

2710 (11) A member may not receive compensation or benefits for the member's service,  
2711 but may receive per diem and travel expenses in accordance with:

2712 (a) Section 63A-3-106;

2713 (b) Section 63A-3-107; and

2714 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2715 63A-3-107.

2716 Section 48. Section **19-5-103** is amended to read:

2717 **19-5-103. Water Quality Board -- Members of board -- Appointment -- Terms --**

2718 **Organization -- Meetings -- Per diem and expenses.**

2719 (1) The board comprises the executive director and 11 members appointed by the  
2720 governor with the consent of the Senate.

2721 (2) No more than six of the appointed members may be from the same political party.

2722 (3) The appointed members, insofar as practicable, shall include the following:

2723 (a) one member representing the mineral industry;

2724 (b) one member representing the food processing industry;

2725 (c) one member representing another manufacturing industry;

2726 (d) two members who are officials of a municipal government or the officials'  
2727 representative involved in the management or operation of a wastewater treatment facility;

2728 (e) one member representing agricultural and livestock interests;

2729 (f) one member representing fish, wildlife, and recreation interests;

2730 (g) one member representing an improvement or special service district;

2731 (h) two members at large, one of whom represents organized environmental interests,  
2732 selected with due consideration of the areas of the state affected by water pollution and not  
2733 representing other interests named in this Subsection (3); and

2734 (i) one member representing a local health department.

2735 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
2736 appointed for the unexpired term with the consent of the Senate.

2737 (5) (a) Except as required by Subsection (5)(b), a member shall be appointed for a  
2738 term of four years and is eligible for reappointment.

2739 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the  
2740 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2741 board members are staggered so that approximately half of the board is appointed every two  
2742 years.

2743 (6) A member shall hold office until the expiration of the member's term and until the  
2744 member's successor is appointed, not to exceed 90 days after the formal expiration of the term.

2745 (7) The board shall:

2746 (a) organize and annually select one of its members as chair and one of its members as  
2747 vice chair;

2748 (b) hold at least four regular meetings each calendar year; and

2749 (c) keep minutes of its proceedings which are open to the public for inspection.

2750 (8) The chair may call a special meeting upon the request of three or more members of  
2751 the board.

2752 (9) Each member of the board and the executive secretary shall be notified of the time  
2753 and place of each meeting.

2754 (10) Seven members of the board constitute a quorum for the transaction of business,  
2755 and the action of a majority of members present is the action of the board.

2756 ~~[(11) (a) A member who is not a government employee may not receive compensation~~  
2757 ~~or benefits for the member's service, but may receive per diem and expenses incurred in the~~  
2758 ~~performance of the member's official duties at the rates established by the Division of Finance~~  
2759 ~~under Sections 63A-3-106 and 63A-3-107.]~~

2760 ~~[(b) A member may decline to receive per diem and expenses for the member's~~  
2761 ~~service.]~~

2762 ~~[(c) A local government member who does not receive salary, per diem, or expenses~~  
2763 ~~from the entity that the member represents for the member's service may receive per diem and~~  
2764 ~~expenses incurred in the performance of the member's official duties at the rates established by~~  
2765 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2766 ~~[(d) A local government member may decline to receive per diem and expenses for the~~  
2767 ~~member's service.]~~

2768 (11) A member may not receive compensation or benefits for the member's service,  
2769 but may receive per diem and travel expenses in accordance with:

2770 (a) Section 63A-3-106;

2771 (b) Section 63A-3-107; and

2772 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2773 63A-3-107.

2774 Section 49. Section **19-6-103** is amended to read:

2775 **19-6-103. Solid and Hazardous Waste Control Board -- Members -- Terms --**  
2776 **Organization -- Meetings -- Per diem and expenses.**

2777 (1) The Solid and Hazardous Waste Control Board created by Section 19-1-106  
2778 comprises the executive director and 12 members appointed by the governor with the consent  
2779 of the Senate.

2780 (2) The appointed members shall be knowledgeable about solid and hazardous waste  
2781 matters and consist of:

- 2782 (a) one representative of municipal government;
- 2783 (b) one representative of county government;
- 2784 (c) one representative of the manufacturing or fuel industry;
- 2785 (d) one representative of the mining industry;
- 2786 (e) one representative of the private solid waste disposal or solid waste recovery  
2787 industry;
- 2788 (f) one registered professional engineer;
- 2789 (g) one representative of a local health department;
- 2790 (h) one representative of the hazardous waste disposal industry; and
- 2791 (i) four representatives of the public, at least one of whom is a representative of  
2792 organized environmental interests.

2793 (3) Not more than six of the appointed members may be from the same political party.

2794 (4) (a) Except as required by Subsection (4)(b), members shall be appointed for terms  
2795 of four years each.

2796 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
2797 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2798 board members are staggered so that approximately half of the board is appointed every two  
2799 years.

2800 (5) Each member is eligible for reappointment.

2801 (6) Board members shall continue in office until the expiration of their terms and until

2802 their successors are appointed, but not more than 90 days after the expiration of their terms.

2803 (7) When a vacancy occurs in the membership for any reason, the replacement shall be  
2804 appointed for the unexpired term by the governor, after considering recommendations of the  
2805 board and with the consent of the Senate.

2806 (8) The board shall elect a chair and vice chair on or before April 1 of each year from  
2807 its membership.

2808 ~~[(9) (a) (i) Members who are not government employees shall receive no~~  
2809 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
2810 ~~the performance of the member's official duties at the rates established by the Division of~~  
2811 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

2812 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

2813 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
2814 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
2815 ~~incurred in the performance of their official duties from the board at the rates established by~~  
2816 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2817 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
2818 ~~and expenses for their service.]~~

2819 ~~[(c) Legislators on the committee shall receive compensation and expenses as provided~~  
2820 ~~by law and legislative rule.]~~

2821 (9) A member may not receive compensation or benefits for the member's service, but  
2822 may receive per diem and travel expenses in accordance with:

2823 (a) Section 63A-3-106;

2824 (b) Section 63A-3-107; and

2825 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2826 63A-3-107.

2827 (10) (a) The board shall hold a meeting at least once every three months including one  
2828 meeting during each annual general session of the Legislature.

2829 (b) Meetings shall be held on the call of the chair, the executive secretary, or any three

2830 of the members.

2831 (11) Seven members constitute a quorum at any meeting, and the action of the  
2832 majority of members present is the action of the board.

2833 Section 50. Section **19-9-104** is amended to read:

2834 **19-9-104. Creation of authority -- Members.**

2835 (1) (a) The authority comprises 10 members. If the requirements of Section 19-9-103  
2836 are met, the governor shall, with the consent of the Senate, appoint six members of the  
2837 authority from the public-at-large.

2838 (b) The remaining four members of the authority are:

2839 (i) the executive director of the Department of Environmental Quality;

2840 (ii) the director of the Governor's Office of Economic Development or the director's  
2841 designee;

2842 (iii) the executive director of the Department of Natural Resources; and

2843 (iv) the executive director of the Department of Transportation.

2844 (2) Public-at-large members, no more than three of whom shall be from the same  
2845 political party, shall be appointed to six-year terms of office, subject to removal by the  
2846 governor with or without cause.

2847 (3) The governor shall name one public-at-large member as chairman of the authority  
2848 responsible for the call and conduct of authority meetings.

2849 (4) The authority may elect other officers as necessary.

2850 (5) Five members of the authority present at a properly noticed meeting constitute a  
2851 quorum for the transaction of official authority business.

2852 ~~[(6) Public-at-large members are entitled to per diem and expenses for each day  
2853 devoted to authority business at the rates established by the director of the Division of Finance  
2854 under Sections 63A-3-106 and 63A-3-107.]~~

2855 (6) A public-at-large member may not receive compensation or benefits for the  
2856 member's service, but may receive per diem and travel expenses in accordance with:

2857 (a) Section 63A-3-106;

2858           (b) Section 63A-3-107; and  
2859           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2860 63A-3-107.

2861           Section 51. Section **20A-5-402.7** is amended to read:

2862           **20A-5-402.7. Voting Equipment Selection Committee.**

2863           (1) As used in this section, "new voting equipment system" means voting equipment  
2864 that is operated in a materially different way or that functions in a materially different way  
2865 than the equipment being replaced.

2866           (2) Before selecting or purchasing a new voting equipment system after January 1,  
2867 2007, the lieutenant governor shall:

2868           (a) appoint a Voting Equipment Selection Committee; and  
2869           (b) ensure that the committee includes persons having experience in:

2870           (i) election procedures and administration;  
2871           (ii) computer technology;  
2872           (iii) data security;  
2873           (iv) auditing; and  
2874           (v) access for persons with disabilities.

2875           ~~[(3) (a) (i) A member of the committee who is not a government employee shall~~  
2876 ~~receive no compensation or benefits for the member's services, but may receive per diem and~~  
2877 ~~expenses incurred in the performance of the member's official duties at the rates established by~~  
2878 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2879           ~~[(ii) A member may decline to receive per diem and expenses for the member's~~  
2880 ~~services:]~~

2881           ~~[(b) (i) A state government officer or employee member who does not receive salary,~~  
2882 ~~per diem, or expenses from the member's agency for the member's service may receive per~~  
2883 ~~diem and expenses incurred in the performance of the member's official duties at the rates~~  
2884 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2885           ~~[(ii) A state government officer or employee member may decline to receive per diem~~

2886 ~~for the member's service.]~~

2887 (3) A member may not receive compensation or benefits for the member's service, but  
2888 may receive per diem and travel expenses in accordance with:

2889 (a) Section 63A-3-106;

2890 (b) Section 63A-3-107; and

2891 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2892 63A-3-107.

2893 (4) The lieutenant governor shall select a chair from the committee membership.

2894 (5) The lieutenant governor may fill any vacancies that occur on the committee.

2895 (6) The lieutenant governor's office shall provide staffing for the committee.

2896 (7) The Voting Equipment Selection Committee shall:

2897 (a) evaluate new voting equipment systems proposed for purchase by the state; and

2898 (b) provide information and recommendations to assist the lieutenant governor with  
2899 the purchase of new voting equipment systems.

2900 (8) The lieutenant governor may designate individuals, including committee members,  
2901 to inspect and review proprietary software as part of an evaluation of new voting equipment  
2902 systems under consideration for purchase.

2903 (9) Before making any selection or purchase, the lieutenant governor shall provide for  
2904 a period of public review and comment on new voting equipment systems under consideration  
2905 for purchase by the state.

2906 Section 52. Section **23-14-2** is amended to read:

2907 **23-14-2. Wildlife Board -- Creation -- Membership -- Terms -- Quorum --**

2908 **Meetings -- Per diem and expenses.**

2909 (1) There is created a Wildlife Board which shall consist of seven members appointed  
2910 by the governor with the consent of the Senate.

2911 (2) (a) In addition to the requirements of Section 79-2-203, the members of the board  
2912 shall have expertise or experience in at least one of the following areas:

2913 (i) wildlife management or biology;



- 2914 (ii) habitat management, including range or aquatic;  
2915 (iii) business, including knowledge of private land issues; and  
2916 (iv) economics, including knowledge of recreational wildlife uses.
- 2917 (b) Each of the areas of expertise under Subsection (2)(a) shall be represented by at  
2918 least one member of the Wildlife Board.
- 2919 (3) (a) The governor shall select each board member from a list of nominees submitted  
2920 by the nominating committee pursuant to Section 23-14-2.5.
- 2921 (b) No more than two members shall be from a single wildlife region described in  
2922 Subsection 23-14-2.6(1).
- 2923 (c) The governor may request an additional list of at least two nominees from the  
2924 nominating committee if the initial list of nominees for a given position is unacceptable.
- 2925 (d) (i) If the governor fails to appoint a board member within 60 days after receipt of  
2926 the initial or additional list, the nominating committee shall make an interim appointment by  
2927 majority vote.
- 2928 (ii) The interim board member shall serve until the matter is resolved by the committee  
2929 and the governor or until the board member is replaced pursuant to this chapter.
- 2930 (4) (a) Except as required by Subsection (4)(b), as terms of current board members  
2931 expire, the governor shall appoint each new member or reappointed member to a six-year term.
- 2932 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
2933 time of appointment or reappointment, adjust the length of terms to ensure that:
- 2934 (i) the terms of board members are staggered so that approximately 1/3 of the board is  
2935 appointed every two years; and
- 2936 (ii) members serving from the same region have staggered terms.
- 2937 (c) If a vacancy occurs, the nominating committee shall submit two names, as  
2938 provided in Subsection 23-14-2.5(4), to the governor and the governor shall appoint a  
2939 replacement for the unexpired term.
- 2940 (d) Board members may serve only one term unless:
- 2941 (i) the member is among the first board members appointed to serve four years or less;

2942 or

2943 (ii) the member filled a vacancy under Subsection (4)(c) for four years or less.

2944 (5) (a) The board shall elect a chair and a vice chair from its membership.

2945 (b) Four members of the board shall constitute a quorum.

2946 (c) The director of the Division of Wildlife Resources shall act as secretary to the  
2947 board but shall not be a voting member of the board.

2948 (6) (a) The Wildlife Board shall hold a sufficient number of public meetings each year  
2949 to expeditiously conduct its business.

2950 (b) Meetings may be called by the chair upon five days notice or upon shorter notice  
2951 in emergency situations.

2952 (c) Meetings may be held at the Salt Lake City office of the Division of Wildlife  
2953 Resources or elsewhere as determined by the Wildlife Board.

2954 ~~[(7) (a) (i) Members who are not government employees shall receive no  
2955 compensation or benefits for their services, but may receive per diem and expenses incurred in  
2956 the performance of the member's official duties at the rates established by the Division of  
2957 Finance under Sections 63A-3-106 and 63A-3-107.]~~

2958 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

2959 ~~[(b) (i) State government officer and employee members who do not receive salary, per  
2960 diem, or expenses from their agency for their service may receive per diem and expenses  
2961 incurred in the performance of their official duties from the board at the rates established by  
2962 the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

2963 ~~[(ii) State government officer and employee members may decline to receive per diem  
2964 and expenses for their service.]~~

2965 (7) A member may not receive compensation or benefits for the member's service, but  
2966 may receive per diem and travel expenses in accordance with:

2967 (a) Section 63A-3-106;

2968 (b) Section 63A-3-107; and

2969 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

2970 63A-3-107.

2971 (8) (a) The members of the Wildlife Board shall complete an orientation course to  
2972 assist them in the performance of the duties of their office.

2973 (b) The Department of Natural Resources shall provide the course required under  
2974 Subsection (8)(a).

2975 Section 53. Section **23-14-2.6** is amended to read:

2976 **23-14-2.6. Regional advisory councils -- Creation -- Membership -- Duties -- Per**  
2977 **diem and expenses.**

2978 (1) There are created five regional advisory councils which shall consist of 12 to 15  
2979 members each from the wildlife region whose boundaries are established for administrative  
2980 purposes by the division.

2981 (2) The members shall include individuals who represent the following groups and  
2982 interests:

2983 (a) agriculture;

2984 (b) sportsmen;

2985 (c) nonconsumptive wildlife;

2986 (d) locally elected public officials;

2987 (e) federal land agencies; and

2988 (f) the public at large.

2989 (3) The executive director of the Department of Natural Resources, in consultation  
2990 with the director of the Division of Wildlife Resources, shall select the members from a list of  
2991 nominees submitted by the respective interest group or agency.

2992 (4) The councils shall:

2993 (a) hear broad input, including recommendations, biological data, and information  
2994 regarding the effects of wildlife;

2995 (b) gather information from staff, the public, and government agencies; and

2996 (c) make recommendations to the Wildlife Board in an advisory capacity.

2997 (5) (a) Except as required by Subsection (5)(b), each member shall serve a four-year

2998 term.

2999 (b) Notwithstanding the requirements of Subsection (5)(a), the executive director  
3000 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the  
3001 terms of council members are staggered so that approximately half of the council is appointed  
3002 every two years.

3003 (6) When a vacancy occurs in the membership for any reason, the replacement shall be  
3004 appointed for the unexpired term.

3005 (7) The councils shall determine:

3006 (a) the time and place of meetings; and

3007 (b) any other procedural matter not specified in this chapter.

3008 (8) Members of the councils shall complete an orientation course as provided in  
3009 Subsection 23-14-2(8).

3010 ~~[(9)(a)(i) Members who are not government employees shall receive no~~  
3011 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
3012 ~~the performance of the member's official duties at the rates established by the Division of~~  
3013 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

3014 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

3015 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~  
3016 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
3017 ~~incurred in the performance of their official duties from the council at the rates established by~~  
3018 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3019 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
3020 ~~and expenses for their service.]~~

3021 ~~[(c)(i) Local government members who do not receive salary, per diem, or expenses~~  
3022 ~~from the entity that they represent for their service may receive per diem and expenses~~  
3023 ~~incurred in the performance of their official duties at the rates established by the Division of~~  
3024 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

3025 ~~[(ii) Local government members may decline to receive per diem and expenses for~~

3026 their service.]

3027 (9) A member may not receive compensation or benefits for the member's service, but  
3028 may receive per diem and travel expenses in accordance with:

3029 (a) Section 63A-3-106;

3030 (b) Section 63A-3-107; and

3031 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3032 63A-3-107.

3033 Section 54. Section **26-1-7.5** is amended to read:

3034 **26-1-7.5. Health advisory council.**

3035 (1) (a) There is created the Utah Health Advisory Council, comprised of nine persons  
3036 appointed by the governor.

3037 (b) The governor shall ensure that:

3038 (i) members of the council:

3039 (A) broadly represent the public interest;

3040 (B) have an interest in or knowledge of public health, environmental health, health  
3041 planning, health care financing, or health care delivery systems; and

3042 (C) include health professionals;

3043 (ii) the majority of the membership are nonhealth professionals;

3044 (iii) no more than five persons are from the same political party; and

3045 (iv) geography, sex, and ethnicity balance are considered when selecting the members.

3046 (2) (a) Except as required by Subsection (2)(b), members of the council shall be  
3047 appointed to four-year terms.

3048 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
3049 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
3050 council members are staggered so that approximately half of the council is appointed every  
3051 two years.

3052 (c) Terms of office for subsequent appointments shall commence on July 1 of the year  
3053 in which the appointment occurs.

3054 (3) (a) When a vacancy occurs in the membership for any reason, the replacement  
3055 shall be appointed for the unexpired term.

3056 (b) No person shall be appointed to the council for more than two consecutive terms.

3057 (c) The chair of the council shall be appointed by the governor from the membership  
3058 of the council.

3059 (4) The council shall meet at least quarterly or more frequently as determined  
3060 necessary by the chair. A quorum for conducting business shall consist of four members of  
3061 the council.

3062 ~~[(5) (a) Members shall receive no compensation or benefits for their services, but may,~~  
3063 ~~at the executive director's discretion, receive per diem and expenses incurred in the~~  
3064 ~~performance of the member's official duties at the rates established by the Division of Finance~~  
3065 ~~under Sections 63A-3-106 and 63A-3-107.]~~

3066 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

3067 (5) A member may not receive compensation or benefits for the member's service, but,  
3068 at the executive director's discretion, may receive per diem and travel expenses in accordance  
3069 with:

3070 (a) Section 63A-3-106;

3071 (b) Section 63A-3-107; and

3072 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3073 63A-3-107.

3074 (6) The council shall be empowered to advise the department on any subject deemed  
3075 to be appropriate by the council except that the council shall not become involved in  
3076 administrative matters. The council shall also advise the department as requested by the  
3077 executive director.

3078 (7) The executive director shall ensure that the council has adequate staff support and  
3079 shall provide any available information requested by the council necessary for their  
3080 deliberations. The council shall observe confidential requirements placed on the department  
3081 in the use of such information.

3082 Section 55. Section **26-8a-103** is amended to read:

3083 **26-8a-103. State Emergency Medical Services Committee -- Membership --**  
3084 **Report -- Expenses.**

3085 (1) The State Emergency Medical Services Committee created by Section 26-1-7 shall  
3086 be composed of the following 16 members appointed by the governor, at least five of whom  
3087 must reside in a county of the third, fourth, fifth, or sixth class:

3088 (a) five physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
3089 Chapter 68, Utah Osteopathic Medical Practice Act, as follows:

3090 (i) one surgeon who actively provides trauma care at a hospital;

3091 (ii) one rural physician involved in emergency medical care;

3092 (iii) two physicians who practice in the emergency department of a general acute  
3093 hospital; and

3094 (iv) one pediatrician who practices in the emergency department or critical care unit of  
3095 a general acute hospital or a children's specialty hospital;

3096 (b) one representative from a private ambulance provider;

3097 (c) one representative from an ambulance provider that is neither privately owned nor  
3098 operated by a fire department;

3099 (d) two chief officers from fire agencies operated by the following classes of licensed  
3100 or designated emergency medical services providers: municipality, county, and fire district,  
3101 provided that no class of medical services providers may have more than one representative  
3102 under this Subsection (1)(d);

3103 (e) one director of a law enforcement agency that provides emergency medical  
3104 services;

3105 (f) one hospital administrator;

3106 (g) one emergency care nurse;

3107 (h) one paramedic in active field practice;

3108 (i) one emergency medical technician in active field practice;

3109 (j) one certified emergency medical dispatcher affiliated with an emergency medical

3110 dispatch center; and

3111 (k) one consumer.

3112 (2) (a) Except as provided in Subsection (2)(b), members shall be appointed to a  
3113 four-year term beginning July 1.

3114 (b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment  
3115 or reappointment, adjust the length of terms to ensure that the terms of committee members  
3116 are staggered so that approximately half of the committee is appointed every two years.

3117 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
3118 appointed by the governor for the unexpired term.

3119 (3) (a) Each January, the committee shall organize and select one of its members as  
3120 chair and one member as vice chair. The committee may organize standing or ad hoc  
3121 subcommittees, which shall operate in accordance with guidelines established by the  
3122 committee.

3123 (b) The chair shall convene a minimum of four meetings per year. The chair may call  
3124 special meetings. The chair shall call a meeting upon request of five or more members of the  
3125 committee.

3126 (c) Nine members of the committee constitute a quorum for the transaction of business  
3127 and the action of a majority of the members present is the action of the committee.

3128 (4) The committee shall submit a report in a form acceptable to the committee each  
3129 November at the Law Enforcement and Criminal Justice Interim Committee meeting  
3130 concerning its:

3131 (a) funding priorities and recommended sources;

3132 (b) closest responder recommendations;

3133 (c) centralized dispatch;

3134 (d) duplication of services and any taxing consequences;

3135 (e) appropriate providers for emergency medical services; and

3136 (f) recommendations and suggested legislation.

3137 ~~[(5) (a) Members shall receive no compensation or benefits for their services, but may~~



3138 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
3139 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3140 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

3141 (5) A member may not receive compensation or benefits for the member's service, but  
3142 may receive per diem and travel expenses in accordance with:

3143 (a) Section 63A-3-106;

3144 (b) Section 63A-3-107; and

3145 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3146 63A-3-107.

3147 (6) Administrative services for the committee shall be provided by the department.

3148 Section 56. Section **26-9f-103** is amended to read:

3149 **26-9f-103. Utah Digital Health Service Commission.**

3150 (1) There is created within the department the Utah Digital Health Service  
3151 Commission.

3152 (2) The governor shall appoint 12 members to the commission with the consent of the  
3153 Senate, as follows:

3154 (a) a physician who is involved in digital health service;

3155 (b) a representative of a licensed health care facility or system as defined in Section  
3156 26-21-2;

3157 (c) a representative of rural Utah, which may be a person nominated by an advisory  
3158 committee on rural health issues created pursuant to Section 26-1-20;

3159 (d) a member of the public who is not involved with digital health service;

3160 (e) a nurse who is involved in digital health service; and

3161 (f) seven members who fall into one or more of the following categories:

3162 (i) individuals who use digital health service in a public or private institution;

3163 (ii) individuals who use digital health service in serving medically underserved  
3164 populations;

3165 (iii) nonphysician health care providers involved in digital health service;

- 3166 (iv) information technology professionals involved in digital health service;
- 3167 (v) representatives of the health insurance industry; and
- 3168 (vi) telehealth digital health service consumer advocates.

3169 (3) (a) The commission shall annually elect a chairperson from its membership. The  
3170 chairperson shall report to the executive director of the department.

3171 (b) The commission shall hold meetings at least once every three months. Meetings  
3172 may be held from time to time on the call of the chair or a majority of the board members.

3173 (c) Six commission members are necessary to constitute a quorum at any meeting and,  
3174 if a quorum exists, the action of a majority of members present shall be the action of the  
3175 commission.

3176 (4) (a) Except as provided in Subsection (4)(b), a commission member shall be  
3177 appointed for a three-year term and eligible for two reappointments.

3178 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment  
3179 or reappointment, adjust the length of terms to ensure that the terms of commission members  
3180 are staggered so that approximately 1/3 of the commission is appointed each year.

3181 (c) A commission member shall continue in office until the expiration of the member's  
3182 term and until a successor is appointed, which may not exceed 90 days after the formal  
3183 expiration of the term.

3184 (d) Notwithstanding Subsection (4)(c), a commission member who fails to attend 75%  
3185 of the scheduled meetings in a calendar year shall be disqualified from serving.

3186 (e) When a vacancy occurs in membership for any reason, the replacement shall be  
3187 appointed for the unexpired term.

3188 ~~[(5) (a) Board members who are not government employees may not receive~~  
3189 ~~compensation or benefits for the services, but may, at the executive director's discretion,~~  
3190 ~~receive per diem and expenses incurred in the performance of their official duties at rates~~  
3191 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3192 ~~[(b) A commission member may decline to receive per diem and expenses for service~~  
3193 ~~to the commission.]~~

3194 (5) A member may not receive compensation or benefits for the member's service, but,  
3195 at the executive director's discretion, may receive per diem and travel expenses in accordance  
3196 with:

3197 (a) Section 63A-3-106;

3198 (b) Section 63A-3-107; and

3199 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3200 63A-3-107.

3201 (6) The department shall provide informatics staff support to the commission.

3202 (7) The funding of the commission shall be a separate line item to the department in  
3203 the annual appropriations act.

3204 Section 57. Section **26-10-6** is amended to read:

3205 **26-10-6. Testing of newborn infants.**

3206 (1) Except in the case where parents object on the grounds that they are members of a  
3207 specified, well-recognized religious organization whose teachings are contrary to the tests  
3208 required by this section, each newborn infant shall be tested for:

3209 (a) phenylketonuria (PKU);

3210 (b) other metabolic diseases which may result in mental retardation or brain damage  
3211 and for which:

3212 (i) a preventive measure or treatment is available; and

3213 (ii) there exists a reliable laboratory diagnostic test method; and

3214 (c) (i) beginning July 1, 1998, for an infant born in a hospital with 100 or more live  
3215 births annually, hearing loss; and

3216 (ii) beginning July 1, 1999, for an infant born in a setting other than a hospital with  
3217 100 or more live births annually, hearing loss.

3218 (2) In accordance with Section 26-1-6, the department may charge fees for:

3219 (a) materials supplied by the department to conduct tests required under Subsection  
3220 (1);

3221 (b) tests required under Subsection (1) conducted by the department;

3222 (c) laboratory analyses by the department of tests conducted under Subsection (1); and  
3223 (d) the administrative cost of follow-up contacts with the parents or guardians of  
3224 tested infants.

3225 (3) Tests for hearing loss under Subsection (1) shall be based on one or more methods  
3226 approved by the Newborn Hearing Screening Committee, including:

- 3227 (a) auditory brainstem response;
- 3228 (b) automated auditory brainstem response; and
- 3229 (c) evoked otoacoustic emissions.

3230 (4) Results of tests for hearing loss under Subsection (1) shall be reported to:

- 3231 (a) parents when results of tests for hearing loss under Subsection (1) suggest that  
3232 additional diagnostic procedures or medical interventions are necessary; and
- 3233 (b) the department.

3234 (5) (a) There is established the Newborn Hearing Screening Committee.

3235 (b) The committee shall advise the department on:

- 3236 (i) the validity and cost of newborn infant hearing loss testing procedures; and
- 3237 (ii) rules promulgated by the department to implement this section.

3238 (c) The committee shall be composed of at least 11 members appointed by the  
3239 executive director, including:

- 3240 (i) one representative of the health insurance industry;
- 3241 (ii) one pediatrician;
- 3242 (iii) one family practitioner;
- 3243 (iv) one ear, nose, and throat specialist nominated by the Utah Medical Association;
- 3244 (v) two audiologists nominated by the Utah Speech-Language-Hearing Association;
- 3245 (vi) one representative of hospital neonatal nurseries;
- 3246 (vii) one representative of the Early Intervention Baby Watch Program administered  
3247 by the department;
- 3248 (viii) one public health nurse;
- 3249 (ix) one consumer; and

3250 (x) the executive director or his designee.

3251 (d) Of the initial members of the committee, the executive director shall appoint as  
3252 nearly as possible half to two-year terms and half to four-year terms. Thereafter, appointments  
3253 shall be for four-year terms except:

3254 (i) for those members who have been appointed to complete an unexpired term; and

3255 (ii) as necessary to ensure that as nearly as possible the terms of half the appointments  
3256 expire every two years.

3257 (e) A majority of the members constitute a quorum and a vote of the majority of the  
3258 members present constitutes an action of the committee.

3259 (f) The committee shall appoint a chairman from its membership.

3260 (g) The committee shall meet at least quarterly.

3261 ~~[(h) (i) (A) Members who are not government employees shall receive no~~  
3262 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
3263 ~~the performance of the member's official duties at the rates established by the Division of~~  
3264 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

3265 ~~[(B) Members may decline to receive per diem and expenses for their service.]~~

3266 ~~[(ii) (A) State government officer and employee members who do not receive salary,~~  
3267 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~  
3268 ~~incurred in the performance of their official duties from the committee at the rates established~~  
3269 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3270 ~~[(B) State government officer and employee members may decline to receive per diem~~  
3271 ~~and expenses for their service.]~~

3272 (h) A member may not receive compensation or benefits for the member's service, but  
3273 may receive per diem and travel expenses in accordance with:

3274 (i) Section 63A-3-106;

3275 (ii) Section 63A-3-107; and

3276 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3277 63A-3-107.

3278 (i) The department shall provide staff for the committee.

3279 Section 58. Section **26-18-102** is amended to read:

3280 **26-18-102. DUR Board -- Creation and membership -- Expenses.**

3281 (1) There is created a 12-member Drug Utilization Review Board responsible for  
3282 implementation of a retrospective and prospective DUR program.

3283 (2) (a) Except as required by Subsection (2)(b), as terms of current board members  
3284 expire, the executive director shall appoint each new member or reappointed member to a  
3285 four-year term.

3286 (b) Notwithstanding the requirements of Subsection (2)(a), the executive director  
3287 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the  
3288 terms of board members are staggered so that approximately half of the board is appointed  
3289 every two years.

3290 (c) Persons appointed to the board may be reappointed upon completion of their terms,  
3291 but may not serve more than two consecutive terms.

3292 (d) The executive director shall provide for geographic balance in representation on  
3293 the board.

3294 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
3295 appointed for the unexpired term.

3296 (4) The membership shall be comprised of the following:

3297 (a) four physicians who are actively engaged in the practice of medicine or osteopathic  
3298 medicine in this state, to be selected from a list of nominees provided by the Utah Medical  
3299 Association;

3300 (b) one physician in this state who is actively engaged in academic medicine;

3301 (c) three pharmacists who are actively practicing in retail pharmacy in this state, to be  
3302 selected from a list of nominees provided by the Utah Pharmaceutical Association;

3303 (d) one pharmacist who is actively engaged in academic pharmacy;

3304 (e) one person who shall represent consumers;

3305 (f) one person who shall represent pharmaceutical manufacturers, to be recommended

3306 by the Pharmaceutical Manufacturers Association; and

3307 (g) one dentist licensed to practice in this state under Title 58, Chapter 69, Dentists  
 3308 and Dental Hygienists Act, who is actively engaged in the practice of dentistry, nominated by  
 3309 the Utah Dental Association.

3310 (5) Physician and pharmacist members of the board shall have expertise in clinically  
 3311 appropriate prescribing and dispensing of outpatient drugs.

3312 (6) The board shall elect a chair from among its members who shall serve a one-year  
 3313 term, and may serve consecutive terms.

3314 ~~[(7) (a) Members shall receive no compensation or benefits for their services, but may  
 3315 receive per diem and expenses incurred in the performance of the member's official duties at  
 3316 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3317 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

3318 ~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses  
 3319 from the entity that they represent for their service may receive per diem and expenses  
 3320 incurred in the performance of their official duties from the committee at the rates established  
 3321 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3322 ~~[(ii) Higher education members may decline to receive per diem and expenses for their  
 3323 service.]~~

3324 (7) A member may not receive compensation or benefits for the member's service, but  
 3325 may receive per diem and travel expenses in accordance with:

3326 (a) Section 63A-3-106;

3327 (b) Section 63A-3-107; and

3328 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 3329 63A-3-107.

3330 Section 59. Section **26-18a-2** is amended to read:

3331 **26-18a-2. Creation and membership of Kurt Oscarson Children's Organ**  
 3332 **Transplant Coordinating Committee -- Expenses.**

3333 (1) There is created the Kurt Oscarson Children's Organ Transplant Coordinating

3334 Committee.

3335 (2) The committee shall have five members representing the following:

3336 (a) the executive director of the Department of Health or his designee;

3337 (b) two representatives from public or private agencies and organizations concerned  
3338 with providing support and financial assistance to the children and families of children who  
3339 need organ transplants; and

3340 (c) two individuals who have had organ transplants, have children who have had organ  
3341 transplants, who work with families or children who have had or are awaiting organ  
3342 transplants, or community leaders or volunteers who have demonstrated an interest in working  
3343 with families or children in need of organ transplants.

3344 (3) (a) The governor shall appoint the committee members and designate the chair  
3345 from among the committee members.

3346 (b) (i) Except as required by Subsection (3)(b)(ii), each member shall serve a four-year  
3347 term.

3348 (ii) Notwithstanding the requirements of Subsection (3)(b)(i), the governor shall, at the  
3349 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
3350 the committee members are staggered so that approximately half of the committee is appointed  
3351 every two years.

3352 ~~[(4) (a) (i) Members who are not government employees receive no compensation or~~  
3353 ~~benefits for their services, but may, at the executive director's discretion, receive per diem and~~  
3354 ~~expenses incurred in the performance of the member's official duties at the rates established~~  
3355 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3356 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

3357 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
3358 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
3359 ~~incurred in the performance of their official duties from the committee at the rates established~~  
3360 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3361 ~~[(ii) State government officer and employee members may decline to receive per diem~~



3362 and expenses for their service.]

3363 (4) A member may not receive compensation or benefits for the member's service, but,  
 3364 at the executive director's discretion, may receive per diem and travel expenses in accordance  
 3365 with:

3366 (a) Section 63A-3-106;

3367 (b) Section 63A-3-107; and

3368 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 3369 63A-3-107.

3370 (5) The Department of Health shall provide support staff for the committee.

3371 Section 60. Section **26-21-4** is amended to read:

3372 **26-21-4. Per diem and travel expenses of committee members.**

3373 [~~(1) Members shall receive no compensation or benefits for their services, but may~~  
 3374 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
 3375 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3376 [~~(2) Members may decline to receive per diem and expenses for their service.]~~

3377 A member may not receive compensation or benefits for the member's service, but may  
 3378 receive per diem and travel expenses in accordance with:

3379 (1) Section 63A-3-106;

3380 (2) Section 63A-3-107; and

3381 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 3382 63A-3-107.

3383 Section 61. Section **26-33a-103** is amended to read:

3384 **26-33a-103. Committee membership -- Terms -- Chair -- Compensation.**

3385 (1) The Health Data Committee created by Section 26-1-7 shall be composed of 13  
 3386 members appointed by the governor with the consent of the Senate.

3387 (2) No more than seven members of the committee may be members of the same  
 3388 political party.

3389 (3) The appointed members of the committee shall be knowledgeable regarding the

3390 health care system and the characteristics and use of health data and shall be selected so that  
3391 the committee at all times includes individuals who provide care.

3392 (4) The membership of the committee shall be:

3393 (a) one person employed by or otherwise associated with a hospital as defined by  
3394 Section 26-21-2;

3395 (b) one physician, as defined in Section 58-67-102, licensed to practice in this state,  
3396 who spends the majority of his time in the practice of medicine in this state;

3397 (c) one registered nurse licensed to practice in this state under Title 58, Chapter 31b,  
3398 Nurse Practice Act;

3399 (d) three persons employed by or otherwise associated with a business that supplies  
3400 health care insurance to its employees, at least one of whom represents an employer employing  
3401 50 or fewer employees;

3402 (e) one person employed by or associated with a third-party payor that is not licensed  
3403 under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans;

3404 (f) two consumer representatives from organized consumer or employee associations;

3405 (g) one person broadly representative of the public interest;

3406 (h) one person employed by or associated with an organization that is licensed under  
3407 Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans; and

3408 (i) two people representing public health.

3409 (5) (a) Except as required by Subsection (5)(b), as terms of current committee  
3410 members expire, the governor shall appoint each new member or reappointed member to a  
3411 four-year term.

3412 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the  
3413 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
3414 committee members are staggered so that approximately half of the committee is appointed  
3415 every two years.

3416 (c) Members may serve after their terms expire until replaced.

3417 (6) When a vacancy occurs in the membership for any reason, the replacement shall be

3418 appointed for the unexpired term.

3419 (7) Committee members shall annually elect a chair of the committee from among  
3420 their membership.

3421 (8) The committee shall meet at least once during each calendar quarter. Meeting  
3422 dates shall be set by the chair upon 10 working days notice to the other members, or upon  
3423 written request by at least four committee members with at least 10 working days notice to  
3424 other committee members.

3425 (9) Seven committee members constitute a quorum for the transaction of business.  
3426 Action may not be taken except upon the affirmative vote of a majority of a quorum of the  
3427 committee.

3428 ~~[(10) (a) (i) Members who are not government employees shall receive no  
3429 compensation or benefits for their services, but may receive per diem and expenses incurred in  
3430 the performance of the member's official duties at the rates established by the Division of  
3431 Finance under Sections 63A-3-106 and 63A-3-107.]~~

3432 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

3433 ~~[(b) (i) State government officer and employee members who do not receive salary, per  
3434 diem, or expenses from their agency for their service may receive per diem and expenses  
3435 incurred in the performance of their official duties from the committee at the rates established  
3436 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3437 ~~[(ii) State government officer and employee members may decline to receive per diem  
3438 and expenses for their service.]~~

3439 (10) A member may not receive compensation or benefits for the member's service,  
3440 but may receive per diem and travel expenses in accordance with:

3441 (a) Section 63A-3-106;

3442 (b) Section 63A-3-107; and

3443 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3444 63A-3-107.

3445 (11) All meetings of the committee shall be open to the public, except that the

3446 committee may hold a closed meeting if the requirements of Sections 52-4-204, 52-4-205, and  
3447 52-4-206 are met.

3448 Section 62. Section **26-39-202** is repealed and reenacted to read:

3449 **26-39-202. Members serve without pay -- Reimbursement for expenses.**

3450 A member may not receive compensation or benefits for the member's service, but may  
3451 receive per diem and travel expenses in accordance with:

3452 (1) Section 63A-3-106;

3453 (2) Section 63A-3-107; and

3454 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3455 63A-3-107.

3456 Section 63. Section **26-40-104** is amended to read:

3457 **26-40-104. Utah Children's Health Insurance Program Advisory Council.**

3458 (1) There is created a Utah Children's Health Insurance Program Advisory Council  
3459 consisting of at least eight and no more than 11 members appointed by the executive director  
3460 of the department. The term of each appointment shall be three years. The appointments shall  
3461 be staggered at one-year intervals to ensure continuity of the advisory council.

3462 (2) The advisory council shall meet at least quarterly.

3463 (3) The membership of the advisory council shall include at least one representative  
3464 from each of the following groups:

3465 (a) child health care providers;

3466 (b) parents and guardians of children enrolled in the program;

3467 (c) ethnic populations other than American Indians;

3468 (d) American Indians;

3469 (e) the Utah Association of Health Care Providers;

3470 (f) health and accident and health insurance providers; and

3471 (g) the general public.

3472 (4) The advisory council shall advise the department on:

3473 (a) benefits design;

- 3474 (b) eligibility criteria;
- 3475 (c) outreach;
- 3476 (d) evaluation; and
- 3477 (e) special strategies for under-served populations.

3478 ~~[(5) (a) (i) Members who are not government employees may not receive~~  
3479 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
3480 ~~the performance of the member's official duties at the rates established by the Division of~~  
3481 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

3482 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

3483 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
3484 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
3485 ~~incurred in the performance of their official duties from the council at the rates established by~~  
3486 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3487 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
3488 ~~and expenses for their service.]~~

3489 (5) A member may not receive compensation or benefits for the member's service, but  
3490 may receive per diem and travel expenses in accordance with:

3491 (a) Section 63A-3-106;

3492 (b) Section 63A-3-107; and

3493 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3494 63A-3-107.

3495 Section 64. Section **26-46-103** is amended to read:

3496 **26-46-103. Advisory committee -- Membership -- Compensation -- Duties.**

3497 (1) There is created the Utah Health Care Workforce Financial Assistance Program  
3498 Advisory Committee consisting of the following 13 members appointed by the executive  
3499 director, eight of whom shall be residents of rural communities:

3500 (a) one rural representative of Utah Hospitals and Health Systems, nominated by the  
3501 association;

- 3502 (b) two rural representatives of the Utah Medical Association, nominated by the  
3503 association;
- 3504 (c) one representative of the Utah Academy of Physician Assistants, nominated by the  
3505 association;
- 3506 (d) one representative of the Association for Utah Community Health, nominated by  
3507 the association;
- 3508 (e) one representative of the Utah Dental Association, nominated by the association;
- 3509 (f) one representative of mental health therapists, selected from nominees submitted by  
3510 mental health therapist professional associations;
- 3511 (g) one representative of the Association of Local Health Officers, nominated by the  
3512 association;
- 3513 (h) one representative of the low-income advocacy community, nominated by the Utah  
3514 Human Services Coalition;
- 3515 (i) one nursing program faculty member, nominated by the Statewide Deans and  
3516 Directors Committee;
- 3517 (j) one administrator of a long-term care facility, nominated by the Utah Health Care  
3518 Association;
- 3519 (k) one nursing administrator, nominated by the Utah Nurses Association; and
- 3520 (l) one geriatric professional who is:
- 3521 (i) determined by the department to have adequate advanced training in geriatrics to  
3522 prepare the person to provide specialized geriatric care within the scope of the person's  
3523 profession; and
- 3524 (ii) nominated by a professional association for the profession of which the person is a  
3525 member.
- 3526 (2) An appointment to the committee shall be for a four-year term unless the member  
3527 is appointed to complete an unexpired term. The executive director may also adjust the length  
3528 of term at the time of appointment or reappointment so that approximately 1/2 the committee  
3529 is appointed every two years. The executive director shall annually appoint a committee chair

3530 from among the members of the committee.

3531 (3) The committee shall meet at the call of the chair, at least three members of the  
3532 committee, or the executive director, but no less frequently than once each calendar year.

3533 (4) A majority of the members of the committee constitutes a quorum. The action of a  
3534 majority of a quorum constitutes the action of the committee.

3535 [~~(5) Members of the committee may not receive compensation for their work  
3536 associated with the committee, but may receive from the department reimbursement for travel  
3537 expenses incurred as a member of the committee, as funds are available, at the rates  
3538 established by the Division of Finance under Section 63A-3-107. Members of the committee  
3539 may decline reimbursement.]~~

3540 (5) A member may not receive compensation or benefits for the member's service, but  
3541 may receive per diem and travel expenses in accordance with:

3542 (a) Section 63A-3-106;

3543 (b) Section 63A-3-107; and

3544 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3545 63A-3-107.

3546 (6) The committee shall:

3547 (a) make recommendations to the department for the development and modification of  
3548 rules to administer the Utah Health Care Workforce Financial Assistance Program; and

3549 (b) advise the department on the development of a needs assessment tool for  
3550 identifying underserved areas.

3551 (7) As funding permits, the department shall provide staff and other administrative  
3552 support to the committee.

3553 Section 65. Section **26-50-202** is amended to read:

3554 **26-50-202. Traumatic Brain Injury Advisory Committee -- Membership -- Time**  
3555 **limit.**

3556 (1) On or after July 1 of each year, the executive director may create a Traumatic  
3557 Brain Injury Advisory Committee of not more than nine members.

3558 (2) The committee shall be composed of members of the community who are familiar  
3559 with traumatic brain injury, its causes, diagnosis, treatment, rehabilitation, and support  
3560 services, including:

- 3561 (a) persons with a traumatic brain injury;
- 3562 (b) family members of a person with a traumatic brain injury;
- 3563 (c) representatives of an association which advocates for persons with traumatic brain  
3564 injuries;
- 3565 (d) specialists in a profession that works with brain injury patients; and
- 3566 (e) department representatives.

3567 (3) The department shall provide staff support to the committee.

3568 (4) (a) If a vacancy occurs in the committee membership for any reason, a replacement  
3569 may be appointed for the unexpired term.

3570 (b) The committee shall elect a chairperson from the membership.

3571 (c) A majority of the committee constitutes a quorum at any meeting, and, if a quorum  
3572 exists, the action of the majority of members present shall be the action of the committee.

3573 (d) The committee may adopt bylaws governing the committee's activities.

3574 (e) A committee member may be removed by the executive director:

- 3575 (i) if the member is unable or unwilling to carry out the member's assigned  
3576 responsibilities; or
- 3577 (ii) for good cause.

3578 (5) The committee shall comply with the procedures and requirements of:

3579 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

3580 (b) Title 63G, Chapter 2, Government Records Access and Management Act.

3581 ~~[(6) (a) Members shall receive no compensation or benefits for their services, but may,~~  
3582 ~~at the executive director's discretion, receive per diem and expenses incurred in the~~  
3583 ~~performance of the members' official duties at the rates established by the Division of Finance~~  
3584 ~~under Sections 63A-3-106 and 63A-3-107.]~~

3585 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~



3586 (6) A member may not receive compensation or benefits for the member's service, but,  
3587 at the executive director's discretion, may receive per diem and travel expenses in accordance  
3588 with:

3589 (a) Section 63A-3-106;

3590 (b) Section 63A-3-107; and

3591 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3592 63A-3-107.

3593 (7) Not later than November 30 of each year the committee shall provide a written  
3594 report summarizing the activities of the committee to:

3595 (a) the executive director of the department;

3596 (b) the Health and Human Services Interim Committee; and

3597 (c) the Health and Human Services Appropriations Subcommittee.

3598 (8) The committee shall cease to exist on December 31 of each year, unless the  
3599 executive director determines it necessary to continue.

3600 Section 66. Section **31A-2-403** is amended to read:

3601 **31A-2-403. Title and Escrow Commission created.**

3602 (1) (a) Subject to Subsection (1)(b), there is created within the department the Title  
3603 and Escrow Commission that is comprised of five members appointed by the governor with  
3604 the consent of the Senate as follows:

3605 (i) four members shall each:

3606 (A) be or have been licensed under the title insurance line of authority; ~~and~~

3607 (B) as of the day on which the member is appointed, be or have been licensed with the  
3608 search or escrow subline of authority for at least five years; and

3609 (C) as of the day on which the member is appointed, not be from the same county as  
3610 another member appointed under this Subsection (1)(a)(i); and

3611 (ii) one member shall be a member of the general public from any county in the state.

3612 (b) No more than one commission member may be appointed from a single company.

3613 (2) (a) Subject to Subsection (2)(c), a member of the commission shall file with the

3614 department a disclosure of any position of employment or ownership interest that the member  
3615 of the commission has with respect to a person that is subject to the jurisdiction of the  
3616 department.

3617 (b) The disclosure statement required by this Subsection (2) shall be:

3618 (i) filed by no later than the day on which the person begins that person's appointment;  
3619 and

3620 (ii) amended when a significant change occurs in any matter required to be disclosed  
3621 under this Subsection (2).

3622 (c) A member of the commission is not required to disclose an ownership interest that  
3623 the member of the commission has if the ownership interest is held as part of a mutual fund,  
3624 trust, or similar investment.

3625 (3) (a) Except as required by Subsection (3)(b), as terms of current commission  
3626 members expire, the governor shall appoint each new member to a four-year term ending on  
3627 June 30.

3628 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
3629 time of appointment, adjust the length of terms to ensure that the terms of the commission  
3630 members are staggered so that approximately half of the commission is appointed every two  
3631 years.

3632 (c) A commission member may not serve more than one consecutive term.

3633 (d) When a vacancy occurs in the membership for any reason, the governor, with the  
3634 consent of the Senate, shall appoint a replacement for the unexpired term.

3635 ~~[(4) (a) A member of the commission may not receive compensation or benefits for the~~  
3636 ~~member's services, but may receive per diem and expenses incurred in the performance of the~~  
3637 ~~member's official duties at the rates established by the Division of Finance under Sections~~  
3638 ~~63A-3-106 and 63A-3-107.]~~

3639 ~~[(b) A member may decline to receive per diem and expenses for the member's~~  
3640 ~~service.]~~

3641 (4) A member may not receive compensation or benefits for the member's service, but

3642 may receive per diem and travel expenses in accordance with:

3643 (a) Section 63A-3-106;

3644 (b) Section 63A-3-107; and

3645 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

3646 63A-3-107.

3647 (5) Members of the commission shall annually select one member to serve as chair.

3648 (6) (a) The commission shall meet at least monthly.

3649 (b) The commissioner may call additional meetings:

3650 (i) at the commissioner's discretion;

3651 (ii) upon the request of the chair of the commission; or

3652 (iii) upon the written request of three or more commission members.

3653 (c) (i) Three members of the commission constitute a quorum for the transaction of  
3654 business.

3655 (ii) The action of a majority of the members when a quorum is present is the action of  
3656 the commission.

3657 (7) The department shall staff the commission.

3658 Section 67. Section **31A-29-104** is amended to read:

3659 **31A-29-104. Creation of pool -- Board of directors -- Appointment -- Terms --**  
3660 **Quorum -- Plan preparation.**

3661 (1) There is created the "Utah Comprehensive Health Insurance Pool," a nonprofit  
3662 entity within the Insurance Department.

3663 (2) The pool shall be under the direction of a board of directors composed of 12  
3664 members.

3665 (a) The governor shall appoint 10 of the directors with the consent of the Senate as  
3666 follows:

3667 (i) two representatives of health insurance companies or health service organizations;

3668 (ii) one representative of a health maintenance organization;

3669 (iii) one physician;

- 3670 (iv) one representative of hospitals;
- 3671 (v) one representative of the general public who is reasonably expected to qualify for
- 3672 coverage under the pool;
- 3673 (vi) one parent or spouse of such an individual;
- 3674 (vii) one representative of the general public;
- 3675 (viii) one representative of employers; and
- 3676 (ix) one licensed producer with an accident and health line of authority.

- 3677 (b) The board shall also include:
- 3678 (i) the commissioner or the commissioner's designee; and
- 3679 (ii) the executive director of the Department of Health or the executive director's
- 3680 designee.

3681 (3) (a) Except as required by Subsection (3)(b), as terms of current board members  
3682 expire, the governor shall appoint each new member or reappointed member to a four-year  
3683 term.

3684 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
3685 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
3686 board members are staggered so that approximately half of the board is appointed every two  
3687 years.

3688 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
3689 appointed for the unexpired term in the same manner as the original appointment was made.

3690 ~~[(5) (a) (i) Members who are not government employees shall receive no~~  
3691 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
3692 ~~the performance of the member's official duties at the rates established by the Division of~~  
3693 ~~Finance under Sections 63A-3-106 and 63A-3-107 from the Pool Fund.]~~

3694 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

3695 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
3696 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
3697 ~~incurred in the performance of their official duties from the pool at the rates established by the~~

3698 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3699  ~~[(ii) A state government member who is a member because of their state government~~  
3700  ~~position may not receive per diem or expenses for their service.]~~

3701  ~~[(iii) State government officer and employee members may decline to receive per diem~~  
3702  ~~and expenses for their service.]~~

3703 (5) A member may not receive compensation or benefits for the member's service, but  
3704 may receive per diem and travel expenses in accordance with:

3705 (a) Section 63A-3-106;

3706 (b) Section 63A-3-107; and

3707 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3708 63A-3-107.

3709 (6) The board shall elect annually a chair and vice chair from its membership.

3710 (7) Six board members are a quorum for the transaction of business.

3711 (8) The action of a majority of the members of the quorum is the action of the board.

3712 Section 68. Section **31A-35-201** is amended to read:

3713 **31A-35-201. Bail Bond Surety Oversight Board.**

3714 (1) There is created a Bail Bond Surety Oversight Board within the department,  
3715 consisting of:

3716 (a) the following seven voting members to be appointed by the commissioner:

3717 (i) one representative each from four licensed bail bond surety companies;

3718 (ii) two members of the general public who do not have any financial interest in or  
3719 professional affiliation with any bail bond surety company; and

3720 (iii) one attorney in good standing licensed to practice law in Utah; and

3721 (b) a nonvoting member who is a staff member of the insurance department appointed  
3722 by the commissioner.

3723 (2) (a) The appointments are for terms of four years. A board member may not serve  
3724 more than two consecutive terms.

3725 (b) The insurance commissioner shall, at the time of appointment or reappointment of

3726 a board member described in Subsection (1)(a), adjust the length of terms to ensure that the  
3727 terms of board members are staggered so approximately half of the board is appointed every  
3728 two years.

3729 (3) A board member serves until:

3730 (a) removed by the insurance commissioner;

3731 (b) the member's resignation; or

3732 (c) for a member described in Subsection (1)(a), the expiration of the member's term  
3733 and the appointment of a successor.

3734 (4) When a vacancy occurs in the membership of a board member described in  
3735 Subsection (1)(a) for any reason, the replacement shall be appointed for the remainder of the  
3736 unexpired term.

3737 (5) The board shall annually elect one of its members as chair.

3738 (6) Four voting members constitute a quorum for the transaction of business.

