

**Representative Logan Wilde** proposes the following substitute bill:

**BOARDS AND COMMISSIONS MODIFICATIONS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Logan Wilde

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**LONG TITLE**

**General Description:**

This bill creates conflicts of interest and vacancy procedures for certain types of boards, commissions, and committees.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ enacts procedures to follow for vacancies on certain types of boards, commissions, and committees;
- ▶ enacts procedures for a member of certain types of boards, commissions, and committees to follow when the member has a conflict of interest;
- ▶ modifies deadlines, and the information provided by the governor, with respect to certain non-judicial gubernatorial nominees;
- ▶ requires a Senate confirmation hearing, and provides an exception to a deadline waiver provision, for certain nominees;
- ▶ requires notice of anticipated vacancies in certain offices that require Senate consent; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 This bill provides a special effective date.

29 This bill provides coordination clauses.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **4-18-104**, as last amended by Laws of Utah 2018, Chapter 115

33 **9-6-204**, as last amended by Laws of Utah 2012, Chapter 212

34 **9-8-204**, as last amended by Laws of Utah 2019, Chapter 221

35 **19-1-106**, as last amended by Laws of Utah 2015, Chapter 451

36 **19-2-103**, as last amended by Laws of Utah 2015, Chapter 154

37 **19-4-103**, as last amended by Laws of Utah 2012, Chapter 360

38 **19-5-103**, as last amended by Laws of Utah 2015, Chapter 234

39 **19-6-103**, as last amended by Laws of Utah 2015, Chapter 451

40 **23-14-2**, as last amended by Laws of Utah 2011, Chapter 297

41 **26-21-3**, as last amended by Laws of Utah 2011, Chapter 366

42 **26-33a-103**, as last amended by Laws of Utah 2014, Chapter 118

43 **31A-2-403**, as last amended by Laws of Utah 2019, Chapter 193

44 **32B-2-201**, as last amended by Laws of Utah 2012, Chapter 365

45 **34-20-3**, as last amended by Laws of Utah 2016, Chapter 348

46 **35A-8-304**, as last amended by Laws of Utah 2019, Chapter 89

47 **35A-8-2103**, as renumbered and amended by Laws of Utah 2018, Chapter 182

48 **40-6-4**, as last amended by Laws of Utah 2013, Chapter 243

49 **51-7-16**, as last amended by Laws of Utah 2010, Chapter 286

50 **53B-1-104**, as last amended by Laws of Utah 2018, Chapter 382

51 **53B-2-104**, as last amended by Laws of Utah 2019, Chapter 357

52 **53B-2a-103**, as last amended by Laws of Utah 2018, Chapter 382

53 **53B-2a-108**, as repealed and reenacted by Laws of Utah 2018, Chapter 382

54 **53C-1-202**, as last amended by Laws of Utah 2011, Chapter 247

55 **54-1-1.5**, as last amended by Laws of Utah 2002, Chapter 176

56 **59-1-201**, as last amended by Laws of Utah 2014, Chapter 370

- 57 [59-1-203](#), as last amended by Laws of Utah 1991, Chapter 114
- 58 [59-13-103](#), as last amended by Laws of Utah 2008, Chapter 153
- 59 [61-2f-103](#), as last amended by Laws of Utah 2016, Chapters 25 and 381
- 60 [61-2g-204](#), as renumbered and amended by Laws of Utah 2011, Chapter 289
- 61 [62A-1-107](#), as last amended by Laws of Utah 2019, Chapter 246
- 62 [63G-2-501](#), as last amended by Laws of Utah 2019, Chapter 254
- 63 [63H-6-104](#), as last amended by Laws of Utah 2018, Chapter 447
- 64 [63H-8-201](#), as renumbered and amended by Laws of Utah 2015, Chapter 226
- 65 [63M-2-301](#), as last amended by Laws of Utah 2019, Chapters 246 and 352
- 66 [63M-7-504](#), as last amended by Laws of Utah 2011, Chapter 131
- 67 [63N-1-401](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- 68 [67-1-2](#), as last amended by Laws of Utah 2008, Chapter 382
- 69 [67-1-2.5](#), as last amended by Laws of Utah 2019, Chapter 246
- 70 [72-1-301](#), as last amended by Laws of Utah 2019, Chapter 479
- 71 [72-1-302](#), as last amended by Laws of Utah 2002, Chapter 10
- 72 [73-10-2](#), as last amended by Laws of Utah 2010, Chapter 286
- 73 [77-27-2](#), as last amended by Laws of Utah 2011, Chapter 366
- 74 [78A-11-103](#), as last amended by Laws of Utah 2012, Chapter 133
- 75 [78B-22-402](#), as last amended by Laws of Utah 2019, Chapter 435 and renumbered and
- 76 amended by Laws of Utah 2019, Chapter 326
- 77 [79-3-302](#), as last amended by Laws of Utah 2010, Chapter 286
- 78 [79-4-302](#), as last amended by Laws of Utah 2010, Chapter 286

79 ENACTS:

- 80 [63G-24-101](#), Utah Code Annotated 1953
- 81 [63G-24-102](#), Utah Code Annotated 1953
- 82 [63G-24-103](#), Utah Code Annotated 1953
- 83 [63G-24-201](#), Utah Code Annotated 1953
- 84 [63G-24-202](#), Utah Code Annotated 1953
- 85 [63G-24-203](#), Utah Code Annotated 1953
- 86 [63G-24-204](#), Utah Code Annotated 1953
- 87 [63G-24-205](#), Utah Code Annotated 1953

88 **63G-24-301**, Utah Code Annotated 1953

89 **63G-24-302**, Utah Code Annotated 1953

90 **Utah Code Sections Affected by Coordination Clause:**

91 **26-21-3**, as last amended by Laws of Utah 2011, Chapter 366

92 **63G-24-102**, Utah Code Annotated 1953

93 **67-1-2**, as last amended by Laws of Utah 2008, Chapter 382



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

96 Section 1. Section **4-18-104** is amended to read:

97 **4-18-104. Conservation Commission created -- Composition -- Appointment --**  
98 **Terms -- Compensation -- Attorney general to provide legal assistance.**

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

101 (2) The Conservation Commission shall be composed of:

102 (a) [††] 12 voting members, including:

103 (i) the director of the Extension Service at Utah State University or the director's  
104 designee;

105 (ii) the executive director of the Department of Natural Resources or the executive  
106 director's designee;

107 (iii) the executive director of the Department of Environmental Quality or the  
108 executive director's designee;

109 (iv) the president of the County Weed Supervisors Association or the president's  
110 designee; and

111 (v) seven district supervisors who provide district representation on the commission on  
112 a multicounty basis; and

113 (b) the commissioner or the commissioner's designee.

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

116 (4) None of the members described in Subsection (2)(a)(v) or (3) may serve on an  
117 association that represents a conservation district.

118 (5) (a) The commissioner or the commissioner's designee shall serve as chair of the

119 Conservation Commission.

120 (b) The commissioner or the commissioner's designee may not vote except in the event  
121 of a tie, in which case the commissioner or the commissioner's designee shall cast the deciding  
122 vote.

123 (6) The members of the commission specified in Subsection (2)(a)(v) shall:

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

125 (b) be appointed by the governor with the consent of the Senate in accordance with  
126 Title 63G, Chapter 24, Part 2, Vacancies.

127 (7) (a) Except as required by Subsection (7)(b), as terms of current commission  
128 members expire, the governor shall appoint each new member or reappointed member to a  
129 four-year term.

130 (b) Notwithstanding the requirements of Subsection (7)(a), the governor shall, at the  
131 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
132 commission members are staggered so that approximately half of the commission is appointed  
133 every two years.

134 (c) A commission member may not be appointed to more than two consecutive terms.

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

137 (9) Attendance of six voting members of the commission at a meeting constitutes a  
138 quorum.

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

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

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

143 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
144 63A-3-107.

145 (11) The commission shall keep a record of the commission's actions.

146 (12) The attorney general shall provide legal services to the commission upon request.

147 (13) A member shall comply with the conflict of interest provisions described in Title  
148 63G, Chapter 24, Part 3, Conflicts of Interest.

149 Section 2. Section 9-6-204 is amended to read:

150 **9-6-204. Utah Arts Council Board of Directors.**

151 (1) There is created within the division the Board of Directors of the Utah Arts  
152 Council.

153 (2) (a) The board shall consist of 13 members appointed by the governor to four-year  
154 terms of office with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,  
155 Vacancies.