3739 ~~[(7) (a) A member described in Subsection (1)(a) does not receive compensation or~~  
3740 ~~benefits for the member's services, but may receive per diem and expenses incurred in the~~  
3741 ~~performance of official duties at the rates established by the Division of Finance under~~  
3742 ~~Sections 63A-3-106 and 63A-3-107.]~~

3743 ~~[(b) A member described in Subsection (1)(a) may decline to receive per diem and~~  
3744 ~~expenses for the member's services.]~~

3745 (7) A member may not receive compensation or benefits for the member's service, but  
3746 may receive per diem and travel expenses in accordance with:

3747 (a) Section 63A-3-106;

3748 (b) Section 63A-3-107; and

3749 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3750 63A-3-107.

3751 (8) (a) The commissioner, with a majority vote of the board, may remove any member  
3752 of the board described in Subsection (1)(a) for misconduct, incompetency, or neglect of duty.

3753 (b) The board shall conduct a hearing if requested by the board member described in

3754 Subsection (1)(a) that is to be removed.

3755 (9) Members of the board are immune from suit with respect to all acts done and  
3756 actions taken in good faith in carrying out the purposes of this chapter.

3757 Section 69. Section **32A-1-106** is amended to read:

3758 **32A-1-106. Alcoholic Beverage Control Commission -- Membership -- Oaths and**  
3759 **bond -- Per diem -- Offices -- Removal -- Meetings.**

3760 (1) The Alcoholic Beverage Control Commission shall act as a governing board over  
3761 the Department of Alcoholic Beverage Control.

3762 (2) (a) The commission is composed of five part-time commissioners appointed by the  
3763 governor with the consent of the Senate.

3764 (b) No more than three commissioners may be of the same political party.

3765 (3) (a) Except as required by Subsection (3)(b), as terms of current commissioners  
3766 expire, the governor shall appoint each new commissioner or reappointed commissioner to a  
3767 four-year term.

3768 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
3769 time of appointment or reappointment, adjust the length of terms to ensure that the terms of no  
3770 more than two commissioners expire in a fiscal year.

3771 (4) When a vacancy occurs in the commission for any reason, the replacement shall be  
3772 appointed for the unexpired term with the consent of the Senate.

3773 (5) Each commissioner shall qualify by taking the oath of office and by giving bond to  
3774 the state for faithful performance of duties in an amount determined by the Division of  
3775 Finance, and in a form approved by the attorney general. The bond premium shall be paid by  
3776 the state.

3777 ~~[(6) (a) A commissioner may not receive compensation or benefits for the~~  
3778 ~~commissioner's services, but may receive per diem and expenses incurred in the performance~~  
3779 ~~of the commissioner's official duties at the rates established by the Division of Finance under~~  
3780 ~~Sections 63A-3-106 and 63A-3-107.]~~

3781 ~~[(b) A commissioner may decline to receive per diem and expenses for the~~

3782 commissioner's service.]

3783 (6) A commissioner may not receive compensation or benefits for the commissioner's  
3784 service, but may receive per diem and travel expenses in accordance with:

3785 (a) Section 63A-3-106;

3786 (b) Section 63A-3-107; and

3787 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3788 63A-3-107.

3789 (7) (a) The commission shall elect one of its members to serve as chair, another to  
3790 serve as vice chair, and other commission officers as it considers advisable, all of whom shall  
3791 serve at the pleasure of the commission.

3792 (b) All commissioners on the commission have equal voting rights on all commission  
3793 matters when in attendance at a commission meeting.

3794 (c) Three commissioners of the commission is a quorum for conducting commission  
3795 business.

3796 (d) A majority vote of the quorum present is required for any action to be taken by the  
3797 commission.

3798 (8) (a) (i) The governor may remove any commissioner from office for cause after a  
3799 public hearing conducted by the governor or by an impartial hearing examiner appointed by  
3800 the governor to conduct the hearing.

3801 (ii) The commissioner shall receive written notice of the date, time, and place of the  
3802 hearing along with the alleged grounds for the removal at least 10 days before the hearing.  
3803 The commissioner shall have the opportunity to attend the hearing, present witnesses and other  
3804 evidence, and confront and cross examine witnesses.

3805 (b) Following the hearing, written findings of fact and conclusions of law shall be  
3806 prepared by the person conducting the hearing and a copy served upon the commissioner. If  
3807 the hearing is before a hearing examiner, the hearing examiner shall also issue a written  
3808 recommendation to the governor.

3809 (c) The commissioner shall have five days to file written objections to the



3810 recommendation before the governor issues a final order. The governor's order shall be in  
3811 writing and served upon the commissioner.

3812 (9) (a) The commission shall meet at least monthly, but may hold other meetings at  
3813 times and places as scheduled by the commission, by the chair, or by any three commissioners  
3814 upon filing a written request for a meeting with the chair.

3815 (b) Notice of the time and place of each commission meeting shall be given to each  
3816 commissioner, and to the public in compliance with Title 52, Chapter 4, Open and Public  
3817 Meetings Act. All commission meetings shall be open to the public, except those meetings or  
3818 portions of meetings that are closed by the commission as authorized by Sections 52-4-204  
3819 and 52-4-205.

3820 Section 70. Section **34-20-3** is amended to read:

3821 **34-20-3. Labor relations board.**

3822 (1) (a) There is created the Labor Relations Board consisting of the following:

3823 (i) the commissioner of the Labor Commission;

3824 (ii) two members appointed by the governor with the consent of the Senate consisting  
3825 of:

3826 (A) a representative of employers, in making this appointment the governor shall  
3827 consider nominations from employer organizations; and

3828 (B) a representative of employees, in making this appointment the governor shall  
3829 consider nominations from employee organizations.

3830 (b) (i) Except as provided in Subsection (1)(b)(ii), as terms of members appointed  
3831 under Subsection (1)(a)(ii) expire, the governor shall appoint each new member or reappointed  
3832 member to a four-year term.

3833 (ii) Notwithstanding the requirements of Subsection (1)(b)(i), the governor shall, at the  
3834 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
3835 members appointed under Subsection (1)(a)(ii) are staggered so one member is appointed  
3836 every two years.

3837 (c) The commissioner shall serve as chair of the board.

3838 (d) A vacancy occurring on the board for any cause of the members appointed under  
3839 Subsection (1)(a)(ii) shall be filled by the governor with the consent of the Senate pursuant to  
3840 this section for the unexpired term of the vacating member.

3841 (e) The governor may at any time remove a member appointed under Subsection  
3842 (1)(a)(ii) but only for inefficiency, neglect of duty, malfeasance or malfeasance in office, or for  
3843 cause upon a hearing.

3844 (f) A member of the board appointed under Subsection (1)(a)(ii) may not hold any  
3845 other office in the government of the United States, this state or any other state, or of any  
3846 county government or municipal corporation within a state.

3847 ~~[(g) (i) (A) A member appointed under Subsection (1)(a)(ii) may not receive  
3848 compensation for the member's services, but may receive per diem and expenses incurred in  
3849 the performance of the member's official duties at the rates established by the Division of  
3850 Finance under Sections 63A-3-106 and 63A-3-107.]~~

3851 ~~[(B) A member appointed under Subsection (1)(a)(ii) may decline to receive per diem  
3852 and expenses for the member's service.]~~

3853 ~~[(ii) The commissioner may not receive additional compensation, per diem, or  
3854 expenses from the commissioner's service on the board that is in addition to the monies  
3855 received as commissioner.]~~

3856 (g) A member appointed under Subsection (1)(a)(ii) may not receive compensation or  
3857 benefits for the member's service, but may receive per diem and travel expenses in accordance  
3858 with:

3859 (i) Section 63A-3-106;

3860 (ii) Section 63A-3-107; and

3861 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3862 63A-3-107.

3863 (2) A meeting of the board may be called:

3864 (a) by the chair; or

3865 (b) jointly by the members appointed under Subsection (1)(a)(ii).

3866 (3) The chair may provide staff and administrative support as necessary from the  
3867 Labor Commission.

3868 (4) A vacancy in the board shall not impair the right of the remaining members to  
3869 exercise all the powers of the board, and two members of the board shall at all times constitute  
3870 a quorum.

3871 (5) The board shall have an official seal which shall be judicially noticed.

3872 Section 71. Section **34A-2-107** is amended to read:

3873 **34A-2-107. Appointment of workers' compensation advisory council --**

3874 **Composition -- Terms of members -- Duties -- Compensation.**

3875 (1) The commissioner shall appoint a workers' compensation advisory council  
3876 composed of:

3877 (a) the following voting members:

3878 (i) five employer representatives; and

3879 (ii) five employee representatives; and

3880 (b) the following nonvoting members:

3881 (i) a representative of the Workers' Compensation Fund;

3882 (ii) a representative of a private insurance carrier;

3883 (iii) a representative of health care providers;

3884 (iv) the Utah insurance commissioner or the insurance commissioner's designee; and

3885 (v) the commissioner or the commissioner's designee.

3886 (2) Employers and employees shall consider nominating members of groups who  
3887 historically may have been excluded from the council, such as women, minorities, and  
3888 individuals with disabilities.

3889 (3) (a) Except as required by Subsection (3)(b), as terms of current council members  
3890 expire, the commissioner shall appoint each new member or reappointed member to a two-year  
3891 term beginning July 1 and ending June 30.

3892 (b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at  
3893 the time of appointment or reappointment, adjust the length of terms to ensure that the terms

3894 of council members are staggered so that approximately half of the council is appointed every  
3895 two years.

3896 (4) (a) When a vacancy occurs in the membership for any reason, the replacement  
3897 shall be appointed for the unexpired term.

3898 (b) The commissioner shall terminate the term of a council member who ceases to be  
3899 representative as designated by the member's original appointment.

3900 (5) (a) The council shall confer at least quarterly for the purpose of advising the  
3901 commission, the division, and the Legislature on:

3902 (i) the Utah workers' compensation and occupational disease laws;

3903 (ii) the administration of the laws described in Subsection (5)(a)(i);

3904 (iii) rules related to the laws described in Subsection (5)(a)(i); and

3905 (iv) advising the Legislature in accordance with Subsection (5)(b).

3906 (b) (i) The council and the commission shall jointly study during 2009 the premium  
3907 assessment under Section 59-9-101 on an admitted insurer writing workers' compensation  
3908 insurance in this state and on a self-insured employer under Section 34A-2-202 as to:

3909 (A) whether or not the premium assessment should be changed; or

3910 (B) whether or not changes should be made to how the premium assessment is used.

3911 (ii) The council and commission shall jointly report the results of the study described  
3912 in this Subsection (5)(b) to the Business and Labor Interim Committee by no later than the  
3913 2009 November interim meeting.

3914 (6) Regarding workers' compensation, rehabilitation, and reemployment of employees  
3915 who are disabled because of an industrial injury or occupational disease the council shall:

3916 (a) offer advice on issues requested by:

3917 (i) the commission;

3918 (ii) the division; and

3919 (iii) the Legislature; and

3920 (b) make recommendations to:

3921 (i) the commission; and

3922 (ii) the division.

3923 (7) The commissioner or the commissioner's designee shall serve as the chair of the  
3924 council and call the necessary meetings.

3925 (8) The commission shall provide staff support to the council.

3926 ~~[(9) (a) (i) A member who is not a government employee may not receive~~  
3927 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~  
3928 ~~incurred in the performance of the member's official duties at the rates established by the~~  
3929 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3930 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~  
3931 ~~service.]~~

3932 ~~[(b) (i) A state government officer or employee member who does not receive salary,~~  
3933 ~~per diem, or expenses from the member's agency for the member's service may receive per~~  
3934 ~~diem and expenses incurred in the performance of the member's official duties from the~~  
3935 ~~council at the rates established by the Division of Finance under Sections 63A-3-106 and~~  
3936 ~~63A-3-107.]~~

3937 ~~[(ii) A state government officer or employee member may decline to receive per diem~~  
3938 ~~and expenses for the member's service.]~~

3939 (9) A member may not receive compensation or benefits for the member's service, but  
3940 may receive per diem and travel expenses in accordance with:

3941 (a) Section 63A-3-106;

3942 (b) Section 63A-3-107; and

3943 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3944 63A-3-107.

3945 Section 72. Section **34A-5-105** is amended to read:

3946 **34A-5-105. Antidiscrimination and Labor Advisory Council -- Membership --**  
3947 **Appointment -- Term -- Powers and duties -- Chair.**

3948 (1) There is created an Antidiscrimination and Labor Advisory Council consisting of:

3949 (a) 13 voting members appointed by the commissioner as follows:

3950 (i) three employer representatives;  
3951 (ii) three employee representatives;  
3952 (iii) two representatives of persons who seek to rent or purchase dwellings as defined  
3953 in Section 57-21-2;

3954 (iv) two representatives of persons who:  
3955 (A) sell or rent dwellings; and  
3956 (B) are subject to Title 57, Chapter 21, Utah Fair Housing Act; and  
3957 (v) three representatives of the general public; and

3958 (b) the commissioner or the commissioner's designee as a nonvoting member of the  
3959 council.

3960 (2) In making the appointments under Subsection (1), the commissioner shall consider  
3961 representation of the following protected classes:

- 3962 (a) race;
- 3963 (b) color;
- 3964 (c) national origin;
- 3965 (d) gender;
- 3966 (e) religion;
- 3967 (f) age;
- 3968 (g) persons with disabilities;
- 3969 (h) familial status as defined in Section 57-21-2; and
- 3970 (i) source of income as defined in Section 57-21-2.

3971 (3) The division shall provide any necessary staff support for the council.

3972 (4) (a) Except as required by Subsection (4)(b), as terms of current council members  
3973 expire, the commissioner shall appoint each new member or reappointed member to a  
3974 four-year term.

3975 (b) Notwithstanding the requirements of Subsection (4)(a), the commissioner shall, at  
3976 the time of appointment or reappointment, adjust the length of terms to ensure that the terms  
3977 of council members are staggered so that approximately half of the council is appointed every

3978 two years.

3979 (5) (a) When a vacancy occurs in the membership for any reason, the replacement  
3980 shall be appointed for the unexpired term.

3981 (b) The commissioner shall terminate the term of a council member who ceases to be  
3982 representative as designated by the original appointment.

3983 [~~(6) (a) (i) Members who are not government employees shall receive no  
3984 compensation or benefits for their services, but may receive per diem and expenses incurred in  
3985 the performance of the member's official duties at the rates established by the Division of  
3986 Finance under Sections 63A-3-106 and 63A-3-107.]~~

3987 [~~(ii) Members may decline to receive per diem and expenses for their service.]~~

3988 [~~(b) (i) State government officer and employee members who do not receive salary, per  
3989 diem, or expenses from their agency for their service may receive per diem and expenses  
3990 incurred in the performance of their official duties from the council at the rates established by  
3991 the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

3992 [~~(ii) State government officer and employee members may decline to receive per diem  
3993 and expenses for their service.]~~

3994 (6) A member may not receive compensation or benefits for the member's service, but  
3995 may receive per diem and travel expenses in accordance with:

3996 (a) Section 63A-3-106;

3997 (b) Section 63A-3-107; and

3998 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3999 63A-3-107.

4000 (7) (a) The advisory council shall:

4001 (i) offer advice on issues requested by:

4002 (A) the commission;

4003 (B) the division; or

4004 (C) the Legislature; and

4005 (ii) make recommendations to the commission and division regarding issues related to:

- 4006 (A) employment discrimination;
- 4007 (B) housing discrimination; and
- 4008 (C) the administration by the commission of:
- 4009 (I) the provisions of Title 34, Labor in General, that are administered by the
- 4010 commission;
- 4011 (II) Title 34A, Chapter 5, Utah Antidiscrimination Act; and
- 4012 (III) Title 57, Chapter 21, Utah Fair Housing Act.
- 4013 (b) The council shall confer at least quarterly for the purpose of advising the
- 4014 commission, division, and the Legislature regarding issues described in Subsection (7)(a).
- 4015 (8) (a) The commissioner or the commissioner's designee shall serve as chair of the
- 4016 council.
- 4017 (b) The chair is charged with the responsibility of calling the necessary meetings.
- 4018 Section 73. Section **34A-6-106** is amended to read:
- 4019 **34A-6-106. Occupational Safety and Health Advisory Council -- Appointment.**
- 4020 (1) (a) There is created a Utah Occupational Safety and Health Advisory Council to
- 4021 assist the division in standard formulation.
- 4022 (b) Voting members on the council shall be appointed by the commissioner and shall
- 4023 consist of six persons selected upon the basis of their experience and competence in the field
- 4024 of occupational safety and health and shall include:
- 4025 (i) two representatives of labor;
- 4026 (ii) two representatives of industry; and
- 4027 (iii) two representatives of the public.
- 4028 (c) In addition to the voting members under Subsection (1)(b), the commissioner or
- 4029 the commissioner's designee shall serve as a nonvoting member.
- 4030 (2) (a) Except as required by Subsection (2)(b), as terms of current council members
- 4031 expire, the commissioner shall appoint each new member or reappointed member to a
- 4032 four-year term.
- 4033 (b) Notwithstanding the requirements of Subsection (2)(a), the commissioner shall, at



4034 the time of appointment or reappointment, adjust the length of terms to ensure that the terms  
 4035 of council members are staggered so that approximately half of the council is appointed every  
 4036 two years.

4037 (c) The commissioner may reappoint any council member for additional terms.

4038 (d) The commissioner or the commissioner's designee shall serve as chair of the  
 4039 council and call all necessary meetings.

4040 (3) The council shall meet as needed when called by the chair.

4041 (4) (a) When a vacancy occurs in the membership for any reason, the replacement  
 4042 shall be appointed for the unexpired term.

4043 (b) The commissioner shall terminate the term of any council member who ceases to  
 4044 be a representative as designated by the member's original appointment.

4045 (5) The administrator shall furnish the council clerical, secretarial, and other services  
 4046 necessary to conduct the business delegated to the council.

4047 ~~[(6) (a) Members shall receive no compensation or benefits for their services, but may  
 4048 receive per diem and expenses incurred in the performance of the member's official duties at  
 4049 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4050 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

4051 (6) A member may not receive compensation or benefits for the member's service, but  
 4052 may receive per diem and travel expenses in accordance with:

4053 (a) Section 63A-3-106;

4054 (b) Section 63A-3-107; and

4055 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 4056 63A-3-107.

4057 Section 74. Section **35A-1-205** is amended to read:

4058 **35A-1-205. Workforce Appeals Board -- Chair -- Appointment -- Compensation**  
 4059 **-- Qualifications.**

4060 (1) There is created the Workforce Appeals Board within the department consisting of  
 4061 one or more panels to hear and decide appeals from the decision of an administrative law

4062 judge.

4063 (2) (a) A panel shall consist of three impartial members appointed by the governor as  
4064 follows:

4065 (i) the board chair, appointed in accordance with Subsection (5);

4066 (ii) one member appointed to represent employers; and in making this appointment,  
4067 the governor shall consider nominations from employer organizations; and

4068 (iii) one member appointed to represent employees; and in making this appointment,  
4069 the governor shall consider nominations from employee organizations.

4070 (b) No more than two members of a panel may belong to the same political party.

4071 (3) (a) (i) The term of a member shall be six years beginning on March 1 of the year  
4072 the member is appointed, except as otherwise provided in Subsection (3)(a)(ii).

4073 (ii) The governor shall, at the time of appointment or reappointment, adjust the length  
4074 of terms to ensure that the terms of members are staggered so that approximately one third of  
4075 the members are appointed every two years.

4076 (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
4077 appointed for the unexpired term.

4078 (c) The governor may remove a member for inefficiency, neglect of duty, malfeasance  
4079 or misfeasance in office, or other good and sufficient cause.

4080 (d) A member shall hold office until a successor is appointed and has qualified.

4081 (4) (a) Except as provided in Subsection (4)(~~c~~)(b), a member [~~of the board may not~~  
4082 ~~receive compensation for the member's services, but may receive per diem and expenses~~  
4083 ~~incurred in the performance of the member's official duties at the rates established by the~~  
4084 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.] may not receive  
4085 compensation or benefits for the member's service, but may receive per diem and travel  
4086 expenses in accordance with:~~

4087 (i) Section 63A-3-106;

4088 (ii) Section 63A-3-107; and

4089 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

4090 63A-3-107.

4091 ~~[(b) A member may decline to receive per diem and expenses for the member's~~  
4092 ~~service.]~~

4093 ~~[(c)]~~ (b) The member appointed as board chair in accordance with Subsection (5) shall  
4094 be compensated at an hourly rate determined by the Department of Human Resource  
4095 Management in accordance with Title 67, Chapter 19, Utah State Personnel Management Act.

4096 (5) (a) The chief officer of the board shall be the chair, who shall serve as the  
4097 executive and administrative head of the board.

4098 (b) The chair shall be appointed by the governor to represent the public and may be  
4099 removed from that position at the will of the governor.

4100 (c) The chair shall be experienced in administration and possess any additional  
4101 qualifications determined by the governor.

4102 (6) (a) The chair shall designate an alternate from a panel appointed under this section:

4103 (i) in the absence of a regular member or the chair; or

4104 (ii) if the regular member or the chair has a conflict of interest.

4105 (b) Each case shall be decided by a full three-member panel.

4106 (7) The department shall provide the Workforce Appeals Board necessary staff  
4107 support, except, the board may employ, retain, or appoint legal counsel.

4108 Section 75. Section **35A-1-206** is amended to read:

4109 **35A-1-206. State Council on Workforce Services -- Appointment -- Membership**  
4110 **-- Terms of members -- Compensation.**

4111 (1) There is created a State Council on Workforce Services that shall:

4112 (a) perform the activities described in Subsection (8);

4113 (b) advise on issues requested by the department and the Legislature; and

4114 (c) make recommendations to the department regarding:

4115 (i) the implementation of Chapters 2, Regional Workforce Services Areas, 3,  
4116 Employment Support Act, and 5, Training and Workforce Improvement Act; and

4117 (ii) the coordination of apprenticeship training.

- 4118 (2) (a) The council shall consist of the following voting members:
- 4119 (i) each chair of a regional workforce services council appointed under Section
- 4120 35A-2-103;
- 4121 (ii) the superintendent of public instruction or the superintendent's designee;
- 4122 (iii) the commissioner of higher education or the commissioner's designee; and
- 4123 (iv) the following members appointed by the governor in consultation with the
- 4124 executive director:
- 4125 (A) four representatives of small employers as defined by rule by the department;
- 4126 (B) four representatives of large employers as defined by rule by the department;
- 4127 (C) four representatives of employees or employee organizations, including at least
- 4128 one representative from nominees suggested by public employees organizations;
- 4129 (D) two representatives of the clients served under this title including
- 4130 community-based organizations;
- 4131 (E) a representative of veterans in the state; and
- 4132 (F) the executive director of the Utah State Office of Rehabilitation.
- 4133 (b) The following shall serve as nonvoting ex officio members of the council:
- 4134 (i) the executive director or the executive director's designee;
- 4135 (ii) a legislator appointed by the governor from nominations of the speaker of the
- 4136 House of Representatives and president of the Senate;
- 4137 (iii) the executive director of the Department of Human Services;
- 4138 (iv) the director of the Governor's Office of Economic Development or the director's
- 4139 designee; and
- 4140 (v) the executive director of the Department of Health.
- 4141 (3) (a) The governor shall appoint one nongovernmental member from the council to
- 4142 be the chair.
- 4143 (b) The chair shall serve at the pleasure of the governor.
- 4144 (4) (a) A member appointed by the governor shall serve a term of four years and may
- 4145 be reappointed to one additional term.

4146 (b) A member shall continue to serve until the member's successor has been appointed  
4147 and qualified.

4148 (c) Except as provided in Subsection (4)(d), as terms of council members expire, the  
4149 governor shall appoint each new member or reappointed member to a four-year term.

4150 (d) Notwithstanding the requirements of Subsection (4)(c), the governor shall, at the  
4151 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
4152 council members are staggered so that approximately one half of the council is appointed  
4153 every two years.

4154 (e) When a vacancy occurs in the membership for any reason, the replacement shall be  
4155 appointed for the unexpired term.

4156 (5) A majority of the voting members constitutes a quorum for the transaction of  
4157 business.

4158 ~~[(6) (a) (i) A public member may not receive compensation for the member's services,  
4159 but may receive per diem and expenses incurred in the performance of the member's official  
4160 duties at the rates established by the Division of Finance under Sections 63A-3-106 and  
4161 63A-3-107.]~~

4162 ~~[(ii) A public member may decline to receive per diem and expenses for the member's  
4163 service.]~~

4164 ~~[(b) (i) A state government member who does not receive salary, per diem, or expenses  
4165 from the state for the member's service may receive per diem and expenses incurred in the  
4166 performance of the member's official duties as a member at the rates established by the  
4167 Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4168 ~~[(ii) A state government member who is a member because of the member's state  
4169 government position may not receive per diem or expenses for the member's service.]~~

4170 ~~[(iii) A state government member may decline to receive per diem and expenses for  
4171 the member's service.]~~

4172 ~~[(c) A legislator on the council shall receive compensation and expenses as provided  
4173 by law and legislative rule.]~~

4174 ~~[(d) A higher education member who does not receive salary, per diem, or expenses~~  
4175 ~~from the entity that the member represents for the member's service may receive per diem and~~  
4176 ~~expenses incurred in the performance of the member's official duties from the council at the~~  
4177 ~~rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4178 ~~[(e) (i) A local government member who does not receive salary, per diem, or expenses~~  
4179 ~~from the entity that the member represents for the member's service may receive per diem and~~  
4180 ~~expenses incurred in the performance of the member's official duties at the rates established by~~  
4181 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4182 ~~[(ii) A local government member may decline to receive per diem and expenses for the~~  
4183 ~~member's service.]~~

4184 (6) A member may not receive compensation or benefits for the member's service, but  
4185 may receive per diem and travel expenses in accordance with:

4186 (a) Section 63A-3-106;

4187 (b) Section 63A-3-107; and

4188 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
4189 63A-3-107.

4190 (7) The department shall provide staff and administrative support to the council at the  
4191 direction of the executive director.

4192 (8) The council shall:

4193 (a) develop a state workforce services plan in accordance with Section 35A-1-207;

4194 (b) review regional workforce services plans to certify consistency with state policy  
4195 guidelines;

4196 (c) work cooperatively with regional councils on workforce services to oversee  
4197 regional workforce services area operations and to ensure that services are being delivered in  
4198 accordance with regional workforce services plans;

4199 (d) oversee the department's provision of technical assistance to the regional  
4200 workforce services areas;

4201 (e) evaluate program performance, customer satisfaction, and other indicators to

4202 identify program strengths and weaknesses;

4203           (f) based on the evaluation conducted under Subsection (8)(e) develop plans to  
4204 improve program outcomes;

4205           (g) improve the understanding and visibility of state workforce services efforts  
4206 through external and internal marketing strategies;

4207           (h) make an annual report of accomplishments to the governor and the Legislature  
4208 related to the activities of the department;

4209           (i) issue other studies, reports, or documents the council considers advisable that are  
4210 not required under Subsection (8)(h);

4211           (j) coordinate the planning and delivery of workforce development services with  
4212 public education, higher education, vocational rehabilitation, and human services; and

4213           (k) perform other responsibilities within the scope of workforce services as requested  
4214 by:

4215           (i) the Legislature;

4216           (ii) the governor; or

4217           (iii) the executive director.

4218           Section 76. Section **35A-2-103** is amended to read:

4219           **35A-2-103. Regional council on workforce services -- Appointment --**

4220 **Membership -- Terms of members -- Compensation.**

4221           (1) The executive director shall jointly with all of the consortium of counties in the  
4222 regional workforce services area, establish one or more regional councils on workforce  
4223 services in each regional workforce services area.

4224           (2) A regional council on workforce services shall:

4225           (a) perform the functions described in Subsection (10);

4226           (b) work with the regional director, the department, the consortium of counties, and  
4227 the State Council on Workforce Services on issues requested by the director of the regional  
4228 workforce services area or the department; and

4229           (c) make recommendations to the regional workforce services area and department

4230 regarding:

4231 (i) the implementation of Chapters 2, Regional Workforce Services Areas, 3,  
4232 Employment Support Act, and 5, Training and Workforce Improvement Act; and

4233 (ii) coordination of apprenticeship training.

4234 (3) Unless otherwise specified in this Subsection (3), members of a regional council  
4235 on workforce services shall be appointed by the consortium of counties that covers the same  
4236 geographic area as the regional council in the regional workforce services area, in consultation  
4237 with the regional director, and shall consist of the following:

4238 (a) the voting members who are:

4239 (i) eight representatives of private sector small employers as defined by rule by the  
4240 department;

4241 (ii) eight representatives of private sector large employers as defined by rule by the  
4242 department;

4243 (iii) two representatives of employees, including employee organizations and  
4244 including at least one representative from nominees suggested by public employees  
4245 organizations in the region;

4246 (iv) two representatives of clients, including community-based organizations;

4247 (v) one representative from organized labor not representing public employees;

4248 (vi) three representatives of county government consisting of county commissioners,  
4249 county council members, county executives, or county mayors from the counties in the  
4250 regional workforce services area;

4251 (vii) a representative of public education appointed jointly by the school district  
4252 superintendents in the region;

4253 (viii) a representative of higher education appointed jointly by the presidents of the  
4254 institutions of higher education in the region;

4255 (ix) a representative of veterans;

4256 (x) a representative of the Office of Rehabilitation; and

4257 (xi) an individual who works for or is a member of an economic development board or



4258 committee of the state or one of its political subdivisions; and

4259 (b) ex officio nonvoting members who are:

4260 (i) a representative of applied technology;

4261 (ii) a representative of the Department of Human Services; and

4262 (iii) a representative of the Department of Health.

4263 (4) The director of the regional workforce services area shall be a nonvoting ex officio  
4264 member of the council and provide any necessary staff support for the council.

4265 (5) (a) The consortium of counties in the regional workforce services area that  
4266 appoints the council shall, in consultation with the regional director, appoint a member of the  
4267 council to be the chair of the council to serve no more than two one-year terms.

4268 (b) The chair shall be a representative of private sector employers.

4269 (6) (a) (i) Except as provided in Subsection (6)(a)(ii), as terms of council members  
4270 expire, the consortium of counties in the regional workforce services area that appoints the  
4271 council shall, in consultation with the regional director, appoint each new member or  
4272 reappointed member to a four-year term.

4273 (ii) Notwithstanding the requirements of Subsection (6)(a)(i), the consortium of  
4274 counties in the regional workforce services area that appoints the council shall, in consultation  
4275 with the regional director, at the time of appointment or reappointment, adjust the length of  
4276 terms to ensure that the terms of council members are staggered so that approximately one half  
4277 of the council is appointed every two years.

4278 (iii) When a vacancy occurs in the membership for any reason, the replacement shall  
4279 be appointed for the unexpired term.

4280 (b) At the expiration of the term of a council member or if a vacancy occurs on the  
4281 council, the consortium of counties in the regional workforce services area shall appoint a  
4282 replacement to the council, in consultation with the regional director.

4283 (c) A member shall continue to serve as a member until the member's successor has  
4284 been appointed and qualified.

4285 (d) A member is eligible for reappointment.

4286 (e) The consortium of counties in the regional workforce services area that appoints  
4287 the council shall appoint, in consultation with the regional director, an individual to replace a  
4288 council member for the remainder of the term of the council member being replaced if the  
4289 council member:

4290 (i) ceases to be representative as designated by the original appointment; or

4291 (ii) fails to attend three council meetings, if each of the three absences are not excused  
4292 by the chair prior to or during the meeting.

4293 (7) (a) A majority of the voting members constitutes a quorum for the transaction of  
4294 business.

4295 (b) Notwithstanding Subsection (7)(a), a majority of the private sector representatives  
4296 shall be present for business to be transacted.

4297 ~~[(8) (a) (i) A public member may not receive compensation for the member's services,~~  
4298 ~~but may receive per diem and expenses incurred in the performance of the member's official~~  
4299 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~  
4300 ~~63A-3-107.]~~

4301 ~~[(ii) A public member may decline to receive per diem and expenses for the member's~~  
4302 ~~service.]~~

4303 ~~[(b) (i) A state government member who does not receive salary, per diem, or expenses~~  
4304 ~~from the state for the member's service may receive per diem and expenses incurred in the~~  
4305 ~~performance of the member's official duties as a member at the rates established by the~~  
4306 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4307 ~~[(ii) A state government member who is a member because of the member's state~~  
4308 ~~government position may not receive per diem or expenses for the member's service.]~~

4309 ~~[(iii) A state government member may decline to receive per diem and expenses for~~  
4310 ~~the member's service.]~~

4311 ~~[(c) A higher education member who does not receive salary, per diem, or expenses~~  
4312 ~~from the entity that the member represents for the member's service may receive per diem and~~  
4313 ~~expenses incurred in the performance of the member's official duties from the council at the~~

4314 ~~rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4315 ~~[(d) (i) A local government member who does not receive salary, per diem, or~~  
4316 ~~expenses from the entity that the member represents for the member's service may receive per~~  
4317 ~~diem and expenses incurred in the performance of the member's official duties at the rates~~  
4318 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4319 ~~[(ii) A local government member may decline to receive per diem and expenses for the~~  
4320 ~~member's service.]~~

4321 (8) A member may not receive compensation or benefits for the member's service, but  
4322 may receive per diem and travel expenses in accordance with:

4323 (a) Section 63A-3-106;

4324 (b) Section 63A-3-107; and

4325 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
4326 63A-3-107.

4327 (9) The regional council shall annually provide the consortium of counties that  
4328 appoints the council a written report that shall include the information concerning the  
4329 elements of the regional plan described in Subsection 35A-2-102(4)(b).

4330 (10) The regional councils on workforce services shall:

4331 (a) determine the locations of employment centers in accordance with Section  
4332 35A-2-203;

4333 (b) develop a regional workforce services plan in accordance with Section 35A-1-207;

4334 (c) develop training priorities for the region;

4335 (d) work cooperatively with the State Council on Workforce Services to oversee  
4336 regional workforce services areas operations and to ensure that services are being delivered in  
4337 accordance with regional workforce services plans;

4338 (e) address concerns within the regional workforce services area related to  
4339 apprenticeship training coordination;

4340 (f) coordinate the planning and delivery of workforce development services with  
4341 public education, higher education, vocational rehabilitation, and human services; and

4342 (g) report annually to the State Council on Workforce Services.

4343 Section 77. Section **35A-3-205** is amended to read:

4344 **35A-3-205. Creation of committee.**

4345 (1) There is created a Child Care Advisory Committee.

4346 (2) The committee shall counsel and advise the office in fulfilling its statutory  
4347 obligations to include:

4348 (a) a review of and recommendations on the office's annual budget;

4349 (b) recommendations on how the office might best respond to child care needs  
4350 throughout the state; and

4351 (c) recommendations on the use of new monies that come into the office, including  
4352 those for the Child Care Fund.

4353 (3) The committee is composed of the following members, with special attention given  
4354 to insure diversity and representation from both urban and rural groups:

4355 (a) one expert in early childhood development;

4356 (b) one child care provider who operates a center;

4357 (c) one child care provider who operates a family child care business;

4358 (d) one parent who is representative of households receiving a child care subsidy from  
4359 the office;

4360 (e) one representative from the public at-large;

4361 (f) one representative of the State Office of Education;

4362 (g) one representative of the Department of Health;

4363 (h) one representative of the Department of Human Services;

4364 (i) one representative of the Department of Community and Culture;

4365 (j) two representatives from the corporate community, one who is a recent "Family

4366 Friendly" award winner and who received the award because of efforts in the child care arena;

4367 (k) two representatives from the small business community;

4368 (l) one representative from child care advocacy groups;

4369 (m) one representative of children with disabilities;

4370 (n) one representative from the state Head Start Association appointed by the  
4371 association;

4372 (o) one representative from each child care provider association; and  
4373 (p) one representative of a child care resource and referral center appointed by the  
4374 organization representing child care resource and referral agencies.

4375 (4) (a) The executive director shall appoint the members designated in Subsections  
4376 (3)(a) through (e) and (j) through (n).

4377 (b) The head of the respective departments shall appoint the members referred to in  
4378 Subsections (3)(f) through (i).

4379 (c) Each child care provider association shall appoint its respective member referred to  
4380 in Subsection (3)(o).

4381 (5) (a) Except as required by Subsection (5)(b), as terms of current committee  
4382 members expire, the appointing authority shall appoint each new member or reappointed  
4383 member to a four-year term.

4384 (b) Notwithstanding the requirements of Subsection (5)(a), the appointing authority  
4385 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the  
4386 terms of committee members are staggered so that approximately half of the committee is  
4387 appointed every two years.

4388 (6) When a vacancy occurs in the membership for any reason, including missing three  
4389 consecutive meetings where the member has not been excused by the chair prior to or during  
4390 the meeting, the replacement shall be appointed for the unexpired term.

4391 (7) A majority of the members constitutes a quorum for the transaction of business.

4392 (8) (a) The executive director shall select a chair from the committee membership.  
4393 (b) A chair may serve no more than two one-year terms as chair.

4394 ~~[(9) (a) Members who are not government employees may not receive compensation or~~  
4395 ~~benefits for their services, but may receive per diem and expenses incurred in the performance~~  
4396 ~~of the member's official duties at the rates established by the Division of Finance under~~  
4397 ~~Sections 63A-3-106 and 63A-3-107.]~~

4398 ~~[(b) State government officer and employee members who do not receive salary, per~~  
4399 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
4400 ~~incurred in the performance of their official duties from the committee at the rates established~~  
4401 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4402 ~~[(c) Members identified in Subsections (9)(a) and (b) may decline to receive per diem~~  
4403 ~~and expenses for their service.]~~

4404 (9) A member may not receive compensation or benefits for the member's service, but  
4405 may receive per diem and travel expenses in accordance with:

4406 (a) Section 63A-3-106;

4407 (b) Section 63A-3-107; and

4408 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
4409 63A-3-107.

4410 Section 78. Section **35A-4-502** is amended to read:

4411 **35A-4-502. Administration of Employment Security Act.**

4412 (1) (a) The department shall administer this chapter through the division.

4413 (b) The department may make, amend, or rescind any rules and special orders  
4414 necessary for the administration of this chapter.

4415 (c) The division may:

4416 (i) employ persons;

4417 (ii) make expenditures;

4418 (iii) require reports;

4419 (iv) make investigations;

4420 (v) make audits of any or all funds provided for under this chapter when necessary;

4421 and

4422 (vi) take any other action it considers necessary or suitable to that end.

4423 (d) No later than the first day of October of each year, the department shall submit to  
4424 the governor a report covering the administration and operation of this chapter during the  
4425 preceding calendar year and shall make any recommendations for amendments to this chapter

4426 as the department considers proper.

4427 (e) (i) The report required under Subsection (1)(d) shall include a balance sheet of the  
4428 moneys in the fund in which there shall be provided, if possible, a reserve against liability in  
4429 future years to pay benefits in excess of the then current contributions, which reserve shall be  
4430 set up by the division in accordance with accepted actuarial principles on the basis of statistics  
4431 of employment, business activity, and other relevant factors for the longest possible period.

4432 (ii) Whenever the department believes that a change in contribution or benefit rates  
4433 will become necessary to protect the solvency of the fund, it shall promptly inform the  
4434 governor and the Legislature and make appropriate recommendations.

4435 (2) (a) The department may make, amend, or rescind rules in accordance with Title  
4436 63G, Chapter 3, Utah Administrative Rulemaking Act.

4437 (b) The director of the division or the director's designee may adopt, amend, or rescind  
4438 special orders after appropriate notice and opportunity to be heard. Special orders become  
4439 effective 10 days after notification or mailing to the last-known address of the individuals or  
4440 concerns affected thereby.

4441 (3) The director of the division or the director's designee shall cause to be printed for  
4442 distribution to the public:

4443 (a) the text of this chapter;

4444 (b) the department's rules pertaining to this chapter;

4445 (c) the department's annual reports to the governor required by Subsection (1)(e); and

4446 (d) any other material the director of the division or the director's designee considers  
4447 relevant and suitable and shall furnish them to any person upon application.

4448 (4) (a) The division may delegate to any person so appointed the power and authority  
4449 it considers reasonable and proper for the effective administration of this chapter and may  
4450 bond any person handling moneys or signing checks under this authority.

4451 (b) The department may, when permissible under federal and state law, make  
4452 arrangements to voluntarily elect coverage under the United States Civil Service Retirement  
4453 System or a comparable private retirement plan with respect to past as well as future services

4454 of individuals employed under this chapter who:

4455 (i) were hired prior to October 1, 1980; and

4456 (ii) have been retained by the department without significant interruption in the  
4457 employees' services for the department.

4458 (c) An employee of the department who no longer may participate in a federal or other  
4459 retirement system as a result of a change in status or appropriation under this chapter may  
4460 purchase credit in a retirement system created under Title 49, Chapter 13, Public Employees'  
4461 Noncontributory Retirement Act, with the employee's assets from the federal or other  
4462 retirement system in which the employee may no longer participate.

4463 (5) There is created an Employment Advisory Council composed of the members  
4464 listed in Subsections (5)(a) and (b).

4465 (a) The executive director shall appoint:

4466 (i) not less than five employer representatives chosen from individuals recommended  
4467 by employers, employer associations, or employer groups;

4468 (ii) not less than five employee representatives chosen from individuals recommended  
4469 by employees, employee associations, or employee groups; and

4470 (iii) five public representatives chosen at large.

4471 (b) The executive director or the executive director's designee shall serve as a  
4472 nonvoting member of the council.

4473 (c) The employee representatives shall include both union and nonunion employees  
4474 who fairly represent the percentage in the labor force of the state.

4475 (d) Employers and employees shall consider nominating members of groups who  
4476 historically may have been excluded from the council, such as women, minorities, and  
4477 individuals with disabilities.

4478 (e) (i) Except as required by Subsection (5)(e)(ii), as terms of current council members  
4479 expire, the executive director shall appoint each new member or reappointed member to a  
4480 four-year term.

4481 (ii) Notwithstanding the requirements of Subsection (5)(e)(i), the executive director



4482 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the  
4483 terms of council members are staggered so that approximately half of the council is appointed  
4484 every two years.

4485 (f) When a vacancy occurs in the membership for any reason, the replacement shall be  
4486 appointed for the unexpired term.

4487 (g) The executive director shall terminate the term of any council member who ceases  
4488 to be representative as designated by the council member's original appointment.

4489 (h) The council shall advise the department and the Legislature in formulating policies  
4490 and discussing problems related to the administration of this chapter including:

4491 (i) reducing and preventing unemployment;

4492 (ii) encouraging the adoption of practical methods of vocational training, retraining,  
4493 and vocational guidance;

4494 (iii) monitoring the implementation of the Wagner-Peyser Act;

4495 (iv) promoting the creation and development of job opportunities and the  
4496 reemployment of unemployed workers throughout the state in every possible way; and

4497 (v) appraising the industrial potential of the state.

4498 (i) The council shall assure impartiality and freedom from political influence in the  
4499 solution of the problems listed in Subsection (5)(h).

4500 (j) The executive director or the executive director's designee shall serve as chair of the  
4501 council and call the necessary meetings.

4502 ~~[(k) (i) A member shall receive no compensation or benefits for the member's services,~~  
4503 ~~but may receive per diem and expenses incurred in the performance of the member's official~~  
4504 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~  
4505 ~~63A-3-107.]~~

4506 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~  
4507 ~~service.]~~

4508 (k) A member may not receive compensation or benefits for the member's service, but  
4509 may receive per diem and travel expenses in accordance with:

4510            (i) Section 63A-3-106;  
4511            (ii) Section 63A-3-107; and  
4512            (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
4513 63A-3-107.

4514            (1) The department shall provide staff support to the council.

4515            (6) In the discharge of the duties imposed by this chapter, the division director or the  
4516 director's designee as designated by department rule, may in connection with a disputed matter  
4517 or the administration of this chapter:

4518            (a) administer oaths and affirmations;

4519            (b) take depositions;

4520            (c) certify to official acts; and

4521            (d) issue subpoenas to compel the attendance of witnesses and the production of  
4522 books, papers, correspondence, memoranda, and other records necessary as evidence.

4523            (7) (a) In case of contumacy by or refusal to obey a subpoena issued to any person,  
4524 any court of this state within the jurisdiction of which the inquiry is carried on or within the  
4525 jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or  
4526 transacts business, upon application by the director of the division or the director's designee  
4527 shall have jurisdiction to issue to that person an order requiring the person to appear before the  
4528 director or the director's designee to produce evidence, if so ordered, or give testimony  
4529 regarding the matter under investigation or in question. Any failure to obey that order of the  
4530 court may be punished by the court as contempt.

4531            (b) Any person who, without just cause, fails or refuses to attend and testify or to  
4532 answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other  
4533 records, if it is in that person's power to do so, in obedience to a subpoena of the director or  
4534 the director's designee shall be punished as provided in Subsection 35A-1-301(1)(b). Each  
4535 day the violation continues is a separate offense.

4536            (c) In the event a witness asserts a privilege against self-incrimination, testimony and  
4537 evidence from the witness may be compelled pursuant to Title 77, Chapter 22b, Grants of

4538 Immunity.

4539 (8) (a) In the administration of this chapter, the division shall cooperate with the  
4540 United States Department of Labor to the fullest extent consistent with the provisions of this  
4541 chapter and shall take action, through the adoption of appropriate rules by the department and  
4542 administrative methods and standards, as necessary to secure to this state and its citizens all  
4543 advantages available under the provisions of:

- 4544 (i) the Social Security Act that relate to unemployment compensation;
- 4545 (ii) the Federal Unemployment Tax Act; and
- 4546 (iii) the Federal-State Extended Unemployment Compensation Act of 1970.

4547 (b) In the administration of Section 35A-4-402, which is enacted to conform with the  
4548 requirements of the Federal-State Extended Unemployment Compensation Act of 1970, 26  
4549 U.S.C. 3304, the division shall take any action necessary to ensure that the section is  
4550 interpreted and applied to meet the requirements of the federal act, as interpreted by the United  
4551 States Department of Labor and to secure to this state the full reimbursement of the federal  
4552 share of extended and regular benefits paid under this chapter that are reimbursable under the  
4553 federal act.

4554 Section 79. Section **36-2-4** is amended to read:

4555 **36-2-4. Legislative Compensation Commission created -- Governor's**  
4556 **considerations in appointments -- Organization and expenses.**

4557 (1) There is created a state Legislative Compensation Commission composed of seven  
4558 members appointed by the governor, not more than four of whom shall be from the same  
4559 political party.

4560 (2) (a) Except as required by Subsection (2)(b), the members shall be appointed for  
4561 four-year terms.

4562 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
4563 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
4564 board members are staggered so that approximately half of the board is appointed every two  
4565 years.

4566 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
4567 appointed for the unexpired term in the same manner as the vacated member was chosen.

4568 (3) In appointing members of the commission, the governor shall give consideration to  
4569 achieving representation from the major geographic areas of the state, and representation from  
4570 a broad cross section of occupational, professional, employee, and management interests.

4571 (4) The commission shall select a chair. Four members of the commission shall  
4572 constitute a quorum. The commission shall not make any final determination without the  
4573 concurrence of a majority of its members appointed and serving on the commission being  
4574 present.

4575 ~~[(5) (a) Members shall receive no compensation or benefits for their services, but may  
4576 receive per diem and expenses incurred in the performance of the member's official duties at  
4577 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4578 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

4579 (5) A member may not receive compensation or benefits for the member's service, but  
4580 may receive per diem and travel expenses in accordance with:

4581 (a) Section 63A-3-106;

4582 (b) Section 63A-3-107; and

4583 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
4584 63A-3-107.

4585 (6) (a) The commission shall be a citizen commission and no member or employee of  
4586 the legislative, judicial, or executive branch is eligible for appointment to the commission.

4587 (b) The director of the Governor's Office of Planning and Budget:

4588 (i) shall provide staff to the commission; and

4589 (ii) is responsible for administration, budgeting, procurement, and related management  
4590 functions for the commission.

4591 Section 80. Section **36-23-104** is amended to read:

4592 **36-23-104. Committee meetings -- Compensation -- Quorum -- Legislative rules.**

4593 (1) The committee may meet as needed, at the call of the committee chairs, to carry

4594 out the duties set forth in Section 36-23-106.

4595 ~~[(2) (a) A legislator on the committee shall receive compensation and expenses as~~  
4596 ~~provided by law and legislative rule.]~~

4597 ~~[(b) (i) A public member on the committee may not receive compensation or benefits~~  
4598 ~~for the public member's service, but may receive per diem and expenses incurred in the~~  
4599 ~~performance of the public member's official duties at the rates established by the Division of~~  
4600 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

4601 ~~[(ii) A public member may decline to receive per diem and expenses for the public~~  
4602 ~~member's service.]~~

4603 (2) A public member may not receive compensation or benefits for the member's  
4604 service, but may receive per diem and travel expenses in accordance with:

4605 (a) Section 63A-3-106;

4606 (b) Section 63A-3-107; and

4607 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
4608 63A-3-107.

4609 (3) (a) Five members of the committee constitute a quorum.

4610 (b) If a quorum is present, the action of a majority of members present is the action of  
4611 the committee.

4612 (4) Except as provided in Subsection (3), in conducting all its business, the committee  
4613 shall comply with the rules of legislative interim committees regarding motions.

4614 Section 81. Section **36-26-102** is amended to read:

4615 **36-26-102. Utah International Trade Commission -- Creation -- Membership --**  
4616 **Chairs -- Per diem and expenses.**

4617 (1) There is created the Utah International Trade Commission.

4618 (2) The commission membership consists of 11 members:

4619 (a) eight members to be appointed as follows:

4620 (i) five members from the House of Representatives, appointed by the speaker of the  
4621 House of Representatives, no more than three from the same political party; and

4622 (ii) three members from the Senate, appointed by the president of the Senate, no more  
4623 than two members from the same political party;

4624 (b) two nonvoting members to be appointed by the governor; and

4625 (c) the Utah Attorney General or designee, who is a nonvoting member.

4626 (3) (a) The members appointed or reappointed by the governor shall serve two-year  
4627 terms.

4628 (b) Notwithstanding the requirement of Subsection (3)(a), the governor shall, at the  
4629 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
4630 these members are staggered so that approximately half of the members are appointed or  
4631 reappointed under Subsection (3)(c) every two years.

4632 (c) When a vacancy occurs among members appointed by the governor, the  
4633 replacement shall be appointed for the unexpired term.

4634 (d) One of the two members appointed by the governor shall be from a Utah industry  
4635 involved in international trade.

4636 (4) Four members of the commission constitute a quorum.

4637 (5) (a) The speaker of the House of Representatives shall designate a member of the  
4638 House of Representatives appointed under Subsection (2)(a) as a cochair of the commission.

4639 (b) The president of the Senate shall designate a member of the Senate appointed  
4640 under Subsection (2)(a) as a cochair of the commission.

4641 ~~[(6) (a) State government officer and employee members who do not receive salary,~~  
4642 ~~per diem, or expenses from their agency for their commission service may receive per diem~~  
4643 ~~and expenses at the rates incurred in the performance of their official commission duties at the~~  
4644 ~~rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4645 ~~[(b) Legislators on the commission receive compensation and expenses as provided by~~  
4646 ~~law and legislative rule.]~~

4647 (6) A member may not receive compensation or benefits for the member's service, but  
4648 may receive per diem and travel expenses in accordance with:

4649 (a) Section 63A-3-106;

4650           (b) Section 63A-3-107; and  
4651           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
4652 63A-3-107.

4653           Section 82. Section **39-2-1** is amended to read:

4654           **39-2-1. Members -- A body corporate -- Powers -- Expenses.**

4655           (1) (a) The State Armory Board shall consist of the governor, the chair of the State  
4656 Building Board, and the adjutant general.

4657           (b) It shall be a body corporate with perpetual succession.

4658           (c) It may have and use a common seal, and under the name aforesaid may sue and be  
4659 sued, and contract and be contracted with.

4660           (d) It may take and hold by purchase, gift, devise, grant, or bequest real and personal  
4661 property required for its use.

4662           (e) It may also convert property received by gift, devise, or bequest, and not suitable  
4663 for its uses, into other property so available, or into money.

4664           (2) The board shall have power to:

4665           (a) borrow money for the purpose of erecting arsenals and armories upon the sole  
4666 credit of the real property to which it has the legal title; and

4667           (b) may secure such loans by mortgage upon such property:

4668           (i) the mortgaged property shall be the sole security for such loan; and

4669           (ii) no deficiency judgment shall be made, rendered, or entered against the board upon  
4670 the foreclosure of the mortgage; provided, however, that property in one city shall not be  
4671 mortgaged for the purpose of obtaining money for the erection of armories in any other place.  
4672 Said board shall be deemed a public corporation, and its property shall be exempt from all  
4673 taxes and assessments.

4674           ~~[(3) (a) State government officer and employee members who do not receive salary,~~  
4675 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~  
4676 ~~incurred in the performance of their official duties from the board at the rates established by~~  
4677 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4678 ~~[(b) State government officer and employee members may decline to receive per diem~~  
4679 ~~and expenses for their service.]~~

4680 (3) A member may not receive compensation or benefits for the member's service, but  
4681 may receive per diem and travel expenses in accordance with:

4682 (a) Section 63A-3-106;

4683 (b) Section 63A-3-107; and

4684 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
4685 63A-3-107.

4686 Section 83. Section **40-2-203** is amended to read:

4687 **40-2-203. Mine Safety Technical Advisory Council created -- Duties.**

4688 (1) Within the office there is created the "Mine Safety Technical Advisory Council"  
4689 consisting of 13 voting members and 5 nonvoting members as provided in this section.

4690 (2) (a) The commissioner shall appoint the voting members of the council as follows:

4691 (i) one individual who represents a coal miner union;

4692 (ii) two individuals with coal mining experience;

4693 (iii) two individuals who represent coal mine operators;

4694 (iv) one individual who represents an industry trade association;

4695 (v) two individuals from local law enforcement agencies or emergency medical service  
4696 providers;

4697 (vi) three individuals who have expertise in one or more of the following:

4698 (A) seismology;

4699 (B) mining engineering;

4700 (C) mine safety; or

4701 (D) another related subject; and

4702 (vii) two individuals from entities that provide mine safety training.

4703 (b) The nonvoting members of the council are:

4704 (i) the commissioner or the commissioner's designee;

4705 (ii) the executive director of the Department of Natural Resources or the executive



4706 director's designee;

4707 (iii) the commissioner of the Department of Public Safety or the commissioner's  
4708 designee;

4709 (iv) a representative of the Mine Safety and Health Administration selected by the  
4710 Mine Safety and Health Administration; and

4711 (v) a representative of the federal Bureau of Land Management selected by the federal  
4712 Bureau of Land Management.

4713 (3) (a) Except as required by Subsection (3)(b), a voting member shall serve a  
4714 four-year term beginning July 1 and ending June 30.

4715 (b) Notwithstanding the requirements of Subsection (3)(a), the commission shall, at  
4716 the time of appointment of the initial voting members of the council, adjust the length of terms  
4717 of the voting members to ensure that the terms of voting members are staggered so that  
4718 approximately half of the voting members are appointed every two years.

4719 (4) (a) The commissioner shall terminate the term of a voting member who ceases to  
4720 be representative as designated by the voting member's original appointment.

4721 (b) If a vacancy occurs in the voting members, the commissioner shall appoint a  
4722 replacement for the unexpired term after soliciting recommendations from the council  
4723 members.

4724 (5) (a) The council shall meet at least quarterly.

4725 (b) A majority of the voting members constitutes a quorum.

4726 (c) A vote of the majority of the members of the council when a quorum is present  
4727 constitutes an action of the council.

4728 (6) (a) The commissioner or the commissioner's designee is the chair of the council.

4729 (b) The commission shall staff the council.

4730 ~~[(7) (a) (i) A member who is not a state or local government employee may not receive~~  
4731 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~  
4732 ~~incurred in the performance of the member's official duties at the rates established by the~~  
4733 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4734 ~~[(ii) A member who is not a state or local government employee may decline to receive~~  
4735 ~~per diem and expenses for the member's service.]~~

4736 ~~[(b) (i) A state government officer and employee member who does not receive salary,~~  
4737 ~~per diem, or expenses from the agency the member represents for the member's service may~~  
4738 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
4739 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4740 ~~[(ii) A state government officer and employee member may decline to receive per~~  
4741 ~~diem and expenses for the member's service.]~~

4742 ~~[(c) (i) A local government member who does not receive salary, per diem, or expenses~~  
4743 ~~from the entity that the member represents for the member's service may receive per diem and~~  
4744 ~~expenses incurred in the performance of the member's official duties at the rates established by~~  
4745 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4746 ~~[(ii) A local government member may decline to receive per diem and expenses for the~~  
4747 ~~member's service.]~~

4748 (7) A member may not receive compensation or benefits for the member's service, but  
4749 may receive per diem and travel expenses in accordance with:

4750 (a) Section 63A-3-106;

4751 (b) Section 63A-3-107; and

4752 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
4753 63A-3-107.

4754 (8) The council shall advise and make recommendations to the commission, the office,  
4755 and the Legislature regarding:

4756 (a) safety of coal mines located in Utah;

4757 (b) prevention of coal mine accidents;

4758 (c) effective coal mine emergency response;

4759 (d) coal miner certification and recertification; and

4760 (e) other topics reasonably related to safety of coal mines located in Utah.

4761 Section 84. Section **40-2-204** is amended to read:

4762           **40-2-204. Coal Miner Certification Panel created -- Duties.**  
 4763           (1) There is created within the office the "Coal Miner Certification Panel."  
 4764           (2) The panel consists of:  
 4765           (a) the commissioner or the commissioner's designee; and  
 4766           (b) at least eight other members appointed by the commissioner with equal  
 4767 representation and participation from:  
 4768           (i) management of coal mine operations; and  
 4769           (ii) hourly coal mining employees.  
 4770           (3) A member appointed by the commissioner shall:  
 4771           (a) have at least five years' experience in coal mining in this state;  
 4772           (b) administer the certification test to an applicant referred to in Section 40-2-402;  
 4773           (c) consult with the commission about applicant qualifications specified in Section  
 4774 40-2-402;  
 4775           (d) meet when directed by the commissioner or the commissioner's designee; and  
 4776           (e) hold office at the pleasure of the commissioner.  
 4777           ~~[(4) A panel member who is not a government employee may not receive~~  
 4778 ~~compensation or benefits for the member's services, but may receive per diem and expenses~~  
 4779 ~~incurred in the performance of the member's official duties at the rates established by the~~  
 4780 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~  
 4781           (4) A member may not receive compensation or benefits for the member's service, but  
 4782 may receive per diem and travel expenses in accordance with:  
 4783           (a) Section 63A-3-106;  
 4784           (b) Section 63A-3-107; and  
 4785           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 4786 63A-3-107.  
 4787           Section 85. Section **40-6-4** is amended to read:  
 4788           **40-6-4. Board of Oil, Gas, and Mining created -- Functions -- Appointment of**  
 4789 **members -- Terms -- Chair -- Quorum -- Expenses.**

4790 (1) There is created within the Department of Natural Resources the Board of Oil, Gas,  
4791 and Mining. The board shall be the policy making body for the Division of Oil, Gas, and  
4792 Mining.

4793 (2) The board shall consist of seven members appointed by the governor with the  
4794 consent of the Senate. No more than four members shall be from the same political party. In  
4795 addition to the requirements of Section 79-2-203, the members shall have the following  
4796 qualifications:

4797 (a) two members knowledgeable in mining matters;

4798 (b) two members knowledgeable in oil and gas matters;

4799 (c) one member knowledgeable in ecological and environmental matters;

4800 (d) one member who is a private land owner, owns a mineral or royalty interest and is  
4801 knowledgeable in those interests; and

4802 (e) one member who is knowledgeable in geological matters.

4803 (3) (a) Except as required by Subsection (3)(b), as terms of current board members  
4804 expire, the governor shall appoint each new member or reappointed member to a four-year  
4805 term.

4806 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
4807 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
4808 board members are staggered so that approximately half of the board is appointed every two  
4809 years.

4810 (4) (a) When a vacancy occurs in the membership for any reason, the replacement  
4811 shall be appointed for the unexpired term by the governor with the consent of the Senate.

4812 (b) The person appointed shall have the same qualifications as his predecessor.

4813 (5) The board shall appoint its chair from the membership. Four members of the  
4814 board shall constitute a quorum for the transaction of business and the holding of hearings.

4815 ~~[(6) (a) (i) Members who are not government employees shall receive no~~  
4816 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
4817 ~~the performance of the member's official duties at the rates established by the Division of~~

4818 Finance under Sections 63A-3-106 and 63A-3-107.]

4819 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]

4820 [~~(b) (i) State government officer and employee members who do not receive salary, per~~  
 4821 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
 4822 ~~incurred in the performance of their official duties from the board at the rates established by~~  
 4823 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4824 [~~(ii) State government officer and employee members may decline to receive per diem~~  
 4825 ~~and expenses for their service.]~~

4826 (6) A member may not receive compensation or benefits for the member's service, but  
 4827 may receive per diem and travel expenses in accordance with:

4828 (a) Section 63A-3-106;

4829 (b) Section 63A-3-107; and

4830 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 4831 63A-3-107.

4832 Section 86. Section **41-3-106** is amended to read:

4833 **41-3-106. Board -- Creation and composition -- Appointment, terms,**  
 4834 **compensation, and expenses of members -- Meetings -- Quorum -- Powers and duties --**  
 4835 **Officers' election and duties -- Voting.**

4836 (1) (a) There is created an advisory board of five members that shall assist and advise  
 4837 the administrator in the administration and enforcement of this chapter.

4838 (b) The members shall be appointed by the governor from among the licensed motor  
 4839 vehicle manufacturers, distributors, factory branch and distributor branch representatives,  
 4840 dealers, dismantlers, transporters, remanufacturers, and body shops.

4841 (c) (i) Except as required by Subsection (1)(c)(ii), each member shall be appointed for  
 4842 a term of four years or until his successor is appointed and qualified.

4843 (ii) Notwithstanding the requirements of Subsection (1)(c)(i), the governor shall, at the  
 4844 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
 4845 board members are staggered so that approximately half of the board is appointed every two

4846 years.

4847 (d) Three members of the board shall be selected as follows:

4848 (i) one from new motor vehicle dealers;

4849 (ii) one from used motor vehicle dealers; and

4850 (iii) one from manufacturers, transporters, dismantlers, crushers, remanufacturers, and  
4851 body shops.

4852 ~~[(e) (i) Members shall receive no compensation or benefits for their services, but may~~  
4853 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
4854 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

4855 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

4856 (e) A member may not receive compensation or benefits for the member's service, but  
4857 may receive per diem and travel expenses in accordance with:

4858 (i) Section 63A-3-106;

4859 (ii) Section 63A-3-107; and

4860 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
4861 63A-3-107.

4862 (f) A majority of the members of the board constitutes a quorum and may act upon  
4863 and resolve in the name of the board any matter, thing, or question referred to it by the  
4864 administrator, or that the board has power to determine.

4865 (g) When a vacancy occurs in the membership for any reason, the replacement shall be  
4866 appointed for the unexpired term.

4867 (2) (a) The board shall on the first day of each July, or as soon thereafter as  
4868 practicable, elect a chair, vice chair, secretary, and assistant secretary from among its  
4869 members, who shall each hold office until his successor is elected.

4870 (b) As soon as the board elects its officers, the elected secretary shall certify the results  
4871 of the election to the administrator.

4872 (c) The chair shall preside at all meetings of the board and the secretary shall make a  
4873 record of the proceedings, which shall be preserved in the office of the administrator.

4874 (d) If the chair is absent from any meeting of the board, his duties shall be discharged  
4875 by the vice chair, and if the secretary is absent, his duties shall be discharged by the assistant  
4876 secretary.

4877 (e) All members of the board may vote on any question, matter, or thing that properly  
4878 comes before it.

4879 Section 87. Section **49-11-202** is amended to read:

4880 **49-11-202. Establishment of Utah State Retirement Board -- Quorum -- Terms --**  
4881 **Officers -- Expenses and per diem -- Membership Council established.**

4882 (1) There is established the Utah State Retirement Board composed of seven board  
4883 members determined as follows:

4884 (a) Four board members, with experience in investments or banking, shall be  
4885 appointed by the governor from the general public.

4886 (b) One board member shall be a school employee appointed by the governor from at  
4887 least three nominations submitted by the governing board of the school employees' association  
4888 that is representative of a majority of the school employees who are members of a system  
4889 administered by the board.

4890 (c) One board member shall be a public employee appointed by the governor from at  
4891 least three nominations submitted by the governing board of the public employee association  
4892 that is representative of a majority of the public employees who are members of a system  
4893 administered by the board.

4894 (d) One board member shall be the state treasurer.

4895 (2) Four board members constitute a quorum for the transaction of business.

4896 (3) (a) All appointments to the board shall be made on a nonpartisan basis, with the  
4897 consent of the Senate.

4898 (b) Board members shall serve until their successors are appointed and take the  
4899 constitutional oath of office.

4900 (c) When a vacancy occurs on the board for any reason, the replacement shall be  
4901 appointed for the unexpired term.

4902 (4) (a) Except as required by Subsection (4)(b), all appointed board members shall  
4903 serve for four-year terms.

4904 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
4905 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
4906 board members are staggered so that approximately half of the board is appointed every two  
4907 years.

4908 (c) A board member who is appointed as a school employee or as a public employee  
4909 who retires or who is no longer employed with a participating employer shall immediately  
4910 resign from the board.

4911 (5) (a) Each year the board shall elect a president and vice president from its  
4912 membership.

4913 ~~[(b) Each board member shall receive a per diem plus expenses for attending regularly  
4914 constituted meetings and conferences as provided by board action.]~~

4915 (b) A board member may not receive compensation or benefits for the board member's  
4916 service, but may receive per diem and travel expenses in accordance with:

4917 (i) Section 63A-3-106;

4918 (ii) Section 63A-3-107; and

4919 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
4920 63A-3-107.

4921 (6) (a) There is established a Membership Council to perform the duties under  
4922 Subsection (10).

4923 ~~[(b) The board may pay the travel expenses of council members who attend council  
4924 meetings.]~~

4925 (b) A member of the council may not receive compensation or benefits for the  
4926 member's service, but may receive per diem and travel expenses in accordance with:

4927 (i) Section 63A-3-106;

4928 (ii) Section 63A-3-107; and

4929 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and



4930 63A-3-107.

4931 (7) The Membership Council shall be composed of 13 council members selected as  
4932 follows:

4933 (a) Three council members shall be school employees selected by the governing board  
4934 of an association representative of a majority of school employees who are members of a  
4935 system administered by the board.

4936 (b) One council member shall be a classified school employee selected by the  
4937 governing board of the association representative of a majority of classified school employees  
4938 who are members of a system administered by the board.

4939 (c) Two council members shall be public employees selected by the governing board  
4940 of the association representative of a majority of the public employees who are members of a  
4941 system administered by the board.

4942 (d) One council member shall be a municipal officer or employee selected by the  
4943 governing board of the association representative of a majority of the municipalities who  
4944 participate in a system administered by the board.

4945 (e) One council member shall be a county officer or employee selected by the  
4946 governing board of the association representative of a majority of counties who participate in a  
4947 system administered by the board.

4948 (f) One council member shall be a representative of members of the Judges'  
4949 Noncontributory Retirement System selected by the Judicial Council.

4950 (g) One council member shall be a representative of members of the Public Safety  
4951 Retirement Systems selected by the governing board of the association representative of the  
4952 majority of peace officers who are members of the Public Safety Retirement Systems.

4953 (h) One council member shall be a representative of members of the Firefighters'  
4954 Retirement System selected by the governing board of the association representative of the  
4955 majority of paid professional firefighters who are members of the Firefighters' Retirement  
4956 System.

4957 (i) One council member shall be a retiree selected by the governing board of the

4958 association representing the largest number of retirees, who are not public education retirees,  
4959 from the Public Employees' Contributory and Public Employees' Noncontributory Retirement  
4960 Systems.

4961 (j) One council member shall be a retiree selected by the governing board of the  
4962 association representing the largest number of public education retirees.

4963 (8) (a) Each entity granted authority to select council members under Subsection (7)  
4964 may also revoke the selection at any time.

4965 (b) Each term on the council shall be for a period of four years, subject to Subsection  
4966 (8)(a).

4967 (c) Each term begins on July 1 and expires on June 30.

4968 (d) When a vacancy occurs on the council for any reason, the replacement shall be  
4969 selected for the remainder of the unexpired term.

4970 (9) The council shall annually designate one council member as chair.

4971 (10) The council shall:

4972 (a) recommend to the board and to the Legislature benefits and policies for members  
4973 of any system or plan administered by the board;

4974 (b) recommend procedures and practices to improve the administration of the systems  
4975 and plans and the public employee relations responsibilities of the board and office;

4976 (c) examine the record of all decisions affecting retirement benefits made by a hearing  
4977 officer under Section 49-11-613;

4978 (d) submit nominations to the board for the position of executive director if that  
4979 position is vacant;

4980 (e) advise and counsel with the board and the director on policies affecting members  
4981 of the various systems administered by the office; and

4982 (f) perform other duties assigned to it by the board.

4983 Section 88. Section **51-7-16** is amended to read:

4984 **51-7-16. State Money Management Council -- Members -- Terms -- Vacancies --**  
4985 **Chair and vice chair-- Executive secretary -- Meetings -- Quorum -- Members' disclosure**

4986 **of interests -- Per diem and expenses.**

4987 (1) (a) There is created a State Money Management Council composed of five  
4988 members appointed by the governor after consultation with the state treasurer and with the  
4989 consent of the Senate.

4990 (b) The members of the council shall be qualified by training and experience in the  
4991 field of investment or finance as follows:

4992 (i) at least one member, but not more than two members, shall be experienced in the  
4993 banking business;

4994 (ii) at least one member, but not more than two members, shall be an elected treasurer;

4995 (iii) at least one member, but not more than two members, shall be an appointed  
4996 public treasurer; and

4997 (iv) two members, but not more than two members, shall be experienced in the field of  
4998 investment.

4999 (c) No more than three members of the council may be from the same political party.

5000 (2) (a) Except as required by Subsection (2)(b), the council members shall be  
5001 appointed for terms of four years.

5002 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
5003 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
5004 council members are staggered so that approximately half of the council is appointed every  
5005 two years.

5006 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
5007 appointed for the unexpired term.

5008 (d) All members shall serve until their successors are appointed and qualified.

5009 (3) (a) The council members shall elect a chair and vice chair.

5010 (b) The state treasurer shall serve as executive secretary of the council without vote.

5011 (4) (a) The council shall meet at least once per quarter at a regular date to be fixed by  
5012 the council and at other times at the call of the chair, the state treasurer, or any two members  
5013 of the council.

5014 (b) Three members are a quorum for the transaction of business.

5015 (c) Actions of the council require a vote of a majority of those present.

5016 (d) All meetings of the council and records of its proceedings are open for inspection  
5017 by the public at the state treasurer's office during regular business hours except for:

5018 (i) reports of the commissioner of financial institutions concerning the identity,  
5019 liquidity, or financial condition of qualified depositories and the amount of public funds each  
5020 is eligible to hold; and

5021 (ii) reports of the director concerning the identity, liquidity, or financial condition of  
5022 certified dealers.

5023 (5) (a) Each member of the council shall file a sworn or written statement with the  
5024 lieutenant governor that discloses any position or employment or ownership interest that he  
5025 has in any financial institution or investment organization.

5026 (b) Each member shall file the statement required by this Subsection (5) when he  
5027 becomes a member of the council and when substantial changes in his position, employment,  
5028 or ownership interests occur.

5029 ~~[(6) (a) (i) Members who are not government employees shall receive no~~  
5030 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
5031 ~~the performance of the member's official duties at the rates established by the Division of~~  
5032 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

5033 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

5034 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
5035 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
5036 ~~incurred in the performance of their official duties from the council at the rates established by~~  
5037 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5038 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
5039 ~~and expenses for their service.]~~

5040 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~  
5041 ~~from the entity that they represent for their service may receive per diem and expenses~~

5042 incurred in the performance of their official duties at the rates established by the Division of  
5043 Finance under Sections ~~63A-3-106 and 63A-3-107.~~]

5044 [(ii) Local government members may decline to receive per diem and expenses for  
5045 their service.]

5046 (6) A member may not receive compensation or benefits for the member's service, but  
5047 may receive per diem and travel expenses in accordance with:

5048 (a) Section 63A-3-106;

5049 (b) Section 63A-3-107; and

5050 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5051 63A-3-107.

5052 Section 89. Section **51-7a-301** is amended to read:

5053 **51-7a-301. Investment advisory committee -- Creation.**

5054 (1) (a) There is created an investment advisory committee of seven members  
5055 appointed as follows:

5056 (i) one member appointed by the president of the University of Utah;

5057 (ii) one member appointed by the president of Utah State University;

5058 (iii) two members appointed by the state superintendent of public instruction;

5059 (iv) one member appointed by the president of the Utah Education Association;

5060 (v) one member appointed by the president of the Utah Parent Teachers Association;

5061 and

5062 (vi) one member appointed by the Board of Trustees of the School and Institutional  
5063 Trust Lands Administration.

5064 (b) In making appointments, the appointing authority shall appoint candidates with  
5065 experience in securities, investments, or banking, or other experience that would aid the  
5066 committee in fulfilling its responsibilities.

5067 (2) (a) (i) Except as required by Subsection (2)(a)(ii), as terms of current committee  
5068 members expire, the appointing authority shall appoint each new member or reappointed  
5069 member to a four-year term.

5070 (ii) The appointing authority shall, at the time of appointment or reappointment, adjust  
5071 the length of terms to ensure that the terms of committee members are staggered so that  
5072 approximately half of the committee is appointed every two years.

5073 (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
5074 appointed for the unexpired term.

5075 (3) The investment advisory committee shall meet at least quarterly.

5076 (4) The investment advisory committee shall elect a chair and vice chair.

5077 (5) (a) A committee member shall disclose any conflict of interest to the board.

5078 (b) If the conflict involves a direct, personal financial interest in either the subject  
5079 under consideration or an entity or asset that could be substantially affected by the outcome of  
5080 committee advice, the member may not vote on the matter.

5081 ~~[(6) (a) (i) Members who are not government employees shall receive no~~  
5082 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
5083 ~~the performance of the member's official duties at the rates established by the Division of~~  
5084 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

5085 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

5086 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
5087 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
5088 ~~incurred in the performance of their official duties from the committee at the rates established~~  
5089 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5090 ~~[(ii) A state government member who is a member because of his state government~~  
5091 ~~position may not receive per diem or expenses for his service.]~~

5092 ~~[(iii) State government officer and employee members may decline to receive per diem~~  
5093 ~~and expenses for their service.]~~

5094 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~  
5095 ~~from the entity that they represent for their service may receive per diem and expenses~~  
5096 ~~incurred in the performance of their official duties at the rates established by the Division of~~  
5097 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

5098            [~~(ii) Local government members may decline to receive per diem and expenses for~~  
5099 ~~their service.~~]

5100            (6) A member may not receive compensation or benefits for the member's service, but  
5101 may receive per diem and travel expenses in accordance with:

5102            (a) Section 63A-3-106;

5103            (b) Section 63A-3-107; and

5104            (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5105 63A-3-107.

5106            Section 90. Section **53-2-108** is amended to read:

5107            **53-2-108. Search and Rescue Advisory Board -- Members -- Compensation.**

5108            (1) There is created the Search and Rescue Advisory Board consisting of seven  
5109 members appointed as follows:

5110            (a) two representatives designated by the Utah Search and Rescue Association, one of  
5111 whom is from a county having a population of 75,000 or more; and one from a county having  
5112 a population of less than 75,000;

5113            (b) three representatives designated by the Utah Sheriff's Association, at least one of  
5114 whom shall be a member of a voluntary search and rescue unit operating in the state, at least  
5115 one of whom shall be from a county having a population of 75,000 or more, and at least one of  
5116 whom shall be from a county having a population of less than 75,000;

5117            (c) one representative of the Division of Homeland Security designated by the  
5118 director; and

5119            (d) one private citizen appointed by the governor with the consent of the Senate.

5120            (2) (a) The term of each member of the board is four years.

5121            (b) A member may be reappointed to successive terms.

5122            (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
5123 appointed for the unexpired term.

5124            (d) In order to stagger the terms of membership, the members appointed or  
5125 reappointed to represent the Utah Sheriff's Association on or after May 2, 2005, shall serve a

5126 term of two years, and all subsequent terms shall be four years.

5127 ~~[(3) Members who are not government employees do not receive compensation or~~  
5128 ~~benefits for their services, but may receive per diem and travel expenses incurred in the~~  
5129 ~~performance of the member's official duties at the rates established by the Division of Finance~~  
5130 ~~under Sections 63A-3-106 and 63A-3-107.]~~

5131 (3) A member may not receive compensation or benefits for the member's service, but  
5132 may receive per diem and travel expenses in accordance with:

5133 (a) Section 63A-3-106;

5134 (b) Section 63A-3-107; and

5135 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5136 63A-3-107.

5137 Section 91. Section **53-3-303** is amended to read:

5138 **53-3-303. Driver License Medical Advisory Board -- Membership -- Guidelines**  
5139 **for licensing impaired persons -- Recommendations to division.**

5140 (1) There is created within the division the Driver License Medical Advisory Board.

5141 (2) (a) The board is comprised of three regular members appointed by the  
5142 Commissioner of Public Safety to four-year terms.

5143 (b) The board shall be assisted by expert panel members nominated by the board as  
5144 necessary and as approved by the Commissioner of Public Safety.

5145 (c) Notwithstanding the requirements of Subsection (2)(a), the executive director shall,  
5146 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms  
5147 of board members are staggered so that approximately half of the board is appointed every two  
5148 years.

5149 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
5150 appointed for the unexpired term.

5151 (e) The expert panel members shall recommend medical standards in the areas of the  
5152 panel members' special competence for determining the physical, mental, and emotional  
5153 capabilities of applicants for licenses and licensees.



5154 (3) In reviewing individual cases, a panel acting with the authority of the board  
5155 consists of at least two members, of which at least one is a regular board member.

5156 (4) The director of the division or his designee serves as secretary to the board and its  
5157 panels.

5158 (5) Members of the board and expert panel members nominated by them shall be  
5159 health care professionals.

5160 ~~[(6) (a) (i) Members who are not government employees shall receive no~~  
5161 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
5162 ~~the performance of the member's official duties at the rates established by the Division of~~  
5163 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

5164 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

5165 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
5166 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
5167 ~~incurred in the performance of their official duties from the board at the rates established by~~  
5168 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5169 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
5170 ~~and expenses for their service.]~~

5171 (6) A member may not receive compensation or benefits for the member's service, but  
5172 may receive per diem and travel expenses in accordance with:

5173 (a) Section 63A-3-106;

5174 (b) Section 63A-3-107; and

5175 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5176 63A-3-107.

5177 (7) The board shall meet from time to time when called by the director of the division.

5178 (8) (a) The board shall recommend guidelines and standards for determining the  
5179 physical, mental, and emotional capabilities of applicants for licenses and for licensees.

5180 (b) The guidelines and standards are applicable to all Utah licensees and for all  
5181 individuals who hold learner permits and are participating in driving activities in all forms of

5182 driver education.

5183 (c) The guidelines and standards shall be published by the division.

5184 (9) If the division has reason to believe that an applicant or licensee is an impaired  
5185 person, it may:

5186 (a) act upon the matter based upon the published guidelines and standards; or

5187 (b) convene a panel to consider the matter and submit findings and a recommendation;  
5188 the division shall consider the recommendation along with other evidence in determining  
5189 whether a license should be suspended, revoked, denied, disqualified, canceled, or restricted.

5190 (10) (a) If the division has acted under Subsection (9) to suspend, revoke, deny,  
5191 disqualify, cancel, or restrict the driving privilege without the convening of a panel, the  
5192 affected applicant or licensee may within 10 days of receiving notice of the action request in a  
5193 manner prescribed by the division a review of the division's action by a panel.

5194 (b) The panel shall review the matters and make written findings and conclusions.

5195 (c) The division shall affirm or modify its previous action.

5196 (11) (a) Actions of the division are subject to judicial review as provided in this part.

5197 (b) The guidelines, standards, findings, conclusions, and recommendations of the  
5198 board or of a panel are admissible as evidence in any judicial review.

5199 (12) Members of the board and its panels incur no liability for recommendations,  
5200 findings, conclusions, or for other acts performed in good faith and incidental to membership  
5201 on the board or a panel.

5202 (13) The division shall provide forms for the use of health care professionals in  
5203 depicting the medical history of any physical, mental, or emotional impairment affecting the  
5204 applicant's or licensee's ability to drive a motor vehicle.

5205 (14) (a) (i) Individuals who apply for or hold a license and have, or develop, or suspect  
5206 that they have developed a physical, mental, or emotional impairment that may affect driving  
5207 safety are responsible for reporting this to the division or its agent.

5208 (ii) If there is uncertainty, the individual is expected to seek competent medical  
5209 evaluation and advice as to the significance of the impairment as it relates to driving safety,

5210 and to refrain from driving until a clarification is made.

5211 (b) Health care professionals who care for patients with physical, mental, or emotional  
5212 impairments that may affect their driving safety, whether defined by published guidelines and  
5213 standards or not, are responsible for making available to their patients without reservation their  
5214 recommendations and appropriate information related to driving safety and responsibilities.

5215 (c) A health care professional or other person who becomes aware of a physical,  
5216 mental, or emotional impairment that appears to present an imminent threat to driving safety  
5217 and reports this information to the division in good faith has immunity from any damages  
5218 claimed as a result of making the report.

5219 Section 92. Section **53-3-908** is amended to read:

5220 **53-3-908. Advisory committee.**

5221 (1) The governor shall appoint a five-member program advisory committee to assist in  
5222 the development and implementation of the program.

5223 (2) The committee members shall be appointed by the governor as follows:

5224 (a) one representative of motorcycle retail dealers;

5225 (b) one representative of peace officers;

5226 (c) one citizen not affiliated with a motorcycle dealer, manufacturer, or association;

5227 (d) one motorcycle safety foundation instructor or chief instructor; and

5228 (e) one member of an incorporated motorcycle rider organization.

5229 (3) All members of the advisory committee shall be licensed motorcyclists.

5230 (4) (a) Except as required by Subsection (4)(b), as terms of current committee  
5231 members expire, the governor shall appoint each new member or reappointed member to a  
5232 four-year term.

5233 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
5234 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
5235 committee members are staggered so that approximately half of the committee is appointed  
5236 every two years.

5237 (c) The committee shall meet at the call of the director.

5238 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
5239 appointed for the unexpired term.

5240 [~~(6) (a) Members shall receive no compensation or benefits for their services, but may  
5241 receive per diem and expenses incurred in the performance of the member's official duties at  
5242 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5243 [~~(b) Members may decline to receive per diem and expenses for their service.]~~

5244 (6) A member may not receive compensation or benefits for the member's service, but  
5245 may receive per diem and travel expenses in accordance with:

5246 (a) Section 63A-3-106;

5247 (b) Section 63A-3-107; and

5248 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5249 63A-3-107.

5250 Section 93. Section **53-5-703** is amended to read:

5251 **53-5-703. Board -- Membership -- Compensation -- Terms -- Duties.**

5252 (1) There is created within the division the Concealed Weapon Review Board.

5253 (2) (a) The board is comprised of not more than five members appointed by the  
5254 commissioner on a bipartisan basis.

5255 (b) The board shall include a member representing law enforcement and at least two  
5256 citizens, one of whom represents sporting interests.

5257 (3) (a) Except as required by Subsection (3)(b), as terms of current board members  
5258 expire, the commissioner shall appoint each new member or reappointed member to a  
5259 four-year term.

5260 (b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at  
5261 the time of appointment or reappointment, adjust the length of terms to ensure that the terms  
5262 of board members are staggered so that approximately half of the board is appointed every two  
5263 years.

5264 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
5265 appointed for the unexpired term.

5266           ~~[(5) (a) (i) Members who are not government employees shall receive no~~  
5267 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
5268 ~~the performance of the member's official duties at the rates established by the Division of~~  
5269 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

5270           ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

5271           ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
5272 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
5273 ~~incurred in the performance of their official duties from the board at the rates established by~~  
5274 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5275           ~~[(ii) State government officer and employee members may decline to receive per diem~~  
5276 ~~and expenses for their service.]~~

5277           (5) A member may not receive compensation or benefits for the member's service, but  
5278 may receive per diem and travel expenses in accordance with:

5279           (a) Section 63A-3-106;

5280           (b) Section 63A-3-107; and

5281           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5282 63A-3-107.

5283           (6) The board shall meet at least quarterly, unless the board has no business to conduct  
5284 during that quarter.

5285           (7) The board, upon receiving a timely filed petition for review, shall review within a  
5286 reasonable time the denial, suspension, or revocation of a permit or a temporary permit to  
5287 carry a concealed firearm.

5288           Section 94. Section **53-6-106** is amended to read:

5289           **53-6-106. Creation of Peace Officer Standards and Training Council -- Purpose**  
5290 **-- Membership -- Quorum -- Meetings -- Compensation.**

5291           (1) There is created the Peace Officer Standards and Training Council.

5292           (2) The council shall serve as an advisory board to the director of the division on  
5293 matters relating to peace officer and dispatcher standards and training.

- 5294 (3) The council includes:
- 5295 (a) the attorney general or his designated representative;
- 5296 (b) the superintendent of the highway patrol;
- 5297 (c) the executive director of the Department of Corrections or his designated
- 5298 representative; and
- 5299 (d) 14 additional members appointed by the governor having qualifications,
- 5300 experience, or education in the field of law enforcement as follows:
- 5301 (i) one incumbent mayor;
- 5302 (ii) one incumbent county commissioner;
- 5303 (iii) three incumbent sheriffs, one of whom is a representative of the Utah Sheriffs
- 5304 Association, one of whom is from a county having a population of 100,000 or more, and one
- 5305 of whom is from a county having a population of less than 100,000;
- 5306 (iv) three incumbent police chiefs, one of whom is a representative of the Utah Chiefs
- 5307 of Police Association, one of whom is from a city of the first or second class, and one of whom
- 5308 is from a city of the third, fourth, or fifth class or town;
- 5309 (v) one officer from the Federal Bureau of Investigation appointed by the governor
- 5310 upon the recommendation of the agency;
- 5311 (vi) a representative of the Utah Peace Officers Association;
- 5312 (vii) an educator in the field of public administration, criminal justice, or related area;
- 5313 and
- 5314 (viii) three persons selected at large by the governor.
- 5315 (4) (a) Except as required by Subsection (4)(b), the 14 members of the council shall be
- 5316 appointed by the governor for four-year terms.
- 5317 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
- 5318 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 5319 council members are staggered so that approximately half of the council is appointed every
- 5320 two years.
- 5321 (c) A member may be reappointed for additional terms.

5322 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
5323 appointed for the unexpired term by the governor from the same category in which the  
5324 vacancy occurs.

5325 (5) A member of the council ceases to be a member:

5326 (a) immediately upon the termination of his holding the office or employment that was  
5327 the basis for his eligibility to membership on the council; or

5328 (b) upon two unexcused absences in one year from regularly scheduled council  
5329 meetings.

5330 (6) The council shall select a chair and vice chair from among its members.

5331 (7) Ten members of the advisory council constitute a quorum.

5332 (8) (a) Meetings may be called by the chair, the commissioner, or the director and  
5333 shall be called by the chair upon the written request of nine members.

5334 (b) Meetings shall be held at the times and places determined by the director.

5335 (9) The council shall meet at least two times per year.

5336 ~~[(10) (a) (i) Members who are not government employees shall receive no~~  
5337 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
5338 ~~the performance of the member's official duties at the rates established by the Division of~~  
5339 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

5340 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

5341 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
5342 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
5343 ~~incurred in the performance of their official duties from the council at the rates established by~~  
5344 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5345 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
5346 ~~and expenses for their service.]~~

5347 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~  
5348 ~~from the entity that they represent for their service may receive per diem and expenses~~  
5349 ~~incurred in the performance of their official duties at the rates established by the Division of~~

5350 Finance under Sections 63A-3-106 and 63A-3-107.]

5351 [~~(ii) Local government members may decline to receive per diem and expenses for~~  
5352 ~~their service.~~]

5353 (10) A member may not receive compensation or benefits for the member's service,  
5354 but may receive per diem and travel expenses in accordance with:

5355 (a) Section 63A-3-106;

5356 (b) Section 63A-3-107; and

5357 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5358 63A-3-107.

5359 (11) Membership on the council does not disqualify any member from holding any  
5360 other public office or employment.

5361 Section 95. Section **53-7-203** is amended to read:

5362 **53-7-203. Utah Fire Prevention Board -- Creation -- Members -- Terms --**  
5363 **Selection of chair and officers -- Quorum -- Meetings -- Compensation -- Division's duty**  
5364 **to implement board rules.**

5365 (1) There is created within the division the Utah Fire Prevention Board.

5366 (2) The board shall be nonpartisan and be composed of 10 members appointed by the  
5367 governor as follows:

5368 (a) a city or county official;

5369 (b) a licensed architect;

5370 (c) a licensed engineer;

5371 (d) a member of the Utah State Firemen's Association;

5372 (e) the state forester;

5373 (f) the commissioner of the Labor Commission or the commissioner's designee;

5374 (g) a member of the Utah State Fire Chiefs Association;

5375 (h) a member of the Utah Fire Marshal's Association;

5376 (i) a building inspector; and

5377 (j) a citizen appointed at large.



5378           (3) (a) Except as required by Subsection (3)(b), as terms of current board members  
5379 expire, the governor shall appoint each new member or reappointed member to a four-year  
5380 term.

5381           (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
5382 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
5383 board members are staggered so that approximately half of the board is appointed every two  
5384 years.

5385           (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
5386 appointed for the unexpired term.

5387           (5) A member whose term has expired may continue to serve until a replacement is  
5388 appointed pursuant to Subsection (3).

5389           (6) The board shall select from its members a chair and other officers as the board  
5390 finds necessary.

5391           (7) A majority of the members of the board is a quorum.

5392           (8) The board shall hold regular semiannual meetings for the transaction of its  
5393 business at a time and place to be fixed by the board and shall hold other meetings as  
5394 necessary for proper transaction of business.

5395           ~~[(9) (a) (i) Members who are not government employees shall receive no~~  
5396 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
5397 ~~the performance of the member's official duties at the rates established by the Division of~~  
5398 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

5399           ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

5400           ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
5401 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
5402 ~~incurred in the performance of their official duties from the board at the rates established by~~  
5403 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5404           ~~[(ii) State government officer and employee members may decline to receive per diem~~  
5405 ~~and expenses for their service.]~~

5406           ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~  
5407 ~~from the entity that they represent for their service may receive per diem and expenses~~  
5408 ~~incurred in the performance of their official duties at the rates established by the Division of~~  
5409 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

5410           ~~[(ii) Local government members may decline to receive per diem and expenses for~~  
5411 ~~their service.]~~

5412           (9) A member may not receive compensation or benefits for the member's service, but  
5413 may receive per diem and travel expenses in accordance with:

5414           (a) Section 63A-3-106;

5415           (b) Section 63A-3-107; and

5416           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5417 63A-3-107.

5418           (10) The division shall implement the rules of the board and perform all other duties  
5419 delegated by the board.

5420           Section 96. Section **53-7-304** is amended to read:

5421           **53-7-304. Liquefied Petroleum Gas Board -- Creation -- Composition --**

5422 **Appointment -- Terms of officers -- Meetings -- Compensation.**

5423           (1) (a) There is created within the division the Liquefied Petroleum Gas Board.

5424           (b) The board is composed of seven members:

5425           (i) two Utah fire chiefs or marshals;

5426           (ii) two members of the general public; and

5427           (iii) three members who are representatives of the LPG industry.

5428           (2) The fire chiefs or marshals and the members of the general public shall be  
5429 appointed by the governor, on a nonpartisan basis.

5430           (3) Members of the board who are representatives of the LPG industry shall have been  
5431 legal residents of the state for at least one year immediately preceding the date of appointment  
5432 and have been actively engaged in the LPG industry for a period of at least five years.

5433           (4) The LPG industry representatives shall be appointed by the governor from a list of

5434 at least five but no more than the 12 nominees receiving the largest number of votes according  
5435 to written ballots executed by representatives of the licensees under Subsection (7).

5436 (5) (a) Except as required by Subsection (5)(b), as terms of current board members  
5437 expire, the governor shall appoint each new member or reappointed member to a four-year  
5438 term.

5439 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the  
5440 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
5441 board members are staggered so that approximately half of the board is appointed every two  
5442 years.

5443 (c) Members serve from the date of appointment until a replacement is appointed.

5444 (6) When a vacancy occurs in the membership for any reason, the replacement shall be  
5445 appointed for the unexpired term.

5446 (7) (a) The balloting of licensees shall be conducted by the division.

5447 (b) For the appointments, the division shall forward to each licensee by registered or  
5448 certified United States mail an official ballot for each staffed plant or facility held under  
5449 Section 53-7-309, with instructions for executing the ballot and returning it to the division.

5450 (8) (a) The board shall elect its own chair and vice chair at its first regular meeting  
5451 each calendar year.

5452 (b) All meetings of the board shall be held on a prescribed date, at least quarterly, and  
5453 at any time a majority of the board members sends a request to the board chair.

5454 (c) A majority of the members of the board is a quorum for the transaction of business.

5455 ~~[(9) (a) (i) Members who are not government employees shall receive no~~  
5456 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
5457 ~~the performance of the member's official duties at the rates established by the Division of~~  
5458 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

5459 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

5460 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
5461 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~

5462 incurred in the performance of their official duties from the board at the rates established by  
5463 the Division of Finance under Sections ~~63A-3-106 and 63A-3-107.~~]

5464 [~~(ii) State government officer and employee members may decline to receive per diem  
5465 and expenses for their service.~~]

5466 (9) A member may not receive compensation or benefits for the member's service, but  
5467 may receive per diem and travel expenses in accordance with:

5468 (a) Section 63A-3-106;

5469 (b) Section 63A-3-107; and

5470 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5471 63A-3-107.

5472 Section 97. Section **53-8-203** is amended to read:

5473 **53-8-203. Council created -- Members -- Term -- Meetings -- Duties.**

5474 (1) There is created within the division the Motor Vehicle Safety Inspection Advisory  
5475 Council.

5476 (2) (a) The council shall be composed of seven members.

5477 (b) The governor shall appoint:

5478 (i) one member from the general public with experience or interest in product safety or  
5479 consumer advocacy;

5480 (ii) two representatives from motor vehicle mechanics and motor vehicle repair  
5481 business owners;

5482 (iii) one member of the motoring public with no former or current affiliation with the  
5483 motor vehicle sales, repair, or fuel industry or its regulation;

5484 (iv) one peace officer with experience in motor vehicle law enforcement;

5485 (v) one representative of the commercial trucking industry; and

5486 (vi) one representative of the staff of the attorney general who shall serve without  
5487 voting privileges.

5488 (3) Each member of the council shall:

5489 (a) be selected on a nonpartisan basis;

5490 (b) be appointed by the governor; and

5491 (c) have been a legal resident of the state for at least one year immediately preceding  
5492 the date of appointment.

5493 (4) (a) Except as required by Subsection (4)(b), as terms of current council members  
5494 expire, the governor shall appoint each new member or reappointed member to a four-year  
5495 term.

5496 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
5497 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
5498 council members are staggered so that approximately half of the council is appointed every  
5499 two years.

5500 (c) Members serve from the date of appointment until a replacement is appointed.

5501 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
5502 appointed for the unexpired term.

5503 (6) The council shall elect its own chair and vice-chair at its first regular meeting each  
5504 calendar year.

5505 (7) All meetings of the council shall be called by the superintendent of the highway  
5506 patrol as needed.

5507 (8) Any three voting members constitute a quorum for the transaction of business that  
5508 comes before the council.

5509 ~~[(9) (a) (i) Members who are not government employees shall receive no~~  
5510 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
5511 ~~the performance of the member's official duties at the rates established by the Division of~~  
5512 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

5513 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

5514 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
5515 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
5516 ~~incurred in the performance of their official duties from the council at the rates established by~~  
5517 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5518            [~~(ii) State government officer and employee members may decline to receive per diem~~  
5519 ~~and expenses for their service.]~~

5520            (9) A member may not receive compensation or benefits for the member's service, but  
5521 may receive per diem and travel expenses in accordance with:

5522            (a) Section 63A-3-106;

5523            (b) Section 63A-3-107; and

5524            (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5525 63A-3-107.

5526            (10) The council shall:

5527            (a) hear appeals of administrative actions regarding the suspension or revocation of  
5528 safety inspection station permits and safety inspector certificates;

5529            (b) advise the division on interpretation, adoption, and implementation of motor  
5530 vehicle safety inspection standards; and

5531            (c) advise the division on other motor vehicle safety inspection issues as requested by  
5532 the superintendent.

5533            (11) In conducting appeal hearings on the suspension or revocation of any safety  
5534 inspection station permit or safety inspector certificate the council may:

5535            (a) compel the attendance of witnesses by subpoena;

5536            (b) require the production of any records or documents determined by it to be pertinent  
5537 to the subject matter of the hearing; and

5538            (c) apply to the district court of the county where the hearing is held for an order citing  
5539 any applicant or witness for contempt and for failure to attend, testify, or produce required  
5540 documents.

5541            Section 98. Section **53-9-104** is amended to read:

5542            **53-9-104. Board -- Creation-- Qualifications -- Appointments -- Terms --**

5543 **Immunity.**

5544            (1) There is established a Private Investigator Hearing and Licensure Board consisting  
5545 of five members appointed by the commissioner.

5546 (2) Each member of the board shall be a citizen of the United States and a resident of  
5547 this state at the time of appointment.

5548 (a) Two members shall be qualifying parties who are licensed as provided in this  
5549 chapter.

5550 (b) One member shall be a supervisory investigator from the commissioner's office.

5551 (c) One member shall be a chief of police or sheriff.

5552 (d) One member shall be a public member who shall not have a financial interest in a  
5553 private investigative agency and shall not have an immediate family member or a household  
5554 member or friend who is licensed or registered under this chapter.

5555 (3) (a) Each member of the board shall serve four-year staggered terms beginning and  
5556 ending on January 1.

5557 (b) Notwithstanding the term requirements of Subsection (3)(a), the commissioner  
5558 may adjust the length of terms to ensure the terms of board members are staggered so that  
5559 approximately one member of the board is appointed every year.

5560 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
5561 appointed for the unexpired term.

5562 (5) At its first meeting every year, the board shall elect a chair, vice chair, and  
5563 secretary from its membership.

5564 [~~(6) (a) (i) Members who are not government employees shall receive no~~  
5565 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
5566 ~~the performance of the member's official duties at the rates established by the Division of~~  
5567 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

5568 [~~(ii) Members may decline to receive per diem and expenses for their service.]~~

5569 [~~(b) (i) State government officer and employee members who do not receive salary, per~~  
5570 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
5571 ~~incurred in the performance of their official duties from the board at the rates established by~~  
5572 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5573 [~~(ii) State government officer and employee members may decline to receive per diem~~

5574 and expenses for their service.]

5575 (6) A member may not receive compensation or benefits for the member's service, but  
5576 may receive per diem and travel expenses in accordance with:

5577 (a) Section 63A-3-106;

5578 (b) Section 63A-3-107; and

5579 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5580 63A-3-107.

5581 (7) A member shall not serve more than one term, except that a member appointed to  
5582 fill a vacancy or appointed for an initial term of less than four years may be reappointed for  
5583 one full term.

5584 (8) The commissioner, after a board hearing and recommendation, may remove any  
5585 member of the board for misconduct, incompetency, or neglect of duty.

5586 (9) Members of the board are immune from suit with respect to all acts done and  
5587 actions taken in good faith in furtherance of the purposes of this chapter.

5588 Section 99. Section **53-11-104** is amended to read:

5589 **53-11-104. Board.**

5590 (1) (a) There is established under the Department of Public Safety a Bail Bond  
5591 Recovery Licensure Board consisting of five members appointed by the commissioner.

5592 (b) The commissioner may appoint, in accordance with this section, persons who are  
5593 also serving in the same capacity on the Private Investigator Hearing and Licensure Board  
5594 under Section 53-9-104.

5595 (2) Each member of the board shall be a citizen of the United States and a resident of  
5596 this state at the time of appointment:

5597 (a) one member shall be a person who is qualified for and is licensed under this  
5598 chapter;

5599 (b) one member shall be a an attorney licensed to practice in the state;

5600 (c) one member shall be a chief of police or sheriff;

5601 (d) one member shall be an owner of a bail bond surety company who is not a bail



5602 enforcement agent or a bail recovery agent; and

5603 (e) one member shall be a public member who does not have:

5604 (i) a financial interest in a bail bond surety or bail bond recovery business; and

5605 (ii) an immediate family member or a household member, or a personal or professional  
5606 acquaintance who is licensed or registered under this chapter.

5607 (3) (a) As terms of current board members expire, the commissioner shall appoint each  
5608 new member or reappointed member to a four-year term, except as required by Subsection  
5609 (3)(b).

5610 (b) The commissioner shall, at the time of appointment or reappointment, adjust the  
5611 length of terms to ensure that the terms of board members are staggered so that approximately  
5612 half of the board is appointed every two years.

5613 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
5614 appointed for the unexpired term.

5615 (5) At its first meeting every year, the board shall elect a chair and vice chair from its  
5616 membership.

5617 ~~[(6) (a) (i) Members who are not government employees receive no compensation or~~  
5618 ~~benefits for their services, but may receive per diem and expenses incurred in the performance~~  
5619 ~~of the member's official duties at the rates established by the Division of Finance under~~  
5620 ~~Sections 63A-3-106 and 63A-3-107.]~~

5621 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

5622 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
5623 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
5624 ~~incurred in the performance of their official duties from the board at the rates established by~~  
5625 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5626 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
5627 ~~and expenses for their service.]~~

5628 (6) A member may not receive compensation or benefits for the member's service, but  
5629 may receive per diem and travel expenses in accordance with:

5630           (a) Section 63A-3-106;  
 5631           (b) Section 63A-3-107; and  
 5632           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 5633 63A-3-107.

5634           (7) A member may not serve more than one term, except that a member appointed to  
 5635 fill a vacancy or appointed for an initial term of less than four years under Subsection (3) may  
 5636 be reappointed for one additional full term.

5637           (8) The commissioner, after a board hearing and recommendation, may remove any  
 5638 member of the board for misconduct, incompetency, or neglect of duty.

5639           (9) Members of the board are immune from suit with respect to all acts done and  
 5640 actions taken in good faith in carrying out the purposes of this chapter.

5641           Section 100. Section **53A-1-202** is amended to read:  
 5642           **53A-1-202. Compensation for services -- Additional per diem -- Insurance --**  
 5643 **Certified statements of expenses.**

5644           (1) Each member of the State Board of Education shall receive \$3,000 per year,  
 5645 payable monthly, as compensation for services~~[, in addition to necessary travel expenses].~~

5646           ~~[(2) Each member may receive additional per diem compensation as established by the~~  
 5647 ~~director of the Division of Finance for attendance at meetings or activities related to any~~  
 5648 ~~business of the board, not to exceed 12 per year.]~~

5649           ~~[(3) Board members]~~ (2) A board member may participate in any group insurance  
 5650 plan provided to employees of the State Office of Education as part of their compensation on  
 5651 the same basis as required for employee participation.

5652           ~~[(4) The state superintendent shall certify statements of actual and necessary travel~~  
 5653 ~~expenses incurred by board members in attending board meetings or performing duties~~  
 5654 ~~authorized by the board.]~~

5655           (3) In addition to the provisions of Subsections (1) and (2), a board member may  
 5656 receive per diem and travel expenses in accordance with:

5657           (a) Section 63A-3-106;

5658 (b) Section 63A-3-107; and  
5659 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5660 63A-3-107.

5661 Section 101. Section **53A-1a-501.5** is amended to read:

5662 **53A-1a-501.5. State Charter School Board created.**

5663 (1) (a) The State Charter School Board is created consisting of the following members  
5664 appointed by the governor:

5665 (i) two members who have expertise in finance or small business management;

5666 (ii) three members who are appointed from a slate of at least six candidates nominated  
5667 by Utah's charter schools; and

5668 (iii) two members who are appointed from a slate of at least four candidates nominated  
5669 by the State Board of Education.

5670 (b) Each appointee shall have demonstrated dedication to the purposes of charter  
5671 schools as outlined in Section 53A-1a-503.

5672 (2) (a) State Charter School Board members shall serve four-year terms, except three  
5673 of the initial members appointed by the governor shall be appointed for a two-year term.

5674 (b) If a vacancy occurs, the governor shall appoint a replacement for the unexpired  
5675 term.

5676 (3) (a) The State Charter School Board shall annually elect a chair from its  
5677 membership.

5678 (b) Four members of the board shall constitute a quorum.

5679 (c) Meetings may be called by the chair or upon request of three members of the  
5680 board.

5681 ~~[(4) (a) (i) Members who are not state government employees shall receive no~~  
5682 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
5683 ~~the performance of the members' official duties at the rates established by the Division of~~  
5684 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

5685 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

5686           ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
5687 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
5688 ~~incurred in the performance of their official duties from the State Charter School Board at the~~  
5689 ~~rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5690           ~~[(ii) State government officer and employee members may decline to receive per diem~~  
5691 ~~and expenses for their service.]~~

5692           (4) A member may not receive compensation or benefits for the member's service, but  
5693 may receive per diem and travel expenses in accordance with:

5694           (a) Section 63A-3-106;

5695           (b) Section 63A-3-107; and

5696           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5697 63A-3-107.

5698           Section 102. Section **53A-1a-602** is amended to read:

5699           **53A-1a-602. Job Enhancement Committee -- Composition -- Duties --**

5700 **Appropriation.**

5701           (1) There is created a Job Enhancement Committee to implement and administer the  
5702 Public Education Job Enhancement Program established in Section 53A-1a-601.

5703           (2) (a) The committee shall consist of:

5704           (i) two members of the State Board of Education selected by the board;

5705           (ii) two members of the State Board of Regents selected by the board;

5706           (iii) six members of the general public who have business experience in mathematics,  
5707 physics, chemistry, physical science, learning technology, or information technology selected  
5708 by the governor;

5709           (iv) a master high school teacher, who has teaching experience in mathematics,  
5710 physics, chemistry, physical science, learning technology, or information technology, selected  
5711 by the superintendent of public instruction;

5712           (v) a master special education teacher, selected by the superintendent of public  
5713 instruction; and

5714 (vi) a master teacher in grades four through six with a mathematics endorsement,  
5715 selected by the superintendent of public instruction.

5716 ~~[(b) Committee members shall receive no compensation or benefits for their service on~~  
5717 ~~the committee, but may receive per diem and expenses incurred in the performance of their~~  
5718 ~~duties at rates established by the Division of Finance under Sections 63A-3-106 and~~  
5719 ~~63A-3-107.]~~

5720 (b) A member may not receive compensation or benefits for the member's service, but  
5721 may receive per diem and travel expenses in accordance with:

5722 (i) Section 63A-3-106;

5723 (ii) Section 63A-3-107; and

5724 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5725 63A-3-107.

5726 (3) (a) The committee shall receive and review applications submitted for participation  
5727 in the Public Education Job Enhancement Program established under Section 53A-1a-601.

5728 (b) In reviewing applications, the committee shall focus on:

5729 (i) the prioritized critical areas of need identified under Subsection (5)(a); and

5730 (ii) the awards being made on a competitive basis.

5731 (c) If the committee approves an application received under Subsection (3)(a), it shall  
5732 contract directly with the teacher applicant to receive the award or the scholarship for a  
5733 master's degree, an endorsement, or graduate education, subject to Section 53A-1a-601.

5734 (d) The State Board of Education, through the superintendent of public instruction,  
5735 shall provide staff support for the committee and adequate and reliable data on the state's  
5736 supply of and demand for qualified:

5737 (i) secondary teachers with expertise in mathematics, physics, chemistry, physical  
5738 science, learning technologies, or information technology;

5739 (ii) special education teachers; and

5740 (iii) teachers in grades four through six with mathematics endorsements.

5741 (4) The committee may apply for grants and matching monies to enhance funding

5742 available for the program established in Section 53A-1a-601.

5743 (5) The committee shall make a rule in accordance with Title 63G, Chapter 3, Utah  
5744 Administrative Rulemaking Act, establishing policies and procedures for:

5745 (a) making the awards and offering the scholarships in accordance with prioritized  
5746 critical areas of need as determined by the committee;

5747 (b) timelines for the submission and approval of applications under Subsection (3);  
5748 and

5749 (c) the distribution of the awards and scholarships to successful applicants based on  
5750 available monies provided by legislative appropriation.