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

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

- 161 (i) visual arts;
- 162 (ii) architecture or design;
- 163 (iii) literature;
- 164 (iv) music;
- 165 (v) sculpture;
- 166 (vi) folklore or folk arts;
- 167 (vii) theatre;
- 168 (viii) dance; and
- 169 (ix) media arts.

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

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

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

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

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

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

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

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

181 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
182 63A-3-107.

183 (8) A member may not receive gifts, prizes, or awards of money from the purchasing  
184 fund of the division during the member's term of office.

185 (9) A member shall comply with the conflict of interest provisions described in Title  
186 63G, Chapter 24, Part 3, Conflicts of Interest.

187 Section 3. Section 9-8-204 is amended to read:

188 **9-8-204. Board of State History.**

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

190 (2) The board shall consist of 11 members appointed by the governor with the consent  
191 of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies, as follows:

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

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

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

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

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

203 (5) A simple majority of the board constitutes a quorum for conducting board business.

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

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

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

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

209 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
210 63A-3-107.

211 (8) A member shall comply with the conflict of interest provisions described in Title

212 63G, Chapter 24, Part 3, Conflicts of Interest.

213 Section 4. Section **19-1-106** is amended to read:

214 **19-1-106. Boards within department.**

215 (1) The following policymaking boards are created within the department:

216 (a) the Air Quality Board, appointed under Section [19-2-103](#);

217 (b) the Drinking Water Board, appointed under Section [19-4-103](#);

218 (c) the Water Quality Board, appointed under Section [19-5-103](#); and

219 (d) the Waste Management and Radiation Control Board, appointed under Section

220 [~~19-6-104~~] [19-6-103](#).

221 (2) The authority of the boards created in Subsection (1) is limited to the specific  
222 authority granted them under this title.

223 (3) A vacancy that occurs during an expired term in a board described in Subsection (1)  
224 shall be filled in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

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

226 **19-2-103. Members of board -- Appointment -- Terms -- Organization -- Per diem**  
227 **and expenses.**

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

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

231 (i) the executive director; or

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

233 (b) the following eight voting members, who shall be appointed by the governor with  
234 the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies:

235 (i) one representative who:

236 (A) is not connected with industry;

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

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

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

241 (iii) one representative from the mining industry;

242 (iv) one representative from the fuels industry;



- 243 (v) one representative from the manufacturing industry;
- 244 (vi) one representative from the public who represents:
- 245 (A) an environmental nongovernmental organization; or
- 246 (B) a nongovernmental organization that represents community interests and does not
- 247 represent industry interests; and
- 248 (vii) one representative from the public who is trained and experienced in public
- 249 health.
- 250 (2) A member of the board shall:
- 251 (a) be knowledgeable about air pollution matters, as evidenced by a professional
- 252 degree, a professional accreditation, or documented experience;
- 253 (b) be a resident of Utah;
- 254 (c) attend board meetings in accordance with the attendance rules made by the
- 255 department under Subsection 19-1-201(1)(d)(i)(A); and
- 256 (d) comply with all applicable statutes, rules, and policies, including the conflict of
- 257 interest ~~[rules]~~ provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest, and
- 258 the conflict of interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).
- 259 (3) No more than five of the appointed members of the board shall belong to the same
- 260 political party.
- 261 (4) A majority of the members of the board may not derive any significant portion of
- 262 their income from persons subject to permits or orders under this chapter.
- 263 (5) (a) Members shall be appointed for a term of four years.
- 264 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
- 265 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 266 board members are staggered so that half of the appointed board is appointed every two years.
- 267 (6) A member may serve more than one term.
- 268 (7) A member shall hold office until the expiration of the member's term and until the
- 269 member's successor is appointed, but not more than 90 days after the expiration of the
- 270 member's term.
- 271 (8) When a vacancy occurs in the membership for any reason, the replacement shall be
- 272 appointed for the unexpired term.
- 273 (9) The board shall elect annually a chair and a vice chair from its members.

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

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

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

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

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

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

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

284 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
285 63A-3-107.

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

287 **19-4-103. Drinking Water Board -- Members -- Organization -- Meetings -- Per**  
288 **diem and expenses.**

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

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

292 (i) the executive director; or

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

294 (b) the following eight voting members, who shall be appointed by the governor with  
295 the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies:

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

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

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

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

303 (v) one representative from:

304 (A) the state water research community; or

305 (B) an institution of higher education that has comparable expertise in water research  
306 to the state water research community;

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

308 (A) an environmental nongovernmental organization; or

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

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

313 (2) A member of the board shall:

314 (a) be knowledgeable about drinking water and public water systems, as evidenced by a  
315 professional degree, a professional accreditation, or documented experience;

316 (b) represent different geographical areas within the state insofar as practicable;

317 (c) be a resident of Utah;

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

320 (e) comply with all applicable statutes, rules, and policies, including the conflict of  
321 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B) and the conflict of  
322 interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

323 (3) No more than five appointed members of the board shall be from the same political  
324 party.

325 (4) (a) As terms of current board members expire, the governor shall appoint each new  
326 member or reappointed member to a four-year term.

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

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

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

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

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

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

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

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

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

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

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

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

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

349 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
350 63A-3-107.

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

352 **19-5-103. Water Quality Board -- Members of board -- Appointment -- Terms --**  
353 **Organization -- Meetings -- Per diem and expenses.**

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

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

357 (i) the executive director; or

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

359 (b) the following eight voting members, who shall be appointed by the governor with  
360 the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies:

361 (i) one representative who:

362 (A) is an expert and has relevant training and experience in water quality matters;

363 (B) is a Utah-licensed physician, a Utah-licensed professional engineer, or a scientist  
364 with relevant training and experience; and

365 (C) represents local and special service districts in the state;

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

- 367 (iii) one representative from the mineral industry;
- 368 (iv) one representative from the manufacturing industry;
- 369 (v) one representative who represents agricultural and livestock interests;
- 370 (vi) one representative from the public who represents:
- 371 (A) an environmental nongovernmental organization; or
- 372 (B) a nongovernmental organization that represents community interests and does not
- 373 represent industry interests; and
- 374 (vii) one representative from the public who is trained and experienced in public
- 375 health.
- 376 (2) A member of the board shall:
- 377 (a) be knowledgeable about water quality matters, as evidenced by a professional
- 378 degree, a professional accreditation, or documented experience;
- 379 (b) be a resident of Utah;
- 380 (c) attend board meetings in accordance with the attendance rules made by the
- 381 department under Subsection 19-1-201(1)(d)(i)(A); and
- 382 (d) comply with all applicable statutes, rules, and policies, including the conflict of
- 383 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B) and the conflict of
- 384 interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 385 (3) No more than five of the appointed members may be from the same political party.
- 386 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
- 387 appointed for the unexpired term with the consent of the Senate.
- 388 (5) (a) A member shall be appointed for a term of four years and is eligible for
- 389 reappointment.
- 390 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
- 391 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 392 board members are staggered so that half of the appointed board is appointed every two years.
- 393 ~~[(c) (i) Notwithstanding Subsection (5)(a), the term of a board member who is~~
- 394 ~~appointed before March 1, 2013, shall expire on February 28, 2013.]~~
- 395 ~~[(ii) On March 1, 2013, the governor shall appoint or reappoint board members in~~
- 396 ~~accordance with this section.]~~
- 397 (6) A member shall hold office until the expiration of the member's term and until the

398 member's successor is appointed, not to exceed 90 days after the formal expiration of the term.

399 (7) The board shall:

400 (a) organize and annually select one of its members as chair and one of its members as  
401 vice chair;

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

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

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

406 (9) Each member of the board and the director shall be notified of the time and place of  
407 each meeting.

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

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

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

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

414 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
415 63A-3-107.

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

417 **19-6-103. Waste Management and Radiation Control Board -- Members -- Terms**

418 **-- Organization -- Meetings -- Per diem and expenses.**

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

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

422 (i) the executive director; or

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

424 (b) the following 11 voting members appointed by the governor with the consent of the  
425 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies:

426 (i) one representative who is:

427 (A) not connected with industry; and

428 (B) a Utah-licensed professional engineer;

- 429 (ii) two government representatives who do not represent the federal government;
- 430 (iii) one representative from the manufacturing, mining, or fuel industry;
- 431 (iv) one representative from the private solid or hazardous waste disposal industry;
- 432 (v) one representative from the private hazardous waste recovery industry;
- 433 (vi) one representative from the radioactive waste management industry;
- 434 (vii) one representative from the uranium milling industry;
- 435 (viii) one representative from the public who represents:
  - 436 (A) an environmental nongovernmental organization; or
  - 437 (B) a nongovernmental organization that represents community interests and does not
  - 438 represent industry interests;
- 439 (ix) one representative from the public who is trained and experienced in public health
- 440 and a licensed:
  - 441 (A) medical doctor; or
  - 442 (B) dentist; and
  - 443 (x) one representative who is:
    - 444 (A) a medical physicist or a health physicist; or
    - 445 (B) a professional employed in the field of radiation safety.
  - 446 (2) A member of the board shall:
    - 447 (a) be knowledgeable about solid and hazardous waste matters and radiation safety and
    - 448 protection as evidenced by a professional degree, a professional accreditation, or documented
    - 449 experience;
    - 450 (b) be a resident of Utah;
    - 451 (c) attend board meetings in accordance with the attendance rules made by the
    - 452 department under Subsection 19-1-201(1)(d)(i)(A); and
    - 453 (d) comply with all applicable statutes, rules, and policies, including the conflict of
    - 454 interest rules made by the department in accordance with Subsection 19-1-201(1)(d)(i)(B) and
    - 455 the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of
    - 456 Interest.
  - 457 (3) No more than six of the appointed members may be from the same political party.
  - 458 (4) (a) Members shall be appointed for terms of four years each.
  - 459 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the

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

462 ~~[(c) (i) Notwithstanding Subsection (4)(a), the term of a board member who is~~  
463 ~~appointed before March 1, 2013, shall expire on February 28, 2013.]~~

464 ~~[(ii) On March 1, 2013, the governor shall appoint or reappoint board members in~~  
465 ~~accordance with this section.]~~

466 (5) Each member is eligible for reappointment.

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

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

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

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

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

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

478 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
479 63A-3-107.

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

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

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

486 Section 9. Section 23-14-2 is amended to read:

487 **23-14-2. Wildlife Board -- Creation -- Membership -- Terms -- Quorum --**

488 **Meetings -- Per diem and expenses.**

489 (1) There is created a Wildlife Board which shall consist of seven members appointed  
490 by the governor with the consent of the Senate in accordance with Title 63G, Chapter 24, Part



491 2, Vacancies.

492 (2) (a) In addition to the requirements of Section 79-2-203, the members of the board  
493 shall have expertise or experience in at least one of the following areas:

494 (i) wildlife management or biology;

495 (ii) habitat management, including range or aquatic;

496 (iii) business, including knowledge of private land issues; and

497 (iv) economics, including knowledge of recreational wildlife uses.

498 (b) Each of the areas of expertise under Subsection (2)(a) shall be represented by at  
499 least one member of the Wildlife Board.

500 (3) (a) The governor shall select each board member from a list of nominees submitted  
501 by the nominating committee pursuant to Section 23-14-2.5.

502 (b) No more than two members shall be from a single wildlife region described in  
503 Subsection 23-14-2.6(1).

504 (c) The governor may request an additional list of at least two nominees from the  
505 nominating committee if the initial list of nominees for a given position is unacceptable.

506 (d) (i) If the governor fails to appoint a board member within 60 days after receipt of  
507 the initial or additional list, the nominating committee shall make an interim appointment by  
508 majority vote.

509 (ii) The interim board member shall serve until the matter is resolved by the committee  
510 and the governor or until the board member is replaced pursuant to this chapter.

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

513 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
514 time of appointment or reappointment, adjust the length of terms to ensure that:

515 (i) the terms of board members are staggered so that approximately one-third of the  
516 board is appointed every two years; and

517 (ii) members serving from the same region have staggered terms.

518 (c) If a vacancy occurs, the nominating committee shall submit two names, as provided  
519 in Subsection 23-14-2.5(4), to the governor and the governor shall appoint a replacement for  
520 the unexpired term.

521 (d) Board members may serve only one term unless:

522 (i) the member is among the first board members appointed to serve four years or less;  
523 or

524 (ii) the member filled a vacancy under Subsection (4)(c) for four years or less.

525 (5) (a) The board shall elect a chair and a vice chair from its membership.

526 (b) Four members of the board shall constitute a quorum.

527 (c) The director of the Division of Wildlife Resources shall act as secretary to the  
528 board but is not a voting member of the board.

529 (6) (a) The Wildlife Board shall hold a sufficient number of public meetings each year  
530 to expeditiously conduct its business.

531 (b) Meetings may be called by the chair upon five days notice or upon shorter notice in  
532 emergency situations.

533 (c) Meetings may be held at the Salt Lake City office of the Division of Wildlife  
534 Resources or elsewhere as determined by the Wildlife Board.

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

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

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

539 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
540 63A-3-107.

541 (8) (a) The members of the Wildlife Board shall complete an orientation course to  
542 assist them in the performance of the duties of their office.

543 (b) The Department of Natural Resources shall provide the course required under  
544 Subsection (8)(a).

545 (9) A member shall comply with the conflict of interest provisions described in Title  
546 63G, Chapter 24, Part 3, Conflicts of Interest.

547 Section 10. Section 26-21-3 is amended to read:

548 **26-21-3. Health Facility Committee -- Members -- Terms -- Organization --**  
549 **Meetings.**

550 (1) The Health Facility Committee created by Section 26-1-7 consists of 15 members  
551 appointed by the governor with the consent of the Senate in accordance with Title 63G,  
552 Chapter 24, Part 2, Vacancies. The appointed members shall be knowledgeable about health

553 care facilities and issues. The membership of the committee is:

554 (a) one physician, licensed to practice medicine and surgery under Title 58, Chapter 67,  
555 Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act,  
556 who is a graduate of a regularly chartered medical school;

557 (b) one hospital administrator;

558 (c) one hospital trustee;

559 (d) one representative of a freestanding ambulatory surgical facility;

560 (e) one representative of an ambulatory surgical facility that is affiliated with a  
561 hospital;

562 (f) two representatives of the nursing care facility industry;

563 (g) one registered nurse, licensed to practice under Title 58, Chapter 31b, Nurse  
564 Practice Act;

565 (h) one professional in the field of intellectual disabilities not affiliated with a nursing  
566 care facility;

567 (i) one licensed architect or engineer with expertise in health care facilities;

568 (j) two representatives of assisted living facilities licensed under this chapter;

569 (k) two consumers, one of whom has an interest in or expertise in geriatric care; and

570 (l) one representative from either a home health care provider or a hospice provider.

571 (2) (a) Except as required by Subsection (2)(b), members shall be appointed for a term  
572 of four years.

573 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
574 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
575 committee members are staggered so that approximately half of the committee is appointed  
576 every two years.

577 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
578 appointed for the unexpired term by the governor, giving consideration to recommendations  
579 made by the committee, with the consent of the Senate.

580 (d) A member may not serve more than two consecutive full terms or 10 consecutive  
581 years, whichever is less. However, a member may continue to serve as a member until he is  
582 replaced.

583 (e) The committee shall annually elect from its membership a chair and vice chair.

584 (f) The committee shall meet at least quarterly, or more frequently as determined by the  
585 chair or five members of the committee.

586 (g) Eight members constitute a quorum. A vote of the majority of the members present  
587 constitutes action of the committee.

588 (h) A member shall comply with the conflict of interest provisions described in Title  
589 63G, Chapter 24, Part 3, Conflicts of Interest.

590 Section 11. Section **26-33a-103** is amended to read:

591 **26-33a-103. Committee membership -- Terms -- Chair -- Compensation.**

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

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

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

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

598 (b) Fourteen members shall be appointed by the governor with the consent of the  
599 Senate in accordance with Subsection (3) and in accordance with Title 63G, Chapter 24, Part 2,  
600 Vacancies. No more than seven members of the committee appointed by the governor may be  
601 members of the same political party.