5751 (6) Subject to future budget constraints, the Legislature shall make an annual  
5752 appropriation to the State Board of Education to fund the Public Education Job Enhancement  
5753 Program established under Section 53A-1a-601.

5754 Section 103. Section **53A-6-802** is amended to read:

5755 **53A-6-802. Paraeducator to Teacher Scholarship Program.**

5756 (1) The Paraeducator to Teacher Scholarship Program is created to award scholarships  
5757 to paraeducators for education and training to become licensed teachers.

5758 (2) The State Board of Education shall use money appropriated for the Paraeducator to  
5759 Teacher Scholarship Program to award scholarships of up to \$5,000 to paraeducators  
5760 employed by school districts and charter schools who are pursuing an associate's degree or  
5761 bachelor's degree program to become a licensed teacher.

5762 (3) A paraeducator is eligible to receive a scholarship if:

5763 (a) the paraeducator is employed by a school district or charter school;

5764 (b) is admitted to, or has made an application to, an associate's degree program or  
5765 bachelor's degree program that will prepare the paraeducator for teacher licensure; and

5766 (c) the principal at the school where the paraeducator is employed has nominated the  
5767 paraeducator for a scholarship.

5768 (4) (a) The State Board of Education shall establish a committee to select scholarship  
5769 recipients from nominations submitted by school principals.

5770 (b) The committee shall include representatives of the State Board of Education, State  
5771 Board of Regents, and the general public, excluding school district and charter school  
5772 employees.

5773 ~~[(c) (i) (A) A committee member who is not a government employee may not receive~~  
5774 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~  
5775 ~~incurred in the performance of the member's official duties at the rates established by the~~  
5776 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

5777 ~~[(B) A member may decline to receive per diem and expenses for the member's~~  
5778 ~~service.]~~

5779 ~~[(ii) (A) A committee member who is a government employee member who does not~~  
5780 ~~receive salary, per diem, or expenses from the agency the member represents for the member's~~  
5781 ~~service may receive per diem and expenses incurred in the performance of the member's~~  
5782 ~~official duties at the rates established by the Division of Finance under Sections 63A-3-106~~  
5783 ~~and 63A-3-107.]~~

5784 ~~[(B) A government employee member may decline to receive per diem and expenses~~  
5785 ~~for the member's service.]~~

5786 (c) A member may not receive compensation or benefits for the member's service, but  
5787 may receive per diem and travel expenses in accordance with:

5788 (i) Section 63A-3-106;

5789 (ii) Section 63A-3-107; and

5790 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5791 63A-3-107.

5792 (d) The committee shall select scholarship recipients based on the following criteria:

5793 (i) test scores, grades, or other evidence demonstrating the applicant's ability to  
5794 successfully complete a teacher education program; and

5795 (ii) the applicant's record of success as a paraeducator.

5796 (5) The maximum scholarship amount is \$5,000.

5797 (6) Scholarship monies may only be used to pay for tuition costs:

5798 (a) of:  
5799 (i) an associate's degree program that fulfills credit requirements for the first two years  
5800 of a bachelor's degree program leading to teacher licensure; or  
5801 (ii) the first two years of a bachelor's degree program leading to teacher licensure; and  
5802 (b) at a higher education institution:  
5803 (i) located in Utah; and  
5804 (ii) accredited by the Northwest Commission on Colleges and Universities.  
5805 (7) A scholarship recipient must be continuously employed as a paraeducator by a  
5806 school district or charter school while pursuing a degree using scholarship monies.  
5807 (8) The State Board of Education shall make rules in accordance with this section and  
5808 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the Paraeducator to  
5809 Teacher Scholarship Program, including rules establishing:  
5810 (a) scholarship application procedures;  
5811 (b) the number of, and qualifications for, committee members who select scholarship  
5812 recipients; and  
5813 (c) procedures for distributing scholarship monies.  
5814 Section 104. Section **53A-20b-103** is amended to read:  
5815 **53A-20b-103. State Charter School Finance Authority created -- Members --**  
5816 **Compensation -- Services.**  
5817 (1) There is created a body politic and corporate known as the State Charter School  
5818 Finance Authority. The authority is created to provide an efficient and cost-effective method  
5819 of financing charter school facilities.  
5820 (2) The governing board of the authority shall be composed of:  
5821 (a) the governor or the governor's designee;  
5822 (b) the state treasurer; and  
5823 (c) the state superintendent of public instruction or the state superintendent's designee.  
5824 ~~[(3) (a) (i) A member who is not a government employee may not receive~~  
5825 ~~compensation or benefits for the member's services, but may receive per diem and expenses~~



5826 incurred in the performance of the member's official duties at the rates established by the  
5827 Division of Finance under Sections 63A-3-106 and 63A-3-107.]

5828 [(ii) A member may decline to receive per diem and expenses for the member's  
5829 service.]

5830 [(b) (i) A state government officer or employee member who does not receive salary,  
5831 per diem, or expenses from the agency the member represents for the member's service may  
5832 receive per diem and expenses incurred in the performance of the member's official duties at  
5833 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]

5834 [(ii) A state government officer or employee member may decline to receive per diem  
5835 and expenses for the member's service.]

5836 (3) A member may not receive compensation or benefits for the member's service, but  
5837 may receive per diem and travel expenses in accordance with:

5838 (a) Section 63A-3-106;

5839 (b) Section 63A-3-107; and

5840 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5841 63A-3-107.

5842 (4) Upon request, the State Board of Education shall provide staff support to the  
5843 authority.

5844 Section 105. Section **53A-25b-203** is amended to read:

5845 **53A-25b-203. Advisory Council for the Utah Schools for the Deaf and the Blind.**

5846 (1) (a) There is created the Advisory Council for the Utah Schools for the Deaf and the  
5847 Blind composed of at least six, but no more than 11, voting members appointed by the board.

5848 (b) The advisory council shall include:

5849 (i) two members who are blind;

5850 (ii) two members who are deaf; and

5851 (iii) two members who are deafblind or parents of a deafblind child.

5852 (c) The board may appoint other advisory council members who have an interest in  
5853 and knowledge of the needs and education of students who are deaf, blind, or deafblind.

5854 (2) The board may remove a council member for cause.

5855 (3) The board shall makes rules in accordance with Title 63G, Chapter 3, Utah  
5856 Administrative Rulemaking Act, regarding the operation of the advisory council, including  
5857 rules:

5858 (a) specifying the term of membership for advisory council members;

5859 (b) establishing procedures for filling a vacancy on the advisory council; and

5860 (c) establishing procedures for dismissing an advisory council member.

5861 [~~(4) An advisory council member may receive per diem and expenses incurred in the~~  
5862 ~~performance of the member's official duties at the rates established by the Division of Finance~~  
5863 ~~under Sections 63A-3-106 and 63A-3-107.]~~

5864 (4) An advisory council member may not receive compensation or benefits for the  
5865 member's service, but may receive per diem and travel expenses in accordance with:

5866 (a) Section 63A-3-106;

5867 (b) Section 63A-3-107; and

5868 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5869 63A-3-107.

5870 (5) The advisory council shall meet at least 10 times per year.

5871 (6) (a) The advisory council shall elect a chair and vice chair from its membership.

5872 (b) The advisory council may elect other officers from its membership.

5873 (c) The advisory council officers shall serve one-year terms.

5874 (7) A majority of the advisory council constitutes a quorum for the transaction of  
5875 business.

5876 (8) The board shall assign a staff member from the Utah State Office of Education and  
5877 the superintendent to act as liaisons between the board and the advisory council.

5878 (9) The advisory council shall:

5879 (a) advise and make recommendations to the board, superintendent, and associate  
5880 superintendents regarding:

5881 (i) staff positions;

- 5882 (ii) policy;
- 5883 (iii) budgets; and
- 5884 (iv) operations;
- 5885 (b) advise the board, superintendent, and associate superintendents as to the needs of
- 5886 those who are deaf, blind, or deafblind and of appropriate programs and services to address
- 5887 individual needs consistent with state and federal laws, rules, and regulations; and
- 5888 (c) advise and make recommendations to the board regarding the continued
- 5889 employment of the superintendent and associate superintendents.

5890 (10) The board shall receive and consider the advice and recommendations of the

5891 advisory council but is not obligated to follow that advice or adopt the recommendations.

5892 Section 106. Section **53B-1-104** is amended to read:

5893 **53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath --**

5894 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.**

5895 (1) (a) The board shall consist of 19 residents of the state.

5896 (b) (i) Fifteen members shall be appointed by the governor with the consent of the

5897 Senate.

5898 (ii) (A) One additional member shall be appointed by the governor from nominations

5899 of the student body presidents council.

5900 (B) The council shall nominate three qualified, matriculated students enrolled in the

5901 state institutions of higher education.

5902 (C) Student body presidents are not eligible for nomination.

5903 (iii) All appointments to the board shall be made on a nonpartisan basis.

5904 (iv) In making appointments to the board, the governor shall select:

5905 (A) individuals from the state at large with due consideration for geographical

5906 representation; and

5907 (B) at least three individuals with personal experience in career and technical

5908 education, which could include service on a campus board of directors.

5909 (c) (i) In addition to the members designated under Subsection (1)(b), two members of

5910 the State Board of Education, appointed by the chair of the State Board of Education, shall  
5911 serve as nonvoting members of the board.

5912 (ii) A nonvoting State Board of Education member shall continue to serve as a  
5913 member without a set term until the member is replaced by the chair of the State Board of  
5914 Education.

5915 (d) (i) In addition to the members designated under Subsection (1)(b), one member of  
5916 the Utah College of Applied Technology Board of Trustees, appointed by the chair of the Utah  
5917 College of Applied Technology Board of Trustees, shall serve as a nonvoting member of the  
5918 board.

5919 (ii) A nonvoting Utah College of Applied Technology Board of Trustees member shall  
5920 continue to serve as a member without a set term until the member is replaced by the chair of  
5921 the Utah College of Applied Technology Board of Trustees.

5922 (2) (a) Five members of the board, other than the student member, the State Board of  
5923 Education members, and the Utah College of Applied Technology Board of Trustees member,  
5924 shall be appointed during each odd-numbered year to six-year staggered terms which  
5925 commence on July 1 of the year of appointment.

5926 (b) (i) The student member shall be appointed for a one-year term and may be  
5927 reappointed for one additional term.

5928 (ii) The student member has full voting rights and may vote on selection of a board  
5929 chair or vice chair, but not serve in either office.

5930 (c) Board members shall hold office until their successors have been appointed and  
5931 qualified.

5932 (3) (a) Each member of the board shall take the official oath of office before entering  
5933 upon the duties of office.

5934 (b) The oath shall be filed with the Division of Archives and Records Services.

5935 (4) The board shall elect a chair and vice chair from its members who shall serve terms  
5936 of two years and until their successors are chosen and qualified.

5937 (5) (a) The board shall appoint a secretary from the staff of its chief executive to serve

5938 at its discretion.

5939 (b) The secretary shall be a full-time employee who receives a salary set by the board.

5940 (c) The secretary shall record and maintain a record of all board meetings and perform  
5941 other duties as the board directs.

5942 (6) The board shall appoint a treasurer who serves at the discretion of the board.

5943 (7) (a) The board may establish advisory committees.

5944 (b) The powers and authority of the board are nondelegable, except as specifically  
5945 provided for in this title.

5946 (c) All matters requiring board determination shall be addressed in a properly  
5947 convened meeting of the board or its executive committee.

5948 (8) The board shall enact bylaws for its own government not inconsistent with the  
5949 constitution or the laws of this state.

5950 (9) (a) The board shall meet regularly upon its own determination.

5951 (b) The board may also meet, in full or executive session, at the request of its chair, its  
5952 executive officer, or five members of the board.

5953 (10) A quorum of the voting members of the board is required to conduct its business  
5954 and consists of nine members.

5955 (11) (a) A vacancy in the board occurring before the expiration of a voting member's  
5956 full term shall be immediately filled by appointment by the governor with the consent of the  
5957 Senate.

5958 (b) The appointee serves for the remainder of the unexpired term.

5959 ~~[(12) (a) Each member of the board shall receive a per diem as provided by law as  
5960 compensation for services for attending meetings of the board.]~~

5961 ~~[(b) Each member shall also be paid actual expenses incurred for attending meetings  
5962 of the board or its committees or for attending to any business of the institutions under the  
5963 direction of the board or authority of the board or its committees.]~~

5964 (12) A board member may not receive compensation or benefits for the member's  
5965 service, but may receive per diem and travel expenses in accordance with:

5966            (a) Section 63A-3-106;  
5967            (b) Section 63A-3-107; and  
5968            (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
5969 63A-3-107.  
5970            Section 107. Section **53B-2-104** is amended to read:  
5971            **53B-2-104. Memberships of board of trustees -- Terms -- Vacancies -- Oath --**  
5972 **Officers -- Bylaws -- Quorum -- Committees -- Compensation.**  
5973            (1) (a) The board of trustees of an institution of higher education consists of the  
5974 following:  
5975            (i) eight persons appointed by the governor and approved by the Senate; and  
5976            (ii) two ex officio members who are the president of the institution's alumni  
5977 association, and the president of the associated students of the institution.  
5978            (b) The appointed members of the boards of trustees for Utah Valley University and  
5979 Salt Lake Community College shall be representative of the interests of business, industry, and  
5980 labor.  
5981            (2) (a) The governor shall appoint four members of each board of trustees during each  
5982 odd-numbered year to four-year terms commencing on July 1 of the year of appointment.  
5983            (b) An appointed member holds office until a successor is appointed and qualified.  
5984            (c) The ex officio members serve for the same period as they serve as presidents and  
5985 until their successors have qualified.  
5986            (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
5987 appointed for the unexpired term.  
5988            (4) (a) Each member shall take the official oath of office prior to assuming the office.  
5989            (b) The oath shall be filed with the Division of Archives and Records Services.  
5990            (5) Each board of trustees shall elect a chair and vice chair, who serve for two years  
5991 and until their successors are elected and qualified.  
5992            (6) (a) Each board of trustees may enact bylaws for its own government, including  
5993 provision for regular meetings.

5994 (b) (i) The board of trustees may provide for an executive committee in its bylaws.

5995 (ii) If established, the committee shall have full authority of the board of trustees to act  
5996 upon routine matters during the interim between board of trustees meetings.

5997 (iii) The committee may act on nonroutine matters only under extraordinary and  
5998 emergency circumstances.

5999 (iv) The committee shall report its activities to the board of trustees at its next regular  
6000 meeting following the action.

6001 (c) Copies of the board of trustees' bylaws shall be filed with the board.

6002 (7) A quorum is required to conduct business and consists of six members.

6003 (8) A board of trustees may establish advisory committees.

6004 ~~[(9) (a) (i) Members who are not government employees shall receive no  
6005 compensation or benefits for their services, but may receive per diem and expenses incurred in  
6006 the performance of the member's official duties at the rates established by the Division of  
6007 Finance under Sections 63A-3-106 and 63A-3-107.]~~

6008 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

6009 ~~[(b) (i) State government officer and employee members who do not receive salary, per  
6010 diem, or expenses from their agency for their service may receive per diem and expenses  
6011 incurred in the performance of their official duties from the board at the rates established by  
6012 the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6013 ~~[(ii) State government officer and employee members may decline to receive per diem  
6014 and expenses for their service.]~~

6015 ~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses  
6016 from the entity that they represent for their service may receive per diem and expenses  
6017 incurred in the performance of their official duties from the committee at the rates established  
6018 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6019 ~~[(ii) Higher education members may decline to receive per diem and expenses for their  
6020 service.]~~

6021 (9) A member may not receive compensation or benefits for the member's service, but

6022 may receive per diem and travel expenses in accordance with:

6023 (a) Section 63A-3-106;

6024 (b) Section 63A-3-107; and

6025 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

6026 63A-3-107.

6027 (10) This section does not apply to the Utah College of Applied Technology.

6028 Section 108. Section **53B-2a-103** is amended to read:

6029 **53B-2a-103. Utah College of Applied Technology Board of Trustees --**

6030 **Membership -- Terms -- Vacancies -- Oath -- Officers -- Quorum -- Committees --**

6031 **Compensation.**

6032 (1) There is created the Utah College of Applied Technology Board of Trustees,  
6033 composed of the following members:

6034 (a) one member of the State Board of Education appointed by the chair of the State  
6035 Board of Education, to serve as a nonvoting member;

6036 (b) one member of the State Board of Regents appointed by the chair of the State  
6037 Board of Regents, to serve as a nonvoting member;

6038 (c) one member representing business and industry employers from the campus board  
6039 of directors of each applied technology college campus appointed by a majority vote of the  
6040 business and industry employer members of the campus board;

6041 (d) one member representing business and industry employers from the Snow College  
6042 career and technical education advisory committee appointed by a majority of the business and  
6043 industry members of the advisory committee;

6044 (e) one member representing business and industry employers from the College of  
6045 Eastern Utah career and technical education advisory committee appointed by a majority of  
6046 the business and industry employer members of the advisory committee;

6047 (f) one member representing business and industry employers from the Salt Lake  
6048 Community College School of Applied Technology Board of Directors appointed by a  
6049 majority of the business and industry employer members of the board of directors;



6050 (g) one business or industry employer representative appointed by the governor with  
6051 the consent of the Senate from nominations submitted by the speaker of the House of  
6052 Representatives and president of the Senate;

6053 (h) one representative of union craft, trade, or apprenticeship programs that prepare  
6054 workers for employment in career and technical education fields, appointed by the governor  
6055 with the consent of the Senate;

6056 (i) one representative of non-union craft, trade, or apprenticeship programs that  
6057 prepare workers for employment in career and technical education fields, appointed by the  
6058 governor with the consent of the Senate;

6059 (j) the commissioner of higher education; and

6060 (k) the executive director of the Governor's Office of Economic Development or the  
6061 executive director's designee.

6062 (2) (a) In making appointments to the board of trustees, the governor shall consider:

6063 (i) individuals from the state at large with due consideration for geographical  
6064 representation;

6065 (ii) individuals recognized for their knowledge and expertise; and

6066 (iii) individuals who represent current and emerging business and industry sectors of  
6067 the state.

6068 (b) Appointments to the board shall be made on a nonpartisan basis.

6069 (3) (a) Except as provided under Subsection (3)(b), members of the board of trustees  
6070 shall be appointed commencing on July 1 of each odd-numbered year to a four-year term.

6071 (b) Initial terms of the board members beginning on July 1, 2009 shall be staggered  
6072 with two-year and four-year terms so that approximately one-half of the members' terms will  
6073 expire in any odd-numbered year.

6074 (c) An appointed member holds office until a successor is appointed and qualified.

6075 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
6076 appointed for the unexpired term.

6077 (5) (a) Each member shall take the official oath of office prior to assuming the office.

6078 (b) The oath shall be filed with the Division of Archives and Records Services.

6079 (6) The board of trustees shall elect a chair and vice chair, who serve for two years and  
6080 until their successors are elected and qualified.

6081 (7) (a) The board of trustees may enact bylaws for its own government, including  
6082 provision for regular meetings.

6083 (b) (i) The board of trustees may provide for an executive committee in its bylaws.

6084 (ii) If established, the committee shall have full authority of the board of trustees to act  
6085 upon routine matters during the interim between board of trustees meetings.

6086 (iii) The committee may act on nonroutine matters only under extraordinary and  
6087 emergency circumstances.

6088 (iv) The committee shall report its activities to the board of trustees at its next regular  
6089 meeting following the action.

6090 (8) A quorum shall be required to conduct business which shall consist of a majority  
6091 of voting board of trustee members.

6092 (9) The board of trustees may establish advisory committees.

6093 ~~[(10) (a) (i) Members who are not government employees shall receive no~~  
6094 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
6095 ~~the performance of the member's official duties at the rates established by the Division of~~  
6096 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

6097 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

6098 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
6099 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
6100 ~~incurred in the performance of their official duties from the board of trustees at the rates~~  
6101 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6102 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
6103 ~~and expenses for their service.]~~

6104 ~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses~~  
6105 ~~from the entity that they represent for their service may receive per diem and expenses~~

6106 incurred in the performance of their official duties from the board of trustees at the rates  
6107 established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]

6108 [~~(ii) Higher education members may decline to receive per diem and expenses for their~~  
6109 ~~service.]~~

6110 (10) A member may not receive compensation or benefits for the member's service,  
6111 but may receive per diem and travel expenses in accordance with:

6112 (a) Section 63A-3-106;

6113 (b) Section 63A-3-107; and

6114 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
6115 63A-3-107.

6116 Section 109. Section **53B-2a-109** is amended to read:

6117 **53B-2a-109. Campus boards of directors -- Terms -- Quorum -- Chair--**  
6118 **Compensation.**

6119 (1) (a) At the first meeting of a campus board of directors after July 1, 2009:

6120 (i) the representatives from the local school boards shall divide up their positions so  
6121 that approximately half of them serve for two-year terms and half serve for four-year terms;  
6122 and

6123 (ii) the representatives from business and industry employers shall divide up their  
6124 positions so that approximately half of them serve for two-year terms and half serve for  
6125 four-year terms.

6126 (b) Except as provided in Subsection (1)(a), individuals appointed to a campus board  
6127 of directors shall serve four-year terms.

6128 (2) The original appointing authority shall fill any vacancies that occur on the campus  
6129 board of directors.

6130 (3) A majority of the campus board of directors is a quorum.

6131 (4) A campus board of directors shall elect a chair from its membership.

6132 [~~(5) (a) (i) Members who are not government employees shall receive no~~  
6133 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~

6134 ~~the performance of the member's official duties from the campus board of directors at the rates~~  
6135 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6136 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

6137 ~~[(b) (i) Higher education members who do not receive salary, per diem, or expenses~~  
6138 ~~from the entity that they represent for their service may receive per diem and expenses~~  
6139 ~~incurred in the performance of their official duties from the campus board of directors at the~~  
6140 ~~rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6141 ~~[(ii) Higher education members may decline to receive per diem and expenses for their~~  
6142 ~~service.]~~

6143 ~~[(c) (i) Members appointed by local school boards who do not receive salary, per~~  
6144 ~~diem, or expenses from the entity that they represent for their service may receive per diem~~  
6145 ~~and expenses incurred in the performance of their official duties from the campus board of~~  
6146 ~~directors at the rates established by the Division of Finance under Sections 63A-3-106 and~~  
6147 ~~63A-3-107.]~~

6148 ~~[(ii) Local school board members may decline to receive per diem and expenses for~~  
6149 ~~their service.]~~

6150 (5) A member may not receive compensation or benefits for the member's service, but  
6151 may receive per diem and travel expenses in accordance with:

6152 (a) Section 63A-3-106;

6153 (b) Section 63A-3-107; and

6154 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
6155 63A-3-107.

6156 (6) (a) A campus board of directors may enact bylaws for its own government,  
6157 including provision for regular meetings, that are in accordance with the policies of the Utah  
6158 College of Applied Technology.

6159 (b) (i) The campus board of directors may provide for an executive committee in its  
6160 bylaws.

6161 (ii) If established, the committee shall have the full authority of the campus board of

6162 directors to act upon routine matters during the interim between board meetings.

6163 (iii) The committee may act on nonroutine matters only under extraordinary and  
6164 emergency circumstances.

6165 (iv) The committee shall report its activities to the campus board of directors at its  
6166 next regular meeting following the action.

6167 (7) A campus board of directors may establish advisory committees.

6168 Section 110. Section **53B-6-105.5** is amended to read:

6169 **53B-6-105.5. Technology Initiative Advisory Board -- Composition -- Duties.**

6170 (1) There is created a Technology Initiative Advisory Board to assist and make  
6171 recommendations to the State Board of Regents in its administration of the Engineering and  
6172 Computer Science Initiative established under Section 53B-6-105.

6173 (2) (a) The advisory board shall consist of individuals appointed by the governor from  
6174 business and industry who have expertise in the areas of engineering, computer science, and  
6175 related technologies.

6176 (b) The advisory board shall select a chair and cochair.

6177 (c) The advisory board shall meet at the call of the chair.

6178 (d) The State Board of Regents, through the commissioner of higher education, shall  
6179 provide staff support for the advisory board.

6180 [~~(3) Members of the advisory board shall receive no compensation for their service on  
6181 the board, but may receive per diem and expenses incurred in the performance of their duties  
6182 at rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6183 (3) A member of an advisory board may not receive compensation or benefits for the  
6184 member's service, but may receive per diem and travel expenses in accordance with:

6185 (a) Section 63A-3-106;

6186 (b) Section 63A-3-107; and

6187 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
6188 63A-3-107.

6189 (4) The advisory board shall:

6190 (a) make recommendations to the State Board of Regents on the allocation and  
6191 distribution of monies appropriated to fund:

6192 (i) the faculty incentive program established in Section 53B-6-105.9;

6193 (ii) equipment purchases required to improve the quality of instructional programs in  
6194 engineering, computer science, and related technology; and

6195 (iii) the scholarship program established in Section 53B-6-105.7.

6196 (b) prepare a strategic plan that details actions required by the State Board of Regents  
6197 to meet the intent of the Engineering and Technology Science Initiative;

6198 (c) review and assess engineering, computer science, and related technology programs  
6199 currently being offered at higher education institutions and their impact on the economic  
6200 prosperity of the state;

6201 (d) provide the State Board of Regents with an assessment and reporting plan that:

6202 (i) measures results against expectations under the initiative, including verification of  
6203 the matching requirements for institutions of higher education to receive monies under Section  
6204 53B-6-105.9; and

6205 (ii) includes an analysis of market demand for technical employment, program  
6206 articulation among higher education institutions in engineering, computer science, and related  
6207 technology, tracking of student placement, student admission to the initiative program by  
6208 region, transfer rates, and retention in and graduation rates from the initiative program; and

6209 (e) make an annual report of its activities to the State Board of Regents, the  
6210 Legislature through the Education Interim Committee and the Higher Education  
6211 Appropriations Subcommittee, and the governor.

6212 (5) The annual report of the Technology Initiative Advisory Board shall include the  
6213 summary report of the institutional matches described in Section 53B-6-105.9.

6214 Section 111. Section **53B-17-102** is amended to read:

6215 **53B-17-102. Utah Education Network.**

6216 (1) (a) As used in this part, "Utah Education Network" and "UEN" mean a consortium  
6217 and partnership between public and higher education established to:

- 6218 (i) coordinate and support the telecommunications needs of public and higher  
6219 education;
- 6220 (ii) coordinate the various telecommunications technology initiatives of public and  
6221 higher education;
- 6222 (iii) provide high-quality, cost-effective Internet access and appropriate interface  
6223 equipment for schools and school systems;
- 6224 (iv) procure, install, and maintain telecommunication services and equipment on  
6225 behalf of public and higher education;
- 6226 (v) develop or implement other programs or services for the delivery of distance  
6227 learning as directed by law; and
- 6228 (vi) apply for state and federal funding on behalf of public and higher education.
- 6229 (b) In performing the duties under this Subsection (1), UEN shall:
- 6230 (i) provide services to schools, school districts, and the public and higher education  
6231 systems through an open and competitive bidding process;
- 6232 (ii) work with the private sector to deliver high-quality, cost-effective services; and
- 6233 (iii) avoid duplicating facilities, equipment or services of private providers of public  
6234 telecommunications service, as defined under Section 54-8b-2.
- 6235 (2) The University of Utah shall provide administrative management for UEN.
- 6236 (3) (a) The governor shall appoint a statewide steering committee of representatives  
6237 from public and higher education, state government, and private industry to advise UEN in the  
6238 development and operation of a coordinated, statewide, multi-option telecommunications  
6239 system to assist in the delivery of educational services throughout the state.
- 6240 (b) Except as required by Subsection (3)(c), members shall be appointed to four-year  
6241 terms.
- 6242 (c) Notwithstanding the requirements of Subsection (3)(b), the governor shall, at the  
6243 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
6244 committee members are staggered so that approximately half of the committee is appointed  
6245 every two years.

6246 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
6247 appointed for the unexpired term.

6248 ~~[(e) (i) (A) Members who are not government employees shall receive no~~  
6249 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
6250 ~~the performance of the member's official duties at the rates established by the Division of~~  
6251 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

6252 ~~[(B) Members who are not government employees may decline to receive per diem~~  
6253 ~~and expenses for their service.]~~

6254 ~~[(ii) (A) State government officer and employee members who do not receive salary,~~  
6255 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~  
6256 ~~incurred in the performance of their official duties from the committee at the rates established~~  
6257 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6258 ~~[(B) State government officer and employee members may decline to receive per diem~~  
6259 ~~and expenses for their service.]~~

6260 ~~[(iii) (A) Higher education members who do not receive salary, per diem, or expenses~~  
6261 ~~from the entity that they represent for their service may receive per diem and expenses~~  
6262 ~~incurred in the performance of their official duties from the committee at the rates established~~  
6263 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6264 ~~[(B) Higher education members may decline to receive per diem and expenses for their~~  
6265 ~~service.]~~

6266 (4) A member may not receive compensation or benefits for the member's service, but  
6267 may receive per diem and travel expenses in accordance with:

6268 (a) Section 63A-3-106;

6269 (b) Section 63A-3-107; and

6270 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
6271 63A-3-107.

6272 ~~[(4)]~~ (5) UEN shall locate and maintain educational telecommunication infrastructure  
6273 throughout the state.



6274            [~~(5)~~] (6) Educational institutions shall manage site operations under policy established  
6275 by UEN.

6276            [~~(6)~~] (7) Subject to future budget constraints, the Legislature shall provide an annual  
6277 appropriation to operate UEN.

6278            Section 112. Section **53B-17-803** is amended to read:

6279            **53B-17-803. Advisory board created.**

6280            (1) The university shall create an advisory board known as the "Rocky Mountain  
6281 Center for Occupational and Environmental Health Advisory Board" to:

6282            (a) promote occupational health and safety in Utah and the surrounding region;

6283            (b) promote the interests and mission of the center by advising the director on issues  
6284 including:

6285            (i) operation of the center as a multidisciplinary, state-of-the-art program at the  
6286 university;

6287            (ii) developing and maintaining state and institutional support;

6288            (iii) emerging local or regional, occupational health and safety education and research  
6289 needs;

6290            (iv) continuing education and outreach to local and regional occupational health and  
6291 safety professionals;

6292            (v) coordinating with other local or regional entities that promote occupational health  
6293 and safety in a manner that meets the needs of both employers and employees; and

6294            (vi) grant requirements and renewal;

6295            (c) advise the director on the expenditure by the center of public funds including:

6296            (i) funds appropriated by the Legislature;

6297            (ii) donations; and

6298            (iii) federal or other grants; and

6299            (d) develop recommendations for the long-term operation of the center consistent with  
6300 Section 53B-17-802.

6301            (2) (a) The board shall consist of no fewer than 15 and no more than 18 persons who

6302 represent the affected populations.

6303 (b) The university shall establish reasonable bylaws for the operation of the board  
6304 including:

6305 (i) the selection of board members;

6306 (ii) quorum requirements; and

6307 (iii) voting requirements.

6308 (3) The board shall elect a board chair and vice chair from among the board members  
6309 by a vote of the members.

6310 (4) (a) The board shall have an executive committee consisting of:

6311 (i) the board chair;

6312 (ii) the board vice chair; and

6313 (iii) three other board members, selected by the board chair in consultation with the  
6314 director.

6315 (b) The executive committee shall meet at least quarterly to advise the center and to  
6316 plan for board meetings.

6317 (5) The board chair, in consultation with the director, shall call board meetings at least  
6318 two times each calendar year.

6319 (6) The board and the executive committee are subject to Title 52, Chapter 4, Open  
6320 and Public Meetings Act.

6321 ~~[(7)(a) A board member may not receive compensation or per diem for the member's~~  
6322 ~~services, but may receive expenses incurred in the performance of the member's official duties~~  
6323 ~~at the rates established by the Division of Finance under Section 63A-3-107.]~~

6324 ~~[(b) A board member may decline to receive expenses for the member's service.]~~

6325 (7) A board member may not receive compensation or benefits for the member's  
6326 service, but may receive per diem and travel expenses in accordance with:

6327 (a) Section 63A-3-106;

6328 (b) Section 63A-3-107; and

6329 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

6330 63A-3-107.

6331 Section 113. Section **53C-1-203** is amended to read:

6332 **53C-1-203. Board of trustees nominating committee -- Composition --**

6333 **Responsibilities -- Per diem and expenses.**

6334 (1) There is established an 11 member board of trustees nominating committee.

6335 (2) (a) The State Board of Education shall appoint five members to the nominating  
6336 committee from different geographical areas of the state.

6337 (b) The governor shall appoint five members to the nominating committee as follows:

6338 (i) one individual from a nomination list of at least two names of individuals  
6339 knowledgeable about institutional trust lands submitted by the University of Utah and Utah  
6340 State University on an alternating basis every four years;

6341 (ii) one individual from a nomination list of at least two names submitted by the  
6342 livestock industry;

6343 (iii) one individual from a nomination list of at least two names submitted by the Utah  
6344 Petroleum Association;

6345 (iv) one individual from a nomination list of at least two names submitted by the Utah  
6346 Mining Association; and

6347 (v) one individual from a nomination list of at least two names submitted by the  
6348 executive director of the Department of Natural Resources after consultation with statewide  
6349 wildlife and conservation organizations.

6350 (c) The president of the Utah Association of Counties shall designate the chair of the  
6351 Public Lands Steering Committee, who must be an elected county commissioner or councilor,  
6352 to serve as the eleventh member of the nominating committee.

6353 (3) (a) Except as required by Subsection (3)(b), each member shall serve a four-year  
6354 term.

6355 (b) Notwithstanding the requirements of Subsection (3)(a), the state board and the  
6356 governor shall, at the time of appointment or reappointment, adjust the length of terms to  
6357 ensure that the terms of committee members are staggered so that approximately half of the

6358 committee is appointed every two years.

6359 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
6360 appointed for the unexpired term.

6361 (4) The nominating committee shall select a chair from its membership by majority  
6362 vote.

6363 (5) (a) The nominating committee shall nominate at least two candidates for each  
6364 position or vacancy which occurs on the board of trustees except for the governor's appointee  
6365 under Subsection 53C-1-202(5).

6366 (b) The nominations shall be by majority vote of the committee.

6367 ~~[(6) (a) (i) Members who are not government employees shall receive no  
6368 compensation or benefits for their services, but may receive per diem and expenses incurred in  
6369 the performance of the member's official duties at the rates established by the Division of  
6370 Finance under Sections 63A-3-106 and 63A-3-107.]~~

6371 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

6372 ~~[(b) (i) State government officer and employee members who do not receive salary, per  
6373 diem, or expenses from their agency for their service may receive per diem and expenses  
6374 incurred in the performance of their official duties from the committee at the rates established  
6375 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6376 ~~[(ii) State government officer and employee members may decline to receive per diem  
6377 and expenses for their service.]~~

6378 ~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses  
6379 from the entity that they represent for their service may receive per diem and expenses  
6380 incurred in the performance of their official duties from the committee at the rates established  
6381 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6382 ~~[(ii) Higher education members may decline to receive per diem and expenses for their  
6383 service.]~~

6384 (6) A member may not receive compensation or benefits for the member's service, but  
6385 may receive per diem and travel expenses in accordance with:

6386           (a) Section 63A-3-106;  
6387           (b) Section 63A-3-107; and  
6388           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
6389 63A-3-107.  
6390           Section 114. Section **54-8a-13** is amended to read:  
6391           **54-8a-13. Underground Facilities Damage Dispute Board -- Arbitration --**  
6392 **Relationship with Public Service Commission.**  
6393           (1) There is created within the commission the Underground Facilities Damage  
6394 Dispute Board to arbitrate a dispute arising from:  
6395           (a) an operator's or excavator's violation of this chapter; and  
6396           (b) damage caused by excavation during an emergency.  
6397           (2) The board consists of five members appointed by the governor as follows:  
6398           (a) one member from a list of names provided to the governor by a group representing  
6399 operators;  
6400           (b) one member from a list of names provided to the governor by the Associated  
6401 General Contractors;  
6402           (c) one member from a list of names provided to the governor by Blue Stakes of Utah;  
6403           (d) one member from a list of names provided to the governor by the Utah Home  
6404 Builders Association; and  
6405           (e) one member from the Division of Public Utilities.  
6406           (3) (a) A member of the board:  
6407           (i) shall be appointed for a three-year term; and  
6408           (ii) may continue to serve until the member's successor takes office.  
6409           (b) At the time of appointment, the governor shall stagger the terms of the members to  
6410 ensure that approximately 1/3 of the members of the board are reappointed each year.  
6411           (c) A vacancy in the board shall be filled:  
6412           (i) for the unexpired term; and  
6413           (ii) in the same manner as the board member is initially appointed.

6414 (d) The board shall select an alternate for a specific board member to serve on a  
6415 specific case if it becomes necessary to replace a member who has a conflict of interest  
6416 because a dispute involves that member or that member's employer.

6417 (4) Three members of the board constitute a quorum.

6418 (5) The board may, upon agreement of the disputing parties, arbitrate a dispute  
6419 regarding damages, not including personal injury damages, arising between:

6420 (a) an operator;

6421 (b) an excavator;

6422 (c) a property owner; or

6423 (d) any other interested party.

6424 (6) At least four members of the board shall be present and vote on an arbitration  
6425 decision.

6426 (7) An arbitration before the board shall be consistent with Title 78B, Chapter 11,  
6427 Utah Uniform Arbitration Act.

6428 (8) The prevailing party in an arbitration conducted under this section shall be  
6429 awarded its costs and attorney fees in an amount determined by the board.

6430 ~~[(9) (a) A member of the board who is not a state officer or employee or local  
6431 government officer or employee shall receive no compensation or benefits for the member's  
6432 service, but may receive per diem and expenses incurred in the performance of the member's  
6433 duties at the rates established by the Division of Finance under Sections 63A-3-106 and  
6434 63A-3-107. Members may decline to receive per diem and expenses for their services.]~~

6435 ~~[(b) A state officer or employee or local government officer or employee member of  
6436 the board who does not receive salary, per diem, or expenses from their agency or employer for  
6437 their service on the board may receive per diem and expenses incurred in the performance of  
6438 the member's duties at the rates established by the Division of Finance under Sections  
6439 63A-3-106 and 63A-3-107. State and local government officer or employee members may  
6440 decline to receive per diem and expenses for their services.]~~

6441 (9) A member may not receive compensation or benefits for the member's service, but

6442 may receive per diem and travel expenses in accordance with:

6443 (a) Section 63A-3-106;

6444 (b) Section 63A-3-107; and

6445 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

6446 63A-3-107.

6447 (10) The commission shall provide administrative support to the board.

6448 Section 115. Section **54-10a-202** is amended to read:

6449 **54-10a-202. Committee of Consumer Services.**

6450 (1) (a) There is created within the office a committee known as the "Committee of  
6451 Consumer Services."

6452 (b) A member of the committee shall maintain the member's principal residence within  
6453 Utah.

6454 (2) (a) The governor shall appoint nine members to the committee subject to  
6455 Subsection (3).

6456 (b) Except as required by Subsection (2)(c), as terms of current committee members  
6457 expire, the governor shall appoint a new member or reappointed member to a four-year term.

6458 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the  
6459 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
6460 committee members are staggered so that approximately half of the committee is appointed  
6461 every two years.

6462 (d) When a vacancy occurs in the membership for any reason, the governor shall  
6463 appoint a replacement for the unexpired term.

6464 (3) Members of the committee shall represent the following geographic and consumer  
6465 interests:

6466 (a) one member shall be from Salt Lake City, Provo, or Ogden;

6467 (b) one member shall be from a city other than Salt Lake City, Provo, or Ogden;

6468 (c) one member shall be from an unincorporated area of the state;

6469 (d) one member shall be a low-income resident;

6470 (e) one member shall be a retired person;

6471 (f) one member shall be a small commercial consumer;

6472 (g) one member shall be a farmer or rancher who uses electric power to pump water in  
6473 the member's farming or ranching operation;

6474 (h) one member shall be a residential consumer; and

6475 (i) one member shall be appointed to provide geographic diversity on the committee to  
6476 ensure to the extent possible that all areas of the state are represented.

6477 (4) (a) No more than five members of the committee shall be from the same political  
6478 party.

6479 (b) Subject to Subsection (3), for a member of the committee appointed on or after  
6480 May 12, 2009, the governor shall appoint, to the extent possible, an individual with expertise  
6481 or experience in:

6482 (i) public utility matters related to consumers;

6483 (ii) economics;

6484 (iii) accounting;

6485 (iv) financing;

6486 (v) engineering; or

6487 (vi) public utilities law.

6488 (5) The governor shall designate one member as chair of the committee.

6489 ~~[(6) (a) A member of the committee may not receive compensation or benefits for the~~  
6490 ~~member's services, but may receive per diem and expenses incurred in the performance of the~~  
6491 ~~member's official duties at the rates established by the Division of Finance under Sections~~  
6492 ~~63A-3-106 and 63A-3-107.]~~

6493 ~~[(b) A member may decline to receive per diem and expenses for the member's~~  
6494 ~~service.]~~

6495 (6) A member may not receive compensation or benefits for the member's service, but  
6496 may receive per diem and travel expenses in accordance with:

6497 (a) Section 63A-3-106;



6498            (b) Section 63A-3-107; and  
6499            (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
6500 63A-3-107.

6501            (7) (a) The committee may hold monthly meetings.

6502            (b) The committee may hold other meetings, at the times and places the chair and a  
6503 majority of the committee determine.

6504            (8) (a) Five members of the committee constitute a quorum of the committee.

6505            (b) A majority of members voting when a quorum is present constitutes an action of  
6506 the committee.

6507            Section 116. Section **54-14-301** is amended to read:

6508            **54-14-301. Creation, purpose, and composition of board.**

6509            (1) The Utility Facility Review Board is created within the Department of Commerce  
6510 to resolve disputes between local governments and public utilities regarding the siting and  
6511 construction of facilities as provided in this part.

6512            (2) The board shall be composed of:

6513            (a) the three members of the commission;

6514            (b) an individual appointed by the governor from a list of nominees of the Utah  
6515 League of Cities and Towns; and

6516            (c) an individual appointed by the governor from a list of nominees of the Utah  
6517 Association of Counties.

6518            (3) The chair of the commission shall serve as chair of the board.

6519            (4) Members of the commission shall serve as members of the board during their terms  
6520 of office as commissioners and until their successors on the commission have been appointed  
6521 and taken office.

6522            (5) (a) Members of the board who are not commissioners:

6523            (i) shall have four-year terms, except the initial term of the individual first appointed  
6524 by the governor from nominees of the Utah Association of Counties shall be two years;

6525            (ii) may be appointed for one succeeding term; and

6526 (iii) may continue to serve until their successor takes office.

6527 (b) Vacancies in the board of members who are not commissioners shall be filled for  
6528 the unexpired term.

6529 (6) Three members of the board constitute a quorum.

6530 (7) A member of the board may be removed for cause by the governor.

6531 ~~[(8) (a) (i) Members who are not state or local government employees shall receive no~~  
6532 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
6533 ~~the performance of the member's official duties at the rates established by the Division of~~  
6534 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

6535 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

6536 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
6537 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
6538 ~~incurred in the performance of their official duties from the board at the rates established by~~  
6539 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6540 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
6541 ~~and expenses for their service.]~~

6542 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~  
6543 ~~from their employer for their service on the board may receive per diem and expenses incurred~~  
6544 ~~in the performance of their official duties at the rates established by the Division of Finance~~  
6545 ~~under Sections 63A-3-106 and 63A-3-107.]~~

6546 ~~[(ii) Local government members may decline to receive per diem and expenses for~~  
6547 ~~their service.]~~

6548 (8) A member may not receive compensation or benefits for the member's service, but  
6549 may receive per diem and travel expenses in accordance with:

6550 (a) Section 63A-3-106;

6551 (b) Section 63A-3-107; and

6552 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
6553 63A-3-107.

6554 Section 117. Section **58-1-201** is amended to read:

6555 **58-1-201. Boards -- Appointment -- Membership -- Terms -- Vacancies --**  
6556 **Quorum -- Per diem and expenses -- Chair -- Financial interest or faculty position in**  
6557 **professional school teaching continuing education prohibited.**

6558 (1) (a) The executive director shall appoint the members of the boards established  
6559 under this title. In appointing these members the executive director shall give consideration to  
6560 recommendations by members of the respective occupations and professions and by their  
6561 organizations.

6562 (b) Each board shall be composed of five members, four of whom shall be licensed or  
6563 certified practitioners in good standing of the occupation or profession the board represents,  
6564 and one of whom shall be a member of the general public, unless otherwise provided under the  
6565 specific licensing chapter.

6566 (c) The names of all persons appointed to boards shall be submitted to the governor for  
6567 confirmation or rejection. If an appointee is rejected by the governor, the executive director  
6568 shall appoint another person in the same manner as set forth in Subsection (1)(a).

6569 (2) (a) Except as required by Subsection (2)(b), as terms of current board members  
6570 expire, the executive director shall appoint each new member or reappointed member to a  
6571 four-year term.

6572 (b) Notwithstanding the requirements of Subsection (2)(a), the executive director  
6573 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the  
6574 terms of board members are staggered so that approximately half of the board is appointed  
6575 every two years.

6576 (c) A board member may not serve more than two consecutive terms, and a board  
6577 member who ceases to serve on a board may not serve again on that board until after the  
6578 expiration of a two-year period beginning from that cessation of service.

6579 (d) (i) When a vacancy occurs in the membership for any reason, the replacement shall  
6580 be appointed for the unexpired term.

6581 (ii) After filling that term, the replacement member may be appointed for only one

6582 additional full term.

6583 (e) If a board member fails or refuses to fulfill the responsibilities and duties of a  
6584 board member, including the attendance at board meetings, the executive director with the  
6585 approval of the board may remove the board member and replace the member in accordance  
6586 with this section.

6587 (3) A majority of the board members constitutes a quorum. A quorum is sufficient  
6588 authority for the board to act.

6589 ~~[(4) (a) (i) Members who are not government employees shall receive no~~  
6590 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
6591 ~~the performance of the member's official duties at the rates established by the Division of~~  
6592 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

6593 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

6594 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
6595 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
6596 ~~incurred in the performance of their official duties from the board at the rates established by~~  
6597 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6598 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
6599 ~~and expenses for their service.]~~

6600 (4) A member may not receive compensation or benefits for the member's service, but  
6601 may receive per diem and travel expenses in accordance with:

6602 (a) Section 63A-3-106;

6603 (b) Section 63A-3-107; and

6604 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
6605 63A-3-107.

6606 (5) Each board shall annually designate one of its members to serve as chair for a  
6607 one-year period.

6608 (6) A board member may not be a member of the faculty of or have any financial  
6609 interest in any vocational or professional college or school which provides continuing

6610 education to any licensee if that continuing education is required by statute or rule.

6611 Section 118. Section **58-1-402** is amended to read:

6612 **58-1-402. Administrative review -- Special appeals boards.**

6613 (1) (a) Any applicant who has been denied a license to practice on the basis of  
6614 credentials, character, or failure to pass a required examination, or who has been refused  
6615 renewal or reinstatement of a license to practice on the basis that the applicant does not meet  
6616 qualifications for continued licensure in any occupation or profession under the jurisdiction of  
6617 the division may submit a request for agency review to the executive director within 30 days  
6618 following notification of the denial of a license or refusal to renew or reinstate a license.

6619 (b) The executive director shall determine whether the circumstances for denying an  
6620 application for an initial license or for renewal or reinstatement of a license would justify  
6621 calling a special appeals board under Subsection (2). The executive director's decision is not  
6622 subject to agency review.

6623 (2) A special appeals board shall consist of three members appointed by the executive  
6624 director as follows:

6625 (a) one member from the occupation or profession in question who is not on the board  
6626 of that occupation or profession;

6627 (b) one member from the general public who is neither an attorney nor a practitioner in  
6628 an occupation or profession regulated by the division; and

6629 (c) one member who is a resident lawyer currently licensed to practice law in this state  
6630 who shall serve as chair of the special appeals board.

6631 (3) The special appeals board shall comply with the procedures and requirements of  
6632 Title 63G, Chapter 4, Administrative Procedures Act, in its proceedings.

6633 (4) (a) Within a reasonable amount of time following the conclusion of a hearing  
6634 before a special appeals board, the board shall enter an order based upon the record developed  
6635 at the hearing. The order shall state whether a legal basis exists for denying the application for  
6636 an initial license or for renewal or reinstatement of a license that is the subject of the appeal.  
6637 The order is not subject to further agency review.

6638 (b) The division or the applicant may obtain judicial review of the decision of the  
6639 special appeals board in accordance with Sections 63G-4-401 and 63G-4-403.

6640 ~~[(5) (a) Members shall receive no compensation or benefits for their services, but may  
6641 receive per diem and expenses incurred in the performance of the member's official duties at  
6642 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6643 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

6644 (5) A member may not receive compensation or benefits for the member's service, but  
6645 may receive per diem and travel expenses in accordance with:

6646 (a) Section 63A-3-106;

6647 (b) Section 63A-3-107; and

6648 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
6649 63A-3-107.

6650 (6) If an applicant under Subsection (1) is not given a special appeals board, the  
6651 applicant shall be given agency review under the ordinary agency review procedures specified  
6652 by rule.

6653 Section 119. Section **58-54-3** is amended to read:

6654 **58-54-3. Board created -- Membership -- Duties.**

6655 (1) There is created a Radiology Technologist Licensing Board consisting of seven  
6656 members as follows:

6657 (a) four licensed radiology technologists;

6658 (b) one licensed radiology practical technician;

6659 (c) one radiologist; and

6660 (d) one member from the general public.

6661 (2) The board shall be appointed in accordance with Section 58-1-201.

6662 (3) The duties and responsibilities of the board shall be in accordance with Sections  
6663 58-1-202 and 58-1-203.

6664 (4) In accordance with Subsection 58-1-203(6), there is established an advisory peer  
6665 committee to the board consisting of eight members broadly representative of the state and

6666 including:

6667           (a) one licensed physician and surgeon who is not a radiologist and who uses  
6668 radiology equipment in a rural office-based practice, appointed from among recommendations  
6669 of the Physicians Licensing Board;

6670           (b) one licensed physician and surgeon who is not a radiologist and who uses  
6671 radiology equipment in an urban office-based practice, appointed from among  
6672 recommendations of the Physicians Licensing Board;

6673           (c) one licensed physician and surgeon who is a radiologist practicing in radiology,  
6674 appointed from among recommendations of the Physicians Licensing Board;

6675           (d) one licensed osteopathic physician, appointed from among recommendations of  
6676 the Osteopathic Physicians Licensing Board;

6677           (e) one licensed chiropractic physician, appointed from among recommendations of  
6678 the Chiropractors Licensing Board;

6679           (f) one licensed podiatric physician, appointed from among recommendations of the  
6680 Podiatric Physician Board;

6681           (g) one representative of the state agency with primary responsibility for regulation of  
6682 sources of radiation, recommended by that agency; and

6683           (h) one representative of a general acute hospital, as defined in Section 26-21-2, that is  
6684 located in a rural area of the state.

6685           (5) (a) Except as required by Subsection (5)(b), members of the advisory peer  
6686 committee shall be appointed to four-year terms by the director in collaboration with the board  
6687 from among the recommendations.

6688           (b) Notwithstanding the requirements of Subsection (5)(a), the director shall, at the  
6689 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
6690 committee members are staggered so that approximately half of the committee is appointed  
6691 every two years.

6692           (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
6693 appointed for the unexpired term.

6694 ~~[(6) (a) (i) Members who are not government employees shall receive no~~  
6695 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
6696 ~~the performance of the member's official duties at the rates established by the Division of~~  
6697 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

6698 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

6699 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
6700 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
6701 ~~incurred in the performance of their official duties from the committee at the rates established~~  
6702 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6703 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
6704 ~~and expenses for their service.]~~

6705 (6) A member may not receive compensation or benefits for the member's service, but  
6706 may receive per diem and travel expenses in accordance with:

6707 (a) Section 63A-3-106;

6708 (b) Section 63A-3-107; and

6709 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
6710 63A-3-107.

6711 (7) The duties, responsibilities, and scope of authority of the advisory peer committee  
6712 are:

6713 (a) to advise the board with respect to the board's fulfillment of its duties, functions,  
6714 and responsibilities under Sections 58-1-202 and 58-1-203; and

6715 (b) to advise the division with respect to the examination the division is to adopt by  
6716 rule, by which a radiology practical technician may qualify for licensure under Section  
6717 58-54-5.

6718 Section 120. Section **58-55-103** is amended to read:

6719 **58-55-103. Construction Services Commission created -- Functions --**

6720 **Appointment -- Qualifications and terms of members -- Vacancies -- Expenses --**

6721 **Meetings.**



6722 (1) (a) There is created within the division the Construction Services Commission.  
6723 (b) The commission shall:  
6724 (i) with the concurrence of the director, make reasonable rules under Title 63G,  
6725 Chapter 3, Utah Administrative Rulemaking Act, to administer and enforce this chapter which  
6726 are consistent with this chapter including:  
6727 (A) licensing of various licensees;  
6728 (B) examination requirements and administration of the examinations, to include  
6729 approving and establishing a passing score for applicant examinations;  
6730 (C) standards of supervision for students or persons in training to become qualified to  
6731 obtain a license in the trade they represent; and  
6732 (D) standards of conduct for various licensees;  
6733 (ii) approve or disapprove fees adopted by the division under Section 63J-1-504;  
6734 (iii) except where the boards conduct them, conduct all administrative hearings not  
6735 delegated to an administrative law judge relating to the licensing of any applicant;  
6736 (iv) except as otherwise provided in Sections 38-11-207 and 58-55-503, with the  
6737 concurrence of the director, impose sanctions against licensees and certificate holders with the  
6738 same authority as the division under Section 58-1-401;  
6739 (v) advise the director on the administration and enforcement of any matters affecting  
6740 the division and the construction industry;  
6741 (vi) advise the director on matters affecting the division budget;  
6742 (vii) advise and assist trade associations in conducting construction trade seminars  
6743 and industry education and promotion; and  
6744 (viii) perform other duties as provided by this chapter.  
6745 (2) (a) Initially the commission shall be comprised of the five members of the  
6746 Contractors Licensing Board and two of the three chair persons from the Plumbers Licensing  
6747 Board, the Alarm System Security and Licensing Board, and the Electricians Licensing Board.  
6748 (b) The terms of office of the commission members who are serving on the  
6749 Contractors Licensing Board shall continue as they serve on the commission.