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

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

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

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

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

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

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

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

- 615 (iv) one of whom is selected by the Utah Medical Association;
- 616 (e) include three persons:
- 617 (i) who are:
- 618 (A) employed by or otherwise associated with a business that supplies health care
- 619 insurance to its employees; and
- 620 (B) knowledgeable about the collection and use of health care data; and
- 621 (ii) at least one of whom represents an employer employing 50 or fewer employees;
- 622 (f) include three persons representing health insurers:
- 623 (i) at least one of whom is employed by or associated with a third-party payor that is
- 624 not licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited
- 625 Health Plans;
- 626 (ii) at least one of whom is employed by or associated with a third party payer that is
- 627 licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health
- 628 Plans; and
- 629 (iii) who are trained in, or experienced with the collection, analysis, and use of health
- 630 care data;
- 631 (g) include two consumer representatives:
- 632 (i) from organized consumer or employee associations; and
- 633 (ii) knowledgeable about the collection and use of health care data;
- 634 (h) include one person:
- 635 (i) representative of a neutral, non-biased entity that can demonstrate that it has the
- 636 broad support of health care payers and health care providers; and
- 637 (ii) who is knowledgeable about the collection, analysis, and use of health care data;
- 638 and
- 639 (i) include two persons representing public health who are trained in, or experienced
- 640 with the collection, use, and analysis of health care data.
- 641 (4) (a) Except as required by Subsection (4)(b), as terms of current committee members
- 642 expire, the governor shall appoint each new member or reappointed member to a four-year
- 643 term.
- 644 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
- 645 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

646 committee members are staggered so that approximately half of the committee is appointed  
647 every two years.

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

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

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

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

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

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

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

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

664 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
665 63A-3-107.

666 (10) All meetings of the committee shall be open to the public, except that the  
667 committee may hold a closed meeting if the requirements of Sections 52-4-204, 52-4-205, and  
668 52-4-206 are met.

669 (11) A member shall comply with the conflict of interest provisions described in Title  
670 63G, Chapter 24, Part 3, Conflicts of Interest.

671 Section 12. Section 31A-2-403 is amended to read:

672 **31A-2-403. Title and Escrow Commission created.**

673 (1) (a) Subject to Subsection (1)(b), there is created within the department the Title and  
674 Escrow Commission that is comprised of five members who shall be, in accordance with Title  
675 63G, Chapter 24, Part 2, Vacancies, appointed by the governor with the consent of the Senate  
676 as follows:

677 (i) except as provided in Subsection (1)(c), two members shall be employees of a title  
678 insurer;

679 (ii) two members shall:

680 (A) be employees of a Utah agency title insurance producer;

681 (B) be or have been licensed under the title insurance line of authority;

682 (C) as of the day on which the member is appointed, be or have been licensed with the  
683 title examination or escrow subline of authority for at least five years; and

684 (D) as of the day on which the member is appointed, not be from the same county as  
685 another member appointed under this Subsection (1)(a)(ii); and

686 (iii) one member shall be a member of the general public from any county in the state.

687 (b) No more than one commission member may be appointed from a single company  
688 or an affiliate or subsidiary of the company.

689 (c) If the governor is unable to identify more than one individual who is an employee  
690 of a title insurer and willing to serve as a member of the commission, the commission shall  
691 include the following members in lieu of the members described in Subsection (1)(a)(i):

692 (i) one member who is an employee of a title insurer; and

693 (ii) one member who is an employee of a Utah agency title insurance producer.

694 (2) (a) Subject to Subsection (2)(c), a commission member shall comply with the  
695 conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest,  
696 and file with the commissioner a disclosure of any position of employment or ownership  
697 interest that the commission member has with respect to a person that is subject to the  
698 jurisdiction of the commissioner.

699 (b) The disclosure statement required by this Subsection (2) shall be:

700 (i) filed by no later than the day on which the person begins that person's appointment;  
701 and

702 (ii) amended when a significant change occurs in any matter required to be disclosed  
703 under this Subsection (2).

704 (c) A commission member is not required to disclose an ownership interest that the  
705 commission member has if the ownership interest is in a publicly traded company or held as  
706 part of a mutual fund, trust, or similar investment.

707 (3) (a) Except as required by Subsection (3)(b), as terms of current commission

708 members expire, the governor shall appoint each new commission member to a four-year term  
709 ending on June 30.

710 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
711 time of appointment, adjust the length of terms to ensure that the terms of the commission  
712 members are staggered so that approximately half of the members appointed under Subsection  
713 (1)(a)(i) and half of the members appointed under Subsection (1)(a)(ii) are appointed every two  
714 years.

715 (c) A commission member may not serve more than one consecutive term.

716 (d) When a vacancy occurs in the membership for any reason, the governor, with the  
717 consent of the Senate, shall appoint a replacement for the unexpired term.

718 (e) Notwithstanding the other provisions of this Subsection (3), a commission member  
719 serves until a successor is appointed by the governor with the consent of the Senate.

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

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

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

725 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
726 [63A-3-107](#).

727 (5) Members of the commission shall annually select one commission member to serve  
728 as chair.

729 (6) (a) (i) Except as provided in Subsection (6)(b), the commission shall meet at least  
730 monthly.

731 (ii) (A) The commissioner shall, with the concurrence of the chair of the commission,  
732 designate at least one monthly meeting per quarter as an in-person meeting.

733 (B) Notwithstanding Section [52-4-207](#), a commission member shall physically attend a  
734 meeting designated as an in-person meeting under Subsection (6)(a)(ii)(A) and may not attend  
735 through electronic means. A commission member may attend any other commission meeting,  
736 subcommittee meeting, or emergency meeting by electronic means in accordance with Section  
737 [52-4-207](#).

738 (b) (i) Except as provided in Subsection (6)(b)(ii), the commissioner may, with the



739 concurrence of the chair of the commission, cancel a monthly meeting of the commission if,  
740 due to the number or nature of pending title insurance matters, the monthly meeting is not  
741 necessary.

742 (ii) The commissioner may not cancel a monthly meeting designated as an in-person  
743 meeting under Subsection (6)(a)(ii)(A).

744 (c) The commissioner may call additional meetings:

745 (i) at the commissioner's discretion;

746 (ii) upon the request of the chair of the commission; or

747 (iii) upon the written request of three or more commission members.

748 (d) (i) Three commission members constitute a quorum for the transaction of business.

749 (ii) The action of a majority of the commission members when a quorum is present is  
750 the action of the commission.

751 (7) The commissioner shall staff the commission.

752 Section 13. Section **32B-2-201** is amended to read:

753 **32B-2-201. Alcoholic Beverage Control Commission created.**

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

756 (2) (a) The commission is composed of seven part-time commissioners appointed by  
757 the governor with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,  
758 Vacancies.

759 (b) No more than four commissioners may be of the same political party.

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

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

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

768 (b) Unless removed in accordance with Subsection (6), a commissioner shall remain on  
769 the commission after the expiration of a term until a successor is appointed by the governor,

770 with the consent of the Senate.

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

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

774 (i) the governor; or

775 (ii) an impartial hearing examiner appointed by the governor to conduct the hearing.

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

778 (i) the date, time, and place of the hearing; and

779 (ii) the alleged grounds for the removal.

780 (c) The commissioner shall have an opportunity to:

781 (i) attend the hearing;

782 (ii) present witnesses and other evidence; and

783 (iii) confront and cross examine witnesses.

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

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

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

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

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

795 (g) The governor shall:

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

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

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

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

801 (b) Section 63A-3-107; and  
802 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
803 63A-3-107.

804 (8) (a) The governor shall annually appoint the chair of the commission. A  
805 commissioner serves as chair to the commission at the pleasure of the governor. If removed as  
806 chair, the commissioner continues to serve as a commissioner unless removed as a  
807 commissioner under Subsection (6).

808 (b) The commission shall elect:  
809 (i) another commissioner to serve as vice chair; and  
810 (ii) other commission officers as the commission considers advisable.

811 (c) A commissioner elected under Subsection (8)(b) shall serve in the office to which  
812 the commissioner is elected at the pleasure of the commission.

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

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

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

818 (d) A commissioner shall comply with the conflict of interest provisions described in  
819 Title 63G, Chapter 24, Part 3, Conflicts of Interest.

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

822 (i) the commission;  
823 (ii) the chair; or  
824 (iii) three commissioners upon filing a written request for a meeting with the chair.

825 (b) Notice of the time and place of a commission meeting shall be given to each  
826 commissioner, and to the public in compliance with Title 52, Chapter 4, Open and Public  
827 Meetings Act. A commission meeting is open to the public, except for a commission meeting  
828 or portion of a commission meeting that is closed by the commission as authorized by Sections  
829 52-4-204 and 52-4-205.

830 Section 14. Section 34-20-3 is amended to read:  
831 **34-20-3. Labor relations board.**

832 (1) (a) There is created the Labor Relations Board consisting of the following:  
833 (i) the commissioner of the Labor Commission;  
834 (ii) two members who shall be, in accordance with Title 63G, Chapter 24, Part 2,  
835 Vacancies, appointed by the governor with the consent of the Senate consisting of:  
836 (A) a representative of employers, in the appointment of whom the governor shall  
837 consider nominations from employer organizations; and  
838 (B) a representative of employees, in the appointment of whom the governor shall  
839 consider nominations from employee organizations.  
840 (b) (i) Except as provided in Subsection (1)(b)(ii), as terms of members appointed  
841 under Subsection (1)(a)(ii) expire, the governor shall appoint each new member or reappointed  
842 member to a four-year term.  
843 (ii) Notwithstanding the requirements of Subsection (1)(b)(i), the governor shall, at the  
844 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
845 members appointed under Subsection (1)(a)(ii) are staggered so one member is appointed every  
846 two years.  
847 (c) The commissioner shall serve as chair of the board.  
848 (d) A vacancy occurring on the board for any cause of the members appointed under  
849 Subsection (1)(a)(ii) shall be filled by the governor with the consent of the Senate pursuant to  
850 this section for the unexpired term of the vacating member.  
851 (e) The governor may at any time remove a member appointed under Subsection  
852 (1)(a)(ii) but only for inefficiency, neglect of duty, malfeasance or malfeasance in office, or for  
853 cause upon a hearing.  
854 (f) A member of the board appointed under Subsection (1)(a)(ii) may not hold any  
855 other office in the government of the United States, this state or any other state, or of any  
856 county government or municipal corporation within a state.  
857 (g) A member appointed under Subsection (1)(a)(ii) may not receive compensation or  
858 benefits for the member's service, but may receive per diem and travel expenses in accordance  
859 with:  
860 (i) Section [63A-3-106](#);  
861 (ii) Section [63A-3-107](#); and  
862 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

863 63A-3-107.

864 (2) A meeting of the board may be called:

865 (a) by the chair; or

866 (b) jointly by the members appointed under Subsection (1)(a)(ii).

867 (3) The chair may provide staff and administrative support as necessary from the Labor  
868 Commission.

869 (4) A vacancy in the board does not impair the right of the remaining members to  
870 exercise all the powers of the board, and two members of the board shall at all times constitute  
871 a quorum.

872 (5) The board shall have an official seal which shall be judicially noticed.

873 (6) A member shall comply with the conflict of interest provisions described in Title  
874 63G, Chapter 24, Part 3, Conflicts of Interest.

875 Section 15. Section **35A-8-304** is amended to read:

876 **35A-8-304. Permanent Community Impact Fund Board created -- Members --**  
877 **Terms -- Chair -- Expenses.**

878 (1) There is created within the department the Permanent Community Impact Fund  
879 Board composed of 11 members as follows:

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

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

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

883 (d) the state treasurer;

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

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

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

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

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

891 (j) a locally elected official from each of the two counties that produced the most  
892 mineral lease money during the previous four-year period, prior to the term of appointment, as  
893 determined by the department.

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

896 (i) nominated by the Board of Directors of the Southeastern Association of Local  
897 Governments, the Six County Association of Governments, the Uintah Basin Association of  
898 Governments, and the Five County Association of Governments, respectively, except that a  
899 member under Subsection (1)(j) shall be nominated by the Board of Directors of the  
900 Association of Governments from the region of the state in which the county is located; and

901 (ii) appointed by the governor with the consent of the Senate in accordance with Title  
902 63G, Chapter 24, Part 2, Vacancies.

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

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

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

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

915 (4) The executive director of the department, or the executive director's designee, is the  
916 chair of the impact board.

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

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

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

921 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
922 [63A-3-107](#).

923 (6) A member described in Subsections (1)(f) through (j) shall comply with the conflict  
924 of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

925 Section 16. Section **35A-8-2103** is amended to read:

926 **35A-8-2103. Private Activity Bond Review Board.**

927 (1) There is created within the department the Private Activity Bond Review Board,  
928 composed of the following 11 members:

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

930 (ii) the executive director of the Governor's Office of Economic Development or the  
931 executive director's designee;

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

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

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

935 (b) six local government members who are:

936 (i) three elected or appointed county officials, nominated by the Utah Association of  
937 Counties and appointed by the governor with the consent of the Senate and in accordance with  
938 Title 63G, Chapter 24, Part 2, Vacancies; and

939 (ii) three elected or appointed municipal officials, nominated by the Utah League of  
940 Cities and Towns and appointed by the governor with the consent of the Senate and in  
941 accordance with Title 63G, Chapter 24, Part 2, Vacancies.

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

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

948 (c) Members may be reappointed only once.

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

952 (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
953 appointed within 30 days in the manner of the regular appointment for the unexpired term.

954 (4) (a) The chair of the board of review is the executive director of the department or  
955 the executive director's designee.

- 956 (b) The chair is nonvoting except in the case of a tie vote.
- 957 (5) Six members of the board of review constitute a quorum.
- 958 (6) Formal action by the board of review requires a majority vote of a quorum.
- 959 (7) A member may not receive compensation or benefits for the member's service, but  
960 may receive per diem and travel expenses in accordance with:
- 961 (a) Section 63A-3-106;
- 962 (b) Section 63A-3-107; and
- 963 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 964 (8) The chair of the board of review serves as the state official designated under state  
965 law to make certifications required to be made under Section 146 of the code including the  
966 certification required by Section 149(e)(2)(F) of the code.
- 967 (9) A member appointed to fill a position described in Subsection (1)(b) shall comply  
968 with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of  
969 Interest.
- 970 Section 17. Section 40-6-4 is amended to read:
- 971 **40-6-4. Board of Oil, Gas, and Mining created -- Functions -- Appointment of**  
972 **members -- Terms -- Chair -- Quorum -- Expenses.**
- 973 (1) (a) There is created within the Department of Natural Resources the Board of Oil,  
974 Gas, and Mining.
- 975 (b) The board shall be the policy making body for the Division of Oil, Gas, and  
976 Mining.
- 977 (2) (a) The board shall consist of seven members appointed by the governor with the  
978 consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 979 (b) No more than four members shall be from the same political party.
- 980 (c) In accordance with the requirements of Section 79-2-203, the members appointed  
981 under Subsection (2)(a) shall include the following:
- 982 (i) two members who are knowledgeable in mining matters;
- 983 (ii) two members who are knowledgeable in oil and gas matters;
- 984 (iii) one member who is knowledgeable in ecological and environmental matters;
- 985 (iv) one member who:
- 986 (A) is a private land owner;



- 987 (B) owns a mineral or royalty interest; and  
988 (C) is knowledgeable in mineral or royalty interests; and  
989 (v) one member who is knowledgeable in geological matters.

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

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

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

1000 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall  
1001 be appointed for the unexpired term by the governor with the consent of the Senate.

1002 (b) The person appointed shall have the same qualifications as the person's  
1003 predecessor.

1004 (5) (a) The board shall appoint its chair from the membership.

1005 (b) Four members of the board shall constitute a quorum for the transaction of business  
1006 and the holding of hearings.

1007 (6) A member may not receive compensation or benefits for the member's service, but  
1008 may receive per diem and travel expenses in accordance with:

1009 (a) Section [63A-3-106](#);

1010 (b) Section [63A-3-107](#); and

1011 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1012 [63A-3-107](#).

1013 (7) A member shall comply with the conflict of interest provisions described in Title  
1014 63G, Chapter 24, Part 3, Conflicts of Interest.

1015 Section 18. Section **51-7-16** is amended to read:

1016 **51-7-16. State Money Management Council -- Members -- Terms -- Vacancies --**  
1017 **Chair and vice chair-- Executive secretary -- Meetings -- Quorum -- Members' disclosure**

1018 **of interests -- Per diem and expenses.**

1019 (1) (a) There is created a State Money Management Council composed of five  
1020 members appointed by the governor after consultation with the state treasurer and with the  
1021 consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1022 (b) The members of the council shall be qualified by training and experience in the  
1023 field of investment or finance as follows:

1024 (i) at least one member, but not more than two members, shall be experienced in the  
1025 banking business;

1026 (ii) at least one member, but not more than two members, shall be an elected treasurer;

1027 (iii) at least one member, but not more than two members, shall be an appointed public  
1028 treasurer; and

1029 (iv) two members, but not more than two members, shall be experienced in the field of  
1030 investment.

1031 (c) No more than three members of the council may be from the same political party.

1032 (2) (a) Except as required by Subsection (2)(b), the council members shall be appointed  
1033 for terms of four years.

1034 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
1035 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1036 council members are staggered so that approximately half of the council is appointed every two  
1037 years.

1038 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
1039 appointed for the unexpired term.

1040 (d) All members shall serve until their successors are appointed and qualified.

1041 (3) (a) The council members shall elect a chair and vice chair.