6750 (c) Beginning July 1, 2004, the commission shall be comprised of nine members  
6751 appointed by the executive director with the approval of the governor from the following  
6752 groups:

6753 (i) one member shall be a licensed general engineering contractor;  
6754 (ii) one member shall be a licensed general building contractor;  
6755 (iii) two members shall be licensed residential and small commercial contractors;  
6756 (iv) three members shall be the three chair persons from the Plumbers Licensing  
6757 Board, the Alarm System Security and Licensing Board, and the Electricians Licensing Board;  
6758 and

6759 (v) two members shall be from the general public, provided, however that the certified  
6760 public accountant on the Contractors Licensing Board will continue to serve until the current  
6761 term expires, after which both members under this Subsection (2)(c)(v) shall be appointed  
6762 from the general public.

6763 (3) (a) Except as required by Subsection (3)(b), as terms of current commission  
6764 members expire, the executive director with the approval of the governor shall appoint each  
6765 new member or reappointed member to a four-year term ending June 30.

6766 (b) Notwithstanding the requirements of Subsection (3)(a), the executive director with  
6767 the approval of the governor shall, at the time of appointment or reappointment, adjust the  
6768 length of terms to stagger the terms of commission members so that approximately 1/2 of the  
6769 commission members are appointed every two years.

6770 (c) A commission member may not serve more than two consecutive terms.

6771 (4) The commission shall elect annually one of its members as chair, for a term of one  
6772 year.

6773 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
6774 appointed for the unexpired term.

6775 ~~[(6) (a) Members may not receive compensation or benefits for their services, but may~~  
6776 ~~receive per diem and expenses incurred in the performance of the members' official duties at~~  
6777 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6778            [~~(b) Members may decline to receive per diem and expenses for their service.~~]  
6779            (6) A member may not receive compensation or benefits for the member's service, but  
6780 may receive per diem and travel expenses in accordance with:  
6781            (a) Section 63A-3-106;  
6782            (b) Section 63A-3-107; and  
6783            (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
6784 63A-3-107.  
6785            (7) (a) The commission shall meet at least monthly unless the director determines  
6786 otherwise.  
6787            (b) The director may call additional meetings at the director's discretion, upon the  
6788 request of the chair, or upon the written request of four or more commission members.  
6789            (8) (a) Five members constitute a quorum for the transaction of business.  
6790            (b) If a quorum is present when a vote is taken, the affirmative vote of commission  
6791 members present is the act of the commission.  
6792            (9) The commission shall comply with the procedures and requirements of Title 13,  
6793 Chapter 1, Department of Commerce, and Title 63G, Chapter 4, Administrative Procedures  
6794 Act, in all of its adjudicative proceedings.  
6795            Section 121. Section **58-56-5** is amended to read:  
6796            **58-56-5. Uniform Building Code Commission -- Composition of commission --**  
6797 **Commission duties and responsibilities.**  
6798            (1) There is established a Uniform Building Code Commission to advise the division  
6799 with respect to the division's responsibilities in administering the codes under this chapter.  
6800            (2) The commission shall be appointed by the executive director who shall submit  
6801 those nominations to the governor for confirmation or rejection. If a nominee is rejected,  
6802 alternative names shall be submitted until confirmation is received. Following confirmation  
6803 by the governor, the appointment is effective.  
6804            (3) The commission shall consist of 11 members who shall be appointed in accordance  
6805 with the following:

6806 (a) one member shall be from among candidates nominated by the Utah League of  
6807 Cities and Towns and the Utah Association of Counties;

6808 (b) one member shall be a licensed building inspector employed by a political  
6809 subdivision of the state;

6810 (c) one member shall be a licensed professional engineer;

6811 (d) one member shall be a licensed architect;

6812 (e) one member shall be a fire official;

6813 (f) three members shall be contractors licensed by the state, of which one shall be a  
6814 general contractor, one an electrical contractor, and one a plumbing contractor;

6815 (g) two members shall be from the general public and have no affiliation with the  
6816 construction industry or real estate development industry; and

6817 (h) one member shall be from the Division of Facilities Construction Management,  
6818 Department of Administrative Services.

6819 (4) (a) Except as required by Subsection (4)(b), as terms of current commission  
6820 members expire, the executive director shall appoint each new member or reappointed member  
6821 to a four-year term.

6822 (b) Notwithstanding the requirements of Subsection (4)(a), the executive director  
6823 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the  
6824 terms of commission members are staggered so that approximately half of the commission is  
6825 appointed every two years.

6826 (5) When a vacancy occurs in the membership for any reason, the executive director  
6827 shall appoint a replacement for the unexpired term.

6828 (6) No commission member may serve more than two full terms, and no commission  
6829 member who ceases to serve may again serve on the commission until after the expiration of  
6830 two years from the date of cessation of service.

6831 (7) A majority of the commission members shall constitute a quorum and may act on  
6832 behalf of the commission.

6833 ~~[(8) (a) (i) Members who are not government employees shall receive no~~

6834 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
6835 ~~the performance of the member's official duties at the rates established by the Division of~~  
6836 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

6837 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

6838 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
6839 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
6840 ~~incurred in the performance of their official duties from the commission at the rates~~  
6841 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107:]~~

6842 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
6843 ~~and expenses for their service:]~~

6844 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~  
6845 ~~from the entity that they represent for their service may receive per diem and expenses~~  
6846 ~~incurred in the performance of their official duties at the rates established by the Division of~~  
6847 ~~Finance under Sections 63A-3-106 and 63A-3-107:]~~

6848 ~~[(ii) Local government members may decline to receive per diem and expenses for~~  
6849 ~~their service:]~~

6850 (8) A member may not receive compensation or benefits for the member's service, but  
6851 may receive per diem and travel expenses in accordance with:

6852 (a) Section 63A-3-106;

6853 (b) Section 63A-3-107; and

6854 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
6855 63A-3-107.

6856 (9) (a) The commission shall annually designate one of its members to serve as chair  
6857 of the commission.

6858 (b) The division shall provide a secretary to facilitate the function of the commission  
6859 and to record its actions and recommendations.

6860 (10) The commission shall:

6861 (a) in accordance with Section 58-56-4, make a report to the Business and Labor

6862 Interim Committee by no later than November 30 of each year;

6863 (b) ensure that the report includes recommendations as to whether or not the  
6864 Legislature should take legislative action, excluding any recommendations on the fire code;

6865 (c) offer an opinion regarding the interpretation of or the application of an adopted  
6866 code, excluding the fire code, or an approved code if a party submits a request for an opinion;

6867 (d) act as an appeals board as provided in Section 58-56-8;

6868 (e) establish advisory peer committees on either a standing or ad hoc basis to advise  
6869 the commission with respect to matters related to an adopted code, excluding the fire code, or  
6870 approved code, including a committee to advise the commission regarding health matters  
6871 related to the plumbing code; and

6872 (f) assist the division in overseeing code-related training in accordance with Section  
6873 58-56-9.

6874 (11) A party requesting an opinion under Subsection (10)(c) shall submit a formal  
6875 request clearly stating:

6876 (a) the facts in question;

6877 (b) the specific code citation at issue; and

6878 (c) the position taken by all parties.

6879 Section 122. Section **59-1-905** is amended to read:

6880 **59-1-905. Per diem and travel expenses -- Recommendations.**

6881 ~~[(1)(a)(i) Members who are not government employees shall receive no~~  
6882 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
6883 ~~the performance of the member's official duties at the rates established by the Division of~~  
6884 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

6885 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

6886 ~~[(b)(i) State government officer and employee members who do not receive salary, per~~  
6887 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
6888 ~~incurred in the performance of their official duties from the commission at the rates~~  
6889 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

6890  ~~[(ii) State government officer and employee members may decline to receive per diem~~  
 6891  ~~and expenses for their service.]~~

6892  ~~[(c) Legislators on the committee shall receive compensation and expenses as provided~~  
 6893  ~~by law and legislative rule.]~~

6894  (1) A member may not receive compensation or benefits for the member's service, but  
 6895  may receive per diem and travel expenses in accordance with:

6896  (a) Section 63A-3-106;

6897  (b) Section 63A-3-107; and

6898  (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 6899  63A-3-107.

6900 (2) Prior to the convening of the Legislature in annual general session, the review  
 6901 commission shall submit its recommendations to the members of the Legislature and to the  
 6902 governor.

6903 Section 123. Section **61-1-18.5** is amended to read:

6904 **61-1-18.5. Securities Commission -- Transition.**

6905 (1) (a) There is created a Securities Commission.

6906 (b) The division shall provide staffing to the commission.

6907 (2) (a) The commission shall:

6908 (i) formulate and make recommendations to the director regarding policy and  
 6909 budgetary matters;

6910 (ii) submit recommendations regarding registration requirements;

6911 (iii) formulate and make recommendations to the director regarding the establishment  
 6912 of reasonable fees;

6913 (iv) act in an advisory capacity to the director with respect to the exercise of the  
 6914 director's duties, powers, and responsibilities;

6915 (v) conduct an administrative hearing under this chapter that is not:

6916 (A) delegated by the commission to an administrative law judge or the division  
 6917 relating to a violation of this chapter; or

6918 (B) expressly delegated to the division under this chapter;  
6919 (vi) except as provided in Subsection (2)(b), impose a sanction as provided in this  
6920 chapter;  
6921 (vii) review rules made by the division for purposes of concurrence in accordance with  
6922 Section 61-1-24; and  
6923 (viii) perform other duties as this chapter provides.  
6924 (b) (i) The commission may delegate to the division the authority to impose a sanction  
6925 under this chapter.  
6926 (ii) If under Subsection (2)(b)(i) the commission delegates to the division the authority  
6927 to impose a sanction, a person who is subject to the sanction may petition the commission for  
6928 review of the sanction.  
6929 (iii) A person who is sanctioned by the division in accordance with this Subsection  
6930 (2)(b) may seek agency review by the executive director only after the commission reviews the  
6931 division's action.  
6932 (3) (a) The governor shall appoint five members to the commission with the consent of  
6933 the Senate as follows:  
6934 (i) two members from the securities brokerage community:  
6935 (A) who are not from the same broker-dealer or affiliate; and  
6936 (B) who have at least five years prior experience in securities matters;  
6937 (ii) one member from the securities section of the Utah State Bar:  
6938 (A) whose practice primarily involves:  
6939 (I) corporate securities; or  
6940 (II) representation of plaintiffs in securities cases;  
6941 (B) who does not routinely represent clients involved in:  
6942 (I) civil or administrative litigation with the division; or  
6943 (II) criminal cases brought under this chapter; and  
6944 (C) who has at least five years prior experience in securities matters;  
6945 (iii) one member who is an officer or director of a business entity not subject to the



6946 reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934; and  
6947 (iv) one member from the public at large who has no active participation in the  
6948 securities business.

6949 (b) A member may not serve more than two consecutive terms.

6950 (4) (a) Except as required by Subsection (4)(b) and subject to Subsection (4)(c), as  
6951 terms of current members expire, the governor shall appoint a new member or reappointed  
6952 member to a four-year term.

6953 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment  
6954 or reappointment, adjust the length of terms to ensure that the terms of commission members  
6955 are staggered so that approximately half of the commission is appointed every two years.

6956 (c) For purposes of making an appointment to the commission, the governor:

6957 (i) shall as of May 12, 2009:

6958 (A) appoint all five members of the commission; and

6959 (B) stagger the terms of the five members of the commission to comply with

6960 Subsection (4)(b); and

6961 (ii) may not consider the commission an extension of the previous Securities Advisory  
6962 Board.

6963 (d) When a vacancy occurs in the membership for any reason, the governor shall  
6964 appoint a replacement member for the unexpired term.

6965 (e) A member shall serve until the member's respective successor is appointed and  
6966 qualified.

6967 (f) The commission shall annually select one member to serve as chair of the  
6968 commission.

6969 (5) (a) The commission shall meet:

6970 (i) at least quarterly on a regular date to be fixed by the commission; and

6971 (ii) at such other times at the call of:

6972 (A) the director; or

6973 (B) any two members of the commission.

6974 (b) A majority of the commission shall constitute a quorum for the transaction of  
6975 business.

6976 (c) An action of the commission requires a vote of a majority of members present.

6977 (6) A member of the commission shall, by sworn and written statement filed with the  
6978 Department of Commerce and the lieutenant governor, disclose any position of employment or  
6979 ownership interest that the member has with respect to an entity or business subject to the  
6980 jurisdiction of the division or commission. This statement shall be filed upon appointment  
6981 and must be appropriately amended whenever significant changes occur in matters covered by  
6982 the statement.

6983 ~~[(7) (a) A member may not receive compensation or benefits for the member's~~  
6984 ~~services, but may receive per diem and expenses incurred in the performance of the member's~~  
6985 ~~official duties at the rates established by the Division of Finance under Sections 63A-3-106~~  
6986 ~~and 63A-3-107.]~~

6987 ~~[(b) A member may decline to receive per diem and expenses for the member's~~  
6988 ~~service.]~~

6989 (7) A member may not receive compensation or benefits for the member's service, but  
6990 may receive per diem and travel expenses in accordance with:

6991 (a) Section 63A-3-106;

6992 (b) Section 63A-3-107; and

6993 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
6994 63A-3-107.

6995 (8) (a) A rule or form made by the division under this section that is in effect on May  
6996 11, 2009, is considered to have been concurred with by the commission as of May 12, 2009,  
6997 until the commission acts on the rule or form.

6998 (b) For a civil or administrative action pending under this chapter as of May 12, 2009,  
6999 brought under the authority of division under this chapter as in effect May 11, 2009 that may  
7000 be brought only by the commission under this chapter as in effect on May 12, 2009:

7001 (i) the action shall be considered brought by the commission; and

7002 (ii) the commission may take any act authorized under this chapter regarding that  
7003 action.

7004 Section 124. Section **61-2-5.5** is amended to read:

7005 **61-2-5.5. Real Estate Commission.**

7006 (1) There is created within the division a Real Estate Commission. The commission  
7007 shall:

7008 (a) make rules for the administration of this chapter that are not inconsistent with this  
7009 chapter, including:

7010 (i) licensing of:

7011 (A) principal brokers;

7012 (B) associate brokers;

7013 (C) sales agents;

7014 (D) real estate companies; and

7015 (E) branch offices;

7016 (ii) prelicensing and postlicensing education curricula;

7017 (iii) examination procedures;

7018 (iv) the certification and conduct of:

7019 (A) real estate schools;

7020 (B) course providers; and

7021 (C) instructors;

7022 (v) proper handling of funds received by real estate licensees;

7023 (vi) brokerage office procedures and recordkeeping requirements;

7024 (vii) property management;

7025 (viii) standards of conduct for real estate licensees;

7026 (ix) rules made under Section 61-2-26 regarding an undivided fractionalized long-term  
7027 estate; and

7028 (x) if the commission determines necessary, rules as provided in Subsection

7029 61-2-20(3) regarding legal forms;

7030 (b) establish, with the concurrence of the division, all fees as provided in this chapter  
7031 and Title 61, Chapter 2a, Real Estate Recovery Fund Act;

7032 (c) conduct all administrative hearings not delegated by the commission to an  
7033 administrative law judge or the division relating to the:

7034 (i) licensing of any applicant;

7035 (ii) conduct of any licensee;

7036 (iii) the certification or conduct of any real estate school, course provider, or instructor  
7037 regulated under this chapter; or

7038 (iv) violation of this chapter by any person;

7039 (d) with the concurrence of the director, impose sanctions as provided in Section  
7040 61-2-12;

7041 (e) advise the director on the administration and enforcement of any matters affecting  
7042 the division and the real estate sales and property management industries;

7043 (f) advise the director on matters affecting the division budget;

7044 (g) advise and assist the director in conducting real estate seminars; and

7045 (h) perform other duties as provided by:

7046 (i) this chapter; and

7047 (ii) Title 61, Chapter 2a, Real Estate Recovery Fund Act.

7048 (2) (a) The commission shall be comprised of five members appointed by the governor  
7049 and approved by the Senate.

7050 (b) Four of the commission members shall:

7051 (i) have at least five years' experience in the real estate business; and

7052 (ii) hold an active principal broker, associate broker, or sales agent license.

7053 (c) One commission member shall be a member of the general public.

7054 (d) No more than one commission member described in Subsection (2)(b) shall at the  
7055 time of appointment reside in any given county in the state.

7056 (e) At least one commission member described in Subsection (2)(b) shall at the time of  
7057 an appointment reside in a county that is not a county of the first or second class.

7058 (3) (a) Except as required by Subsection (3)(b), as terms of current commission  
7059 members expire, the governor shall appoint each new member or reappointed member to a  
7060 four-year term ending June 30.

7061 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
7062 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
7063 commission members are staggered so that approximately half of the commission is appointed  
7064 every two years.

7065 (c) Upon the expiration of the term of a member of the commission, the member of the  
7066 commission shall continue to hold office until a successor is appointed and qualified.

7067 (d) A commission member may not serve more than two consecutive terms.

7068 (e) Members of the commission shall annually select one member to serve as chair.

7069 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
7070 appointed for the unexpired term.

7071 [~~(5) (a) A member may not receive compensation or benefits for the member's  
7072 services, but may receive per diem and expenses incurred in the performance of the member's  
7073 official duties at the rates established by the Division of Finance under Sections 63A-3-106  
7074 and 63A-3-107.~~]

7075 [~~(b) A member may decline to receive per diem and expenses for the member's  
7076 service.~~]

7077 (5) A member may not receive compensation or benefits for the member's service, but  
7078 may receive per diem and travel expenses in accordance with:

7079 (a) Section 63A-3-106;

7080 (b) Section 63A-3-107; and

7081 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7082 63A-3-107.

7083 (6) (a) The commission shall meet at least monthly.

7084 (b) The director may call additional meetings:

7085 (i) at the director's discretion;

7086 (ii) upon the request of the chair; or  
7087 (iii) upon the written request of three or more commission members.  
7088 (7) Three members of the commission constitute a quorum for the transaction of  
7089 business.

7090 Section 125. Section **61-2b-7** is amended to read:

7091 **61-2b-7. Real Estate Appraiser Licensing and Certification Board.**

7092 (1) (a) There is established a Real Estate Appraiser Licensing and Certification Board  
7093 which shall consist of five regular members as follows:

7094 (i) one state-licensed or state-certified appraiser who may be either a residential or  
7095 general licensee or certificate holder;

7096 (ii) one state-certified residential appraiser;

7097 (iii) one state-certified general appraiser;

7098 (iv) one member who is certified as either a state-certified residential appraiser or a  
7099 state-certified general appraiser; and

7100 (v) one member of the general public.

7101 (b) A state-licensed or state-certified appraiser may be appointed as an alternate  
7102 member of the board.

7103 (c) The governor shall appoint all members of the board with the consent of the  
7104 Senate.

7105 (2) (a) Except as required by Subsection (2)(b), as terms of current board members  
7106 expire, the governor shall appoint each new member or reappointed member to a four-year  
7107 term beginning on July 1.

7108 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
7109 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
7110 board members are staggered so that approximately half of the board is appointed every two  
7111 years.

7112 (c) Upon the expiration of a member's term, a member of the board shall continue to  
7113 hold office until the appointment and qualification of the member's successor.

7114 (d) A person may not serve as a member of the board for more than two consecutive  
7115 terms.

7116 (3) (a) When a vacancy occurs in the membership for any reason, the replacement  
7117 shall be appointed for the unexpired term.

7118 (b) The governor may remove a board member for cause.

7119 (4) The public member of the board may not be licensed or certified under this  
7120 chapter.

7121 (5) The board shall meet at least quarterly to conduct its business. Public notice shall  
7122 be given for all board meetings.

7123 (6) The members of the board shall elect a chair annually from among the members to  
7124 preside at board meetings.

7125 ~~[(7) (a) A member who is not a government employee may not receive compensation~~  
7126 ~~or benefits for the member's services, but may receive per diem and expenses incurred in the~~  
7127 ~~performance of the member's official duties at the rates established by the Division of Finance~~  
7128 ~~under Sections 63A-3-106 and 63A-3-107.]~~

7129 ~~[(b) A member may decline to receive per diem and expenses for the member's~~  
7130 ~~service.]~~

7131 (7) A member may not receive compensation or benefits for the member's service, but  
7132 may receive per diem and travel expenses in accordance with:

7133 (a) Section 63A-3-106;

7134 (b) Section 63A-3-107; and

7135 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7136 63A-3-107.

7137 (8) (a) Three members of the board shall constitute a quorum for the transaction of  
7138 business.

7139 (b) If a quorum of members is unavailable for any meeting, the alternate member of  
7140 the board, if any, shall serve as a regular member of the board for that meeting if with the  
7141 presence of the alternate member a quorum is present at the meeting.

7142 Section 126. Section **61-2c-104** is amended to read:

7143 **61-2c-104. Residential Mortgage Regulatory Commission.**

7144 (1) (a) There is created within the division the "Residential Mortgage Regulatory  
7145 Commission" consisting of the following members appointed by the executive director with  
7146 the approval of the governor:

7147 (i) four members who:

7148 (A) have at least three years of experience in transacting the business of residential  
7149 mortgage loans; and

7150 (B) are licensed under this chapter at the time of and during appointment; and

7151 (ii) one member from the general public.

7152 (b) (i) The executive director with the approval of the governor may appoint an  
7153 alternate member to the board.

7154 (ii) The alternate member shall:

7155 (A) at the time of the appointment, have at least three years of experience in  
7156 transacting the business of residential mortgage loans; and

7157 (B) be licensed under this chapter at the time of and during appointment.

7158 (2) (a) Except as required by Subsection (2)(b), the executive director shall appoint a  
7159 new member or reappointed member subject to appointment by the executive director to a  
7160 four-year term ending June 30.

7161 (b) Notwithstanding the requirements of Subsection (2)(a), the executive director  
7162 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the  
7163 terms of commission members are staggered so that approximately half of the commission is  
7164 appointed every two years.

7165 (c) If a vacancy occurs in the membership of the commission for any reason, the  
7166 executive director shall appoint a replacement for the unexpired term.

7167 (d) A member shall remain on the commission until the member's successor is  
7168 appointed and qualified.

7169 (3) Members of the commission shall annually select one member to serve as chair.



7170 (4) (a) The commission shall meet at least quarterly.  
7171 (b) The director may call a meeting in addition to the meetings required by Subsection  
7172 (4)(a):  
7173 (i) at the discretion of the director;  
7174 (ii) at the request of the chair of the commission; or  
7175 (iii) at the written request of three or more commission members.  
7176 (5) (a) Three members of the commission constitute a quorum for the transaction of  
7177 business.  
7178 (b) If a quorum of members is unavailable for any meeting and an alternate member is  
7179 appointed to the commission by the executive director with the approval of the governor, the  
7180 alternate member shall serve as a regular member of the commission for that meeting if with  
7181 the presence of the alternate member there is a quorum present at the meeting.  
7182 (c) The action of a majority of a quorum present is an action of the commission.  
7183 ~~[(6) (a) (i) A member who is not a government employee may not receive~~  
7184 ~~compensation or benefits for the member's services, but may receive per diem and expenses~~  
7185 ~~incurred in the performance of the member's official duties at the rates established by the~~  
7186 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~  
7187 ~~[(ii) A member who is not a government employee may decline to receive per diem~~  
7188 ~~and expenses for the member's service.]~~  
7189 ~~[(b) (i) A state government officer and employee member who does not receive salary,~~  
7190 ~~per diem, or expenses from the member's agency for the member's service may receive per~~  
7191 ~~diem and expenses incurred in the performance of the member's official duties from the~~  
7192 ~~commission at the rates established by the Division of Finance under Sections 63A-3-106 and~~  
7193 ~~63A-3-107.]~~  
7194 ~~[(ii) A state government officer and employee member may decline to receive per~~  
7195 ~~diem and expenses for the member's service.]~~  
7196 (6) A member may not receive compensation or benefits for the member's service, but  
7197 may receive per diem and travel expenses in accordance with:

7198           (a) Section 63A-3-106;  
7199           (b) Section 63A-3-107; and  
7200           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7201 63A-3-107.

7202           (7) In addition to a duty or power expressly provided for elsewhere in this chapter, the  
7203 commission shall:

7204           (a) except as provided in Subsection 61-2c-202(2), concur in the licensure or denial of  
7205 licensure of a person under this chapter in accordance with Part 2, Licensure;

7206           (b) take disciplinary action with the concurrence of the director in accordance with  
7207 Part 4, Enforcement; and

7208           (c) advise the division concerning matters related to the administration and  
7209 enforcement of this chapter.

7210           Section 127. Section **62A-1-107** is amended to read:

7211           **62A-1-107. Boards within department -- Members, appointment, terms,**  
7212 **vacancies, chairperson, compensation, meetings, quorum.**

7213           (1) Each board described in Section 62A-1-105 shall have seven members who are  
7214 appointed by the governor with the consent of the Senate.

7215           (2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a  
7216 term of four years, and is eligible for one reappointment.

7217           (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
7218 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
7219 board members are staggered so that approximately half of the board is appointed every two  
7220 years.

7221           (c) Board members shall continue in office until the expiration of their terms and until  
7222 their successors are appointed, which may not exceed 90 days after the formal expiration of a  
7223 term.

7224           (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
7225 appointed for the unexpired term.

7226 (3) No more than four members of any board may be from the same political party.  
7227 Each board shall have diversity of gender, ethnicity, and culture; and members shall be chosen  
7228 on the basis of their active interest, experience, and demonstrated ability to deal with issues  
7229 related to their specific boards.

7230 (4) Each board shall annually elect a chairperson from its membership. Each board  
7231 shall hold meetings at least once every three months. Within budgetary constraints, meetings  
7232 may be held from time to time on the call of the chairperson or of the majority of the members  
7233 of any board. Four members of a board are necessary to constitute a quorum at any meeting,  
7234 and, if a quorum exists, the action of the majority of members present shall be the action of the  
7235 board.

7236 [~~(5)(a) Members shall receive no compensation or benefits for their services, but may,  
7237 at the executive director's discretion, receive per diem and expenses incurred in the  
7238 performance of the member's official duties at the rates established by the Division of Finance  
7239 under Sections 63A-3-106 and 63A-3-107.]~~

7240 [~~(b) Members may decline to receive per diem and expenses for their service.]~~

7241 (5) A member may not receive compensation or benefits for the member's service, but,  
7242 at the executive director's discretion, may receive per diem and travel expenses in accordance  
7243 with:

7244 (a) Section 63A-3-106;

7245 (b) Section 63A-3-107; and

7246 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7247 63A-3-107.

7248 (6) Each board shall adopt bylaws governing its activities. Bylaws shall include  
7249 procedures for removal of a board member who is unable or unwilling to fulfill the  
7250 requirements of his appointment.

7251 (7) The board has program policymaking authority for the division over which it  
7252 presides.

7253 Section 128. Section **62A-3-107** is amended to read:

7254 **62A-3-107. Requirements for establishing division policy.**

7255 (1) The board is the program policymaking body for the division and for programs  
7256 funded with state and federal money under Sections 62A-3-104.1 and 62A-3-104.2. In  
7257 establishing policy and reviewing existing policy, the board shall seek input from local area  
7258 agencies, consumers, providers, advocates, division staff, and other interested parties as  
7259 determined by the board.

7260 (2) The board shall establish, by rule, procedures for developing its policies which  
7261 ensure that local area agencies are given opportunity to comment and provide input on any  
7262 new policy of the board and on any proposed changes in the board's existing policy. The  
7263 board shall also provide a mechanism for review of its existing policy and for consideration of  
7264 policy changes that are proposed by those local area agencies.

7265 ~~[(3) Members shall receive no compensation or benefits for their services, but may, at~~  
7266 ~~the executive director's discretion, receive per diem and expenses incurred in the performance~~  
7267 ~~of the member's official duties at the rates established by the Division of Finance under~~  
7268 ~~Sections 63A-3-106 and 63A-3-107.]~~

7269 (3) A member may not receive compensation or benefits for the member's service, but,  
7270 at the executive director's discretion, may receive per diem and travel expenses in accordance  
7271 with:

7272 (a) Section 63A-3-106;

7273 (b) Section 63A-3-107; and

7274 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7275 63A-3-107.

7276 Section 129. Section **62A-4a-311** is amended to read:

7277 **62A-4a-311. Child Abuse Advisory Council -- Creation -- Membership --**  
7278 **Expenses.**

7279 (1) (a) There is established the Child Abuse Advisory Council composed of no more  
7280 than 25 members who are appointed by the division.

7281 (b) Except as required by Subsection (1)(c), as terms of current council members

7282 expire, the division shall appoint each new member or reappointed member to a four-year  
7283 term.

7284 (c) Notwithstanding the requirements of Subsection (1)(b), the division shall, at the  
7285 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
7286 council members are staggered so that approximately half of the council is appointed every  
7287 two years.

7288 (d) The council shall have geographic, economic, gender, cultural, and philosophical  
7289 diversity.

7290 (e) When a vacancy occurs in the membership for any reason, the replacement shall be  
7291 appointed for the unexpired term.

7292 (2) The council shall elect a chairperson from its membership at least biannually.

7293 ~~[(3) (a) A member of the council who is not a government employee shall receive no  
7294 compensation or benefits for the member's services, but may:]~~

7295 ~~[(i) receive per diem and expenses incurred in the performance of the member's  
7296 official duties at the rates established by the Division of Finance under Sections 63A-3-106  
7297 and 63A-3-107; or]~~

7298 ~~[(ii) decline to receive per diem and expenses for the member's service:]~~

7299 ~~[(b) A member of the council who is a state government officer or employee and who  
7300 does not receive salary, per diem, or expenses from the member's agency for the member's  
7301 service may:]~~

7302 ~~[(i) receive per diem and expenses incurred in the performance of the member's  
7303 official duties from the commission at the rates established by the Division of Finance under  
7304 Sections 63A-3-106 and 63A-3-107; or]~~

7305 ~~[(ii) decline to receive per diem and expenses for the member's service:]~~

7306 (3) A member may not receive compensation or benefits for the member's service, but  
7307 may receive per diem and travel expenses in accordance with:

7308 (a) Section 63A-3-106;

7309 (b) Section 63A-3-107; and

7310 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7311 63A-3-107.

7312 (4) The council shall hold a public meeting quarterly. Within budgetary constraints,  
7313 meetings may also be held on the call of the chair, or of a majority of the members. A majority  
7314 of the members currently appointed to the council constitute a quorum at any meeting and the  
7315 action of the majority of the members present shall be the action of the council.

7316 (5) The council shall:

7317 (a) advise the division on matters relating to abuse and neglect; and

7318 (b) recommend to the division how funds contained in the Children's Trust Account  
7319 should be allocated.

7320 Section 130. Section **62A-5a-103** is amended to read:

7321 **62A-5a-103. Coordinating Council for Persons with Disabilities -- Creation --**  
7322 **Membership -- Expenses.**

7323 (1) There is created the Coordinating Council for Persons with Disabilities.

7324 (2) The council shall consist of:

7325 (a) the director of the Division of Services for People with Disabilities within the  
7326 Department of Human Services, or his designee;

7327 (b) the director of family health services programs, appointed under Section 26-10-3,  
7328 or his designee;

7329 (c) the executive director of the Utah State Office of Rehabilitation, or his designee;

7330 (d) the state director of special education, or his designee;

7331 (e) the director of the Division of Health Care Financing within the Department of  
7332 Health, or his designee;

7333 (f) the director of the Division of Substance Abuse and Mental Health within the  
7334 Department of Human Services, or his designee;

7335 (g) the superintendent of Schools for the Deaf and Blind, or his designee; and

7336 (h) a person with a disability, a family member of a person with a disability, or an  
7337 advocate for persons with disabilities, appointed by the members listed in Subsections (2)(a)

7338 through (g).

7339 (3) (a) The council shall annually elect a chair from its membership.

7340 (b) Five members of the council are a quorum.

7341 ~~[(4) (a) State government officer and employee members who do not receive salary,~~  
 7342 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~  
 7343 ~~incurred in the performance of their official duties from the council at the rates established by~~  
 7344 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7345 ~~[(b) State government officer and employee members may decline to receive per diem~~  
 7346 ~~and expenses for their service.]~~

7347 (4) A member may not receive compensation or benefits for the member's service, but  
 7348 may receive per diem and travel expenses in accordance with:

7349 (a) Section 63A-3-106;

7350 (b) Section 63A-3-107; and

7351 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 7352 63A-3-107.

7353 Section 131. Section **62A-7-501** is amended to read:

7354 **62A-7-501. Youth Parole Authority -- Expenses -- Responsibilities -- Procedures.**

7355 (1) There is created within the division a Youth Parole Authority.

7356 (2) (a) The authority is composed of 10 part-time members and five pro tempore  
 7357 members who are residents of this state. No more than three pro tempore members may serve  
 7358 on the authority at any one time.

7359 (b) Throughout this section, the term "member" refers to both part-time and pro  
 7360 tempore members of the Youth Parole Authority.

7361 (3) (a) Except as required by Subsection (3)(b), members shall be appointed to  
 7362 four-year terms by the governor with the consent of the Senate.

7363 (b) The governor shall, at the time of appointment or reappointment, adjust the length  
 7364 of terms to ensure that the terms of authority members are staggered so that approximately half  
 7365 of the authority is appointed every two years.

7366 (4) Each member shall have training or experience in social work, law, juvenile or  
7367 criminal justice, or related behavioral sciences.

7368 (5) When a vacancy occurs in the membership for any reason, the replacement  
7369 member shall be appointed for the unexpired term.

7370 (6) During the tenure of his appointment, a member may not:

7371 (a) be an employee of the department, other than in his capacity as a member of the  
7372 authority;

7373 (b) hold any public office;

7374 (c) hold any position in the state's juvenile justice system; or

7375 (d) be an employee, officer, advisor, policy board member, or subcontractor of any  
7376 juvenile justice agency or its contractor.

7377 (7) In extraordinary circumstances or when a regular member is absent or otherwise  
7378 unavailable, the chair may assign a pro tempore member to act in the absent member's place.

7379 ~~[(8) (a) Members receive no compensation or benefits for their services, but may  
7380 receive per diem and expenses incurred in the performance of official duties at the rates  
7381 established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7382 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

7383 (8) A member may not receive compensation or benefits for the member's service, but  
7384 may receive per diem and travel expenses in accordance with:

7385 (a) Section 63A-3-106;

7386 (b) Section 63A-3-107; and

7387 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7388 63A-3-107.

7389 (9) The authority shall determine appropriate parole dates for youth offenders, based  
7390 on guidelines established by the board. The board shall review and update policy guidelines  
7391 annually.

7392 (10) Youth offenders may be paroled to their own homes, to a residential  
7393 community-based program, to a nonresidential community-based treatment program, to an



7394 approved independent living setting, or to other appropriate residences, but shall remain on  
7395 parole until parole is terminated by the authority.

7396 (11) The division's case management staff shall implement parole release plans and  
7397 shall supervise youth offenders while on parole.

7398 (12) The division shall permit the authority to have reasonable access to youth  
7399 offenders in secure facilities and shall furnish all pertinent data requested by the authority in  
7400 matters of parole, revocation, and termination.

7401 Section 132. Section **62A-15-605** is amended to read:

7402 **62A-15-605. Forensic Mental Health Coordinating Council -- Establishment**  
7403 **and purpose.**

7404 (1) There is established the Forensic Mental Health Coordinating Council composed  
7405 of the following members:

7406 (a) the director or the director's appointee;

7407 (b) the superintendent of the state hospital or the superintendent's appointee;

7408 (c) the executive director of the Department of Corrections or the executive director's  
7409 appointee;

7410 (d) a member of the Board of Pardons and Parole or its appointee;

7411 (e) the attorney general or the attorney general's appointee;

7412 (f) the director of the Division of Services for People with Disabilities or the director's  
7413 appointee;

7414 (g) the director of the Division of Juvenile Justice Services or the director's appointee;

7415 (h) the director of the Commission on Criminal and Juvenile Justice or the director's  
7416 appointee;

7417 (i) the state court administrator or the administrator's appointee;

7418 (j) the state juvenile court administrator or the administrator's appointee;

7419 (k) a representative from a local mental health authority or an organization, excluding  
7420 the state hospital that provides mental health services under contract with the Division of  
7421 Substance Abuse and Mental Health or a local mental health authority, as appointed by the

7422 director of the division;

7423 (1) the executive director of the Governor's Council for People with Disabilities or the  
7424 director's appointee; and

7425 (m) other persons as appointed by the members described in Subsections (1)(a)  
7426 through (l).

7427 ~~[(2) (a) (i) Members who are not government employees shall receive no  
7428 compensation or benefits for their services, but may receive per diem and expenses incurred in  
7429 the performance of the member's official duties at the rates established by the Division of  
7430 Finance under Sections 63A-3-106 and 63A-3-107.]~~

7431 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

7432 ~~[(b) (i) State government officer and employee members who do not receive salary, per  
7433 diem, or expenses from their agency for their service may receive per diem and expenses  
7434 incurred in the performance of their official duties from the council at the rates established by  
7435 the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7436 ~~[(ii) State government officer and employee members may decline to receive per diem  
7437 and expenses for their service.]~~

7438 (2) A member may not receive compensation or benefits for the member's service, but  
7439 may receive per diem and travel expenses in accordance with:

7440 (a) Section 63A-3-106;

7441 (b) Section 63A-3-107; and

7442 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7443 63A-3-107.

7444 (3) The purpose of the Forensic Mental Health Coordinating Council is to:

7445 (a) advise the director regarding admissions to the state hospital of persons in the  
7446 custody of the Department of Corrections;

7447 (b) develop policies for coordination between the division and the Department of  
7448 Corrections;

7449 (c) advise the executive director of the Department of Corrections regarding issues of

- 7450 care for persons in the custody of the Department of Corrections who are mentally ill;
- 7451 (d) promote communication between and coordination among all agencies dealing
- 7452 with persons with mental retardation, as defined in Section 62A-5-101, or mental illness who
- 7453 become involved in the civil commitment system or in the criminal or juvenile justice system;
- 7454 (e) study, evaluate, and recommend changes to laws and procedures relating to persons
- 7455 with mental retardation or mental illness who become involved in the civil commitment
- 7456 system or in the criminal or juvenile justice system;
- 7457 (f) identify and promote the implementation of specific policies and programs to deal
- 7458 fairly and efficiently with persons with mental retardation or mental illness who become
- 7459 involved in the civil commitment system or in the criminal or juvenile justice system; and
- 7460 (g) promote judicial education relating to persons with mental retardation or mental
- 7461 illness who become involved in the civil commitment system or in the criminal or juvenile
- 7462 justice system.

7463 Section 133. Section **63A-3-403** is amended to read:

7464 **63A-3-403. Utah Transparency Advisory Board -- Creation -- Membership --**

7465 **Duties.**

- 7466 (1) There is created within the division the Utah Transparency Advisory Board
- 7467 comprised of members knowledgeable about public finance or providing public access to
- 7468 public financial information as follows:
- 7469 (a) one member designated by the director of the Division of Finance;
- 7470 (b) one member designated by the director of the Governor's Office of Planning and
- 7471 Budget;
- 7472 (c) one member appointed by the governor on advice from the Judicial Council, who
- 7473 shall serve until June 30, 2009;
- 7474 (d) one member appointed by the governor on advice from the Legislative Fiscal
- 7475 Analyst;
- 7476 (e) one member of the Senate, appointed by the governor on advice from the president
- 7477 of the Senate;

7478 (f) one member of the House of Representatives, appointed by the governor on advice  
7479 from the speaker of the House of Representatives;

7480 (g) one member designated by the director of the Department of Technology Services;

7481 (h) one member appointed by the governor from a state institution of higher education,  
7482 who shall serve for one year beginning on July 1, 2009 and ending on June 30, 2010; and

7483 (i) three additional members appointed by the governor, who shall each serve one-year  
7484 terms as follows:

7485 (i) for the term beginning on July 1, 2009 and ending on June 30, 2010, represent the  
7486 following entities:

7487 (A) a school district;

7488 (B) a charter school; and

7489 (C) a public transit district created under Title 17B, Chapter 2a, Part 8, Public Transit  
7490 District Act; and

7491 (ii) for the term beginning on July 1, 2010 and ending on June 30, 2011, represent the  
7492 following entities:

7493 (A) a county;

7494 (B) a municipality; and

7495 (C) (I) a local district under Title 17B, Limited Purpose Local Government Entities -  
7496 Local Districts, that is not a public transit district created under Title 17B, Chapter 2a, Part 8,  
7497 Public Transit District Act; or

7498 (II) a special service district under Title 17D, Chapter 1, Special Service District Act.

7499 (2) The board shall:

7500 (a) advise the division on matters related to the implementation and administration of  
7501 this part;

7502 (b) develop plans, make recommendations, and assist in implementing the provisions  
7503 of this part;

7504 (c) determine what public financial information shall be provided by participating  
7505 state and local entities, provided that the public financial information:

- 7506 (i) only includes records that:
- 7507 (A) are classified as public under Title 63G, Chapter 2, Government Records Access
- 7508 and Management Act;
- 7509 (B) are an accounting of monies, funds, accounts, bonds, loans, expenditures, or
- 7510 revenues, regardless of the source; and
- 7511 (C) are owned, held, or administered by the participating state or local entity that is
- 7512 required to provide the record; and
- 7513 (ii) is of the type or nature that should be accessible to the public via a website based
- 7514 on considerations of:
- 7515 (A) the cost effectiveness of providing the information;
- 7516 (B) the value of providing the information to the public; and
- 7517 (C) privacy and security considerations;
- 7518 (d) evaluate the cost effectiveness of implementing specific information resources and
- 7519 features on the website;
- 7520 (e) establish size or budget thresholds to identify those local entities that qualify as
- 7521 participating local entities as defined in this part, giving special consideration to the budget
- 7522 and resource limitations of an entity with a current annual budget of less than \$10,000,000;
- 7523 (f) require participating local entities to provide public financial information in
- 7524 accordance with the requirements of this part, with a specified content, reporting frequency,
- 7525 and form;
- 7526 (g) require a participating local entity's website to be accessible by link or other direct
- 7527 route from the Utah Public Finance Website if the participating local entity does not use the
- 7528 Utah Public Finance Website; and
- 7529 (h) determine the search methods and the search criteria that shall be made available
- 7530 to the public as part of a website used by a participating local entity under the requirements of
- 7531 this part, which criteria may include:
- 7532 (i) fiscal year;
- 7533 (ii) expenditure type;

7534 (iii) name of the agency;

7535 (iv) payee;

7536 (v) date; and

7537 (vi) amount.

7538 (3) The board shall annually elect a chair and a vice chair from its members.

7539 (4) (a) Except for a member appointed under Subsections (1)(c) and (h), each member  
7540 shall serve a two-year term.

7541 (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
7542 appointed for the remainder of the unexpired term.

7543 (5) The board shall meet as it determines necessary to accomplish its duties.

7544 (6) Reasonable notice shall be given to each member of the board before any meeting.

7545 (7) A majority of the board constitutes a quorum for the transaction of business.

7546 ~~[(8) (a) (i) Members who are not government employees shall receive no~~  
7547 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
7548 ~~the performance of the member's official duties at the rates established by the Division of~~  
7549 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

7550 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

7551 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
7552 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
7553 ~~incurred in the performance of their official duties from the board at the rates established by~~  
7554 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7555 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
7556 ~~and expenses for their service.]~~

7557 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~  
7558 ~~from the entity that they represent for their service may receive per diem and expenses~~  
7559 ~~incurred in the performance of their official duties at the rates established by the Division of~~  
7560 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

7561 ~~[(ii) Local government officer and employee members may decline to receive per diem~~

7562 and expenses for their service.]

7563 (8) A member may not receive compensation or benefits for the member's service, but  
7564 may receive per diem and travel expenses in accordance with:

7565 (a) Section 63A-3-106;

7566 (b) Section 63A-3-107; and

7567 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7568 63A-3-107.

7569 Section 134. Section **63A-5-101** is amended to read:

7570 **63A-5-101. Creation -- Composition -- Appointment -- Per diem and expenses --**  
7571 **Administrative services.**

7572 (1) (a) There is created a State Building Board composed of eight members, seven of  
7573 whom shall be appointed by the governor for terms of four years.

7574 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the  
7575 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
7576 board members are staggered so that approximately half of the board is appointed every two  
7577 years.

7578 (2) When a vacancy occurs in the membership for any reason, the replacement shall be  
7579 appointed for the unexpired term.

7580 (3) The director of the Governor's Office of Planning and Budget or the director's  
7581 designee is a nonvoting member of the board.

7582 (4) Each member shall hold office until a successor is appointed and qualified, but no  
7583 member shall serve more than two consecutive terms.

7584 (5) One member shall be designated by the governor as chair.

7585 ~~[(6) (a) (i) Members who are not government employees shall receive no~~  
7586 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
7587 ~~the performance of the member's official duties at the rates established by the Division of~~  
7588 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

7589 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

7590 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
7591 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
7592 ~~incurred in the performance of their official duties from the board at the rates established by~~  
7593 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7594 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
7595 ~~and expenses for their service.]~~

7596 (6) A member may not receive compensation or benefits for the member's service, but  
7597 may receive per diem and travel expenses in accordance with:

7598 (a) Section 63A-3-106;

7599 (b) Section 63A-3-107; and

7600 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7601 63A-3-107.

7602 (7) The members of the board are not required to give bond for the performance of  
7603 their official duties.

7604 (8) The department shall provide administrative and staff services to enable the board  
7605 to exercise its powers and discharge its duties, and shall provide necessary space and  
7606 equipment for the board.

7607 Section 135. Section **63A-9-301** is amended to read:

7608 **63A-9-301. Motor Vehicle Review Committee -- Composition.**

7609 (1) There is created a Motor Vehicle Review Committee to advise the division.

7610 (2) The committee shall be composed of nine members as follows:

7611 (a) the executive director of the Department of Administrative Services or the  
7612 director's designee;

7613 (b) a member from a state agency other than higher education, the Department of  
7614 Transportation, the Department of Public Safety, or the Department of Natural Resources, who  
7615 uses the division's services;

7616 (c) the director of the Division of Purchasing and General Services or the director's  
7617 designee; ~~[and]~~



7618 (d) one member from:

7619 (i) higher education, designated annually by the executive director of the Department  
7620 of Administrative Services;

7621 (ii) the Department of Transportation, designated annually by the executive director of  
7622 the Department of Administrative Services;

7623 (iii) the Department of Public Safety, designated annually by the executive director of  
7624 the Department of Administrative Services; and

7625 (iv) the Department of Natural Resources, designated annually by the executive  
7626 director of the Department of Administrative Services; and

7627 (e) two public members with experience in fleet operations and maintenance  
7628 appointed by the governor.

7629 (3) (a) Except as required by Subsection (3)(b), the governor shall appoint each public  
7630 member to a four-year term.

7631 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
7632 time of appointment, adjust the length of terms to ensure that the terms of public members are  
7633 staggered so that one of the public members is appointed every two years.

7634 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
7635 appointed for the unexpired term.

7636 [~~(4) (a) (i) Members who are not government employees shall receive no  
7637 compensation or benefits for their services, but may receive per diem and expenses incurred in  
7638 the performance of the member's official duties at the rates established by the Division of  
7639 Finance under Sections 63A-3-106 and 63A-3-107.~~]

7640 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]

7641 [~~(b) (i) State government members who do not receive salary, per diem, or expenses  
7642 from their agency for their service may receive per diem and expenses incurred in the  
7643 performance of their official duties from the committee at the rates established by the Division  
7644 of Finance under Sections 63A-3-106 and 63A-3-107.~~]

7645 [~~(ii) State government members may decline to receive per diem and expenses for their~~

7646 service:]

7647 ~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses~~  
7648 ~~from the entity that they represent for their service may receive per diem and expenses~~  
7649 ~~incurred in the performance of their official duties from the committee at the rates established~~  
7650 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7651 ~~[(ii) Higher education members may decline to receive per diem and expenses for their~~  
7652 ~~service:]~~

7653 (4) A member may not receive compensation or benefits for the member's service, but  
7654 may receive per diem and travel expenses in accordance with:

7655 (a) Section 63A-3-106;

7656 (b) Section 63A-3-107; and

7657 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7658 63A-3-107.

7659 (5) Five members of the committee are a quorum.

7660 (6) The executive director of the Department of Administrative Services is chair of the  
7661 committee.

7662 Section 136. Section **63B-1-201** is amended to read:

7663 **63B-1-201. Members -- Powers and duties -- Per diem.**

7664 (1) There is created a State Bonding Commission composed of:

7665 (a) the governor;

7666 (b) the state treasurer; and

7667 (c) a third person appointed by the governor to serve a four-year term, who is a  
7668 member of a political party different from that of the governor.

7669 (d) When the at-large position becomes vacant for any reason, the replacement shall be  
7670 appointed for the unexpired term.

7671 (2) The commission shall exercise the powers and perform the duties prescribed for  
7672 the commission by statute.

7673 ~~[(3) (a) State government officer and employee members who do not receive salary;~~

7674 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~  
 7675 ~~incurred in the performance of their official duties from the commission at the rates~~  
 7676 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7677  ~~[(b) State government officer and employee members may decline to receive per diem~~  
 7678  ~~and expenses for their service.]~~

7679 (3) A member may not receive compensation or benefits for the member's service, but  
 7680 may receive per diem and travel expenses in accordance with:

7681 (a) Section 63A-3-106;

7682 (b) Section 63A-3-107; and

7683 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 7684 63A-3-107.

7685 Section 137. Section **63B-1-304** is amended to read:

7686 **63B-1-304. State Building Ownership Authority created -- Members --**  
 7687 **Compensation -- Location in Department of Administrative Services.**

7688 (1) There is created a body politic and corporate to be known as the State Building  
 7689 Ownership Authority composed of:

7690 (a) the governor;

7691 (b) the state treasurer; and

7692 (c) the chair of the State Building Board created under Section 63A-5-101.

7693  ~~[(2) (a) (i) Members who are not government employees shall receive no~~  
 7694  ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
 7695  ~~the performance of the member's official duties at the rates established by the Division of~~  
 7696  ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

7697  ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

7698  ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
 7699  ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
 7700  ~~incurred in the performance of their official duties from the authority at the rates established~~  
 7701  ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7702            [~~(ii) State government officer and employee members may decline to receive per diem~~  
7703 ~~and expenses for their service.]~~

7704            (2) A member may not receive compensation or benefits for the member's service, but  
7705 may receive per diem and travel expenses in accordance with:

7706            (a) Section 63A-3-106;

7707            (b) Section 63A-3-107; and

7708            (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7709 63A-3-107.

7710            (3) (a) Upon request, the division shall provide staff support to the State Building  
7711 Ownership Authority.

7712            (b) The State Building Ownership Authority may seek and obtain independent  
7713 financial advice, support, and information from the state financial advisor created under  
7714 Section 67-4-16.

7715            Section 138. Section **63C-4-101** is amended to read:

7716            **63C-4-101. Creation of Constitutional Defense Council -- Membership --**  
7717 **Vacancies -- Reports -- Per diem, travel expenses, and funding.**

7718            (1) There is created the Constitutional Defense Council.

7719            (2) (a) The defense council shall consist of the following members:

7720            (i) the governor or the lieutenant governor, who shall serve as chair of the council;

7721            (ii) the president of the Senate or the president of the Senate's designee who shall serve  
7722 as vice chair of the council;

7723            (iii) the speaker of the House or the speaker of the House's designee who shall serve as  
7724 vice chair of the council;

7725            (iv) the minority leader of the Senate or the minority leader of the Senate's designee;

7726            (v) the minority leader of the House or the minority leader of the House's designee;

7727            (vi) the attorney general or the attorney general's designee, who shall be one of the  
7728 attorney general's appointees, not a current career service employee;

7729            (vii) the director of the School and Institutional Trust Lands Administration;

7730 (viii) four elected county commissioners, county council members, or county  
7731 executives from different counties who are selected by the Utah Association of Counties, at  
7732 least one of whom shall be from a county of the first or second class;

7733 (ix) the executive director of the Department of Natural Resources, who may not vote;  
7734 (x) the commissioner of the Department of Agriculture and Food, who may not vote;  
7735 (xi) the director of the Governor's Office of Economic Development, who may not  
7736 vote; and

7737 (xii) two elected county commissioners, county council members, or county executives  
7738 from different counties appointed by the Utah Association of Counties, who may not vote.

7739 (b) The council vice chairs shall conduct a council meeting in the absence of the chair.

7740 (c) If both the governor and the lieutenant governor are absent from a meeting of the  
7741 council, the governor may designate a person to attend the meeting solely for the purpose of  
7742 casting a vote on any matter on the governor's behalf.

7743 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
7744 appointed for the unexpired term in the same manner as the original appointment.

7745 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), the defense council shall meet at  
7746 least monthly or more frequently as needed.

7747 (ii) The defense council need not meet monthly if the chair, after polling the members,  
7748 determines that a majority of the members do not wish to meet.

7749 (b) The governor or any six members of the council may call a meeting of the council.

7750 (c) Before calling a meeting, the governor or council members shall solicit items for  
7751 the agenda from other members of the council.

7752 (d) (i) The Constitutional Defense Council shall require that any entity that receives  
7753 monies from the Constitutional Defense Restricted Account provide financial reports and  
7754 litigation reports to the Council.

7755 (ii) Nothing in this Subsection (4)(d) prohibits the council from closing a meeting  
7756 under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the council from  
7757 complying with Title 63G, Chapter 2, Government Records Access and Management Act.

7758 (e) A majority of the voting membership on the defense council is required for a  
7759 quorum to conduct council business. A majority vote of the quorum is required for any action  
7760 taken by the defense council.

7761 (5) The Office of the Attorney General shall advise the defense council.