1042 (b) The state treasurer shall serve as executive secretary of the council without vote.

1043 (4) (a) The council shall meet at least once per quarter at a regular date to be fixed by  
1044 the council and at other times at the call of the chair, the state treasurer, or any two members of  
1045 the council.

1046 (b) Three members are a quorum for the transaction of business.

1047 (c) Actions of the council require a vote of a majority of those present.

1048 (d) All meetings of the council and records of its proceedings are open for inspection

1049 by the public at the state treasurer's office during regular business hours except for:

1050 (i) reports of the commissioner of financial institutions concerning the identity,  
1051 liquidity, or financial condition of qualified depositories and the amount of public funds each is  
1052 eligible to hold; and

1053 (ii) reports of the director concerning the identity, liquidity, or financial condition of  
1054 certified dealers.

1055 (5) (a) Each member of the council shall file a sworn or written statement with the  
1056 lieutenant governor that discloses any position or employment or ownership interest that he has  
1057 in any financial institution or investment organization.

1058 (b) Each member shall file the statement required by this Subsection (5) when he  
1059 becomes a member of the council and when substantial changes in his position, employment,  
1060 or ownership interests occur.

1061 (c) Each member shall comply with the conflict of interest provisions described in Title  
1062 63G, Chapter 24, Part 3, Conflicts of Interest.

1063 (6) A member may not receive compensation or benefits for the member's service, but  
1064 may receive per diem and travel expenses in accordance with:

1065 (a) Section 63A-3-106;

1066 (b) Section 63A-3-107; and

1067 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1068 63A-3-107.

1069 Section 19. Section 53B-1-104 is amended to read:

1070 **53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath --**  
1071 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.**

1072 (1) Except as provided in Subsection (1)(c) or (2), the board consists of 17 residents of  
1073 the state appointed by the governor with the consent of the Senate, in accordance with Title  
1074 63G, Chapter 24, Part 2, Vacancies, as follows:

1075 (a) eight at-large members;

1076 (b) eight members, each of whom is:

1077 (i) selected from three nominees presented to the governor by a higher education  
1078 institution board of trustees; and

1079 (ii) a current or former member of the institution of higher education board of trustees

1080 that nominates the member; and

1081 (c) one member, selected from three nominees presented to the governor by the student  
1082 body presidents of the institutions of higher education, but not subject to the public comment  
1083 process described in Section 63G-24-204, who:

1084 (i) is a fully matriculated student enrolled in an institution of higher education; and

1085 (ii) is not serving as a student body president at the time of the nomination.

1086 (2) (a) (i) An individual appointed to the board on or before May 8, 2017, may serve on  
1087 the board, even if the individual does not fulfill a requirement for the composition of the board  
1088 described in Subsection (1).

1089 (ii) The governor may reappoint a member described in Subsection (2)(a)(i) when the  
1090 member's term expires.

1091 (b) An individual appointed to the board on or before May 8, 2017, who is a current or  
1092 former member of an institution of higher education board of trustees is the board member for  
1093 the institution of higher education described in Subsection (1)(b).

1094 (c) (i) Subject to Subsection (2)(c)(ii), as positions on the board become vacant, the  
1095 governor shall ensure that newly appointed members move the board toward the composition  
1096 described in Subsection (1).

1097 (ii) In appointing a new member to the board, the governor shall first appoint a member  
1098 described in Subsection (1)(b) until the eight positions described in Subsection (1)(b) are filled.

1099 (3) (a) All appointments to the board shall be made on a nonpartisan basis.

1100 (b) In making appointments to the board, the governor shall consider:

1101 (i) geographic representation of members;

1102 (ii) diversity;

1103 (iii) experience in higher education governance;

1104 (iv) experience in economic development; and

1105 (v) exposure to institutions of higher education.

1106 (c) An individual may not serve simultaneously on the State Board of Regents and an  
1107 institution of higher education board of trustees.

1108 (4) (a) Except as provided in Subsection (4)(b), members of the board shall be  
1109 appointed to six-year staggered terms, which begin on July 1 of the year of appointment.

1110 (b) A student member described in Subsection (1)(c) shall be appointed to a one-year

1111 term.

1112 (c) (i) The governor may remove a member of the board for cause.

1113 (ii) The governor shall consult with the president of the Senate before removing a  
1114 member of the board.

1115 (5) (a) A member of the board shall take the official oath of office before entering upon  
1116 the duties of office.

1117 (b) The oath shall be filed with the Division of Archives and Records Services.

1118 (6) The board shall elect a chair and vice chair from among the board's members who  
1119 shall serve terms of two years and until their successors are chosen and qualified.

1120 (7) (a) The board shall appoint a secretary from the staff of the board's chief executive  
1121 to serve at the board's discretion.

1122 (b) The secretary is a full-time employee who receives a salary set by the board.

1123 (c) The secretary shall record and maintain a record of all board meetings and perform  
1124 other duties as the board directs.

1125 (8) (a) The board may establish advisory committees.

1126 (b) The powers and authority of the board are nondelegable, except as specifically  
1127 provided for in this title.

1128 (c) All matters requiring board determination shall be addressed in a properly convened  
1129 meeting of the board or the board's executive committee.

1130 (9) The board shall enact bylaws for the board's own government not inconsistent with  
1131 the constitution or the laws of this state.

1132 (10) (a) The board shall meet regularly upon the board's own determination.

1133 (b) The board may also meet, in full or executive session, at the request of the chair,  
1134 the executive officer, or five members of the board.

1135 (11) A quorum of the voting members of the board is required to conduct the board's  
1136 business and consists of nine members.

1137 (12) (a) A vacancy in the board occurring before the expiration of a voting member's  
1138 full term shall be immediately filled by appointment by the governor with the consent of the  
1139 Senate.

1140 (b) An individual appointed under Subsection (12)(a) serves for the remainder of the  
1141 unexpired term.

1142 (13) A board member may not receive compensation or benefits for the member's  
1143 service, but may receive per diem and travel expenses in accordance with:

1144 (a) Section 63A-3-106;

1145 (b) Section 63A-3-107; and

1146 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1147 63A-3-107.

1148 (14) A board member shall comply with the conflict of interest provisions described in  
1149 Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1150 Section 20. Section 53B-2-104 is amended to read:

1151 **53B-2-104. Institution of higher education board of trustees -- Membership --**  
1152 **Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees --**  
1153 **Compensation.**

1154 (1) (a) Except as provided in Subsection (10), the board of trustees of an institution of  
1155 higher education consists of the following:

1156 (i) except as provided in Subsection (1)(c), eight individuals appointed by the governor  
1157 with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies;  
1158 and

1159 (ii) two ex officio members who are the president of the institution's alumni  
1160 association, and the president of the associated students of the institution.

1161 (b) The appointed members of the boards of trustees for Utah Valley University and  
1162 Salt Lake Community College shall be representative of the interests of business, industry, and  
1163 labor.

1164 (c) (i) The board of trustees of Utah State University has nine individuals appointed by  
1165 the governor with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,  
1166 Vacancies.

1167 (ii) One of the nine individuals described in Subsection (1)(c)(i) shall reside in the  
1168 Utah State University Eastern service region or the Utah State University Blanding service  
1169 region.

1170 (2) (a) The governor shall appoint four members of each board of trustees during each  
1171 odd-numbered year to four-year terms commencing on July 1 of the year of appointment.

1172 (b) Except as provided in Subsection (2)(d), a member appointed under Subsection

1173 (1)(a)(i) or (1)(c)(i) holds office until a successor is appointed and qualified.

1174 (c) The ex officio members serve for the same period as they serve as presidents and  
1175 until their successors have qualified.

1176 (d) (i) The governor may remove a member appointed under Subsection (1)(a)(i) or  
1177 (1)(c)(i) for cause.

1178 (ii) The governor shall consult with the president of the Senate before removing a  
1179 member appointed under Subsection (1)(a)(i) or (1)(c)(i).

1180 (3) When a vacancy occurs in the membership of a board of trustees for any reason, the  
1181 replacement shall be appointed for the unexpired term.

1182 (4) (a) Each member of a board of trustees shall take the official oath of office prior to  
1183 assuming the office.

1184 (b) The oath shall be filed with the Division of Archives and Records Services.

1185 (5) A board of trustees shall elect a chair and vice chair, who serve for two years and  
1186 until their successors are elected and qualified.

1187 (6) (a) A board of trustees may enact bylaws for the board of trustees' own government,  
1188 including provisions for regular meetings.