7762 [~~(6) (a) (i) State government officer and employee members who do not receive salary,~~  
7763 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~  
7764 ~~incurred in the performance of their official duties from the council at the rates established by~~  
7765 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7766 [~~(ii) State government officer and employee members may decline to receive per diem~~  
7767 ~~and expenses for their service.]~~

7768 [~~(b) (i) Local government members who do not receive salary, per diem, or expenses~~  
7769 ~~from the entity that they represent for their service may receive per diem and expenses~~  
7770 ~~incurred in the performance of their official duties at the rates established by the Division of~~  
7771 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

7772 [~~(ii) Local government members may decline to receive per diem and expenses for~~  
7773 ~~their service.]~~

7774 [~~(c) Legislators on the committee shall receive compensation and expenses as provided~~  
7775 ~~by law and legislative rule.]~~

7776 (6) A member may not receive compensation or benefits for the member's service, but  
7777 may receive per diem and travel expenses in accordance with:

7778 (a) Section 63A-3-106;

7779 (b) Section 63A-3-107; and

7780 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7781 63A-3-107.

7782 (7) (a) The council shall be funded from the Constitutional Defense Restricted  
7783 Account created in Section 63C-4-103.

7784 (b) Monies appropriated for or received by the council may be expended by the  
7785 governor in consultation with the council.

7786 Section 139. Section **63C-6-103** is amended to read:

7787 **63C-6-103. Compensation of members -- Per diem and travel expenses.**

7788 ~~[(1) (a) Members who are not government employees shall receive no compensation~~  
7789 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~  
7790 ~~performance of the member's official duties at the rates established by the Division of Finance~~  
7791 ~~under Sections 63A-3-106 and 63A-3-107.]~~

7792 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

7793 ~~[(2) (a) State government officer and employee members who do not receive salary,~~  
7794 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~  
7795 ~~incurred in the performance of their official duties from the commission at the rates~~  
7796 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7797 ~~[(b) State government officer and employee members may decline to receive per diem~~  
7798 ~~and expenses for their service.]~~

7799 ~~[(3) Legislators on the committee shall receive compensation and expenses as~~  
7800 ~~provided by law and legislative rule.]~~

7801 A member may not receive compensation or benefits for the member's service, but may  
7802 receive per diem and travel expenses in accordance with:

7803 (1) Section 63A-3-106;

7804 (2) Section 63A-3-107; and

7805 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7806 63A-3-107.

7807 Section 140. Section **63C-8-103** is amended to read:

7808 **63C-8-103. Medical Education Council.**

7809 (1) There is created the Medical Education Council consisting of the following  
7810 members appointed by the governor:

7811 (a) the dean of the school of medicine at the University of Utah;

7812 (b) a person who represents graduate medical education at the University of Utah;

7813 (c) a person from each institution, other than the University of Utah, that sponsors an

7814 accredited clinical education program;

7815 (d) a person from the health care insurance industry; and

7816 (e) three members of the general public who are not employed by or affiliated with any  
7817 institution that offers, sponsors, or finances health care or medical education; however, the  
7818 governor may appoint an additional member of the public under this Subsection (1)(e) for  
7819 each person the governor appoints that increases the total number of persons appointed under  
7820 Subsection (1)(c) beyond two.

7821 (2) Except as provided in Subsection (1)(a) and (b), no two council members may be  
7822 employed by or affiliated with the same:

7823 (a) institution of higher education;

7824 (b) state agency outside of higher education; or

7825 (c) private entity.

7826 (3) The dean of the school of medicine at the University of Utah:

7827 (a) shall chair the council;

7828 (b) may not be counted in determining the existence of a quorum; and

7829 (c) may only cast a vote on a matter before the council if the vote of the other council  
7830 members results in a tied vote.

7831 (4) The council shall annually elect a vice chair from among the members of the  
7832 council.

7833 (5) (a) Consistent with Subsection (6)(b), a majority of the council members constitute  
7834 a quorum.

7835 (b) The action of a majority of a quorum is the action of the council.

7836 (6) (a) Except as provided in Subsection (6)(b), members are appointed to four-year  
7837 terms of office.

7838 (b) Notwithstanding Subsection (6)(a), the governor shall, at the time of the initial  
7839 appointment, adjust the length of terms to ensure that the terms of council members are  
7840 staggered so that approximately half of the council is appointed every two years.

7841 (c) If a vacancy occurs in the membership for any reason, the replacement shall be



7842 appointed by the governor for the unexpired term in the same manner as the original  
7843 appointment was made.

7844 ~~[(7) (a) Per diem and expenses incurred in the performance of official duties may be~~  
7845 ~~paid at the rates established by the Division of Finance under Section 63A-3-106 and Section~~  
7846 ~~63A-3-107 to a council member:]~~

7847 ~~[(i) who is not a government employee; or]~~

7848 ~~[(ii) who is a government employee, but does not receive salary, per diem, or expenses~~  
7849 ~~from the council member's employing unit for service to the council.]~~

7850 ~~[(b) A council member may decline to receive per diem and expenses for service to the~~  
7851 ~~council.]~~

7852 (7) A member may not receive compensation or benefits for the member's service, but  
7853 may receive per diem and travel expenses in accordance with:

7854 (a) Section 63A-3-106;

7855 (b) Section 63A-3-107; and

7856 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7857 63A-3-107.

7858 Section 141. Section **63C-9-202** is amended to read:

7859 **63C-9-202. Terms -- Vacancies -- Chair -- Vice chair -- Meetings --**

7860 **Compensation.**

7861 (1) (a) The governor, president of the Senate, speaker of the House, chief justice, state  
7862 treasurer, state attorney general, and state historic preservation officer shall serve terms  
7863 coterminous with their office.

7864 (b) The other members shall serve two-year terms.

7865 (2) Vacancies in the appointed positions shall be filled by the original appointing  
7866 authority for the unexpired term.

7867 (3) (a) Except as provided in Subsection (3)(b), the governor is chair of the board.

7868 (b) When the governor is absent from meetings of the board, the vice chair is chair of  
7869 the board.

7870 (c) The governor shall appoint a member of the board to serve as vice chair with the  
7871 approval of a majority of the members of the board.

7872 (4) The board shall meet at least quarterly and at other times at the call of the governor  
7873 or at the request of four members of the board.

7874 ~~[(5) (a) (i) Members who are not government employees shall receive no  
7875 compensation or benefits for their services, but may receive per diem and expenses incurred in  
7876 the performance of the member's official duties at the rates established by the Division of  
7877 Finance under Sections 63A-3-106 and 63A-3-107.]~~

7878 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

7879 ~~[(b) (i) State government officers and employee members who do not receive salary,  
7880 per diem, or expenses from their agency for their service may receive per diem and expenses  
7881 incurred in the performance of their official duties from the committee at the rates established  
7882 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7883 ~~[(ii) State government officers and employee members may decline to receive per diem  
7884 and expenses for their service.]~~

7885 ~~[(c) Legislative members receive the expenses authorized by legislative rule.]~~

7886 (5) A member may not receive compensation or benefits for the member's service, but  
7887 may receive per diem and travel expenses in accordance with:

7888 (a) Section 63A-3-106;

7889 (b) Section 63A-3-107; and

7890 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7891 63A-3-107.

7892 Section 142. Section **63C-9-702** is amended to read:

7893 **63C-9-702. Art Placement Subcommittee to the State Capitol Preservation**  
7894 **Board -- Created -- Membership -- Operations.**

7895 (1) (a) There is created an Art Placement Subcommittee to the State Capitol  
7896 Preservation Board composed of 11 members appointed as provided in this Subsection (1).

7897 (b) (i) The governor shall appoint:

7898 (A) an architect, from a list of three architects submitted by the American Institute of  
7899 Architects;

7900 (B) an artist, from a list of three artists submitted by the Utah Arts Council Board of  
7901 Directors;

7902 (C) an historian, from a list of three historians submitted by the Board of State  
7903 History; and

7904 (D) a citizen to represent the public at large who is not a member of the State Capitol  
7905 Preservation Board.

7906 (ii) The governor, as chair of the board, with the concurrence of the board, shall  
7907 appoint a member of the board as a voting member of the subcommittee.

7908 (c) The president of the Senate shall appoint three members, two from the majority  
7909 party and one from the minority party.

7910 (d) The speaker of the House of Representatives shall appoint three members, two  
7911 from the majority party and one from the minority party.

7912 (2) (a) (i) (A) Subcommittee members appointed by the governor shall serve four-year  
7913 terms and may serve up to two consecutive terms.

7914 (B) The board member appointed by the governor under Subsection (1)(b)(ii) shall  
7915 serve a two-year term, and may be reappointed.

7916 (ii) Subcommittee members appointed by the president of the Senate and the speaker  
7917 of the House of Representatives shall serve two-year terms and may be reappointed.

7918 (b) In appointing members to the first subcommittee, the governor shall designate two  
7919 members to serve a two-year term and two members to serve four-year terms.

7920 (3) (a) Each subcommittee member shall hold office until his successor has been  
7921 appointed and qualified.

7922 (b) If a vacancy occurs in the subcommittee because of death, resignation, or  
7923 otherwise, the appointing authority shall appoint a successor, who shall hold office for the  
7924 unexpired term.

7925 (c) Six voting members of the subcommittee are a quorum for the purpose of

7926 organizing and conducting the business of the subcommittee.

7927 (d) The vote of a majority of members voting when a quorum is present is necessary  
7928 for the subcommittee to take action.

7929 (4) (a) At the initial meeting of the subcommittee, the subcommittee shall select one of  
7930 its number to serve as chair of the subcommittee.

7931 (b) The executive director of the board shall assist the subcommittee in their duties  
7932 and shall provide staff services to the subcommittee.

7933 [~~(5) (a) Members of the subcommittee shall receive per diem and may be reimbursed  
7934 for expenses incurred in the performance of their official duties as established by the Division  
7935 of Finance.~~]

7936 (5) A member may not receive compensation or benefits for the member's service, but  
7937 may receive per diem and travel expenses in accordance with:

7938 (a) Section 63A-3-106;

7939 (b) Section 63A-3-107; and

7940 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7941 63A-3-107.

7942 [~~(b)~~] (6) The subcommittee shall meet at least quarterly.

7943 Section 143. Section **63C-10-102** is amended to read:

7944 **63C-10-102. Governor's Rural Partnership Board -- Creation -- Membership --  
7945 Vacancies -- Chairs -- Expenses.**

7946 (1) There is created the Governor's Rural Partnership Board composed of 15 members  
7947 as follows:

7948 (a) the governor or the governor's designee;

7949 (b) a rural member of the Utah Association of Counties' Board of Directors, appointed  
7950 by the association's board;

7951 (c) a rural member of the Utah League of Cities and Towns' Board of Directors,  
7952 appointed by the league's board;

7953 (d) the vice president of Utah State University's Extension Services or the vice

7954 president's designee;

7955 (e) the president of Southern Utah University or the president's designee;

7956 (f) the chair of the Utah Rural Development Council;

7957 (g) a rural representative of agriculture;

7958 (h) a rural representative of the travel industry;

7959 (i) a representative of rural utilities;

7960 (j) a representative from the oil, gas, or mineral extraction industry; and

7961 (k) five rural members appointed by the governor, at least one of which shall be a  
7962 representative from a rural private business.

7963 (2) (a) Except as required by Subsection (2)(b), board members identified in  
7964 Subsections (1)(b), (c), (g), (h), (i), (j), and (k) shall be appointed for four-year terms.

7965 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
7966 time of appointment or reappointment for members appointed under Subsection (1)(k), adjust  
7967 the length of terms to ensure that the terms of these members are staggered so that  
7968 approximately half of these five members are appointed every two years.

7969 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
7970 appointed for the unexpired term in the same manner as the vacated member was chosen.

7971 (d) Once initial board appointments are made pursuant to Subsection (1)(k),  
7972 recommendations for filling vacancies for any reason of those five board positions shall be  
7973 made to the governor from a nominating committee consisting of:

7974 (i) three individuals selected by the Steering Committee of the Rural Coordinating  
7975 Committee; and

7976 (ii) three individuals selected by the Governor's Rural Partnership Board from the  
7977 Utah Rural Development Council membership.

7978 (3) (a) The governor or the governor's designee shall serve as cochair of the board.

7979 (b) The chair of the Utah Rural Development Council shall serve as cochair of the  
7980 board.

7981 (4) The board shall meet at the call of the cochairs, but at least semiannually.

7982 (5) (a) A majority of the members of the board constitute a quorum.

7983 (b) The action of a majority of a quorum constitutes the action of the board.

7984 [~~(6) Members receive no compensation or benefits for their services on the board, but  
7985 may receive per diem and expenses incurred in the performance of the member's official duties  
7986 at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

7987 (6) A member may not receive compensation or benefits for the member's service, but  
7988 may receive per diem and travel expenses in accordance with:

7989 (a) Section 63A-3-106;

7990 (b) Section 63A-3-107; and

7991 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7992 63A-3-107.

7993 Section 144. Section **63C-11-201** is amended to read:

7994 **63C-11-201. Commission -- Creation -- Appointments -- Terms -- Expenses --**

7995 **Quorum.**

7996 (1) There is created within the Governor's Office of Economic Development the Pete  
7997 Suazo Utah Athletic Commission consisting of five members.

7998 (2) (a) The governor shall appoint three commission members.

7999 (b) The president of the Senate and the speaker of the House of Representatives shall  
8000 each appoint one commission member.

8001 (c) The commission members may not be licensees under this chapter.

8002 (d) A member of the commission serving on June 30, 2009, shall continue as a  
8003 member of the commission until the expiration of the member's term then existing, or until the  
8004 expiration of any subsequent term to which the member is appointed.

8005 (3) (a) Except as required by Subsection (3)(b), as terms of current members expire,  
8006 the governor, president, or speaker, respectively, shall appoint each new member or  
8007 reappointed member to a four-year term.

8008 (b) The governor shall, at the time of appointment or reappointment, adjust the length  
8009 of the governor's appointees' terms to ensure that the terms of members are staggered so that

8010 approximately half of the commission is appointed every two years.

8011 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
8012 appointed for the unexpired term.

8013 (d) If a commission member fails or refuses to fulfill the responsibilities and duties of  
8014 a commission member, including the attendance at commission meetings, the governor,  
8015 president, or speaker, respectively, with the approval of the commission, may remove the  
8016 commission member and replace the member in accordance with this section.

8017 (4) (a) A majority of the commission members constitutes a quorum.

8018 (b) A majority of a quorum is sufficient authority for the commission to act.

8019 ~~[(5) (a) (i) Members who are not government employees shall receive no~~  
8020 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
8021 ~~the performance of the members' official duties at the rates established by the Division of~~  
8022 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

8023 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

8024 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
8025 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
8026 ~~incurred in the performance of their official duties at the rates established by the Division of~~  
8027 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

8028 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
8029 ~~and expenses for their service.]~~

8030 (5) A member may not receive compensation or benefits for the member's service, but  
8031 may receive per diem and travel expenses in accordance with:

8032 (a) Section 63A-3-106;

8033 (b) Section 63A-3-107; and

8034 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
8035 63A-3-107.

8036 (6) The commission shall annually designate one of its members to serve as chair for a  
8037 one-year period.

8038 Section 145. Section **63C-12-105** is repealed and reenacted to read:

8039 **63C-12-105. Compensation of members -- Expenses.**

8040 A member of the council may not receive compensation or benefits for the member's  
8041 service, but may receive per diem and travel expenses in accordance with:

8042 (1) Section 63A-3-106;

8043 (2) Section 63A-3-107; and

8044 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
8045 63A-3-107.

8046 Section 146. Section **63F-1-202** is amended to read:

8047 **63F-1-202. Technology Advisory Board -- Membership -- Duties.**

8048 (1) There is created the Technology Advisory Board to the chief information officer.  
8049 The board shall have seven members as follows:

8050 (a) three members appointed by the governor who are individuals actively involved in  
8051 business planning for state agencies;

8052 (b) one member appointed by the governor who is actively involved in business  
8053 planning for higher education or public education;

8054 (c) one member appointed by the speaker of the House of Representatives and  
8055 president of the Senate from the Legislative Automation Committee of the Legislature to  
8056 represent the legislative branch;

8057 (d) one member appointed by the Judicial Council to represent the judicial branch;  
8058 and

8059 (e) one member appointed by the governor who represents private sector business  
8060 needs in the state, but who is not an information technology vendor for the state.

8061 (2) (a) The members of the advisory board shall elect a chair from the board by  
8062 majority vote.

8063 (b) The department shall provide staff to the board.

8064 (c) (i) A majority of the members of the board constitutes a quorum.

8065 (ii) Action by a majority of a quorum of the board constitutes an action of the board.



8066 (3) The board shall meet as necessary to advise the chief information officer and assist  
8067 the chief information officer and executive branch agencies in coming to consensus on:

8068 (a) the development and implementation of the state's information technology strategic  
8069 plan;

8070 (b) critical information technology initiatives for the state;

8071 (c) the development of standards for state information architecture;

8072 (d) identification of the business and technical needs of state agencies;

8073 (e) the department's performance measures for service agreements with executive  
8074 branch agencies and subscribers of services; and

8075 (f) the efficient and effective operation of the department.

8076 ~~[(4) (a) (i) Members of the board who are not state government employees shall~~  
8077 ~~receive no compensation or benefits for their services, but may receive per diem and expenses~~  
8078 ~~incurred in the performance of the member's official duties at the rates established by the~~  
8079 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8080 ~~[(ii) Members may decline to receive per diem and expense for their service.]~~

8081 ~~[(b) (i) State government officers and employee members who do not receive salary,~~  
8082 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~  
8083 ~~incurred in the performance of their official duties at the rates established by the Division of~~  
8084 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

8085 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
8086 ~~and expenses for the member's service.]~~

8087 (4) A member may not receive compensation or benefits for the member's service, but  
8088 may receive per diem and travel expenses in accordance with:

8089 (a) Section 63A-3-106;

8090 (b) Section 63A-3-107; and

8091 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
8092 63A-3-107.

8093 Section 147. Section **63G-2-501** is amended to read:

8094           **63G-2-501. State Records Committee created -- Membership -- Terms --**  
8095 **Vacancies -- Expenses.**

8096           (1) There is created the State Records Committee within the Department of  
8097 Administrative Services to consist of the following seven individuals:

8098           (a) an individual in the private sector whose profession requires him to create or  
8099 manage records that if created by a governmental entity would be private or controlled;

8100           (b) the state auditor or the auditor's designee;

8101           (c) the director of the Division of State History or the director's designee;

8102           (d) the governor or the governor's designee;

8103           (e) one citizen member;

8104           (f) one elected official representing political subdivisions; and

8105           (g) one individual representing the news media.

8106           (2) The members specified in Subsections (1)(a), (e), (f), and (g) shall be appointed by  
8107 the governor with the consent of the Senate.

8108           (3) (a) Except as required by Subsection (3)(b), as terms of current committee  
8109 members expire, the governor shall appoint each new member or reappointed member to a  
8110 four-year term.

8111           (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
8112 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
8113 committee members are staggered so that approximately half of the committee is appointed  
8114 every two years.

8115           (c) Each appointed member is eligible for reappointment for one additional term.

8116           (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
8117 appointed for the unexpired term.

8118           ~~[(5) (a) (i) Members who are not government employees shall receive no~~  
8119 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
8120 ~~the performance of the member's official duties at the rates established by the Division of~~  
8121 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

8122  ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~  
 8123  ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
 8124  ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
 8125  ~~incurred in the performance of their official duties from the committee at the rates established~~  
 8126  ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8127  ~~[(ii) State government officer and employee members may decline to receive per diem~~  
 8128  ~~and expenses for their service.]~~

8129  ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~  
 8130  ~~from the entity that they represent for their service may receive per diem and expenses~~  
 8131  ~~incurred in the performance of their official duties at the rates established by the Division of~~  
 8132  ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

8133  ~~[(ii) Local government members may decline to receive per diem and expenses for~~  
 8134  ~~their service.]~~

8135  (5) A member may not receive compensation or benefits for the member's service, but  
 8136  may receive per diem and travel expenses in accordance with:

8137  (a) Section 63A-3-106;

8138  (b) Section 63A-3-107; and

8139  (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 8140  63A-3-107.

8141 Section 148. Section **63G-2-502** is amended to read:

8142 **63G-2-502. State Records Committee -- Duties.**

8143 (1) The records committee shall:

8144 (a) meet at least once every three months;

8145 (b) review and approve retention and disposal of records;

8146 (c) hear appeals from determinations of access as provided by Section 63G-2-403; and

8147 (d) appoint a chairman from among its members.

8148 (2) The records committee may:

8149 (a) make rules to govern its own proceedings as provided by Title 63G, Chapter 3,

8150 Utah Administrative Rulemaking Act; and

8151 (b) by order, after notice and hearing, reassign classification and designation for any  
8152 record series by a governmental entity if the governmental entity's classification or designation  
8153 is inconsistent with this chapter.

8154 (3) The records committee shall annually appoint an executive secretary to the records  
8155 committee. The executive secretary may not serve as a voting member of the committee.

8156 (4) Five members of the records committee are a quorum for the transaction of  
8157 business.

8158 (5) The state archives shall provide staff and support services for the records  
8159 committee.

8160 [~~(6) Unless otherwise reimbursed, the citizen member, the individual in the private  
8161 sector, and the representative of the news media shall receive a per diem as established by the  
8162 Division of Finance in Section 63A-3-106.~~]

8163 (6) A member may not receive compensation or benefits for the member's service, but  
8164 may receive per diem and travel expenses in accordance with:

8165 (a) Section 63A-3-106;

8166 (b) Section 63A-3-107; and

8167 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
8168 63A-3-107.

8169 (7) If the records committee reassigns the classification or designation of a record or  
8170 record series under Subsection (2)(b), any affected governmental entity or any other interested  
8171 person may appeal the reclassification or redesignation to the district court. The district court  
8172 shall hear the matter de novo.

8173 (8) The Office of the Attorney General shall provide counsel to the records committee  
8174 and shall review proposed retention schedules.

8175 Section 149. Section **63G-6-201** is amended to read:

8176 **63G-6-201. Creation of procurement policy board.**

8177 (1) (a) There is created a state procurement policy board.

8178 (b) The policy board shall consist of eight members who shall be appointed as follows:

8179 (i) an employee of a state institution of higher education, appointed by the board of  
8180 regents;

8181 (ii) an employee of the Department of Human Services, appointed by the executive  
8182 director of that department;

8183 (iii) an employee of the Department of Transportation, appointed by the executive  
8184 director of that department;

8185 (iv) an employee of a school district appointed by a cooperative purchasing entity for  
8186 school districts;

8187 (v) an employee of the Division of Facilities Construction and Management appointed  
8188 by the director of that division;

8189 (vi) an employee of a county, appointed by the Utah Association of Counties;

8190 (vii) an employee of a city, appointed by the Utah League of Cities and Towns; and

8191 (viii) an employee of a local district or special service district, appointed by the Utah  
8192 Association of Special Districts.

8193 (c) Members of the policy board shall be knowledgeable and experienced in, and have  
8194 supervisory responsibility for, procurement in their official positions.

8195 (2) Members shall be appointed to four-year staggered terms.

8196 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
8197 appointed for the unexpired term.

8198 (4) (a) The policy board shall:

8199 (i) adopt rules of procedure for conducting its business; and

8200 (ii) elect a chair to serve for one year.

8201 (b) The chair may be elected to succeeding terms.

8202 (c) The chief procurement officer shall serve as the nonvoting secretary to the policy  
8203 board.

8204 ~~[(5) (a) (i) Members who are not government employees shall receive no~~  
8205 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~

8206 ~~the performance of the member's official duties at the rates established by the Division of~~  
8207 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

8208 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

8209 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
8210 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
8211 ~~incurred in the performance of their official duties from the board at the rates established by~~  
8212 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8213 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
8214 ~~and expenses for their service.]~~

8215 ~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses~~  
8216 ~~from the entity that they represent for their service may receive per diem and expenses~~  
8217 ~~incurred in the performance of their official duties from the committee at the rates established~~  
8218 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8219 ~~[(ii) Higher education members may decline to receive per diem and expenses for their~~  
8220 ~~service.]~~

8221 ~~[(d) (i) Local government members who do not receive salary, per diem, or expenses~~  
8222 ~~from the entity that they represent for their service may receive per diem and expenses~~  
8223 ~~incurred in the performance of their official duties at the rates established by the Division of~~  
8224 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

8225 ~~[(ii) Local government members may decline to receive per diem and expenses for~~  
8226 ~~their service.]~~

8227 (5) A member may not receive compensation or benefits for the member's service, but  
8228 may receive per diem and travel expenses in accordance with:

8229 (a) Section 63A-3-106;

8230 (b) Section 63A-3-107; and

8231 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
8232 63A-3-107.

8233 Section 150. Section **63G-6-807** is amended to read:

8234           **63G-6-807. Creation of Procurement Appeals Board.**

8235           (1) (a) A Procurement Appeals Board is created in the executive branch. The  
8236 Procurement Appeals Board shall be composed of a chair and one other member, to be  
8237 appointed by the governor, and a third member to be designated by the two appointed  
8238 members on a case-by-case basis.

8239           (b) None of the members of the Procurement Appeals Board shall otherwise be  
8240 full-time employees of the state.

8241           (c) The appointed members of the Procurement Appeals Board shall have been  
8242 members in good standing of the state bar for at least five years and shall be experienced in  
8243 contract or commercial matters.

8244           (d) The designated member shall possess the technical expertise and experience  
8245 needed for the proper disposition of the factual issues presented by the case.

8246           (2) (a) Except as required by Subsection (2)(b), as terms of current board members  
8247 expire, the governor shall appoint each new member or reappointed member to a four-year  
8248 term.

8249           (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
8250 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
8251 board members are staggered so that approximately half of the board is appointed every two  
8252 years.

8253           (c) The designated member shall serve for the case on which designated until the final  
8254 disposition of the case.

8255           (d) Appointed members may be reappointed for succeeding terms and may continue to  
8256 serve after the expiration of their terms until a successor takes office.

8257           (e) Qualified persons may be redesignated as members.

8258           (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
8259 appointed for the unexpired term.

8260           ~~[(4) (a) Members shall receive no compensation or benefits for their services, but may~~  
8261 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~

8262 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~  
8263  ~~[(b) Members may decline to receive per diem and expenses for their service.]~~  
8264  ~~(4) A member may not receive compensation or benefits for the member's service, but~~  
8265  ~~may receive per diem and travel expenses in accordance with:~~  
8266  ~~(a) Section 63A-3-106;~~  
8267  ~~(b) Section 63A-3-107; and~~  
8268  ~~(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and~~  
8269  ~~63A-3-107.~~  
8270 Section 151. Section **63H-2-202** is amended to read:  
8271 **63H-2-202. Authority board.**  
8272 (1) There is created a board of the authority that consists of seven members, appointed  
8273 by the governor, except that the governor shall appoint:  
8274 (a) one member from the Governor's Office of Economic Development;  
8275 (b) three members from a public utility or electric interlocal entity that operates  
8276 electric transmission facilities within the state as follows:  
8277 (i) one member is to be appointed from recommendations from an investor-owned  
8278 electric corporation that operates in this state;  
8279 (ii) one member is to be appointed from recommendations from a wholesale electrical  
8280 cooperative in the state; and  
8281 (iii) one member is to be appointed from recommendations from an electric interlocal  
8282 entity;  
8283 (c) one member of the School and Institutional Trust Lands Board of Trustees created  
8284 in Section 53C-1-202;  
8285 (d) one representative of a business entity that produces a renewable energy source;  
8286 and  
8287 (e) one member of the general public.  
8288 (2) (a) The term of a board member is four years.  
8289 (b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment



8290 or reappointment, adjust the length of terms to ensure that the terms of board members are  
8291 staggered so that approximately half of the board is appointed every two years.

8292 (c) The governor may remove a member of the board for cause.

8293 (d) The governor shall fill a vacancy in the board in the same manner under this  
8294 section as the appointment of the member whose vacancy is being filled.

8295 (e) An individual appointed to fill a vacancy shall serve the remaining unexpired term  
8296 of the member whose vacancy the individual is filling.

8297 (f) A board member shall serve until a successor is appointed and qualified.

8298 (3) The governor shall appoint a member of the board to be the chair of the board,  
8299 except that the member appointed as chair must be the member appointed under Subsection  
8300 (1)(a).

8301 (4) (a) Four members of the board is a quorum for conducting board business.

8302 (b) A majority vote of the quorum present is required for an action to be taken by the  
8303 board.

8304 (5) (a) The board shall meet at least quarterly on a date the board sets.

8305 (b) The chair of the board or any two members of the board may call additional  
8306 meetings.

8307 ~~[(6) (a) (i) A member who is not a government employee may not receive~~  
8308 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~  
8309 ~~incurred in the performance of the member's official duties at the rates established by the~~  
8310 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8311 ~~[(ii) A member who is not a government employee may decline to receive per diem~~  
8312 ~~and expenses for the member's service.]~~

8313 ~~[(b) (i) A state government officer or employee member who does not receive salary,~~  
8314 ~~per diem, or expenses from the agency the member represents for the member's service may~~  
8315 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
8316 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8317 ~~[(ii) A state government officer or employee member may decline to receive per diem~~

8318 and expenses for the member's service.]

8319 (6) A member may not receive compensation or benefits for the member's service, but  
8320 may receive per diem and travel expenses in accordance with:

8321 (a) Section 63A-3-106;

8322 (b) Section 63A-3-107; and

8323 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
8324 63A-3-107.

8325 Section 152. Section **63I-3-206** is repealed and reenacted to read:

8326 **63I-3-206. Per diem and travel expenses of members.**

8327 A member may not receive compensation or benefits for the member's service, but may  
8328 receive per diem and travel expenses in accordance with:

8329 (1) Section 63A-3-106;

8330 (2) Section 63A-3-107; and

8331 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
8332 63A-3-107.

8333 Section 153. Section **63I-4-201** is amended to read:

8334 **63I-4-201. Privatization Policy Board -- Created -- Membership -- Operations --**  
8335 **Expenses.**

8336 (1) (a) There is created a Privatization Policy Board composed of 17 members.

8337 (b) The governor shall appoint board members as follows:

8338 (i) two senators, one each from the majority and minority political parties, from names  
8339 recommended by the president of the Senate;

8340 (ii) two representatives, one each from the majority and minority political parties, from  
8341 names recommended by the speaker of the House of Representatives;

8342 (iii) two members representing public employees, from names recommended by the  
8343 largest public employees' association;

8344 (iv) one member from state management;

8345 (v) eight members from the private business community;

8346 (vi) one member representing the Utah League of Cities and Towns from names  
8347 recommended by the Utah League of Cities and Towns; and

8348 (vii) one member representing the Utah Association of Counties from names  
8349 recommended by the Utah Association of Counties.

8350 (2) (a) Except as required by Subsection (2)(b), a board member:

8351 (i) appointed under Subsection (1)(b)(i) or (ii) shall serve a two-year term; and

8352 (ii) appointed under Subsections (1)(b)(iii) through (vii) shall serve a four-year term.

8353 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
8354 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
8355 board members are staggered so that approximately half of the board is appointed every two  
8356 years.

8357 (c) The governor shall on or before July 1, 2008 change the appointments to the board  
8358 to reflect the membership requirements of Subsection (1)(b).

8359 (3) (a) A board member shall hold office until the board member's successor is  
8360 appointed and qualified.

8361 (b) When a vacancy occurs in the membership for any reason, a replacement shall be  
8362 appointed for the unexpired term.

8363 (c) Nine members of the board constitute a quorum.

8364 (d) The vote of a majority of board members voting when a quorum is present is  
8365 necessary for the board to act.

8366 (4) (a) The board shall select one of the members to serve as chair of the board.

8367 (b) A chair shall serve as chair for a term of one-year, and may be selected as chair for  
8368 more than one term.

8369 (5) The chief procurement officer or the chief procurement officer's designee shall  
8370 staff the board.

8371 (6) The board shall meet:

8372 (a) at least quarterly; and

8373 (b) as necessary to conduct its business, as called by the chair.

8374 ~~[(7) (a) (i) A member who is not a government employee may not receive~~  
8375 ~~compensation or benefits for the member's services, but may receive per diem and expenses~~  
8376 ~~incurred in the performance of the member's official duties at the rates established by the~~  
8377 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8378 ~~[(ii) A member who is not a government employee may decline to receive per diem and~~  
8379 ~~expenses for the member's service.]~~

8380 ~~[(b) (i) A state government officer and employee member who does not receive salary,~~  
8381 ~~per diem, or expenses from the member's agency for the member's service may receive per~~  
8382 ~~diem and expenses incurred in the performance of the member's official duties from the board~~  
8383 ~~at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8384 ~~[(ii) A government officer and employee member may decline to receive per diem and~~  
8385 ~~expenses for the member's service.]~~

8386 ~~[(c) (i) A local government member who does not receive salary, per diem, or expenses~~  
8387 ~~from the entity that the member represents for the member's service may receive per diem and~~  
8388 ~~expenses incurred in the performance of the member's official duties at the rates established by~~  
8389 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8390 ~~[(ii) A local government member may decline to receive per diem and expenses for the~~  
8391 ~~member's service.]~~

8392 ~~[(d) Legislators on the board shall receive compensation and expenses as provided by~~  
8393 ~~law and legislative rule.]~~

8394 (7) A member may not receive compensation or benefits for the member's service, but  
8395 may receive per diem and travel expenses in accordance with:

8396 (a) Section 63A-3-106;

8397 (b) Section 63A-3-107; and

8398 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
8399 63A-3-107.

8400 Section 154. Section **63J-4-502** is amended to read:

8401 **63J-4-502. Membership -- Terms -- Chair -- Expenses.**

- 8402 (1) The Resource Development Coordinating Committee shall consist of the following  
8403 25 members:
- 8404 (a) the state science advisor;
  - 8405 (b) a representative from the Department of Agriculture and Food appointed by the  
8406 executive director;
  - 8407 (c) a representative from the Department of Community and Culture appointed by the  
8408 executive director;
  - 8409 (d) a representative from the Department of Environmental Quality appointed by the  
8410 executive director;
  - 8411 (e) a representative from the Department of Natural Resources appointed by the  
8412 executive director;
  - 8413 (f) a representative from the Department of Transportation appointed by the executive  
8414 director;
  - 8415 (g) a representative from the Governor's Office of Economic Development appointed  
8416 by the director;
  - 8417 (h) a representative from the Division of Housing and Community Development  
8418 appointed by the director;
  - 8419 (i) a representative from the Division of State History appointed by the director;
  - 8420 (j) a representative from the Division of Air Quality appointed by the director;
  - 8421 (k) a representative from the Division of Drinking Water appointed by the director;
  - 8422 (l) a representative from the Division of Environmental Response and Remediation  
8423 appointed by the director;
  - 8424 (m) a representative from the Division of Radiation appointed by the director;
  - 8425 (n) a representative from the Division of Solid and Hazardous Waste appointed by the  
8426 director;
  - 8427 (o) a representative from the Division of Water Quality appointed by the director;
  - 8428 (p) a representative from the Division of Oil, Gas, and Mining appointed by the  
8429 director;

- 8430 (q) a representative from the Division of Parks and Recreation appointed by the  
8431 director;
- 8432 (r) a representative from the Division of Forestry, Fire, and State Lands appointed by  
8433 the director;
- 8434 (s) a representative from the Utah Geological Survey appointed by the director;
- 8435 (t) a representative from the Division of Water Resources appointed by the director;
- 8436 (u) a representative from the Division of Water Rights appointed by the director;
- 8437 (v) a representative from the Division of Wildlife Resources appointed by the director;
- 8438 (w) a representative from the School and Institutional Trust Lands Administration  
8439 appointed by the director;
- 8440 (x) a representative from the Division of Facilities Construction and Management  
8441 appointed by the director; and
- 8442 (y) a representative from the Division of Homeland Security appointed by the director.
- 8443 (2) (a) As particular issues require, the committee may, by majority vote of the  
8444 members present, and with the concurrence of the state planning coordinator, appoint  
8445 additional temporary members to serve as ex officio voting members.
- 8446 (b) Those ex officio members may discuss and vote on the issue or issues for which  
8447 they were appointed.
- 8448 (3) A chair shall be selected by a majority vote of committee members with the  
8449 concurrence of the state planning coordinator.
- 8450 ~~[(4) (a) (i) Members who are not government employees shall receive no~~  
8451 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
8452 ~~the performance of the member's official duties at the rates established by the Division of~~  
8453 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~
- 8454 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~
- 8455 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
8456 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
8457 ~~incurred in the performance of their official duties from the council at the rates established by~~

8458 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8459  ~~[(ii) State government officer and employee members may decline to receive per diem~~  
8460  ~~and expenses for their service.]~~

8461 (4) A member may not receive compensation or benefits for the member's service, but  
8462 may receive per diem and travel expenses in accordance with:

8463 (a) Section 63A-3-106;

8464 (b) Section 63A-3-107; and

8465 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
8466 63A-3-107.

8467 Section 155. Section **63K-3-201** is amended to read:

8468 **63K-3-201. Emergency Management Administration Council created -- Function**  
8469 **-- Composition -- Expenses.**

8470 (1) There is created the Emergency Management Administration Council to provide  
8471 advice and coordination for state and local government agencies on government emergency  
8472 prevention, mitigation, preparedness, response, and recovery actions and activities.

8473 (2) The council shall meet at the call of the chair, but at least quarterly.

8474 (3) The council shall be made up of the:

8475 (a) lieutenant governor, or the lieutenant governor's designee;

8476 (b) attorney general, or the attorney general's designee;

8477 (c) heads of the following state agencies, or their designees:

8478 (i) Department of Public Safety;

8479 (ii) Division of Homeland Security;

8480 (iii) Department of Transportation;

8481 (iv) Department of Health;

8482 (v) Department of Environmental Quality;

8483 (vi) Department of Community and Economic Development; and

8484 (vii) Department of Natural Resources;

8485 (d) adjutant general of the National Guard or the adjutant general's designee;

- 8486 (e) commissioner of agriculture and food or the commissioner's designee;
- 8487 (f) two representatives with expertise in emergency management appointed by the  
8488 Utah League of Cities and Towns;
- 8489 (g) two representatives with expertise in emergency management appointed by the  
8490 Utah Association of Counties;
- 8491 (h) up to four additional members with expertise in homeland security, critical  
8492 infrastructure, or key resources as these terms are defined under 6 U.S. Code Section 101  
8493 appointed from the private sector, by the chair of the council; and
- 8494 (i) two representatives appointed by the Utah Emergency Management Association.
- 8495 (4) The commissioner of Public Safety and the lieutenant governor shall serve as  
8496 co-chairs of the council.
- 8497 ~~[(5) (a) State government officer and employee members who do not receive salary,~~  
8498 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~  
8499 ~~incurred in the performance of their official duties from the council at the rates established by~~  
8500 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~
- 8501 ~~[(b) State government officer and employee members may decline to receive per diem~~  
8502 ~~and expenses for their service.]~~
- 8503 (5) A member may not receive compensation or benefits for the member's service, but  
8504 may receive per diem and travel expenses in accordance with:
- 8505 (a) Section 63A-3-106;
- 8506 (b) Section 63A-3-107; and
- 8507 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
8508 63A-3-107.
- 8509 (6) The council shall coordinate with existing emergency management related entities  
8510 including:
- 8511 (a) the Homeland Security Regional Committees established by the Department of  
8512 Public Safety;
- 8513 (b) the Statewide Mutual Aid Committee established under Section 53-2-503; and



8514 (c) the Hazardous Chemical Emergency Response Commission designated under  
 8515 Section 63K-3-301.

8516 (7) The council may establish other committees and task forces as determined  
 8517 necessary by the council to carry out the duties of the council.

8518 Section 156. Section **63K-3-301** is amended to read:

8519 **63K-3-301. Hazardous Chemical Emergency Response Commission -- Allocation**  
 8520 **of responsibilities -- Local planning committees -- Specified federal law considered law**  
 8521 **of state -- Application to federal agencies and facilities.**

8522 (1) (a) The commissioner of the Department of Public Safety and the executive  
 8523 director of the Department of Environmental Quality, or their respective designees, are  
 8524 designated as the state's Hazardous Chemical Emergency Response Commission for purposes  
 8525 of carrying out all requirements of the federal Emergency Planning and Community Right To  
 8526 Know Act of 1986.

8527 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
 8528 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
 8529 ~~incurred in the performance of their official duties from the commission at the rates~~  
 8530 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8531 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
 8532 ~~and expenses for their service.]~~

8533 (b) A member may not receive compensation or benefits for the member's service, but  
 8534 may receive per diem and travel expenses in accordance with:

8535 (i) Section 63A-3-106;

8536 (ii) Section 63A-3-107; and

8537 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 8538 63A-3-107.

8539 (2) The Department of Public Safety has primary responsibility for all emergency  
 8540 planning activities under the federal Emergency Planning and Community Right To Know Act  
 8541 of 1986, and shall prepare policy and procedure and make rules necessary for implementation

8542 of that act in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

8543 (3) The Department of Environmental Quality has primary responsibility for receiving,  
8544 processing, and managing hazardous chemical information and notifications under the federal  
8545 Emergency Planning and Community Right To Know Act of 1986, including preparation of  
8546 policy and procedure, and promulgation of rules necessary for implementation of that act.  
8547 Funding for this program must be from the appropriation acts.

8548 (4) The Department of Public Safety and the Department of Environmental Quality  
8549 shall enter into an interagency agreement providing for exchange of information and  
8550 coordination of their respective duties and responsibilities under this section.

8551 (5) (a) The Hazardous Chemical Emergency Response Commission shall appoint a  
8552 local planning committee for each local planning district that it establishes, as required by the  
8553 federal Emergency Planning and Community Right To Know Act of 1986, and to the extent  
8554 possible, shall use an existing local governmental organization as the local planning  
8555 committee.

8556 (b) (i) Local government members who do not receive salary, per diem, or expenses  
8557 from the entity that they represent for their service may receive per diem and expenses  
8558 incurred in the performance of their official duties at the rates established by the Division of  
8559 Finance under Sections 63A-3-106 and 63A-3-107.

8560 (ii) Local government members may decline to receive per diem and expenses for their  
8561 service.

8562 (6) Requirements of the federal Emergency Planning and Community Right To Know  
8563 Act of 1986 pertaining to notification and submission of information are the law of this state,  
8564 and apply equally to federal agencies, departments, installations, and facilities located in this  
8565 state, as well as to other facilities that are subject to that act.

8566 Section 157. Section **63M-1-302** is amended to read:

8567 **63M-1-302. Members -- Meetings -- Expenses.**

8568 (1) (a) The board shall consist of 15 members appointed by the governor to four-year  
8569 terms of office with the consent of the Senate.

8570 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the  
 8571 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
 8572 board members are staggered so that approximately half of the board is appointed every two  
 8573 years.

8574 (c) The members may not serve more than two full consecutive terms except where the  
 8575 governor determines that an additional term is in the best interest of the state.

8576 (2) Not more than eight members of the board may be from one political party.

8577 (3) The members shall be representative of all areas of the state.

8578 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
 8579 appointed for the unexpired term.

8580 (5) Eight members of the board constitute a quorum for conducting board business  
 8581 and exercising board power.

8582 (6) The governor shall select one of the board members as its chair.

8583 ~~[(7) (a) Members shall receive no compensation or benefits for their services, but may  
 8584 receive per diem and expenses incurred in the performance of the member's official duties at  
 8585 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8586 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

8587 (7) A member may not receive compensation or benefits for the member's service, but  
 8588 may receive per diem and travel expenses in accordance with:

8589 (a) Section 63A-3-106;

8590 (b) Section 63A-3-107; and

8591 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 8592 63A-3-107.

8593 Section 158. Section **63M-1-604** is amended to read:

8594 **63M-1-604. Members -- Appointment -- Terms -- Qualifications -- Vacancies --**  
 8595 **Chair and vice chair -- Executive secretary -- Executive committee -- Quorum --**  
 8596 **Expenses.**

8597 (1) The council comprises the following nonvoting members or their designees:

- 8598 (a) the adviser;
- 8599 (b) the executive director of the Department of Natural Resources;
- 8600 (c) the executive director of the Department of Community and Culture;
- 8601 (d) the executive director of the Department of Health;
- 8602 (e) the executive director of the Department of Environmental Quality;
- 8603 (f) the commissioner of agriculture and food;
- 8604 (g) the commissioner of higher education;
- 8605 (h) the state planning coordinator; and
- 8606 (i) the executive director of the Department of Transportation.
- 8607 (2) The governor may appoint other voting members, not to exceed 12.
- 8608 (3) (a) Except as required by Subsection (3)(b), as terms of current council members
- 8609 expire, the governor shall appoint each new member or reappointed member to a four-year
- 8610 term.
- 8611 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
- 8612 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 8613 council members are staggered so that approximately half of the council is appointed every
- 8614 two years.
- 8615 (4) The governor shall consider all institutions of higher education in the state in the
- 8616 appointment of council members.
- 8617 (5) The voting members of the council shall be experienced or knowledgeable in the
- 8618 application of science and technology to business, industry, or public problems and have
- 8619 demonstrated their interest in and ability to contribute to the accomplishment of the purposes
- 8620 of this part.
- 8621 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
- 8622 appointed for the unexpired term.
- 8623 (7) (a) Each year the council shall select from its membership a chair and a vice chair.
- 8624 (b) The chair and vice chair shall hold office for one year or until a successor is
- 8625 appointed and qualified.

8626 (8) The adviser serves as executive secretary of the council.

8627 (9) An executive committee shall be established consisting of the chair, vice chair, and  
8628 the adviser.

8629 (10) (a) In order to conduct business matters of the council at regularly convened  
8630 meetings, a quorum consisting of a simple majority of the total voting membership of the  
8631 council is required.

8632 (b) All matters of business affecting public policy require not less than a simple  
8633 majority of affirmative votes of the total membership.

8634 ~~[(11) (a) (i) Members who are not government employees shall receive no  
8635 compensation or benefits for their services, but may receive per diem and expenses incurred in  
8636 the performance of the member's official duties at the rates established by the Division of  
8637 Finance under Sections 63A-3-106 and 63A-3-107.]~~

8638 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

8639 ~~[(b) (i) State government officer and employee members who do not receive salary, per  
8640 diem, or expenses from their agency for their service may receive per diem and expenses  
8641 incurred in the performance of their official duties from the council at the rates established by  
8642 the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8643 ~~[(ii) State government officer and employee members may decline to receive per diem  
8644 and expenses for their service.]~~

8645 ~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses  
8646 from the entity that they represent for their service may receive per diem and expenses  
8647 incurred in the performance of their official duties from the committee at the rates established  
8648 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8649 ~~[(ii) Higher education members may decline to receive per diem and expenses for their  
8650 service.]~~

8651 (11) A member may not receive compensation or benefits for the member's service,  
8652 but may receive per diem and travel expenses in accordance with:

8653 (a) Section 63A-3-106;

8654            (b) Section 63A-3-107; and  
8655            (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
8656            63A-3-107.

8657            Section 159. Section **63M-1-1205** is amended to read:

8658            **63M-1-1205. Board members -- Meetings -- Expenses.**

8659            (1) (a) The board shall consist of five members.

8660            (b) Of the five members:

8661            (i) one shall be the state treasurer;

8662            (ii) one shall be the director or the director's designee; and

8663            (iii) three shall be appointed by the governor and confirmed by the Senate.

8664            (c) The three members appointed by the governor shall serve four-year staggered terms  
8665 with the initial terms of the first three members to be four years for one member, three years  
8666 for one member, and two years for one member.

8667            (2) When a vacancy occurs in the membership of the board for any reason, the  
8668 vacancy shall be:

8669            (a) filled in the same manner as the appointment of the original member; and

8670            (b) for the unexpired term of the board member being replaced.

8671            (3) Appointed members of the board may not serve more than two full consecutive  
8672 terms except where the governor determines that an additional term is in the best interest of  
8673 the state.

8674            (4) Three members of the board constitute a quorum for conducting business and  
8675 exercising board power, provided that a minimum of three affirmative votes is required for  
8676 board action and at least one of the affirmative votes is cast by either the director or the  
8677 director's designee or the state treasurer.

8678            [~~(5) (a) Members of the board may not receive compensation or benefits for their~~  
8679 ~~services, but may receive per diem and expenses incurred in the performance of the members'~~  
8680 ~~official duties at rates established by the Division of Finance under Sections 63A-3-106 and~~  
8681 ~~63A-3-107.]~~

8682            [~~(b) Members of the board may decline to receive per diem and expenses for their~~  
8683 ~~services.]~~

8684            (5) A member may not receive compensation or benefits for the member's service, but  
8685 may receive per diem and travel expenses in accordance with:

8686            (a) Section 63A-3-106;

8687            (b) Section 63A-3-107; and

8688            (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
8689 63A-3-107.

8690            (6) Members of the board shall be selected on the basis of demonstrated expertise and  
8691 competence in:

8692            (a) the supervision of investment managers;

8693            (b) the fiduciary management of investment funds; or

8694            (c) the management and administration of tax credit allocation programs.

8695            (7) The board and its members are considered to be a governmental entity with all of  
8696 the rights, privileges, and immunities of a governmental entity of the state, including all of the  
8697 rights and benefits conferred under Title 63G, Chapter 7, Governmental Immunity Act of  
8698 Utah.

8699            (8) Meetings of the board, except to the extent necessary to protect the information  
8700 identified in Subsection 63M-1-1224(3), are subject to Title 52, Chapter 4, Open and Public  
8701 Meetings Act.

8702            Section 160. Section **63M-1-1402** is amended to read:

8703            **63M-1-1402. Members -- Meetings -- Expenses.**

8704            (1) (a) The board shall consist of 13 members appointed by the governor to four-year  
8705 terms of office with the consent of the Senate.

8706            (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the  
8707 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
8708 board members are staggered so that approximately half of the board is appointed every two  
8709 years.

- 8710 (2) The members may not serve more than two full consecutive terms unless the  
8711 governor determines that an additional term is in the best interest of the state.
- 8712 (3) Not more than seven members of the board may be of the same political party.
- 8713 (4) (a) The members shall be representative of:
- 8714 (i) all areas of the state with six being appointed from separate geographical areas as  
8715 provided in Subsection (4)(b); and
- 8716 (ii) a diverse mix of business ownership or executive management of tourism related  
8717 industries.
- 8718 (b) The geographical representatives shall be appointed as follows:
- 8719 (i) one member from Salt Lake, Tooele, or Morgan County;
- 8720 (ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;
- 8721 (iii) one member from Utah, Summit, Juab, or Wasatch County;
- 8722 (iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;
- 8723 (v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and
- 8724 (vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.
- 8725 (c) The tourism industry representatives of ownership or executive management shall  
8726 be appointed as follows:
- 8727 (i) one member from ownership or executive management of the lodging industry, as  
8728 recommended by the lodging industry for the governor's consideration;
- 8729 (ii) one member from ownership or executive management of the restaurant industry,  
8730 as recommended by the restaurant industry for the governor's consideration;
- 8731 (iii) one member from ownership or executive management of the ski industry, as  
8732 recommended by the ski industry for the governor's consideration; and
- 8733 (iv) one member from ownership or executive management of the motor vehicle rental  
8734 industry, as recommended by the motor vehicle rental industry for the governor's  
8735 consideration.
- 8736 (d) One member shall be appointed at large from ownership or executive management  
8737 of business, finance, economic policy, or the academic media marketing community.



8738 (e) One member shall be appointed from the Utah Tourism Industry Coalition as  
8739 recommended by the coalition for the governor's consideration.

8740 (f) One member shall be appointed to represent the state's counties as recommended  
8741 by the Utah Association of Counties for the governor's consideration.

8742 (g) (i) The governor may choose to disregard a recommendation made for a board  
8743 member under Subsections (4)(c), (e), and (f).

8744 (ii) The governor shall request additional recommendations if recommendations are  
8745 disregarded under Subsection (4)(g)(i).

8746 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
8747 appointed for the unexpired term from the same geographic area or industry representation as  
8748 the member whose office was vacated.

8749 (6) Seven members of the board constitute a quorum for conducting board business  
8750 and exercising board powers.

8751 (7) The governor shall select one of the board members as chair and one of the board  
8752 members as vice chair, each for a four-year term as recommended by the board for the  
8753 governor's consideration.

8754 ~~[(8) (a) Members shall receive no compensation or benefits for their services, but may  
8755 receive per diem and expenses incurred in the performance of the member's official duties at  
8756 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8757 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

8758 (8) A member may not receive compensation or benefits for the member's service, but  
8759 may receive per diem and travel expenses in accordance with:

8760 (a) Section 63A-3-106;

8761 (b) Section 63A-3-107; and

8762 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
8763 63A-3-107.

8764 (9) The board shall meet monthly or as often as the board determines to be necessary  
8765 at various locations throughout the state.

8766 (10) Members who may have a potential conflict of interest in consideration of fund  
8767 allocation decisions shall identify the potential conflict prior to voting on the issue.

8768 (11) (a) The board shall determine attendance requirements for maintaining a  
8769 designated board seat.

8770 (b) If a board member fails to attend according to the requirements established  
8771 pursuant to Subsection (11)(a), the board member shall be replaced upon written certification  
8772 from the board chair or vice chair to the governor.

8773 (c) A replacement appointed by the governor under Subsection (11)(b) shall serve for  
8774 the remainder of the board member's unexpired term.

8775 (12) The board's office shall be in Salt Lake City.

8776 Section 161. Section **63M-1-1503** is amended to read:

8777 **63M-1-1503. Advisory board.**

8778 (1) (a) There is created within the office the Utah Pioneer Communities Advisory  
8779 Board.

8780 (b) The Permanent Community Impact Fund Board created in Section 9-4-304 shall  
8781 act as the advisory board.

8782 (2) The advisory board shall have the powers and duties described in Section  
8783 63M-1-1504 and shall operate the Utah Pioneer Communities Program in accordance with  
8784 Section 63M-1-1505.

8785 (3) The director shall designate an employee of the office to serve as a nonvoting  
8786 secretary for the advisory board.

8787 ~~[(4) (a) (i) Members who are not government employees shall receive no~~  
8788 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
8789 ~~the performance of the member's official duties at the rates established by the Division of~~  
8790 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

8791 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

8792 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
8793 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~

8794 incurred in the performance of their official duties from the board at the rates established by  
8795 the Division of Finance under Sections ~~63A-3-106 and 63A-3-107.~~]

8796       ~~[(ii) State government officer and employee members may decline to receive per diem  
8797 and expenses for their service.]~~

8798       ~~[(c) (i) Higher education members who do not receive salary, per diem, or expenses  
8799 from the entity that they represent for their service may receive per diem and expenses  
8800 incurred in the performance of their official duties from the committee at the rates established  
8801 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

8802       ~~[(ii) Higher education members may decline to receive per diem and expenses for their  
8803 service.]~~

8804       ~~[(d) (i) Local government members who do not receive salary, per diem, or expenses  
8805 from the entity that they represent for their service may receive per diem and expenses  
8806 incurred in the performance of their official duties at the rates established by the Division of  
8807 Finance under Sections 63A-3-106 and 63A-3-107.]~~

8808       ~~[(ii) Local government members may decline to receive per diem and expenses for  
8809 their service.]~~

8810       (4) A member may not receive compensation or benefits for the member's service, but  
8811 may receive per diem and travel expenses in accordance with:

8812       (a) Section 63A-3-106;

8813       (b) Section 63A-3-107; and

8814       (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
8815 63A-3-107.

8816       Section 162. Section **63M-1-2611** is amended to read:

8817       **63M-1-2611. Advisory committee.**

8818       (1) The director may appoint an advisory committee comprised of:

8819       (a) representatives of:

8820       (i) the affected department for the proposal;

8821       (ii) a directly affected state entity or school district;

8822 (iii) the Department of Human Resource Management; and

8823 (iv) the Division of Risk Management;

8824 (b) members of the public; and

8825 (c) other members.

8826 [~~2~~] ~~Members of an advisory committee shall receive no compensation or benefits for~~  
8827 ~~their services, but may receive per diem and expenses incurred in the performance of the~~  
8828 ~~members' official duties at the rates established by the Division of Finance under Sections~~  
8829 ~~63A-3-106 and 63A-3-107.]~~

8830 [~~3~~] ~~Members of an advisory committee may decline to receive per diem and expenses~~  
8831 ~~for their service.]~~

8832 (2) A member of an advisory committee may not receive compensation or benefits for  
8833 the member's service, but may receive per diem and travel expenses in accordance with:

8834 (a) Section 63A-3-106;

8835 (b) Section 63A-3-107; and

8836 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
8837 63A-3-107.

8838 [~~4~~] (3) An advisory committee appointed in accordance with Subsection (1) may not  
8839 participate in the final decision-making of the committee or the board.

8840 [~~5~~] (4) The staff, any outside consultant, and any advisory subcommittee shall:

8841 (a) provide the committee and the board with professional services, including  
8842 architectural, engineering, legal, and financial services, to develop rules and guidelines to  
8843 implement the program described in this part; and

8844 (b) assist the committee and the board in:

8845 (i) reviewing and commenting on initial proposals;

8846 (ii) reviewing and commenting on detailed proposals; and

8847 (iii) preparing and negotiating the terms of any project agreement.

8848 Section 163. Section **63M-1-2706** is amended to read:

8849 **63M-1-2706. Utah Business Resource Centers Advisory Board -- Creation --**

8850 **Membership -- Vacancies -- Chairs.**

8851 (1) There is created the Utah Business Resource Centers Advisory Board, composed of  
8852 at least nine members appointed by the executive director of the Governor's Office of  
8853 Economic Development.

8854 (2) The executive director shall appoint:

8855 (a) [~~shall appoint~~] one member from each host institution;

8856 (b) [~~shall appoint~~] three members from urban areas in the state; and

8857 (c) [~~shall appoint~~] two members from rural areas in the state.

8858 (3) Each board member shall have a background or expertise in any one or all of the  
8859 following:

8860 (a) state or local economic development;

8861 (b) business networking, growth, or development;

8862 (c) entrepreneurship;

8863 (d) business management or administration; or

8864 (e) the establishment of partnerships or collaborative efforts with state, local, and  
8865 federal agencies and institutions, as well as private entities.

8866 (4) (a) The executive director shall appoint board members for four-year terms.

8867 (b) The board shall, at the time of appointment or reappointment, adjust the length of  
8868 terms to ensure that the terms of these members are staggered so that approximately half of the  
8869 members are appointed every two years.

8870 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
8871 appointed by the executive director for the unexpired term in the same manner as the vacated  
8872 member was chosen.

8873 (5) The board shall elect one of its members as a chair of the board for a two-year  
8874 term.

8875 (6) The board shall meet at the call of the chair, but at least quarterly.

8876 (7) (a) A majority of the members of the board constitute a quorum.

8877 (b) The action of a majority of a quorum constitutes the action of the board.

8878           ~~[(8) (a) A board member may not receive compensation or benefits for the member's~~  
8879 ~~service, but may receive per diem and expenses incurred in the performance of the member's~~  
8880 ~~official duties at the rates established by the Division of Finance under Sections 63A-3-106~~  
8881 ~~and 63A-3-107.]~~

8882           ~~[(b) A member may decline to receive per diem and expenses authorized under Section~~  
8883 ~~(8)(a).]~~

8884           (8) A member may not receive compensation or benefits for the member's service, but  
8885 may receive per diem and travel expenses in accordance with:

8886           (a) Section 63A-3-106;

8887           (b) Section 63A-3-107; and

8888           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
8889 63A-3-107.

8890           Section 164. Section **63M-2-301** is amended to read:

8891           **63M-2-301. The Utah Science Technology and Research Governing Authority --**  
8892 **Creation -- Membership -- Meetings -- Staff.**

8893           (1) There is created the Utah Science Technology and Research Governing Authority  
8894 consisting of the state treasurer, the executive director of the Governor's Office of Economic  
8895 Development, and the following eight members appointed as follows with the consent of the  
8896 Senate:

8897           (a) three appointed by the governor;

8898           (b) two appointed by the president of the Senate;

8899           (c) two appointed by the speaker of the House of Representatives; and

8900           (d) one appointed by the commissioner of higher education.

8901           (2) (a) (i) The eight appointed members shall serve four-year staggered terms.

8902           (ii) The appointed members may not serve more than two full consecutive terms.

8903           (b) Notwithstanding Subsection (2)(a)(i), the terms of the first members of the  
8904 governing authority shall be staggered by lot so that half of the initial members serve two-year  
8905 terms and half serve four-year terms.

8906 (3) Vacancies in the appointed positions on the governing authority shall be filled by  
 8907 the appointing authority with consent of the Senate for the unexpired term.

8908 (4) (a) The governor shall select the chair of the governing authority to serve a  
 8909 one-year term.

8910 (b) The executive director of the Governor's Office of Economic Development shall  
 8911 serve as the vice chair of the governing authority.

8912 (5) The governing authority shall meet at least monthly and may meet more frequently  
 8913 at the request of a majority of the members of the governing authority.

8914 (6) Five members of the governing authority are a quorum.

8915 ~~[(7) (a) Members who are not government employees shall receive no compensation or~~  
 8916 ~~benefits for their services, but may receive per diem and expenses incurred in the performance~~  
 8917 ~~of the member's official duties at the rates established by the Division of Finance under~~  
 8918 ~~Sections 63A-3-106 and 63A-3-107.]~~

8919 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

8920 (7) A member may not receive compensation or benefits for the member's service, but  
 8921 may receive per diem and travel expenses in accordance with:

8922 (a) Section 63A-3-106;

8923 (b) Section 63A-3-107; and

8924 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 8925 63A-3-107.

8926 (8) (a) (i) The governing authority shall hire a full-time executive director to provide  
 8927 staff support for the governing authority.

8928 (ii) The executive director is an at-will employee who may be terminated without  
 8929 cause by the governor or by majority vote of the governing authority.

8930 (b) The Governor's Office of Economic Development shall provide office space and  
 8931 administrative support for the executive director.

8932 Section 165. Section **63M-2-303** is amended to read:

8933 **63M-2-303. Utah Science Technology and Research Governing Authority**

8934 **Advisory Council -- Chair -- Meetings.**

8935 (1) There is created the Utah Science Technology and Research Governing Authority  
8936 Advisory Council consisting of 12 members appointed as follows:

8937 (a) one member appointed by the director of the Governor's Office of Economic  
8938 Development;

8939 (b) one member appointed by the Utah Information Technology Association;

8940 (c) one member appointed by the Utah Nanotechnology Initiative;

8941 (d) one member appointed by the Economic Development Corporation of Utah;

8942 (e) one member appointed by the Utah Life Science Association;

8943 (f) one member appointed by the Salt Lake Area Chamber of Commerce;

8944 (g) one member appointed by the Provo-Orem Chamber of Commerce;

8945 (h) one member appointed by the Davis Area Chamber of Commerce;

8946 (i) one member appointed by the Ogden-Weber Chamber of Commerce;

8947 (j) one member appointed by the Cache Chamber of Commerce;

8948 (k) one member appointed by the St. George Area Chamber of Commerce; and

8949 (l) one member appointed by the Vernal Chamber of Commerce.

8950 (2) The governing authority shall consult with the advisory council about the project.

8951 (3) The advisory council shall select a chair from among its members to serve a  
8952 two-year term.

8953 (4) The advisory council shall convene whenever the governing authority requests a  
8954 meeting for consultation.

8955 ~~[(5) (a) (i) Members who are not government employees shall receive no~~  
8956 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
8957 ~~the performance of the member's official duties at the rates established by the Division of~~  
8958 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

8959 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

8960 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
8961 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~



8962 incurred in the performance of their official duties from the committee at the rates established  
 8963 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]

8964 [~~(ii) State government officer and employee members may decline to receive per diem  
 8965 and expenses for their service.]~~

8966 (5) A member may not receive compensation or benefits for the member's service, but  
 8967 may receive per diem and travel expenses in accordance with:

8968 (a) Section 63A-3-106;

8969 (b) Section 63A-3-107; and

8970 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 8971 63A-3-107.

8972 Section 166. Section **63M-7-207** is repealed and reenacted to read:

8973 **63M-7-207. Members serve without pay -- Reimbursement for expenses.**

8974 A member may not receive compensation or benefits for the member's service, but may  
 8975 receive per diem and travel expenses in accordance with:

8976 (1) Section 63A-3-106;

8977 (2) Section 63A-3-107; and

8978 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 8979 63A-3-107.

8980 Section 167. Section **63M-7-302** is amended to read:

8981 **63M-7-302. Chair -- Vacancies -- Quorum -- Expenses.**

8982 (1) The Utah Substance Abuse and Anti-Violence Coordinating Council shall annually  
 8983 select one of its members to serve as chair.

8984 (2) When a vacancy occurs in the membership for any reason, the replacement shall be  
 8985 appointed for the unexpired term in the same manner as the position was originally filled.

8986 (3) A majority of the members of the council constitutes a quorum.

8987 [~~(4) (a) (i) Members who are not government employees shall receive no  
 8988 compensation or benefits for their services, but may receive per diem and expenses incurred in  
 8989 the performance of the member's official duties at the rates established by the Division of~~

8990 Finance under Sections 63A-3-106 and 63A-3-107.]

8991 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]

8992 [~~(b) (i) State government officer and employee members who do not receive salary, per~~  
8993 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
8994 ~~incurred in the performance of their official duties from the council at the rates established by~~  
8995 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]

8996 [~~(ii) State government officer and employee members may decline to receive per diem~~  
8997 ~~and expenses for their service.~~]

8998 [~~(c) Legislators on the council shall receive compensation and expenses as provided by~~  
8999 ~~law and legislative rule.~~]

9000 [~~(d) (i) Local government members who do not receive salary, per diem, or expenses~~  
9001 ~~from the entity that they represent for their service may receive per diem and expenses~~  
9002 ~~incurred in the performance of their official duties at the rates established by the Division of~~  
9003 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]

9004 [~~(ii) Local government members may decline to receive per diem and expenses for~~  
9005 ~~their service.~~]

9006 (4) A member may not receive compensation or benefits for the member's service, but  
9007 may receive per diem and travel expenses in accordance with:

9008 (a) Section 63A-3-106;

9009 (b) Section 63A-3-107; and

9010 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9011 63A-3-107.

9012 (5) The council may establish subcommittees as needed to assist in accomplishing its  
9013 duties under Section 63M-7-303.

9014 Section 168. Section **63M-7-304** is amended to read:

9015 **63M-7-304. Chair -- Vacancies -- Quorum -- Expenses.**

9016 (1) The members of each subcommittee established by the council shall annually  
9017 select a chair or co-chairs from among the members of the subcommittee.

9018           (2) When a vacancy occurs in the membership for any reason, the replacement shall be  
9019 appointed for the unexpired term in the same manner as the position was originally filled.

9020           (3) A majority of the members of a subcommittee constitutes a quorum for the  
9021 transaction of business by the subcommittee.

9022           ~~[(4) (a) (i) Members who are not government employees shall receive no~~  
9023 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
9024 ~~the performance of the member's official duties at the rates established by the Division of~~  
9025 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

9026           ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

9027           ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
9028 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
9029 ~~incurred in the performance of their official duties from the committee at the rates established~~  
9030 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9031           ~~[(ii) State government officer and employee members may decline to receive per diem~~  
9032 ~~and expenses for their service.]~~

9033           ~~[(c) Legislators on the subcommittee shall receive compensation and expenses as~~  
9034 ~~provided by law and legislative rule.]~~

9035           ~~[(d) Members from higher education may not receive per diem or expenses for their~~  
9036 ~~service.]~~

9037           ~~[(e) (i) Local government members who do not receive salary, per diem, or expenses~~  
9038 ~~from the entity that they represent for their service may receive per diem and expenses~~  
9039 ~~incurred in the performance of their official duties at the rates established by the Division of~~  
9040 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

9041           ~~[(ii) Local government members may decline to receive per diem and expenses for~~  
9042 ~~their service.]~~

9043           (4) A member may not receive compensation or benefits for the member's service, but  
9044 may receive per diem and travel expenses in accordance with:

9045           (a) Section 63A-3-106;

9046 (b) Section 63A-3-107; and

9047 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9048 63A-3-107.

9049 Section 169. Section **63M-7-405** is amended to read:

9050 **63M-7-405. Compensation of members -- Reports to the Legislature, the courts,**  
9051 **and the governor.**

9052 ~~[(1) (a) (i) Members who are not government employees shall receive no~~  
9053 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
9054 ~~the performance of the member's official duties at the rates established by the Division of~~  
9055 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

9056 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

9057 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
9058 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
9059 ~~incurred in the performance of their official duties from the commission at the rates~~  
9060 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9061 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
9062 ~~and expenses for their service.]~~

9063 (1) A member may not receive compensation or benefits for the member's service, but  
9064 may receive per diem and travel expenses in accordance with:

9065 (a) Section 63A-3-106;

9066 (b) Section 63A-3-107; and

9067 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9068 63A-3-107.

9069 (2) The commission shall submit to the Legislature, the courts, and to the governor at  
9070 least 60 days prior to the annual general session of the Legislature its reports and  
9071 recommendations for sentencing guidelines and amendments. It is intended that the  
9072 commission utilize existing data and resources from state criminal justice agencies. The  
9073 commission is authorized to employ professional assistance and other staff members as it

9074 considers necessary or desirable.

9075 (3) The commission shall be responsive to all three branches of government, but be  
9076 part of the Commission on Criminal and Juvenile Justice for coordination on criminal and  
9077 juvenile justice issues, budget, and administrative support.

9078 Section 170. Section **63M-7-504** is amended to read:

9079 **63M-7-504. Crime Victim Reparations Board -- Members.**

9080 (1) (a) A Crime Victim Reparations Board is created, consisting of seven members  
9081 appointed by the governor with the consent of the Senate.

9082 (b) The membership of the board shall consist of:

9083 (i) a member of the bar of this state;

9084 (ii) a victim of criminally injurious conduct;

9085 (iii) a licensed physician;

9086 (iv) a representative of law enforcement;

9087 (v) a mental health care provider; and

9088 (vi) two other private citizens.

9089 (c) The governor may appoint a chair of the board who shall serve for a period of time  
9090 prescribed by the governor, not to exceed the length of the chair's term. The board may elect a  
9091 vice chair to serve in the absence of the chair.

9092 (d) The board may hear appeals from administrative decisions as provided in rules  
9093 adopted pursuant to Section 63M-7-515.

9094 (2) (a) Except as required by Subsection (2)(b), as terms of current board members  
9095 expire, the governor shall appoint each new member or reappointed member to a four-year  
9096 term.

9097 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
9098 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
9099 board members are staggered so that approximately half of the board is appointed every two  
9100 years.

9101 (c) A member may be reappointed to one successive term.

9102 (3) (a) When a vacancy occurs in the membership for any reason, the replacement  
9103 shall be appointed for the unexpired term.

9104 (b) A member resigning from the board shall serve until the member's successor is  
9105 appointed and qualified.

9106 ~~[(4) (a) (i) Members who are not government employees shall receive no  
9107 compensation or benefits for their services, but may receive per diem and expenses incurred in  
9108 the performance of the member's official duties at the rates established by the Division of  
9109 Finance under Sections 63A-3-106 and 63A-3-107.]~~

9110 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

9111 ~~[(b) (i) State government officer and employee members who do not receive salary, per  
9112 diem, or expenses from their agency for their service may receive per diem and expenses  
9113 incurred in the performance of their official duties from the board at the rates established by  
9114 the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9115 ~~[(ii) State government officer and employee members may decline to receive per diem  
9116 and expenses for their service.]~~

9117 (4) A member may not receive compensation or benefits for the member's service, but  
9118 may receive per diem and travel expenses in accordance with:

9119 (a) Section 63A-3-106;

9120 (b) Section 63A-3-107; and

9121 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9122 63A-3-107.

9123 (5) The board shall meet at least once quarterly but may meet more frequently as  
9124 necessary.

9125 Section 171. Section **63M-7-604** is repealed and reenacted to read:

9126 **63M-7-604. Member expenses.**

9127 A member may not receive compensation or benefits for the member's service, but may  
9128 receive per diem and travel expenses in accordance with:

9129 (1) Section 63A-3-106;

9130           (2) Section 63A-3-107; and  
9131           (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9132 63A-3-107.

9133           Section 172. Section **63M-8-202** is amended to read:

9134           **63M-8-202. Members -- Appointment -- Terms -- Vacancies -- Expenses.**

9135           (1) (a) Except as required by Subsection (1)(b), the commission shall consist of up to  
9136 15 members to be appointed by the governor for a four-year term.

9137           (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the  
9138 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
9139 commission members are staggered so that approximately half of the commission is appointed  
9140 every two years.

9141           (c) Members may serve two consecutive appointments.

9142           (d) In making appointments, the governor shall insure that no more than one more  
9143 than half the membership is from the same political party.

9144           (2) When a vacancy occurs in the membership for any reason, the replacement shall be  
9145 appointed by the governor for the remainder of the unexpired term.

9146           ~~[(3) (a) Members shall receive no compensation or benefits for their services, but may~~  
9147 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
9148 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9149           ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

9150           (3) A member may not receive compensation or benefits for the member's service, but  
9151 may receive per diem and travel expenses in accordance with:

9152           (a) Section 63A-3-106;

9153           (b) Section 63A-3-107; and

9154           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9155 63A-3-107.

9156           Section 173. Section **63M-9-201** is amended to read:

9157           **63M-9-201. Families, Agencies, and Communities Together State Council --**

9158 **Composition -- Duties -- Interagency case management team.**

9159 (1) (a) There is created within state government the Families, Agencies, and  
9160 Communities Together State Council composed of:

- 9161 (i) the state superintendent of public instruction;
- 9162 (ii) the executive director of the Department of Health;
- 9163 (iii) the executive director of the Department of Human Services;
- 9164 (iv) the state court administrator; and
- 9165 (v) the executive director of the Department of Workforce Services.

9166 (b) The council members listed in Subsection (1)(a) shall appoint to a four-year term  
9167 the following nonvoting members:

- 9168 (i) a representative of community-based service organizations appointed to a four-year  
9169 term;
- 9170 (ii) a parent representative from a rural community; and
- 9171 (iii) a parent representative from an urban community.

9172 (c) If a vacancy occurs with respect to a council member appointed under Subsection  
9173 (1)(b), council members listed in Subsection (1)(a) shall appoint a replacement for the  
9174 unexpired term.

9175 (d) Appointments and reappointments under [~~Subsection~~] Subsections (1)(b) and (c)  
9176 shall be made within 60 days of a vacancy.

9177 (2) (a) The council shall annually elect a chair from its membership.

9178 (b) All voting members of the council are necessary to constitute a quorum at any  
9179 meeting.

9180 (c) The action of a majority of a quorum is the action of the council, except that a  
9181 unanimous vote of the council is required to appoint or remove a nonvoting council member.

9182 (d) The council shall meet quarterly or more frequently as determined by the chair.

9183 ~~[(3) (a) State government officer and employee members who do not receive salary,~~  
9184 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~  
9185 ~~incurred in the performance of their official duties from the council at the rates established by~~



9186 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9187  ~~[(b) Members who are not government employees may not receive compensation or~~  
9188  ~~benefits for their services, but may receive per diem and expenses incurred in the performance~~  
9189  ~~of the member's official duties from the council at rates established by the Division of Finance~~  
9190  ~~under Sections 63A-3-106 and 63A-3-107.]~~

9191  ~~[(c) Council members may decline to receive per diem and expenses for their service.]~~

9192 (3) A member may not receive compensation or benefits for the member's service, but  
9193 may receive per diem and travel expenses in accordance with:

9194 (a) Section 63A-3-106;

9195 (b) Section 63A-3-107; and

9196 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9197 63A-3-107.

9198 (4) The council shall:

9199 (a) provide leadership to increase and enhance efficient and effective services to  
9200 Utah's children and youth at risk by:

9201 (i) cooperatively planning, funding, monitoring, evaluating, and marketing innovative  
9202 and individualized service delivery and funding strategies;

9203 (ii) recommending legislative, executive, and judicial policy and procedural changes,  
9204 including joint budget proposals as described in Section 63J-1-201;

9205 (iii) developing incentives and strategies to increase family involvement,  
9206 collaboration, and public-private partnerships in the planning and delivery of services at the  
9207 state and local level;

9208 (iv) promoting prevention and early intervention services;

9209 (v) increasing public understanding of and advocating for the needs of Utah's children  
9210 and youth who are at risk; and

9211 (vi) establishing policies to remove administrative barriers to collaboration in  
9212 communities;

9213 (b) compile and disseminate information regarding effective service delivery and

9214 funding strategies for replication;

9215 (c) receive and act upon recommendations of the steering committee;

9216 (d) approve the establishment of collaborative service delivery systems under Section

9217 63M-9-402 and adopt performance goals for those systems;

9218 (e) recommend to the governor for each fiscal year funds contained in an agency's

9219 base budget and building block request that can be identified for collaborative service delivery

9220 systems established under Section 63M-9-402;

9221 (f) ~~(f)~~ develop model administrative and governance structures to be established by

9222 communities that at least:

9223 ~~(A)~~ (i) ensure accountability for public funds;

9224 ~~(B)~~ (ii) are voluntarily adopted and modified by communities, based on community

9225 needs;

9226 ~~(C)~~ (iii) ensure collaboration on matters of policy and administrative processes in

9227 operating programs under this chapter between the state, school districts, and counties;

9228 ~~(D)~~ (iv) establish a board consisting of heads of state and local government agencies,

9229 private agencies, and school districts that provide services under this chapter; and

9230 ~~(E)~~ (v) ensure equity in the scope, duration, and level of services throughout a

9231 prescribed geographical area;

9232 ~~[(ii) the council may, through contracts that provide funding for programs under this~~

9233 ~~chapter, give incentives to communities to establish an administrative and governance~~

9234 ~~structure that meets the requirements of Subsection (4)(f)(i) and to designate the geographical~~

9235 ~~area within which that administrative and governance structure will operate;]~~

9236 (g) review the structure and function of the steering committee before December 1,

9237 1999, to determine the effectiveness of the steering committee in:

9238 (i) achieving the purposes and carrying out the responsibilities of the committee; and

9239 (ii) assisting communities to establish collaborative service delivery systems;

9240 (h) forward to the Legislature for the 2000 General Session recommendations for

9241 restructuring the size, membership, and function of the steering committee based on the review

9242 conducted under Subsection (4)(g); and

9243 (i) report to the governor and the Legislature on an annual basis.

9244 (5) The council may, through contracts that provide funding for programs under this  
9245 chapter, give incentives to communities to establish an administrative and governance  
9246 structure that meets the requirements of Subsection (4)(f) and to designate the geographical  
9247 area within which that administrative and governance structure will operate.

9248 [~~5~~] (6) The council shall ensure that projects selected under Section 63M-9-401 have  
9249 outcomes that:

9250 (a) focus all project activities on the prevention of academic failure and social  
9251 misbehaviors;

9252 (b) involve parents in planning, implementation, and evaluation of services;

9253 (c) allow frequent opportunities for planning between teachers, parents, school  
9254 administrators, and representatives of agencies and community-based service organizations  
9255 that provide services; and

9256 (d) provide frequent monitoring and assessment of each child's and youth's progress.

9257 [~~6~~] (7) (a) In accordance with Title 63G, Chapter 3, Utah Administrative  
9258 Rulemaking Act, the council shall make rules to ensure cooperative development of  
9259 individualized and coordinated service plans by local interagency councils and case  
9260 management teams for children or youth at risk and their families who receive services under  
9261 this chapter.

9262 (b) For purposes of developing and implementing individualized and coordinated  
9263 plans, the members of the local interagency councils and case management teams shall be  
9264 considered to be employees of each agency represented on the team and entitled to review and  
9265 discuss agency records as necessary in planning and providing services under a plan.

9266 (c) Records shared by the teams remain the property of the supplying agency and may  
9267 not be incorporated in the records of another agency unless transferred in accordance with  
9268 standard procedures for transfer of records of the type in question.

9269 Section 174. Section **63M-9-202** is amended to read:

9270           **63M-9-202. Steering committee -- Membership -- Duties.**

9271           (1) As used in this section, "Council of Mental Health Programs" means a council  
9272 consisting of all of the directors of Utah public mental health centers.

9273           (2) There is established a Families, Agencies, and Communities Together Steering  
9274 Committee.

9275           (3) The steering committee shall include at least 18 voting members as follows:

9276           (a) the director of the Division of Health Care Financing within the Department of  
9277 Health;

9278           (b) a representative annually designated by the Council of Mental Health Programs;

9279           (c) the director of the Division of Substance Abuse and Mental Health within the  
9280 Department of Human Services;

9281           (d) the director of the Division of Juvenile Justice Services within the Department of  
9282 Human Services;

9283           (e) the state director of special education;

9284           (f) the person responsible for programs for at risk students within the Utah State  
9285 Office of Education, if that person is not the state director of special education;

9286           (g) the Juvenile Court Administrator;

9287           (h) a representative annually designated by substance abuse directors;

9288           (i) the director of the Division of Child and Family Services within the Department of  
9289 Human Services;

9290           (j) the director of family health services programs;

9291           (k) a representative annually designated by the Utah School Superintendents  
9292 Association;

9293           (l) a juvenile court judge designated by the presiding officer of the state Judicial  
9294 Council;

9295           (m) a representative annually designated by the local health officers;

9296           (n) a representative annually designated by the executive director of the Department of  
9297 Workforce Services;

9298 (o) three at-large members appointed by a majority of the committee to four-year  
9299 terms, who represent a statewide perspective on children and youth issues; and

9300 (p) parent representatives appointed by members specified in Subsections (3)(a)  
9301 through (o).

9302 (4) Additional members may be selected by a majority of the committee to serve as  
9303 voting members for four-year terms.

9304 (5) (a) Except as required by Subsection (5)(b), as terms of current at-large committee  
9305 members expire, the committee shall appoint each new member or reappointed member to a  
9306 four-year term.

9307 (b) Notwithstanding the requirements of Subsection (5)(a), the committee shall, at the  
9308 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
9309 at-large committee members are staggered so that approximately half of the at-large committee  
9310 members are appointed every two years.

9311 (6) When a vacancy occurs in the membership for any reason, the replacement shall be  
9312 appointed for the unexpired term.

9313 (7) The members shall annually elect a chair and vice chair.

9314 (8) A majority of committee members are necessary to constitute a quorum and to  
9315 transact the business of the committee.

9316 ~~[(9) (a) (i) Members who are not government employees may not receive  
9317 compensation or benefits for their services, but may receive per diem and expenses incurred in  
9318 the performance of the member's official duties at the rates established by the Division of  
9319 Finance under Sections 63A-3-106 and 63A-3-107.]~~

9320 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

9321 ~~[(b) (i) State government officer and employee members who do not receive salary, per  
9322 diem, or expenses from their agency for their service may receive per diem and expenses  
9323 incurred in the performance of their official duties from the committee at the rates established  
9324 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9325 ~~[(ii) State government officer and employee members may decline to receive per diem~~

9326 and expenses for their service.]

9327 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses~~  
9328 ~~from the entity that they represent for their service may receive per diem and expenses~~  
9329 ~~incurred in the performance of their official duties at the rates established by the Division of~~  
9330 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

9331 ~~[(ii) Local government members may decline to receive per diem and expenses for~~  
9332 ~~their service.]~~

9333 (9) A member may not receive compensation or benefits for the member's service, but  
9334 may receive per diem and travel expenses in accordance with:

9335 (a) Section 63A-3-106;

9336 (b) Section 63A-3-107; and

9337 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9338 63A-3-107.

9339 (10) The committee shall:

9340 (a) assist the council in fulfilling its duties set out in Section 63M-9-201;

9341 (b) monitor, solicit input for policy changes, and provide technical assistance to local  
9342 collaborative programs; and

9343 (c) report any formal recommendations to the council.

9344 Section 175. Section **63M-11-206** is repealed and reenacted to read:

9345 **63M-11-206. Members serve without pay -- Reimbursement for expenses.**

9346 A member may not receive compensation or benefits for the member's service, but may  
9347 receive per diem and travel expenses in accordance with:

9348 (1) Section 63A-3-106;

9349 (2) Section 63A-3-107; and

9350 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9351 63A-3-107.

9352 Section 176. Section **65A-1-3** is amended to read:

9353 **65A-1-3. Forestry, Fire, and State Lands Advisory Council -- Membership --**

9354 **Chair -- Terms -- Quorum -- Per diem and travel expenses -- Duties.**

9355 (1) (a) The Forestry, Fire, and State Lands Advisory Council shall be composed of 12  
9356 members as follows:

9357 (i) one representative from Rich County;

9358 (ii) one representative from Utah County;

9359 (iii) four individuals representing the combination of Box Elder, Davis, Salt Lake,  
9360 Tooele, and Weber counties, two of whom shall be representatives of industries concerned  
9361 with sovereign lands;

9362 (iv) one individual representing the combination of Cache, Emery, Garfield, Grand,  
9363 Kane, San Juan, and Uintah counties;

9364 (v) four individuals representing the state at large, one of whom shall be representative  
9365 of environmental concerns and one of whom shall be representative of sporting concerns; and

9366 (vi) the director of the division.

9367 (b) The director of the division:

9368 (i) shall serve as chair; and

9369 (ii) may not vote except as may be necessary to break a tie vote.

9370 (2) (a) Except as required by Subsection (2)(b), as terms of current council members  
9371 expire, the governor shall appoint each new member or reappointed member to a four-year  
9372 term.

9373 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
9374 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
9375 council members are staggered so that approximately half of the council is appointed every  
9376 two years.

9377 (3) Seven members of the council constitute a quorum.

9378 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
9379 appointed for the unexpired term.

9380 (5) Meetings may be called by the chair or by a quorum of the council.

9381 (6) The council shall meet not less than every six months.

9382           ~~[(7) (a) (i) Members who are not government employees shall receive no~~  
9383 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
9384 ~~the performance of the member's official duties at the rates established by the Division of~~  
9385 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

9386           ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

9387           ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
9388 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
9389 ~~incurred in the performance of their official duties from the council at the rates established by~~  
9390 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9391           ~~[(ii) State government officer and employee members may decline to receive per diem~~  
9392 ~~and expenses for their service.]~~

9393           (7) A member may not receive compensation or benefits for the member's service, but  
9394 may receive per diem and travel expenses in accordance with:

9395           (a) Section 63A-3-106;

9396           (b) Section 63A-3-107; and

9397           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9398 63A-3-107.

9399           (8) (a) The council shall consider public comment and concern in formulating advice  
9400 and counsel for the division.

9401           (b) Council meetings shall be widely advertised, with affected state agencies and  
9402 public and private interests being directly notified of meeting schedules and agendas.

9403           (9) (a) The council may provide written recommendations to the director.

9404           (b) The director shall provide a written explanation of any written council  
9405 recommendation the director chooses to disregard.

9406           Section 177. Section **65A-8-306** is amended to read:

9407           **65A-8-306. Heritage Trees Advisory Committee -- Members -- Officers --**  
9408 **Expenses -- Functions.**

9409           (1) There is created a Heritage Trees Advisory Committee composed of five persons



9410 appointed by the division from among persons who are members of the Utah Community  
9411 Forestry Council.

9412 (2) (a) Except as required by Subsection (2)(b), as terms of current committee  
9413 members expire, the division shall appoint each new member or reappointed member to a  
9414 four-year term.

9415 (b) Notwithstanding the requirements of Subsection (2)(a), the division shall, at the  
9416 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
9417 committee members are staggered so that approximately half of the committee is appointed  
9418 every two years.

9419 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
9420 appointed for the unexpired term.

9421 (4) (a) The committee shall elect a chair who is responsible to call and conduct  
9422 meetings.

9423 (b) Three members present at a duly called meeting constitute a quorum for the  
9424 transaction of official business.

9425 (c) Members of the committee may meet as often as considered necessary.

9426 (d) The urban forestry staff person of the division shall serve as secretary to the  
9427 committee.

9428 ~~[(5) (a) Members shall receive no compensation or benefits for their services, but may~~  
9429 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
9430 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9431 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

9432 (5) A member may not receive compensation or benefits for the member's service, but  
9433 may receive per diem and travel expenses in accordance with:

9434 (a) Section 63A-3-106;

9435 (b) Section 63A-3-107; and

9436 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9437 63A-3-107.

9438 (6) The committee shall:

9439 (a) publish guidelines for division use in granting or denying applications for the  
9440 designation of heritage trees;

9441 (b) publish an annual register of designated heritage trees and distribute it to public  
9442 utilities, tree service companies, municipal forestry and parks departments, and the public; and

9443 (c) develop a system for visibly identifying designated heritage trees.

9444 Section 178. Section **67-1-8.1** is amended to read:

9445 **67-1-8.1. Executive Residence Commission -- Recommendations as to restoration**  
9446 **of executive residence.**

9447 (1) The Legislature finds and declares that:

9448 (a) the state property known as the Kearns' mansion, the executive residence, is an  
9449 irreplaceable historic landmark possessing special and unique architectural qualities that  
9450 should be preserved; and

9451 (b) the deterioration that has taken place will continue unless remedial restoration  
9452 measures are undertaken.

9453 (2) (a) An Executive Residence Commission is established to make recommendations  
9454 to the Legislature for the budgeting of renovation, upkeep, historical maintenance, and  
9455 restoration of the executive residence.

9456 (b) The commission shall consist of three private citizens appointed by the governor,  
9457 all of whom have demonstrated an interest in historical preservation.

9458 (c) The commission shall also consist of one assigned representative from the Board of  
9459 the Utah Arts Council, one from the Board of State History, one from the building board, an  
9460 interior designer selected by the Utah chapter of ASID, and an architect selected by the Utah  
9461 chapter of the AIA.

9462 (3) (a) Except as required by Subsection (3)(b), as terms of current commission  
9463 members expire, the governor shall appoint each new member or reappointed member to a  
9464 four-year term ending on March 1.

9465 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the

9466 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
 9467 commission members are staggered so that approximately half of the commission is appointed  
 9468 every two years.

9469 (4) (a) The governor shall appoint a chair from among the membership of the  
 9470 commission.

9471 (b) Five members of the commission shall constitute a quorum, and either the chair or  
 9472 two other members of the commission may call meetings of the commission.

9473 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
 9474 appointed for the unexpired term.

9475 ~~[(6) (a) (i) Members who are not government employees shall receive no  
 9476 compensation or benefits for their services, but may receive per diem and expenses incurred in  
 9477 the performance of the member's official duties at the rates established by the Division of  
 9478 Finance under Sections 63A-3-106 and 63A-3-107.]~~

9479 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

9480 ~~[(b) (i) State government officer and employee members who do not receive salary, per  
 9481 diem, or expenses from their agency for their service may receive per diem and expenses  
 9482 incurred in the performance of their official duties from the commission at the rates  
 9483 established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9484 ~~[(ii) State government officer and employee members may decline to receive per diem  
 9485 and expenses for their service.]~~

9486 (6) A member may not receive compensation or benefits for the member's service, but  
 9487 may receive per diem and travel expenses in accordance with:

9488 (a) Section 63A-3-106;

9489 (b) Section 63A-3-107; and

9490 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 9491 63A-3-107.

9492 Section 179. Section **67-1a-10** is amended to read:

9493 **67-1a-10. Commission on Civic and Character Education -- Membership --**

9494 **Chair -- Expenses.**

9495 (1) There is created within the lieutenant governor's office the Commission on Civic  
9496 and Character Education.

9497 (2) The commission consists of seven members appointed as follows:

9498 (a) the lieutenant governor, as chief election officer of the state, or a designee;

9499 (b) one member of the House of Representatives, appointed by the speaker of the  
9500 House;

9501 (c) one member of the Senate, appointed by the president of the Senate;

9502 (d) one member of the State Board of Education, appointed by the chair;

9503 (e) one member of the State Board of Regents, appointed by the chair;

9504 (f) one member of the public with expertise in the area of civic and character  
9505 education appointed by the other members of the commission to serve for a two year term; and

9506 (g) one justice of the Supreme Court or one appellate court judge appointed by the  
9507 Supreme Court.

9508 (3) (a) The lieutenant governor shall serve as chairperson or if the lieutenant governor  
9509 is unable to serve, the commission shall annually elect a chairperson from its membership.

9510 (b) The commission shall hold meetings as needed to carry out its duties. A meeting  
9511 may be held on the call of the chair or a majority of the commission members.

9512 (c) Three commission members are necessary to constitute a quorum at any meeting  
9513 and, if a quorum exists, the action of a majority of members present shall be the action of the  
9514 commission.

9515 (4) (a) An appointed commission member shall be appointed for a two-year term or  
9516 until their successors are appointed.

9517 (b) When a vacancy occurs in the appointed membership for any reason, the  
9518 replacement shall be appointed for the unexpired term.

9519 ~~[(5) (a) Commission members who are not government employees may not receive~~  
9520 ~~compensation or benefits for the services, but may receive per diem and expenses incurred in~~  
9521 ~~the performance of their official duties at rates established by the Division of Finance under~~

9522 Sections ~~63A-3-106 and 63A-3-107.~~]

9523           ~~[(b) A commission member may decline to receive per diem and expenses for service~~  
9524 ~~to the commission.]~~

9525           (5) A member may not receive compensation or benefits for the member's service, but  
9526 may receive per diem and travel expenses in accordance with:

9527           (a) Section 63A-3-106;

9528           (b) Section 63A-3-107; and

9529           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9530 63A-3-107.

9531           (6) The duties of the lieutenant governor's office shall include leadership of the  
9532 commission.

9533           (7) The funding of the commission shall be a separate line item to the lieutenant  
9534 governor's office in the annual appropriations act.

9535           Section 180. Section **67-5a-3** is repealed and reenacted to read:

9536           **67-5a-3. Per diem and travel expenses.**

9537           A member may not receive compensation or benefits for the member's service, but may  
9538 receive per diem and travel expenses in accordance with:

9539           (1) Section 63A-3-106;

9540           (2) Section 63A-3-107; and

9541           (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9542 63A-3-107.

9543           Section 181. Section **67-5a-8** is amended to read:

9544           **67-5a-8. Administration.**

9545           (1) (a) The administration costs of this chapter, including council staff compensation,  
9546 shall be funded from appropriations made by the Legislature to the Office of the Attorney  
9547 General for the support of the council from the Public Safety Support Account established in  
9548 Section 51-9-404.

9549           (b) Funds available from other sources may also be appropriated by the Legislature to

9550 the Office of the Attorney General for the administration of this chapter.

9551 (2) In exercising its duties, the council shall minimize costs of administration and  
9552 utilize existing training facilities and resources where possible so the greatest portion of the  
9553 funds available are expended for training prosecuting attorneys.

9554 [~~(3) The council may reimburse council staff for travel and per diem expenses from  
9555 the appropriations made from the Public Safety Support Account to the Office of the Attorney  
9556 General for the support of the council, in an amount not to exceed the amounts approved by  
9557 the director of the Division of Finance.]~~

9558 (3) Common staff may receive per diem and travel expenses in accordance with:

9559 (a) Section 63A-3-106;

9560 (b) Section 63A-3-107; and

9561 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9562 63A-3-107.

9563 Section 182. Section **67-8-4** is amended to read:

9564 **67-8-4. State Elected Official and Judicial Compensation Commission created --**  
9565 **Composition -- Appointment -- Terms -- Organization -- Vacancies -- Quorum --**  
9566 **Compensation -- Secretary.**

9567 (1) There is created a state Elected Official and Judicial Compensation Commission  
9568 comprised of six members, not more than three of whom may be from the same political party,  
9569 appointed as follows:

9570 (a) one member appointed by the governor;

9571 (b) one member appointed by the president of the Senate;

9572 (c) one member appointed by the speaker of the House of Representatives;

9573 (d) two members appointed by the other three appointed members; and

9574 (e) one member appointed by the State Bar Commission.

9575 (2) (a) Except as required by Subsection (2)(b), all persons appointed to the  
9576 commission shall serve four-year terms or until their successors are duly appointed and  
9577 qualified.

9578 (b) Notwithstanding the requirements of Subsection (2)(a), the appointing authority  
 9579 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the  
 9580 terms of commission members are staggered so that approximately half of the commission is  
 9581 appointed every two years.

9582 (3) (a) The commission shall select a chair and a vice chair from opposite political  
 9583 parties at its first meeting.

9584 (b) Four members of the commission shall constitute a quorum.

9585 (c) The commission shall take no action nor make any determination without the  
 9586 concurrence of a majority of its members being present.

9587 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
 9588 appointed for the unexpired term.

9589 (5) No member or employee of the legislative, judicial, or executive branch of  
 9590 government is eligible for appointment to the commission. The legislative fiscal analyst shall  
 9591 serve as an ex officio, nonvoting secretary of the commission.

9592 ~~[(6) (a) Members shall receive no compensation or benefits for their services, but may~~  
 9593 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
 9594 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9595 ~~[(b) Legislators on the committee shall receive compensation and expenses as~~  
 9596 ~~provided by law and legislative rule.]~~

9597 (6) A member may not receive compensation or benefits for the member's service, but  
 9598 may receive per diem and travel expenses in accordance with:

9599 (a) Section 63A-3-106;

9600 (b) Section 63A-3-107; and

9601 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 9602 63A-3-107.

9603 Section 183. Section **67-19a-201** is amended to read:

9604 **67-19a-201. Career Service Review Board created -- Members -- Appointment --**  
 9605 **Removal -- Terms -- Organization -- Per diem and travel expenses.**

- 9606 (1) There is created a Career Service Review Board.
- 9607 (2) (a) The governor shall appoint five members to the board no more than three of  
9608 which are members of the same political party.
- 9609 (b) The governor shall appoint members whose gender and ethnicity represent the  
9610 career service work force.
- 9611 (3) (a) The governor may remove any board member for cause.
- 9612 (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
9613 appointed for the unexpired term.
- 9614 (4) The governor shall ensure that appointees to the board:
- 9615 (a) are qualified by knowledge of employee relations and merit system principles in  
9616 public employment; and
- 9617 (b) are not:
- 9618 (i) members of any local, state, or national committee of a political party;
- 9619 (ii) officers or members of a committee in any partisan political club; and
- 9620 (iii) holding or a candidate for a paid public office.
- 9621 (5) (a) Except as required by Subsection (5)(b), the governor shall appoint board  
9622 members to serve four-year terms beginning January 1.
- 9623 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the  
9624 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
9625 board members are staggered so that approximately half of the board is appointed every two  
9626 years.
- 9627 (c) The members of the board shall serve until their successors are appointed and  
9628 qualified.
- 9629 (6) Each year, the board shall choose a chair and vice chair from its own members.
- 9630 (7) (a) Three members of the board are a quorum for the transaction of business.
- 9631 (b) Action by a majority of members when a quorum is present is action of the board.
- 9632 [~~(8) (a) Members shall receive no compensation or benefits for their services, but may~~  
9633 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~



9634 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9635  ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

9636  ~~(8) A member may not receive compensation or benefits for the member's service, but~~  
 9637  ~~may receive per diem and travel expenses in accordance with:~~

9638  ~~(a) Section 63A-3-106;~~

9639  ~~(b) Section 63A-3-107; and~~

9640  ~~(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and~~  
 9641  ~~63A-3-107.~~

9642 Section 184. Section **67-19d-202** is amended to read:

9643 **67-19d-202. Board of trustees of the State Post-Retirement Benefits Trust Fund.**

9644 (1) (a) There is created a board of trustees of the State Post-Retirement Benefits Trust  
 9645 Fund composed of three members:

9646 (i) the state treasurer;

9647 (ii) the director of the Division of Finance; and

9648 (iii) the director of the Governor's Office of Planning and Budget.

9649 (b) The state treasurer is chair of the board.

9650 (c) Three members of the board are a quorum.

9651  ~~[(d) (i) State government officer and employee members who do not receive salary, per~~  
 9652  ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
 9653  ~~incurred in the performance of their official duties from the board at the rates established by~~  
 9654  ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9655  ~~[(ii) State government officer and employee members may decline to receive per diem~~  
 9656  ~~and expenses for their service.]~~

9657  ~~(d) A member may not receive compensation or benefits for the member's service, but~~  
 9658  ~~may receive per diem and travel expenses in accordance with:~~

9659  ~~(i) Section 63A-3-106;~~

9660  ~~(ii) Section 63A-3-107; and~~

9661  ~~(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and~~

9662 63A-3-107.

9663 (e) (i) Except as provided in Subsection (1)(e)(ii), the state treasurer shall staff the  
9664 board of trustees.

9665 (ii) The Division of Finance shall provide accounting services for the trust fund.

9666 (2) The board shall:

9667 (a) on behalf of the state, act as trustee of the trust fund and exercise the state's  
9668 fiduciary responsibilities;

9669 (b) meet at least twice per year;

9670 (c) review and approve all policies, projections, rules, criteria, procedures, forms,  
9671 standards, performance goals, and actuarial reports;

9672 (d) review and approve the trust fund budget;

9673 (e) review financial records of the trust fund, including trust fund receipts,  
9674 expenditures, and investments;

9675 (f) commission and obtain actuarial studies of the trust fund liabilities;

9676 (g) establish labor additive rates to charge all federal, state, and other programs to  
9677 cover:

9678 (i) the annual required contribution as determined by actuary; and

9679 (ii) the administrative expenses of the trust fund; and

9680 (h) do any other things necessary to perform the [~~state of Utah's~~] state's fiduciary  
9681 obligations under the trust fund.

9682 (3) The attorney general shall:

9683 (a) act as legal counsel and provide legal representation to the board of trustees; and

9684 (b) attend, or direct an attorney from the Office of the Attorney General to attend, each  
9685 meeting of the board of trustees.

9686 Section 185. Section **68-4-5** is amended to read:

9687 **68-4-5. Creation -- Members -- Terms -- General counsel -- Vacancies -- Per**  
9688 **diem and expenses.**

9689 (1) The "Utah Commission on Uniform State Laws" consists of the following

9690 members of the Utah Bar in good standing:

9691 (a) (i) Two members shall serve in the Legislature at the time of the appointment and  
9692 during the legislator's service on the commission. The governor shall appoint one member  
9693 from the Senate and one member from the House of Representatives. The service of the  
9694 legislative members of the commission shall be a four-year term as provided in Subsection  
9695 (1)(a)(iii), or when the term of office as a legislator ends, whichever occurs first.

9696 (ii) Two members of the Utah Bar shall be appointed by the governor.

9697 (iii) Except as required by Subsection (1)(a)(iv), as terms of current commission  
9698 members expire, the governor shall appoint each new member or reappointed member to a  
9699 four-year term with the consent of the Senate.

9700 (iv) Notwithstanding the requirements of Subsection (1)(a)(ii), the governor shall, at  
9701 the time of appointment or reappointment, adjust the length of terms to ensure that the terms  
9702 of commission members are staggered so that approximately half of the commission is  
9703 appointed every two years.

9704 (v) Each commissioner shall serve until his successor is appointed.

9705 (b) In addition to the members appointed under Subsection (1)(a), the Legislature's  
9706 general counsel shall serve as a commissioner during the appointment as general counsel. The  
9707 Legislature's general counsel may appoint a designee from the Office of Legislative Research  
9708 and General Counsel to serve in the place of the Legislature's general counsel. The designee  
9709 shall serve at the will of the Legislature's general counsel.

9710 (c) Any commissioner who has been elected as a life member of the National  
9711 Conference of Commissioners on Uniform State Laws because of long service as a  
9712 commissioner with the National Conference shall continue as a commissioner as provided in  
9713 Subsection 68-4-6(3).

9714 (2) When a vacancy occurs in the membership as outlined in Section 68-4-6, the  
9715 replacement shall be appointed for the unexpired term.

9716 ~~[(3) (a) (i) A member who is not a government employee may not receive~~  
9717 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~

9718 incurred in the performance of the member's official duties at the rates established by the  
9719 Division of Finance under Sections ~~63A-3-106 and 63A-3-107.~~]

9720        ~~[(ii) A member may decline to receive per diem and expenses for the member's~~  
9721 ~~service.]~~

9722        ~~[(b) (i) A state government officer and employee member who does not receive salary,~~  
9723 ~~per diem, or expenses from the agency the member represents for the member's service, may~~  
9724 ~~receive per diem and expenses incurred in the performance of the member's official duties for~~  
9725 ~~the commission at the rates established by the Division of Finance under Sections 63A-3-106~~  
9726 ~~and 63A-3-107.]~~

9727        ~~[(ii) A state government officer and employee member may decline to receive per~~  
9728 ~~diem and expenses for the member's service.]~~

9729        ~~[(c) A legislative member shall receive compensation and expenses as provided by law~~  
9730 ~~and legislative rule.]~~

9731        (3) A member may not receive compensation or benefits for the member's service, but  
9732 may receive per diem and travel expenses in accordance with:

9733        (a) Section 63A-3-106;

9734        (b) Section 63A-3-107; and

9735        (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9736 63A-3-107.

9737        Section 186. Section **68-4-9** is amended to read:

9738        **68-4-9. Expenditures -- Oversight by Office of Legislative Research and General**  
9739 **Counsel.**

9740        ~~[(1) No member of the commission may receive any compensation for that member's~~  
9741 ~~services. However, each member shall receive a per diem and shall be paid the actual traveling~~  
9742 ~~and other necessary expenses incurred in the discharge of the commissioner's official duties.]~~

9743        (1) A member of the commission may not receive compensation or benefits for the  
9744 member's service, but may receive per diem and travel expenses in accordance with:

9745        (a) Section 63A-3-106;

9746           (b) Section 63A-3-107; and  
9747           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9748           63A-3-107.

9749           (2) The Legislature shall make appropriations to the Office of Legislative Research  
9750 and General Counsel to pay the necessary expenses of the commissioners and to make  
9751 appropriate contribution on behalf of this state to the National Conference of Commissioners  
9752 on Uniform State Laws, including any expenses of a commissioner who has been elected as a  
9753 life member of the National Conference of Commissioners on Uniform State Laws.

9754           (3) The commissioners shall keep a full account of their expenditures in the discharge  
9755 of their official duties and shall report the account to the Office of Legislative Research and  
9756 General Counsel.

9757           Section 187. Section **71-7-4** is amended to read:

9758           **71-7-4. Veterans' Memorial Park Board -- Members -- Appointment -- Meetings**  
9759 **-- Per diem and travel expenses.**

9760           (1) There is created a Veterans' Memorial Park Board to serve as an advisory body to  
9761 the Department of Veterans' Affairs on matters relating to the establishment and operation of a  
9762 veterans' cemetery and memorial park.

9763           (2) The board shall consist of the following five members:

9764           (a) one representative recommended by the state commander of the Veterans of  
9765 Foreign Wars;

9766           (b) one representative recommended by the state commander of the American Legion;

9767           (c) one representative recommended by the state commander of the Disabled  
9768 American Veterans;

9769           (d) the director of the Department of Veterans' Affairs; and

9770           (e) one person not affiliated with any of the organizations referred to in this

9771 Subsection (2).

9772           (3) (a) Except as required by Subsection (3)(b), the governor shall appoint members in  
9773 Subsections (2)(a), (b), (c), and (e) above for four-year terms. The governor shall make final

9774 appointments to the board by June 30 of any year in which appointments are to be made under  
9775 this chapter.

9776 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
9777 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
9778 board members are staggered so that approximately half of the board is appointed every two  
9779 years.

9780 (c) All members shall serve until their successors are appointed.

9781 (d) Members may not serve more than two consecutive terms.

9782 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
9783 appointed for the unexpired term in the same manner as the original appointment.

9784 (5) (a) The board shall select a chair annually from among its members at its first  
9785 meeting after July 1.

9786 (b) Three members of the board constitute a quorum to transact business.

9787 (c) The board shall meet at least quarterly on a regular date fixed by the board.

9788 (d) The chair or three members of the board may call additional meetings.

9789 (6) The board shall provide copies of all minutes and an annual report of its activities  
9790 by June 30 of each year to the Veterans' Advisory Council created in Section 71-8-4.

9791 ~~[(7) (a) (i) Members who are not government employees shall receive no~~  
9792 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
9793 ~~the performance of the member's official duties at the rates established by the Division of~~  
9794 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

9795 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

9796 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
9797 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
9798 ~~incurred in the performance of their official duties from the board at the rates established by~~  
9799 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9800 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
9801 ~~and expenses for their service.]~~

9802           (7) A member may not receive compensation or benefits for the member's service, but  
9803 may receive per diem and travel expenses in accordance with:

9804           (a) Section 63A-3-106;

9805           (b) Section 63A-3-107; and

9806           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9807 63A-3-107.

9808           Section 188. Section **71-8-4** is amended to read:

9809           **71-8-4. Veterans' Advisory Council -- Membership -- Duties and responsibilities**  
9810 **-- Per diem and travel expenses.**

9811           (1) There is created a Veterans' Advisory Council whose purpose is to advise the  
9812 executive director of the Department of Veterans' Affairs on issues relating to veterans.