1189 (b) (i) A board of trustees may provide for an executive committee in the board of  
1190 trustees' bylaws.

1191 (ii) If established, an executive committee shall have full authority of the board of  
1192 trustees to act upon routine matters during the interim between board of trustees meetings.

1193 (iii) An executive committee may act on nonroutine matters only under extraordinary  
1194 and emergency circumstances.

1195 (iv) An executive committee shall report the executive committee's activities to the  
1196 board of trustees at the board of trustees' next regular meeting following the action.

1197 (c) Copies of a board of trustees' bylaws shall be filed with the board.

1198 (7) A quorum is required to conduct business and consists of six members.

1199 (8) A board of trustees may establish advisory committees.

1200 (9) A member may not receive compensation or benefits for the member's service, but  
1201 may receive per diem and travel expenses in accordance with:

1202 (a) Section [63A-3-106](#);

1203 (b) Section [63A-3-107](#); and

1204 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1205 63A-3-107.

1206 (10) This section does not apply to a technical college board of directors described in  
1207 Section 53B-2a-108.

1208 (11) A board member shall comply with the conflict of interest provisions described in  
1209 Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1210 Section 21. Section 53B-2a-103 is amended to read:

1211 **53B-2a-103. UTech Board of Trustees -- Membership -- Terms -- Vacancies --**  
1212 **Oath -- Officers -- Quorum -- Committees -- Compensation.**

1213 (1) There is created the UTech Board of Trustees.

1214 (2) (a) Beginning on July 1, 2019, the board of trustees is composed of 15 members  
1215 appointed by the governor with the consent of the Senate in accordance with Title 63G,  
1216 Chapter 24, Part 2, Vacancies, as follows:

1217 (i) one member selected from at least two nominees presented to the governor by the  
1218 board of directors of each technical college, for a total of eight members; and

1219 (ii) one member who is employed in and represents each of the following sectors:

1220 (A) information technology;

1221 (B) manufacturing;

1222 (C) life sciences;

1223 (D) health care;

1224 (E) transportation;

1225 (F) union craft, trade, or apprenticeship; and

1226 (G) non-union craft, trade, or apprenticeship.

1227 (b) The seven members described in Subsection (2)(a)(ii) shall be selected from the  
1228 state at large, subject to the following conditions:

1229 (i) at least four members shall reside in a geographic area served by a technical college;  
1230 and

1231 (ii) no more than two members may reside in a single geographic area served by a  
1232 technical college.

1233 (c) The governor shall make appointments to the board of trustees on a nonpartisan  
1234 basis.



1235 (d) An individual may not serve on the board of trustees and a technical college board  
1236 of directors simultaneously.

1237 (3) (a) (i) Except as provided under Subsection (3)(a)(ii), a member shall be appointed  
1238 commencing on July 1 of each odd-numbered year to a four-year term.

1239 (ii) The governor shall ensure that member terms are staggered so that approximately  
1240 one-half of the members' terms expire in any odd-numbered year.

1241 (b) A member may not hold office for more than two consecutive full terms.

1242 (c) (i) The governor may remove a member of the board of trustees for cause.

1243 (ii) The governor shall consult with the president of the Senate before removing a  
1244 member of the board of trustees.

1245 (4) When a vacancy occurs on the board of trustees for any reason, the governor shall  
1246 appoint a replacement for the unexpired term.

1247 (5) (a) Each member shall take the official oath of office prior to assuming the office.

1248 (b) The oath shall be filed with the Division of Archives and Records Services.

1249 (6) (a) The board of trustees shall elect a chair and vice chair, who serve for two years  
1250 and until their successors are elected and qualified.

1251 (b) A member may not serve more than two consecutive terms as the chair or vice  
1252 chair.

1253 (7) (a) The board of trustees shall enact bylaws for the board of trustees' own  
1254 government, including provisions for regular meetings.

1255 (b) (i) The board of trustees shall provide for an executive committee in the board of  
1256 trustees' bylaws.

1257 (ii) The executive committee shall have full authority of the board of trustees to act  
1258 upon routine matters during the interim between board of trustees meetings.

1259 (iii) The executive committee may act on nonroutine matters only under extraordinary  
1260 and emergency circumstances.

1261 (iv) The executive committee shall report the executive committee's activities to the  
1262 board of trustees at the board of trustees' next regular meeting following the executive  
1263 committee's activities.

1264 (8) A quorum shall be required to conduct business which shall consist of a majority of  
1265 board of trustee members.

- 1266 (9) The board of trustees may establish advisory committees.
- 1267 (10) A member may not receive compensation or benefits for the member's service, but
- 1268 may receive per diem and travel expenses in accordance with:
- 1269 (a) Section [63A-3-106](#);
- 1270 (b) Section [63A-3-107](#); and
- 1271 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 1272 [63A-3-107](#).
- 1273 (11) A board member shall comply with the conflict of interest provisions described in
- 1274 Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 1275 Section 22. Section **53B-2a-108** is amended to read:
- 1276 **53B-2a-108. Technical college boards of directors -- Membership --**
- 1277 **Appointments.**
- 1278 (1) As used in this section:
- 1279 (a) "Higher education institution" means the same as that term is defined in Section
- 1280 [53B-2a-112](#).
- 1281 (b) "Technical college service area" means the geographic area served by each
- 1282 technical college as described in Section [53B-2a-105](#).
- 1283 (2) A technical college board of directors consists of:
- 1284 (a) one member of the local school board for each school district in the technical
- 1285 college service area, appointed by the local school board to which the member belongs;
- 1286 (b) except as provided in Subsection (3)(b), one individual who is a member of the
- 1287 higher education institution board of trustees, appointed by the higher education institution
- 1288 board of trustees; and
- 1289 (c) a number of individuals, appointed by the governor with the consent of the Senate
- 1290 and in accordance with Title 63G, Chapter 24, Part 2, Vacancies, that is:
- 1291 (i) seven for:
- 1292 (A) Tooele Technical College;
- 1293 (B) Uintah Basin Technical College; and
- 1294 (C) Dixie Technical College;
- 1295 (ii) eight for:
- 1296 (A) Bridgerland Technical College;

1297 (B) Ogden-Weber Technical College;

1298 (C) Davis Technical College; and

1299 (D) Southwest Technical College; or

1300 (iii) nine for Mountainland Technical College.

1301 (3) (a) In appointing the members described in Subsection (2)(c), the governor shall  
1302 appoint individuals who represent the interests of business, industry, or labor in the technical  
1303 college service area.

1304 (b) If no member of the institution of higher education board of trustees lives within  
1305 the technical college service area, the institution of higher education board of trustees may  
1306 nominate an individual to be appointed by the governor with the consent of the Senate instead  
1307 of appointing a member described in Subsection (2)(b).

1308 (4) (a) The governor may remove a member appointed under Subsection (2)(c) or  
1309 (3)(b) for cause.

1310 (b) The governor shall consult with the president of the Senate before removing a  
1311 member appointed under Subsection (2)(c) or (3)(b).

1312 (5) (a) Notwithstanding Subsection (2) or [53B-2a-109\(2\)](#), an individual appointed to a  
1313 technical college board of directors on or before May 7, 2018, may continue to serve on the  
1314 technical college board of directors until the end of the individual's current term, even if the  
1315 total number of members on the technical college board of directors exceeds the number of  
1316 members for the technical college board of directors described in Subsection (2).

1317 (b) Notwithstanding Subsection (2), the governor may only make an appointment  
1318 described in Subsection (2)(c) if the number of members on the technical college board of  
1319 directors following the appointment will be less than or equal to the number of members for the  
1320 technical college board of directors described in Subsection (2).

1321 (6) A member described in Subsection (2)(c) shall comply with the conflict of interest  
1322 provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1323 Section 23. Section **53C-1-202** is amended to read:

1324 **53C-1-202. Board of trustees membership -- Nomination list -- Qualifications --**  
1325 **Terms -- Replacement -- Chair -- Quorum.**

1326 (1) There is established the School and Institutional Trust Lands Board of Trustees.

1327 (2) The board shall consist of seven members appointed on a nonpartisan basis by the

1328 governor with the consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2,  
1329 Vacancies.

1330 (3) (a) Except for the appointment made pursuant to Subsection (5), all appointments  
1331 to the board shall be for a nonconsecutive term of six years, or until a replacement has been  
1332 appointed and confirmed pursuant to this section.

1333 (b) If a vacancy occurs, the governor shall appoint a replacement, following the  
1334 procedures set forth in Subsections (2), (4), (5), and (6), to fill the unexpired term.