9813           (2) The council shall consist of 11 voting members and one nonvoting member,  
9814 designated as follows:

9815           (a) five members appointed by the governor to serve four-year terms:

9816           (i) four veterans at large; and

9817           (ii) a representative from the Office of the Governor;

9818           (b) the director of the VA Health Care System or his designee;

9819           (c) the director of the VA Benefits Administration Regional Office in Salt Lake City,  
9820 or his designee;

9821           (d) a representative from the Veterans' Memorial Park Board for the duration of his  
9822 appointment to the board;

9823           (e) the commanders or their designees of the three largest veterans service  
9824 organizations in the state~~[-Their]~~, whose terms shall last as long as they hold the required  
9825 office; and

9826           (f) the executive director shall be a nonvoting member of the council.

9827           (3) (a) Except as required by Subsection (3)(b), as terms of current council members  
9828 expire, the governor shall appoint each new or reappointed member to a four-year term  
9829 commencing on July 1.

9830 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
9831 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
9832 council members are staggered so that approximately half of the members appointed by the  
9833 governor are appointed every two years.

9834 (4) When a vacancy occurs in the membership for any reason, the governor shall  
9835 appoint a replacement for the unexpired term within 60 days of receiving notice.

9836 (5) Members appointed by the governor may not serve more than two consecutive  
9837 terms.

9838 (6) (a) Any veterans' group or veteran may provide the executive director with a list of  
9839 recommendations for members on the council.

9840 (b) The executive director shall provide the governor with the list of recommendations  
9841 for members to be appointed to the council.

9842 (c) The governor shall make final appointments to the council by June 30 of any year  
9843 in which appointments are to be made under this chapter.

9844 (7) The council shall elect a chair from among its members every two years. The chair  
9845 shall be a veteran.

9846 (8) (a) The council shall meet at least once every quarter.

9847 (b) The executive director of the Department of Veterans' Affairs may convene  
9848 additional meetings, as necessary.

9849 (9) The department shall provide staff to the council.

9850 (10) Six voting members are a quorum for the transaction of business.

9851 (11) The council shall:

9852 (a) solicit input concerning veterans issues from veterans' groups throughout the state;

9853 (b) report issues received to the executive director of the Department of Veterans'  
9854 Affairs and make recommendations concerning them;

9855 (c) keep abreast of federal developments that affect veterans locally and advise the  
9856 executive director of them; and

9857 (d) approve, by a majority vote, the use of monies generated from veterans' license



9858 plates under Section 41-1a-422 for veterans' programs.

9859 ~~[(12) (a) Members shall receive no compensation or benefits for their services, but~~  
9860 ~~may receive per diem and expenses incurred in the performance of the member's official~~  
9861 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~  
9862 ~~63A-3-107.]~~

9863 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

9864 (12) A member may not receive compensation or benefits for the member's service,  
9865 but may receive per diem and travel expenses in accordance with:

9866 (a) Section 63A-3-106;

9867 (b) Section 63A-3-107; and

9868 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9869 63A-3-107.

9870 Section 189. Section **71-11-7** is amended to read:

9871 **71-11-7. Veterans' Nursing Home Advisory Boards.**

9872 (1) (a) Each home shall have a Veterans' Nursing Home Advisory Board to act as a  
9873 liaison between the residents, members of the public, and the administration of the home.

9874 (b) The board shall interview candidates for the position of nursing home  
9875 administrator and make a recommendation to the department.

9876 (2) Each board shall consist of the following seven members:

9877 (a) one resident of the home appointed by the governor;

9878 (b) two members of the Veterans' Advisory Council, designated by the governor, one  
9879 of which shall specifically be designated as the board's representative to the council;

9880 (c) one veteran from the area in which the home is located appointed by the governor;

9881 (d) one representative from the VA Health Care System, appointed by its director;

9882 (e) one representative from the Department of Health, appointed by its executive  
9883 director; and

9884 (f) one representative from the United States Department of Veterans Affairs regional  
9885 office.

- 9886 (3) (a) (i) Members shall serve for four-year terms.
- 9887 (ii) Except as required by Subsection (3)(b), as terms of current board members expire,
- 9888 the governor shall appoint each new or reappointed member to a four-year term beginning on
- 9889 July 1.
- 9890 (b) The governor shall, at the time of appointment or reappointment, adjust the length
- 9891 of terms to ensure that the terms of board members are staggered so that approximately half of
- 9892 the board is appointed every two years.
- 9893 (c) The governor shall make final appointments to the board by June 30 of any year in
- 9894 which appointments are to be made under this chapter.
- 9895 (4) Vacancies shall be filled by the governor within 60 days of receiving notice of a
- 9896 vacancy, but only for the unexpired term of the vacated member.
- 9897 (5) (a) Except as provided in Subsection (5)(b), members may not serve more than two
- 9898 consecutive terms.
- 9899 (b) Members appointed by the VA Health Care System and the United States
- 9900 Department of Veterans Affairs are exempt from the term limit requirement.
- 9901 (6) Each board shall elect a chair annually from among its members at its first meeting
- 9902 after July 1.
- 9903 (7) Each board shall meet at least quarterly.
- 9904 (8) Four members of the board constitute a quorum for the transaction of business.
- 9905 (9) Each board shall provide copies of all minutes and an annual report of its activities
- 9906 by June 30 of each year to the executive director of the Department of Veterans' Affairs, and
- 9907 the Veterans' Advisory Council.
- 9908 ~~[(10) (a) (i) Members who are not government employees shall receive no~~
- 9909 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
- 9910 ~~the performance of the member's official duties at the rates established by the Division of~~
- 9911 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~
- 9912 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~
- 9913 ~~[(b) State government officer and employee members who do not receive salary, per~~

9914 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
9915 ~~incurred in the performance of their official duties from the board at the rates established by~~  
9916 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

9917 (10) A member may not receive compensation or benefits for the member's service,  
9918 but may receive per diem and travel expenses in accordance with:

9919 (a) Section 63A-3-106;

9920 (b) Section 63A-3-107; and

9921 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9922 63A-3-107.

9923 Section 190. Section **72-1-301** is amended to read:

9924 **72-1-301. Transportation Commission created -- Members, appointment, terms**  
9925 **-- Qualifications -- Pay and expenses -- Chair -- Quorum -- Surety bond.**

9926 (1) (a) There is created the Transportation Commission which shall consist of seven  
9927 members.

9928 (b) The members of the commission shall be residents of Utah.

9929 (c) The members of the commission shall be selected on a nonpartisan basis.

9930 (d) (i) The commissioners shall be appointed by the governor, with the consent of the  
9931 Senate, for a term of six years, beginning on April 1 of odd-numbered years, except as  
9932 provided under Subsection (1)(d)(ii).

9933 (ii) The first two additional commissioners serving on the seven member commission  
9934 shall be appointed for terms of two years nine months and four years nine months,  
9935 respectively, initially commencing on July 1, 1996, and subsequently commencing as  
9936 specified under Subsection (1)(d)(i).

9937 (e) The commissioners serve on a part-time basis.

9938 (f) Each commissioner shall remain in office until a successor is appointed and  
9939 qualified.

9940 (2) (a) Except as provided in Subsection (2)(b), the selection of the commissioners  
9941 shall be as follows:

- 9942 (i) one commissioner from Box Elder, Cache, or Rich county;
- 9943 (ii) one commissioner from Salt Lake or Tooele county;
- 9944 (iii) one commissioner from Carbon, Emery, Grand, or San Juan county;
- 9945 (iv) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete,
- 9946 Sevier, Washington, or Wayne county;
- 9947 (v) one commissioner from Weber, Davis, or Morgan county;
- 9948 (vi) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or
- 9949 Daggett county; and
- 9950 (vii) one commissioner selected from the state at large.
- 9951 (b) Beginning with the appointment of commissioners on or after July 1, 2009 and
- 9952 subject to the restriction in Subsection (2)(d), the selection of commissioners shall be as
- 9953 follows:
- 9954 (i) four commissioners with one commissioner selected from each of the four regions
- 9955 established by the department; and
- 9956 (ii) subject to the restriction in Subsection (2)(c), three commissioners selected from
- 9957 the state at large.
- 9958 (c) (i) At least one of the three commissioners appointed under Subsection (2)(b)(ii)
- 9959 shall be selected from a rural county.
- 9960 (ii) For purposes of this Subsection (2)(c), a rural county includes a county of the
- 9961 third, fourth, fifth, or sixth class.
- 9962 (d) No more than two commissioners appointed under Subsection (2)(b) may be
- 9963 selected from any one of the four regions established by the department.
- 9964 ~~[(3) (a) Members appointed before May 2, 1996, shall continue to receive the~~
- 9965 ~~compensation, per diem, expenses, and benefits they were receiving as of January 1, 1996.]~~
- 9966 ~~[(b) Members appointed after May 2, 1996, shall receive no compensation or benefits~~
- 9967 ~~for their services, but may receive per diem and expenses incurred in the performance of the~~
- 9968 ~~member's official duties at the rates established by the Division of Finance under Sections~~
- 9969 ~~63A-3-106 and 63A-3-107.]~~

9970            [~~(c) Members may decline to receive compensation, benefits, per diem, and expenses~~  
9971 ~~for their service.~~]

9972            (3) A member may not receive compensation or benefits for the member's service, but  
9973 may receive per diem and travel expenses in accordance with:

9974            (a) Section 63A-3-106;

9975            (b) Section 63A-3-107; and

9976            (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
9977 63A-3-107.

9978            (4) (a) One member of the commission shall be designated by the governor as chair.

9979            (b) The commission shall select one member as vice chair to act in the chair's absence.

9980            (5) Any four commissioners constitute a quorum.

9981            (6) (a) Each member of the commission shall qualify by:

9982            (i) taking the constitutional oath of office; and

9983            (ii) giving a surety bond.

9984            (b) The Division of Finance of the Department of Administrative Services shall  
9985 determine the form and amount of the bond, and the state shall pay the bond premium.

9986            Section 191. Section **72-4-302** is amended to read:

9987            **72-4-302. Utah State Scenic Byway Committee -- Creation -- Membership --**  
9988 **Meetings -- Expenses.**

9989            (1) There is created the Utah State Scenic Byway Committee.

9990            (2) (a) The committee shall consist of the following 15 members:

9991            (i) a representative from each of the following entities appointed by the governor:

9992            (A) the Governor's Office of Economic Development;

9993            (B) the Utah Department of Transportation;

9994            (C) the Department of Community and Culture;

9995            (D) the Division of State Parks and Recreation;

9996            (E) the Federal Highway Administration;

9997            (F) the National Park Service;

- 9998 (G) the National Forest Service; and  
9999 (H) the Bureau of Land Management;  
10000 (ii) one local government tourism representative appointed by the governor;  
10001 (iii) a representative from the private business sector appointed by the governor;  
10002 (iv) three local elected officials from a county, city, or town within the state appointed  
10003 by the governor;  
10004 (v) a member from the House of Representatives appointed by the speaker of the  
10005 House of Representatives; and  
10006 (vi) a member from the Senate appointed by the president of the Senate.  
10007 (b) Except as provided in Subsection (2)(c), the members appointed in this Subsection  
10008 (2) shall be appointed for a four-year term of office.  
10009 (c) The governor shall, at the time of appointment or reappointment for appointments  
10010 made under Subsection (2)(a)(i), (ii), (iii), or (iv) adjust the length of terms to ensure that the  
10011 terms of committee members are staggered so that approximately half of the committee is  
10012 appointed every two years.  
10013 (d) (i) The appointments made under Subsection (2)(a)(v) and (2)(a)(vi) by the speaker  
10014 of the House and the president of the Senate may not be from the same political party.  
10015 (ii) The speaker of the House and the president of the Senate shall alternate the  
10016 appointments made under Subsections (2)(a)(v) and (2)(a)(vi) as follows:  
10017 (A) if the speaker appoints a member under Subsection (2)(a)(v), the next appointment  
10018 made by the speaker following the expiration of the existing member's four-year term of office  
10019 shall be from a different political party; and  
10020 (B) if the president appoints a member under Subsection (2)(a)(vi), the next  
10021 appointment made by the president following the expiration of the existing member's four-year  
10022 term of office shall be from a different political party.  
10023 (3) (a) The representative from the Governor's Office of Economic Development shall  
10024 chair the committee.  
10025 (b) The members appointed under Subsections (2)(a)(i)(E) through (H) serve as

10026 nonvoting, ex officio members of the committee.

10027 (4) The Governor's Office of Economic Development and the department shall provide  
10028 staff support to the committee.

10029 (5) (a) The chair may call a meeting of the committee only with the concurrence of the  
10030 department.

10031 (b) A majority of the voting members of the committee constitute a quorum.

10032 (c) Action by a majority vote of a quorum of the committee constitutes action by the  
10033 committee.

10034 ~~[(6) (a) (i) Members who are not state government employees shall receive no  
10035 compensation or benefits for their services, but may receive per diem and expenses incurred in  
10036 the performance of the member's official duties at the rates established by the Division of  
10037 Finance under Sections 63A-3-106 and 63A-3-107.]~~

10038 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

10039 ~~[(b) (i) State government officer and employee members who do not receive salary, per  
10040 diem, or expenses from their agency for their service may receive per diem and expenses  
10041 incurred in the performance of their official duties at the rates established by the Division of  
10042 Finance under Sections 63A-3-106 and 63A-3-107.]~~

10043 ~~[(ii) State government officer and employee members may decline to receive per diem  
10044 and expenses for their service.]~~

10045 ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses  
10046 from the entity that they represent for their service may receive per diem and expenses  
10047 incurred in the performance of their official duties at the rates established by the Division of  
10048 Finance under Sections 63A-3-106 and 63A-3-107.]~~

10049 ~~[(ii) Local government members may decline to receive per diem and expenses for  
10050 their service.]~~

10051 ~~[(d) Legislators on the committee receive compensation and expenses as provided by  
10052 law and legislative rule.]~~

10053 (6) A member may not receive compensation or benefits for the member's service, but

10054 may receive per diem and travel expenses in accordance with:

10055 (a) Section 63A-3-106;

10056 (b) Section 63A-3-107; and

10057 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

10058 63A-3-107.

10059 Section 192. Section **72-6-115** is amended to read:

10060 **72-6-115. Traffic Management Committee -- Appointment -- Duties.**

10061 (1) As used in this section, "committee" means the Traffic Management Committee  
10062 created in this section.

10063 (2) (a) There is created within the Department of Transportation the Traffic  
10064 Management Committee comprising up to 13 members knowledgeable about traffic  
10065 engineering, traffic flow, air quality, or intelligent transportation systems as follows:

10066 (i) two members designated by the executive director of the department;

10067 (ii) one member designated by the Utah Association of Counties;

10068 (iii) one member designated by the Department of Environmental Quality;

10069 (iv) one member designated by the Wasatch Front Regional Council;

10070 (v) one member designated by the Mountainland Association of Governments;

10071 (vi) one member designated by the Commissioner of Public Safety; [~~and~~]

10072 (vii) one member designated by the Utah League of Cities and Towns;

10073 (viii) one member designated by the general manager of a public transit district with  
10074 more than 200,000 people residing within the public transit district boundaries;

10075 (ix) up to four additional members designated by the committee for one-year terms;

10076 and

10077 (x) a designating entity under Subsections (2)(a)(i) through (viii) may designate an  
10078 alternative member to serve in the absence of its designated member.

10079 (b) The committee shall:

10080 (i) advise the department on matters related to the implementation and administration  
10081 of this section;



- 10082           (ii) make recommendations to law enforcement agencies related to traffic flow and  
10083 incident management during heavy traffic periods;
- 10084           (iii) make recommendations to the department, counties, and municipalities on  
10085 increasing the safety and efficiency of highways using current traffic management systems,  
10086 including traffic signal coordination, traffic monitoring, freeway ramp metering, variable  
10087 message signing, and incident management; and
- 10088           (iv) evaluate the cost effectiveness of implementing a specific traffic management  
10089 system on a highway considering:
- 10090           (A) existing traffic volume in the area;
- 10091           (B) the necessity and potential of reducing vehicle emissions in the area;
- 10092           (C) the feasibility of the traffic management system on the highway; and
- 10093           (D) whether traffic congestion will be reduced by the system.
- 10094           (c) The committee shall annually elect a chair and a vice chair from its members.
- 10095           (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
10096 appointed.
- 10097           (e) The committee shall meet as it determines necessary to accomplish its duties.
- 10098           (f) Reasonable notice shall be given to each member of the committee prior to any  
10099 meeting.
- 10100           (g) A majority of the committee constitutes a quorum for the transaction of business.
- 10101           ~~[(h) (i) (A) Members who are not government employees shall receive no~~  
10102 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
10103 ~~the performance of the member's official duties at the rates established by the Division of~~  
10104 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~
- 10105           ~~[(B) Members may decline to receive per diem and expenses for their service.]~~
- 10106           ~~[(ii) (A) State government officer and employee members who do not receive salary,~~  
10107 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~  
10108 ~~incurred in the performance of their official duties from the committee at the rates established~~  
10109 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

10110 ~~[(B) State government officer and employee members may decline to receive per diem~~  
10111 ~~and expenses for their service.]~~

10112 ~~[(iii) (A) Local government members who do not receive salary, per diem, or expenses~~  
10113 ~~from the entity that they represent for their service may receive per diem and expenses~~  
10114 ~~incurred in the performance of their official duties at the rates established by the Division of~~  
10115 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

10116 ~~[(B) Local government members may decline to receive per diem and expenses for~~  
10117 ~~their service.]~~

10118 (h) A member may not receive compensation or benefits for the member's service, but  
10119 may receive per diem and travel expenses in accordance with:

10120 (i) Section 63A-3-106;

10121 (ii) Section 63A-3-107; and

10122 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10123 63A-3-107.

10124 (3) (a) The Department of Transportation shall implement and administer traffic  
10125 management systems to facilitate the efficient flow of motor vehicle traffic on state highways  
10126 to improve regional mobility, and to reduce motor vehicle emissions where those  
10127 improvements are cost effective, as determined by the committee in accordance with criteria  
10128 under Subsection (2)(b).

10129 (b) A traffic management system shall be designed to allow safe, efficient, and  
10130 effective:

10131 (i) integration of existing traffic management systems;

10132 (ii) additions of highways and intersections under county and city administrative  
10133 jurisdiction;

10134 (iii) incorporation of other traffic management systems; and

10135 (iv) adaptation to future traffic needs.

10136 (4) (a) The cost of implementing and administering a traffic management system shall  
10137 be shared pro rata by the department and the counties and municipalities using it.

10138 (b) The department shall enter into an agreement or contract under Title 11, Chapter  
10139 13, Interlocal Cooperation Act, with a county or municipality to share costs incurred under this  
10140 section.

10141 (5) Additional highways and intersections under the administrative jurisdiction of a  
10142 county or municipality may be added to a traffic management system upon application of the  
10143 county or municipality after:

- 10144 (a) a recommendation of the committee;
- 10145 (b) approval by the department;
- 10146 (c) determination of the appropriate cost share of the addition under Subsection (4)(a);

10147 and

- 10148 (d) an agreement under Subsection (4)(b).

10149 (6) The committee may establish technical advisory committees as needed to assist in  
10150 accomplishing its duties under this section.

10151 Section 193. Section **72-9-201** is amended to read:

10152 **72-9-201. Motor Carrier Advisory Board created -- Appointment -- Terms --**  
10153 **Meetings -- Per diem and expenses -- Duties.**

10154 (1) There is created within the department the Motor Carrier Advisory Board  
10155 consisting of five members appointed by the governor.

10156 (2) Each member of the board shall:

- 10157 (a) represent experience and expertise in the areas of motor carrier transportation,  
10158 commerce, agriculture, economics, shipping, or highway safety;
- 10159 (b) be selected at large on a nonpartisan basis; and
- 10160 (c) have been a legal resident of the state for at least one year immediately preceding

10161 the date of appointment.

10162 (3) (a) Except as required by Subsection (3)(b), as terms of current board members  
10163 expire, the governor shall appoint each new member or reappointed member to a four-year  
10164 term.

10165 (b) The governor shall, at the time of appointment or reappointment, adjust the length

10166 of terms to ensure that the terms of board members are staggered so that approximately half of  
10167 the board is appointed every two years.

10168 (c) A member shall serve from the date of appointment until a replacement is  
10169 appointed.

10170 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
10171 appointed for the unexpired term beginning the day following the expiration of the preceding  
10172 term.

10173 (5) The board shall elect its own chair and vice chair at the first regular meeting of  
10174 each calendar year.

10175 (6) The board shall meet at least quarterly or as needed when called by the chair.

10176 (7) Any three voting members constitute a quorum for the transaction of business that  
10177 comes before the board.

10178 ~~[(8)(a) Members shall receive no compensation or benefits for their services, but may  
10179 receive per diem and expenses incurred in the performance of the member's official duties at  
10180 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

10181 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

10182 (8) A member may not receive compensation or benefits for the member's service, but  
10183 may receive per diem and travel expenses in accordance with:

10184 (a) Section 63A-3-106;

10185 (b) Section 63A-3-107; and

10186 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10187 63A-3-107.

10188 (9) The board shall advise the department and the commission on interpretation,  
10189 adoption, and implementation of this chapter and other motor carrier related issues.

10190 (10) The department shall provide staff support to the board.

10191 Section 194. Section **72-11-204** is amended to read:

10192 **72-11-204. Vacancies -- Expenses -- Reimbursement -- Use of facilities of**  
10193 **Department of Transportation -- Functions, powers, duties, rights, and responsibilities.**

10194 (1) When a vacancy occurs in the membership for any reason, the replacement shall be  
10195 appointed for the unexpired term.

10196 ~~[(2) (a) (i) Members who are not government employees may not receive any~~  
10197 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
10198 ~~the performance of the member's official duties at the rates established by the Division of~~  
10199 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

10200 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

10201 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
10202 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
10203 ~~incurred in the performance of their official duties from the committee at the rates established~~  
10204 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

10205 ~~[(ii) State government officer and employee members may decline to receive per diem~~  
10206 ~~and expenses for their service.]~~

10207 (2) A member may not receive compensation or benefits for the member's service, but  
10208 may receive per diem and travel expenses in accordance with:

10209 (a) Section 63A-3-106;

10210 (b) Section 63A-3-107; and

10211 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10212 63A-3-107.

10213 (3) Reimbursement shall be made from fees collected by the committee for services  
10214 rendered by it.

10215 (4) The Department of Transportation shall supply the committee with office  
10216 accommodation, space, equipment, and secretarial assistance the executive director considers  
10217 adequate for the committee.

10218 (5) In addition to the functions, powers, duties, rights, and responsibilities granted to it  
10219 under this chapter, the committee shall assume and have all of the functions, powers, duties,  
10220 rights, and responsibilities of the Board of Parks and Recreation created in Section 79-4-301  
10221 in relation to passenger ropeway systems pursuant to that chapter.

10222 Section 195. Section **73-10-2** is amended to read:

10223 **73-10-2. Board of Water Resources -- Members -- Appointment -- Terms --**  
10224 **Vacancies.**

10225 (1) (a) The Board of Water Resources shall be comprised of eight members to be  
10226 appointed by the governor with the consent of the Senate.

10227 (b) In addition to the requirements of Section 79-2-203, not more than four members  
10228 shall be from the same political party.

10229 (2) One member of the board shall be appointed from each of the following districts:

10230 (a) Bear River District, comprising the counties of Box Elder, Cache, and Rich;

10231 (b) Weber District, comprising the counties of Weber, Davis, Morgan, and Summit;

10232 (c) Salt Lake District, comprising the counties of Salt Lake and Tooele;

10233 (d) Provo River District, comprising the counties of Juab, Utah, and Wasatch;

10234 (e) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute,  
10235 and Wayne;

10236 (f) Green River District, comprising the counties of Daggett, Duchesne, and Uintah;

10237 (g) Upper Colorado River District, comprising the counties of Carbon, Emery, Grand,  
10238 and San Juan; and

10239 (h) Lower Colorado River District, comprising the counties of Beaver, Garfield, Iron,  
10240 Washington, and Kane.

10241 (3) (a) Except as required by Subsection (3)(b), all appointments shall be for terms of  
10242 four years.

10243 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
10244 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
10245 board members are staggered so that approximately half of the board is appointed every two  
10246 years.

10247 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
10248 appointed for the unexpired term with the consent of the Senate and shall be from the same  
10249 district as such person.

10250           ~~[(4) (a) Members shall receive no compensation or benefits for their services, but may~~  
10251 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
10252 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

10253           ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

10254           (4) A member may not receive compensation or benefits for the member's service, but  
10255 may receive per diem and travel expenses in accordance with:

10256           (a) Section 63A-3-106;

10257           (b) Section 63A-3-107; and

10258           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10259 63A-3-107.

10260           Section 196. Section **73-10c-3** is amended to read:

10261           **73-10c-3. Water Development Coordinating Council created -- Purpose --**  
10262 **Members.**

10263           (1) (a) There is created within the Department of Natural Resources a Water  
10264 Development Coordinating Council. The council comprises:

10265           (i) the director of the Division of Water Resources;

10266           (ii) the executive secretary of the Water Quality Board;

10267           (iii) the executive secretary of the Drinking Water Board;

10268           (iv) the executive director of the Department of Community and Culture or the  
10269 executive director's designee; and

10270           (v) the state treasurer or the treasurer's designee.

10271           (b) The council shall choose a chair and vice chair from among its own members.

10272           ~~[(c) (i) State government officer and employee members who do not receive salary, per~~  
10273 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
10274 ~~incurred in the performance of their official duties from the council at the rates established by~~  
10275 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

10276           ~~[(ii) State government officer and employee members may decline to receive per diem~~  
10277 ~~and expenses for their service.]~~

10278            (c) A member may not receive compensation or benefits for the member's service, but  
10279 may receive per diem and travel expenses in accordance with:

10280            (i) Section 63A-3-106;

10281            (ii) Section 63A-3-107; and

10282            (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10283 63A-3-107.

10284            (2) The purposes of the council are to:

10285            (a) coordinate the use and application of the funds available to the state to give  
10286 financial assistance to political subdivisions of this state so as to promote the conservation,  
10287 development, treatment, restoration, and protection of the waters of this state;

10288            (b) promote the coordination of the financial assistance programs administered by the  
10289 state and the use of the financing alternative most economically advantageous to the state and  
10290 its political subdivisions;

10291            (c) promote the consideration by the Board of Water Resources, Drinking Water  
10292 Board, and Water Quality Board of regional solutions to the water and wastewater needs of  
10293 individual political subdivisions of this state; and

10294            (d) assess the adequacy and needs of the state and its political subdivisions with  
10295 respect to water-related infrastructures and advise the governor and the Legislature on those  
10296 funding needs.

10297            Section 197. Section **73-16-4** is amended to read:

10298            **73-16-4. Members of commission.**

10299            (1) There shall be three members of the Bear River Compact commission from the  
10300 state of Utah.

10301            (2) One member shall be the interstate stream commissioner of Utah and he shall be  
10302 chairman of the Utah delegation. The other two commissioners from Utah shall be appointed  
10303 by the state water and power board with the consent of the governor, and they shall hold office  
10304 at the pleasure of the water and power board and until their successors shall have been  
10305 appointed and qualified.



10306           (3) Each member shall be a bona fide resident of the state of Utah and one shall be a  
10307 landowner and irrigator actually residing on and operating a farm within the lower division as  
10308 defined by the compact and one shall be a landowner and irrigator actually residing on and  
10309 operating a farm within the upper division as defined by the compact.

10310           (4) The Utah water and power board may with the consent of the governor appoint two  
10311 alternate members of the Bear River commission.

10312           (a) One such alternate shall be a bona fide resident of the state of Utah and a  
10313 landowner and irrigator actually residing on and operating a farm within the lower division as  
10314 defined by the compact and he shall be entitled to act at all regular and special meetings of the  
10315 Bear River commission whenever the regular member of the commission from this same area  
10316 is unable to serve and act.

10317           (b) One such alternate shall be a bona fide resident of the state of Utah and shall be a  
10318 landowner and irrigator actually residing on and operating a farm within the upper division as  
10319 defined by the compact and he shall be entitled to act at all regular and special meetings of the  
10320 Bear River commission whenever the regular member of the commission from this same area  
10321 is unable to serve and act. [~~Each member of the commission from Utah shall receive a per~~  
10322 ~~diem plus necessary expenses, as provided by law.]~~

10323           (5) A member may not receive compensation or benefits for the member's service, but  
10324 may receive per diem and travel expenses in accordance with:

10325           (a) Section 63A-3-106;

10326           (b) Section 63A-3-107; and

10327           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10328 63A-3-107.

10329           Section 198. Section **77-32-401** is amended to read:

10330           **77-32-401. Indigent Defense Funds Board -- Members -- Administrative support.**

10331           (1) There is created within the Division of Finance the Indigent Defense Funds Board  
10332 composed of the following nine members:

10333           (a) two members who are current commissioners or county executives of participating

10334 counties appointed by the board of directors of the Utah Association of Counties;  
10335 (b) one member at large appointed by the board of directors of the Utah Association of  
10336 Counties;  
10337 (c) two members who are current county attorneys of participating counties appointed  
10338 by the Utah Prosecution Council;  
10339 (d) the director of the Division of Finance or his designee;  
10340 (e) one member appointed by the Administrative Office of the Courts; and  
10341 (f) two members who are private attorneys engaged in or familiar with the criminal  
10342 defense practice appointed by the members of the board listed in Subsections (1)(a) through  
10343 (e).  
10344 (2) Members shall serve four-year terms; however, one of the county commissioners,  
10345 and one of the county attorneys appointed to the initial board shall serve two-year terms and  
10346 the remaining other members of the initial board shall be appointed for four-year terms.  
10347 (3) A vacancy is created if a member appointed under:  
10348 (a) Subsection (1)(a) no longer serves as a county commissioner or county executive;  
10349 or  
10350 (b) Subsection (1)(c) no longer serves as a county attorney.  
10351 (4) When a vacancy occurs in the membership for any reason, a replacement shall be  
10352 appointed for the remaining unexpired term in the same manner as the original appointment.  
10353 (5) The board may contract for administrative support for up to \$15,000 annually to be  
10354 paid proportionally from each fund.  
10355 ~~[(6) (a) (i) Members who are not government employees shall receive no~~  
10356 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~  
10357 ~~the performance of the member's official duties at the rates established by the Division of~~  
10358 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~  
10359 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~  
10360 ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
10361 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~

10362 incurred in the performance of their official duties from the board at the rates established by  
10363 the Division of Finance under Sections ~~63A-3-106 and 63A-3-107.~~]

10364           ~~[(ii) State government officer and employee members may decline to receive per diem  
10365 and expenses for their service.]~~

10366           ~~[(c) (i) Local government members who do not receive salary, per diem, or expenses  
10367 from the entity that they represent for their service may receive per diem and expenses  
10368 incurred in the performance of their official duties at the rates established by the Division of  
10369 Finance under Sections 63A-3-106 and 63A-3-107.]~~

10370           ~~[(ii) Local government members may decline to receive per diem and expenses for  
10371 their service.]~~

10372           (6) A member may not receive compensation or benefits for the member's service, but  
10373 may receive per diem and travel expenses in accordance with:

10374           (a) Section 63A-3-106;

10375           (b) Section 63A-3-107; and

10376           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10377 63A-3-107.

10378           (7) Per diem and expenses for board members shall be paid proportionally from each  
10379 fund.

10380           (8) Five members shall constitute a quorum and, if a quorum is present, the action of a  
10381 majority of the members present shall constitute the action of the board.

10382           Section 199. Section ~~77-32-401.5~~ is amended to read:

10383           **77-32-401.5. Interim board -- Members -- Administrative support -- Duties.**

10384           (1) Until the Indigent Defense Funds Board authorized by Section 77-32-401 is  
10385 constituted after achieving the number of participating counties required by Sections  
10386 77-32-604 and 77-32-704, an interim board may be created within the Division of Finance  
10387 composed of the following three members:

10388           (a) a county commissioner from a county participating in the Indigent Inmate Trust  
10389 Fund pursuant to Section 77-32-502 appointed by the Utah Association of Counties;

10390 (b) a county attorney from a county participating in the Indigent Inmate Trust Fund  
10391 pursuant to Section 77-32-502 appointed by the Utah Association of Counties; and

10392 (c) a representative appointed by the Administrative Office of the Courts.

10393 (2) The Division of Finance shall provide administrative support to the interim board.

10394 (3) (a) Members shall serve until the Indigent Defense Funds Board is constituted.

10395 (b) When a vacancy occurs in the membership for any reason, a replacement shall be  
10396 appointed for the remaining unexpired term in the same manner as the original appointment.

10397 [~~(4) (a) Compensation for members shall be the same as provided in Subsection~~  
10398 ~~77-32-401(6).~~]

10399 (4) A member may not receive compensation or benefits for the member's service, but  
10400 may receive per diem and travel expenses in accordance with:

10401 (a) Section 63A-3-106;

10402 (b) Section 63A-3-107; and

10403 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10404 63A-3-107.

10405 [~~(b) Per diem and~~] (5) The per diem and travel expenses for board members under  
10406 Subsection (4) shall be paid from the Indigent Inmate Trust Fund in Section 77-32-502.

10407 [~~(5)] (6) Until the Indigent Defense Funds Board is constituted, the interim board shall~~

10408 be authorized to carry out any responsibility provided to the Indigent Defense Funds Board in

10409 statute as it relates to Chapter 32, Part 5, Indigent Inmates.

10410 [~~(6)] (7) The action by two members present shall constitute the action of the board.~~

10411 Section 200. Section **78A-2-502** is amended to read:

10412 **78A-2-502. Creation of policy board -- Membership -- Terms -- Chair -- Quorum**  
10413 **-- Expenses.**

10414 (1) There is created a 13 member policy board to be known as the "Online Court  
10415 Assistance Program Policy Board" which shall:

10416 (a) identify the subject matter included in the Online Court Assistance Program;

10417 (b) develop information and forms in conformity with the rules of procedure and

10418 evidence; and

10419 (c) advise the Administrative Office of the Courts regarding the administration of the

10420 program.

10421 (2) The voting membership shall consist of:

10422 (a) two members of the House of Representatives designated by the speaker, with one

10423 member from each party;

10424 (b) two members of the Senate designated by the president, with one member from

10425 each party;

10426 (c) two attorneys actively practicing in domestic relations designated by the Family

10427 Law Section of the Utah State Bar;

10428 (d) one attorney actively practicing in civil litigation designated by the Civil Litigation

10429 Section of the Utah State Bar;

10430 (e) one court commissioner designated by the chief justice of the Utah Supreme Court;

10431 (f) one district court judge designated by the chief justice of the Utah Supreme Court;

10432 (g) one attorney from Utah Legal Services designated by its director;

10433 (h) one attorney from Legal Aid designated by its director; and

10434 (i) two persons from the Administrative Office of the Courts designated by the state

10435 court administrator.

10436 (3) (a) The terms of the members shall be four years and staggered so that

10437 approximately half of the board expires every two years.

10438 (b) The board shall meet as needed.

10439 (4) The board shall select one of its members to serve as chair.

10440 (5) A majority of the members of the board constitutes a quorum.

10441 ~~[(6) (a) (i) Members who are not government employees shall receive no~~

10442 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~

10443 ~~the performance of the member's official duties at the rates established by the Division of~~

10444 ~~Finance under Sections 63A-3-106 and 63A-3-107.]~~

10445 ~~[(ii) Members may decline to receive per diem and expenses for their service.]~~

10446           ~~[(b) (i) State government officer and employee members who do not receive salary, per~~  
10447 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~  
10448 ~~incurred in the performance of their official duties from the board at the rates established by~~  
10449 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

10450           ~~[(ii) State government officer and employee members may decline to receive per diem~~  
10451 ~~and expenses for their service.]~~

10452           ~~[(c) Legislators on the committee shall receive compensation and expenses as provided~~  
10453 ~~by law and legislative rule.]~~

10454           (6) A member may not receive compensation or benefits for the member's service, but  
10455 may receive per diem and travel expenses in accordance with:

10456           (a) Section 63A-3-106;

10457           (b) Section 63A-3-107; and

10458           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10459 63A-3-107.

10460           Section 201. Section **78A-6-1208** is amended to read:

10461           **78A-6-1208. Youth Court Board -- Membership -- Responsibilities.**

10462           (1) The Utah attorney general's office shall provide staff support and assistance to a  
10463 Youth Court Board comprised of the following:

10464           (a) the Utah attorney general or his designee;

10465           (b) one member of the Utah Prosecution Council;

10466           (c) one member from the Board of Juvenile Court Judges;

10467           (d) the juvenile court administrator or his designee;

10468           (e) one person from the Office of Juvenile Justice and Delinquency Prevention;

10469           (f) the state superintendent of education or his designee;

10470           (g) two representatives from Youth Courts based primarily in schools;

10471           (h) two representatives from Youth Courts based primarily in communities;

10472           (i) one member from the law enforcement community; and

10473           (j) one member from the community at large.

10474 (2) The members selected to fill the positions in Subsections (1)(a) through (f) shall  
10475 jointly select the members to fill the positions in Subsections (1)(g) through (j).

10476 (3) Members shall serve two-year staggered terms beginning July 1, 1999, except the  
10477 initial terms of the members designated by Subsections (1)(a), (c), (e), and (i), and one of the  
10478 members from Subsections (1)(g) and (h) shall serve one-year terms, but may be reappointed  
10479 for a full two-year term upon the expiration of their initial term.

10480 (4) The Youth Court Board shall meet at least quarterly to:

10481 (a) set minimum standards for the establishment of Youth Courts, including an  
10482 application process, membership and training requirements, and the qualifications for the  
10483 adult coordinator;

10484 (b) review certification applications; and

10485 (c) provide for a process to recertify each Youth Court every three years.

10486 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
10487 the Youth Court Board shall make rules to accomplish the requirements of Subsection (3).

10488 (6) The Youth Court Board may deny certification or recertification, or withdraw the  
10489 certification of any Youth Court for failure to comply with program requirements.

10490 ~~[(7) (a) Members shall receive no compensation or benefits for their services, but may~~  
10491 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
10492 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

10493 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

10494 (7) A member may not receive compensation or benefits for the member's service, but  
10495 may receive per diem and travel expenses in accordance with:

10496 (a) Section 63A-3-106;

10497 (b) Section 63A-3-107; and

10498 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10499 63A-3-107.

10500 (8) The Youth Court Board shall provide a list of certified Youth Courts to the Board  
10501 of Juvenile Court Judges, all law enforcement agencies in the state, all school districts, and the

10502 Utah Prosecution Council by December 31 of each year.

10503 Section 202. Section **78A-10-205** is repealed and reenacted to read:

10504 **78A-10-205. Expenses -- Per diem and travel.**

10505 A member may not receive compensation or benefits for the member's service, but may  
10506 receive per diem and travel expenses in accordance with:

10507 (1) Section 63A-3-106;

10508 (2) Section 63A-3-107; and

10509 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10510 63A-3-107.

10511 Section 203. Section **78A-10-305** is repealed and reenacted to read:

10512 **78A-10-305. Expenses -- Per diem and travel.**

10513 A member may not receive compensation or benefits for the member's service, but may  
10514 receive per diem and travel expenses in accordance with:

10515 (1) Section 63A-3-106;

10516 (2) Section 63A-3-107; and

10517 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10518 63A-3-107.

10519 Section 204. Section **78A-11-104** is repealed and reenacted to read:

10520 **78A-11-104. Expenses -- Per diem and travel.**

10521 A member may not receive compensation or benefits for the member's service, but may  
10522 receive per diem and travel expenses in accordance with:

10523 (1) Section 63A-3-106;

10524 (2) Section 63A-3-107; and

10525 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10526 63A-3-107.

10527 Section 205. Section **78A-12-202** is amended to read:

10528 **78A-12-202. Salary and expenses -- Staff.**

10529 ~~[(1) (a) (i) A member who is not a government employee receives no compensation or~~



10530 ~~benefits for the member's service, but may receive per diem and expenses incurred in the~~  
10531 ~~performance of the member's official duties at the rates established by the Division of Finance~~  
10532 ~~under Sections 63A-3-106 and 63A-3-107.]~~

10533 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~  
10534 ~~service.]~~

10535 ~~[(b) (i) A state government officer or employee member who does not receive salary,~~  
10536 ~~per diem, or expenses from the member's agency for the member's service may receive per~~  
10537 ~~diem and expenses incurred in the performance of their official duties from the commission at~~  
10538 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

10539 ~~[(ii) A state government officer or employee member may decline to receive per diem~~  
10540 ~~and expenses for the member's service.]~~

10541 (1) A member may not receive compensation or benefits for the member's service, but  
10542 may receive per diem and travel expenses in accordance with:

10543 (a) Section 63A-3-106;

10544 (b) Section 63A-3-107; and

10545 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10546 63A-3-107.

10547 (2) The commission shall elect a chair from among its members.

10548 (3) The commission shall employ an executive director and may employ additional  
10549 staff as necessary within budgetary constraints.

10550 (4) The commission shall be located in the Commission on Criminal and Juvenile  
10551 Justice.

10552 Section 206. Section **78B-3-416** is amended to read:

10553 **78B-3-416. Division to provide panel -- Exemption -- Procedures -- Statute of**  
10554 **limitations tolled -- Composition of panel -- Expenses -- Division authorized to set license**  
10555 **fees.**

10556 (1) (a) The division shall provide a hearing panel in alleged medical liability cases  
10557 against health care providers as defined in Section 78B-3-403, except dentists.

10558 (b) (i) The division shall establish procedures for prelitigation consideration of  
10559 medical liability claims for damages arising out of the provision of or alleged failure to  
10560 provide health care.

10561 (ii) The division may establish rules necessary to administer the process and  
10562 procedures related to prelitigation hearings and the conduct of prelitigation hearings in  
10563 accordance with Sections 78B-3-416 through 78B-3-420.

10564 (c) The proceedings are informal, nonbinding, and are not subject to Title 63G,  
10565 Chapter 4, Administrative Procedures Act, but are compulsory as a condition precedent to  
10566 commencing litigation.

10567 (d) Proceedings conducted under authority of this section are confidential, privileged,  
10568 and immune from civil process.

10569 (2) (a) The party initiating a medical liability action shall file a request for  
10570 prelitigation panel review with the division within 60 days after the service of a statutory  
10571 notice of intent to commence action under Section 78B-3-412.

10572 (b) The request shall include a copy of the notice of intent to commence action. The  
10573 request shall be mailed to all health care providers named in the notice and request.

10574 (3) (a) The filing of a request for prelitigation panel review under this section tolls the  
10575 applicable statute of limitations until the earlier of 60 days following the division's issuance of  
10576 an opinion by the prelitigation panel, or 60 days following the termination of jurisdiction by  
10577 the division as provided in this Subsection (3). The division shall send any opinion issued by  
10578 the panel to all parties by regular mail.

10579 (b) (i) The division shall complete a prelitigation hearing under this section within 180  
10580 days after the filing of the request for prelitigation panel review, or within any longer period as  
10581 agreed upon in writing by all parties to the review.

10582 (ii) If the prelitigation hearing has not been completed within the time limits  
10583 established in Subsection (3)(b)(i), the division has no further jurisdiction over the matter  
10584 subject to review and the claimant is considered to have complied with all conditions  
10585 precedent required under this section prior to the commencement of litigation.

10586 (c) (i) The claimant and any respondent may agree by written stipulation that no useful  
10587 purpose would be served by convening a prelitigation panel under this section.

10588 (ii) When the stipulation is filed with the division, the division shall within 10 days  
10589 after receipt enter an order divesting itself of jurisdiction over the claim, as it concerns the  
10590 stipulating respondent, and stating that the claimant has complied with all conditions  
10591 precedent to the commencement of litigation regarding the claim.

10592 (4) The division shall provide for and appoint an appropriate panel or panels to hear  
10593 complaints of medical liability and damages, made by or on behalf of any patient who is an  
10594 alleged victim of medical liability. The panels are composed of:

10595 (a) one member who is a resident lawyer currently licensed and in good standing to  
10596 practice law in this state and who shall serve as chairman of the panel, who is appointed by the  
10597 division from among qualified individuals who have registered with the division indicating a  
10598 willingness to serve as panel members, and a willingness to comply with the rules of  
10599 professional conduct governing lawyers in the state [~~of Utah~~], and who has completed division  
10600 training regarding conduct of panel hearings;

10601 (b) (i) one member who is a licensed health care provider listed under Section  
10602 78B-3-403, who is practicing and knowledgeable in the same specialty as the proposed  
10603 defendant, and who is appointed by the division in accordance with Subsection (5); or

10604 (ii) in claims against only hospitals or their employees, one member who is an  
10605 individual currently serving in a hospital administration position directly related to hospital  
10606 operations or conduct that includes responsibility for the area of practice that is the subject of  
10607 the liability claim, and who is appointed by the division; and

10608 (c) a lay panelist who is not a lawyer, doctor, hospital employee, or other health care  
10609 provider, and who is a responsible citizen of the state, selected and appointed by the division  
10610 from among individuals who have completed division training with respect to panel hearings.

10611 (5) (a) Each person listed as a health care provider in Section 78B-3-403 and  
10612 practicing under a license issued by the state, is obligated as a condition of holding that license  
10613 to participate as a member of a medical liability prelitigation panel at reasonable times, places,

10614 and intervals, upon issuance, with advance notice given in a reasonable time frame, by the  
10615 division of an Order to Participate as a Medical Liability Prelitigation Panel Member.

10616 (b) A licensee may be excused from appearance and participation as a panel member  
10617 upon the division finding participation by the licensee will create an unreasonable burden or  
10618 hardship upon the licensee.

10619 (c) A licensee whom the division finds failed to appear and participate as a panel  
10620 member when so ordered, without adequate explanation or justification and without being  
10621 excused for cause by the division, may be assessed an administrative fine not to exceed  
10622 \$5,000.

10623 (d) A licensee whom the division finds intentionally or repeatedly failed to appear and  
10624 participate as a panel member when so ordered, without adequate explanation or justification  
10625 and without being excused for cause by the division, may be assessed an administrative fine  
10626 not to exceed \$5,000, and is guilty of unprofessional conduct.

10627 (e) All fines collected under Subsections (5)(c) and (d) shall be deposited in the  
10628 Physicians Education Fund created in Section 58-67a-1.

10629 (6) Each person selected as a panel member shall certify, under oath, that he has no  
10630 bias or conflict of interest with respect to any matter under consideration.

10631 ~~[(7) Members of the prelitigation hearing panels shall receive per diem compensation  
10632 and travel expenses for attending panel hearings as established by rules of the division.]~~

10633 (7) A member of the prelitigation hearing panel may not receive compensation or  
10634 benefits for the member's service, but may receive per diem and travel expenses in accordance  
10635 with:

10636 (a) Section 63A-3-106;

10637 (b) Section 63A-3-107; and

10638 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10639 63A-3-107.

10640 (8) (a) In addition to the actual cost of administering the licensure of health care  
10641 providers, the division may set license fees of health care providers within the limits

10642 established by law equal to their proportionate costs of administering prelitigation panels.

10643 (b) The claimant bears none of the costs of administering the prelitigation panel except  
10644 under Section 78B-3-420.

10645 Section 207. Section **78B-12-403** is repealed and reenacted to read:

10646 **78B-12-403. Expenses for per diem and travel.**

10647 A member may not receive compensation or benefits for the member's service, but may  
10648 receive per diem and travel expenses in accordance with:

10649 (1) Section 63A-3-106;

10650 (2) Section 63A-3-107; and

10651 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10652 63A-3-107.

10653 Section 208. Section **79-3-302** is amended to read:

10654 **79-3-302. Members of board -- Qualifications and appointment -- Vacancies --**  
10655 **Organization -- Meetings -- Financial gain prohibited -- Expenses.**

10656 (1) The board consists of seven members appointed by the governor, with the consent  
10657 of the Senate.

10658 (2) In addition to the requirements of Section 79-2-203, the members shall have the  
10659 following qualifications:

10660 (a) one member knowledgeable in the field of geology as applied to the practice of  
10661 civil engineering;

10662 (b) four members knowledgeable and representative of various segments of the  
10663 mineral industry throughout the state, such as hydrocarbons, solid fuels, metals, and industrial  
10664 minerals;

10665 (c) one member knowledgeable of the economic or scientific interests of the mineral  
10666 industry in the state; and

10667 (d) one member who is interested in the goals of the survey and from the public at  
10668 large.

10669 (3) The director of the School and Institutional Trust Lands Administration is an ex

10670 officio member of the board but without any voting privileges.

10671 (4) (a) Except as required by Subsection (4)(b), members are appointed for terms of  
10672 four years.

10673 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
10674 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
10675 board members are staggered so that approximately half of the board is appointed every two  
10676 years.

10677 (c) No more than four members may be of the same political party.

10678 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
10679 appointed for the unexpired term by the governor with the consent of the Senate.

10680 (5) The board shall select from its members a chair and such officers and committees  
10681 as it considers necessary.

10682 (6) (a) The board shall hold meetings at least quarterly on such dates as may be set by  
10683 its chair.

10684 (b) Special meetings may be held upon notice of the chair or by a majority of its  
10685 members.

10686 (c) A majority of the members of the board present at a meeting constitutes a quorum  
10687 for the transaction of business.

10688 (7) Members of the board may not obtain financial gain by reason of information  
10689 obtained during the course of their official duties.

10690 ~~[(8) (a) (i) A member who is not a government employee may not receive~~  
10691 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~  
10692 ~~incurred in the performance of the member's official duties at the rates established by the~~  
10693 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

10694 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~  
10695 ~~service.]~~

10696 ~~[(b) (i) A state government officer and employee member who does not receive salary,~~  
10697 ~~per diem, or expenses from the agency the member represents for the member's service may~~

10698 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
 10699 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

10700 ~~[(ii) A state government officer and employee member may decline to receive per~~  
 10701 ~~diem and expenses for the member's service.]~~

10702 (8) A member may not receive compensation or benefits for the member's service, but  
 10703 may receive per diem and travel expenses in accordance with:

10704 (a) Section 63A-3-106;

10705 (b) Section 63A-3-107; and

10706 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 10707 63A-3-107.

10708 Section 209. Section **79-4-302** is amended to read:

10709 **79-4-302. Board appointment and terms of members -- Expenses.**

10710 (1) (a) The board is composed of nine members appointed by the governor, with the  
 10711 consent of the Senate, to four-year terms.

10712 (b) In addition to the requirements of Section 79-2-203, the governor shall:

10713 (i) appoint one member from each judicial district and one member from the public at  
 10714 large;

10715 (ii) ensure that not more than five members are from the same political party; and

10716 (iii) appoint persons who have an understanding of and demonstrated interest in parks  
 10717 and recreation.

10718 (c) Notwithstanding the term requirements of Subsection (1)(a), the governor may  
 10719 adjust the length of terms to ensure that the terms of board members are staggered so that  
 10720 approximately half of the board is appointed every two years.

10721 (2) When vacancies occur because of death, resignation, or other cause, the governor,  
 10722 with the consent of the Senate, shall:

10723 (a) appoint a person to complete the unexpired term of the person whose office was  
 10724 vacated; and

10725 (b) if the person was appointed from a judicial district, appoint the replacement from

10726 the judicial district from which the person whose office has become vacant was appointed.

10727 (3) The board shall appoint its chair from its membership.

10728 [~~(4) (a) A member may not receive compensation or benefits for the member's service,~~  
10729 ~~but may receive per diem and expenses incurred in the performance of the member's official~~  
10730 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~  
10731 ~~63A-3-107.]~~

10732 [~~(b) A member may decline to receive per diem and expenses for the member's~~  
10733 ~~service.]~~

10734 (4) A member may not receive compensation or benefits for the member's service, but  
10735 may receive per diem and travel expenses in accordance with:

10736 (a) Section 63A-3-106;

10737 (b) Section 63A-3-107; and

10738 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10739 63A-3-107.

10740 Section 210. Section **79-5-202** is amended to read:

10741 **79-5-202. Council membership -- Expenses.**

10742 (1) The council shall consist of nine members knowledgeable about muscle-powered  
10743 recreational activities as follows:

10744 (a) five members shall represent the public at large;

10745 (b) one member, nominated by the Utah League of Cities and Towns, shall represent  
10746 city government;

10747 (c) one member, nominated by the Utah Association of Counties, shall represent  
10748 county government;

10749 (d) one member shall represent the United States Forest Service; and

10750 (e) one member shall represent the Bureau of Land Management.

10751 (2) (a) Except as required by Subsection (2)(b), as terms of current council members  
10752 expire, the division shall appoint each new member or reappointed member to a four-year  
10753 term.



10754 (b) Notwithstanding the requirements of Subsection (2)(a), the division shall, at the  
10755 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
10756 council members are staggered so that approximately half of the council is appointed every  
10757 two years.

10758 (3) The council shall elect annually a chair and a vice chair from its members.

10759 (4) When a vacancy occurs in the membership for any reason, the division shall  
10760 appoint the replacement for the unexpired term.

10761 ~~[(5) (a) (i) A member who is not a government employee may not receive~~  
10762 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~  
10763 ~~incurred in the performance of the member's official duties at the rates established by the~~  
10764 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

10765 ~~[(ii) A member may decline to receive per diem and expenses for the member's~~  
10766 ~~service.]~~

10767 ~~[(b) (i) A state government officer and employee member who does not receive salary,~~  
10768 ~~per diem, or expenses from the agency the member represents for the member's service may~~  
10769 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~  
10770 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

10771 ~~[(ii) A state government officer and employee member may decline to receive per~~  
10772 ~~diem and expenses for the member's service.]~~

10773 ~~[(c) (i) A local government member who does not receive salary, per diem, or expenses~~  
10774 ~~from the entity that the member represents for the member's service may receive per diem and~~  
10775 ~~expenses incurred in the performance of the member's official duties at the rates established by~~  
10776 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

10777 ~~[(ii) A local government member may decline to receive per diem and expenses for the~~  
10778 ~~member's service.]~~

10779 (5) A member may not receive compensation or benefits for the member's service, but  
10780 may receive per diem and travel expenses in accordance with:

10781 (a) Section 63A-3-106;

10782            (b) Section 63A-3-107; and  
10783            (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
10784            63A-3-107.