1335 (c) Any member of the board who has served less than six years upon the expiration of  
1336 that member's term is eligible for a consecutive reappointment.

1337 (4) (a) The governor shall select six of the seven appointees to the board from a  
1338 nomination list of at least two candidates for each position or vacancy submitted pursuant to  
1339 Section 53C-1-203.

1340 (b) The governor may request an additional nomination list of at least two candidates  
1341 from the nominating committee if the initial list of candidates for a given position is  
1342 unacceptable.

1343 (c) (i) If the governor fails to select an appointee within 60 days after receipt of the  
1344 initial list or within 60 days after the receipt of an additional list, the nominating committee  
1345 shall make an interim appointment by majority vote.

1346 (ii) The interim appointee shall serve until the matter is resolved by the committee and  
1347 the governor or until replaced pursuant to this chapter.

1348 (5) (a) The governor may appoint one member without requiring a nomination list.

1349 (b) The member appointed under Subsection (5)(a) serves at the pleasure of the  
1350 governor.

1351 (6) (a) Each board candidate shall possess outstanding professional qualifications  
1352 pertinent to the purposes and activities of the trust.

1353 (b) The board shall represent the following areas of expertise:

1354 (i) nonrenewable resource management or development;

1355 (ii) renewable resource management or development; and

1356 (iii) real estate.

1357 (c) Other qualifications which are pertinent for membership to the board are expertise  
1358 in any of the following areas:

1359 (i) business;  
1360 (ii) investment banking;  
1361 (iii) finance;  
1362 (iv) trust administration;  
1363 (v) asset management; and  
1364 (vi) the practice of law in any of the areas referred to in Subsections (6)(b) and (6)(c)(i)  
1365 through (v).

1366 (7) The board of trustees shall select a chair and vice chair from its membership.

1367 (8) Before assuming a position on the board, each member shall take an oath of office.

1368 (9) Four members of the board constitute a quorum for the transaction of business.

1369 (10) The governor or five board members may, for cause, remove a member of the  
1370 board.

1371 (11) A member of the board shall comply with the conflict of interest provisions  
1372 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1373 Section 24. Section **54-1-1.5** is amended to read:

1374 **54-1-1.5. Appointment of members -- Terms -- Qualifications -- Chairman --**  
1375 **Quorum -- Removal -- Vacancies -- Compensation.**

1376 The commission shall be composed of three members appointed by the governor with  
1377 the consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2, Vacancies. The  
1378 terms of the members shall be staggered so that one commissioner is appointed for a term of  
1379 six years on March 1 of each odd-numbered year. Not more than two members of the  
1380 commission shall belong to the same political party. One member of the commission shall be  
1381 designated by the governor as chairman of the commission. Any two commissioners constitute  
1382 a quorum. Any member of the commission may be removed for cause by the governor.  
1383 Vacancies in the commission shall be filled for unexpired terms by appointment of the  
1384 governor. Commissioners shall receive compensation as established by the governor within the  
1385 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation, and  
1386 all actual and necessary expenses incurred in attending to official business. Each  
1387 commissioner at the time of appointment and qualification shall be a resident citizen of the  
1388 United States and of the state of Utah and shall be not less than 30 years of age. Except as  
1389 provided by law, no commissioner may hold any other office either under the government of

1390 the United States or of this state or of any municipal corporation within this state. A  
1391 commissioner shall comply with the conflict of interest provisions described in Title 63G,  
1392 Chapter 24, Part 3, Conflicts of Interest.

1393 Section 25. Section **59-1-201** is amended to read:

1394 **59-1-201. Composition of commission -- Terms -- Removal from office --**  
1395 **Appointment.**

1396 (1) The commission shall be composed of four members appointed by the governor  
1397 with the consent of the Senate, and in accordance with Title 63G, Chapter 24, Part 2,  
1398 Vacancies.

1399 (2) Subject to Subsection (3), the term of office of each commissioner shall be for four  
1400 years and expire on June 30 of the year the term ends.

1401 (3) The governor shall stagger a term described in Subsection (2) so that the term of  
1402 one commissioner expires each year.

1403 (4) A commissioner shall hold office until a successor is appointed and qualified.

1404 (5) (a) The governor may remove a commissioner from office for neglect of duty,  
1405 inefficiency, or malfeasance, after notice and a hearing.

1406 (b) If the governor removes a commissioner from office and appoints another person to  
1407 replace the commissioner, the person the governor appoints to replace the commissioner:

1408 (i) shall serve for the remainder of the unexpired term; and

1409 (ii) may be reappointed as the governor determines.

1410 (6) (a) Before appointing a commissioner, the governor shall request a list of names of  
1411 potential appointees from:

1412 (i) the Utah State Bar;

1413 (ii) one or more organizations that represent certified public accountants who are  
1414 licensed to practice in the state;

1415 (iii) one or more organizations that represent persons who assess or appraise property  
1416 in the state; and

1417 (iv) one or more national organizations that:

1418 (A) offer a professional certification in the areas of property tax, sales and use tax, and  
1419 state income tax;

1420 (B) require experience, education, and testing to obtain the certification; and

1421 (C) require additional education to maintain the certification.

1422 (b) In appointing a commissioner, the governor shall consider:

1423 (i) to the extent names of potential appointees are submitted, the names of potential  
1424 appointees submitted in accordance with Subsection (6)(a); and

1425 (ii) any other potential appointee of the governor's own choosing.

1426 Section 26. Section **59-1-203** is amended to read:

1427 **59-1-203. Conflicts of interest -- Salaries -- Ethics.**

1428 (1) No person appointed as a member of the commission may hold any other office  
1429 under the laws of this state, the government of the United States, or any other state. Each  
1430 member shall devote full time to the duties of the office and may not hold any other position of  
1431 trust or profit under the Constitution nor engage in any other occupation that would create a  
1432 direct conflict with the duties of a commissioner.

1433 (2) The salaries of the commissioners shall be established by the governor within the  
1434 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1435 Commissioners shall also be allowed expenses as provided by law.

1436 (3) No commissioner, executive director, or consultant shall engage in political or  
1437 charitable fund raising activities. Commissioners and commission employees are governed by  
1438 Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

1439 (4) A commissioner shall comply with the conflict of interest provisions described in  
1440 Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1441 Section 27. Section **59-13-103** is amended to read:

1442 **59-13-103. List of clean fuels provided to tax commission -- Report to the**  
1443 **Legislature.**

1444 (1) The Air Quality Board shall annually provide to the tax commission a list of fuels  
1445 that are clean fuels under Section **59-13-102**.

1446 (2) The Air Quality Board [~~created~~] appointed under Section **19-2-103** shall in  
1447 conjunction with the State Tax Commission prepare and submit to the Legislature before  
1448 January 1, 1995, a report evaluating the impacts, benefits, and economic consequences of the  
1449 clean fuel provisions of Sections **59-13-201** and **59-13-301**.

1450 Section 28. Section **61-2f-103** is amended to read:

1451 **61-2f-103. Real Estate Commission.**

1452 (1) There is created within the division a Real Estate Commission. The commission  
1453 shall:

1454 (a) subject to concurrence by the division and in accordance with Title 63G, Chapter 3,  
1455 Utah Administrative Rulemaking Act, make rules for the administration of this chapter that are  
1456 not inconsistent with this chapter, including:

1457 (i) licensing of:

1458 (A) a principal broker;

1459 (B) an associate broker; and

1460 (C) a sales agent;

1461 (ii) registration of:

1462 (A) an entity; and

1463 (B) a branch office;

1464 (iii) prelicensing and postlicensing education curricula;

1465 (iv) examination procedures;

1466 (v) the certification and conduct of:

1467 (A) a real estate school;

1468 (B) a course provider; or

1469 (C) an instructor;

1470 (vi) proper handling of money received by a licensee under this chapter;

1471 (vii) brokerage office procedures and recordkeeping requirements;

1472 (viii) property management;

1473 (ix) standards of conduct for a licensee under this chapter; and

1474 (x) if the commission, with the concurrence of the division, determines necessary, a

1475 rule as provided in Subsection [61-2f-306\(3\)](#) regarding a legal form;

1476 (b) establish, with the concurrence of the division, a fee provided for in this chapter,  
1477 except a fee imposed under Part 5, Real Estate Education, Research, and Recovery Fund Act;

1478 (c) conduct an administrative hearing not delegated by the commission to an  
1479 administrative law judge or the division relating to the:

1480 (i) licensing of an applicant;

1481 (ii) conduct of a licensee;

1482 (iii) the certification or conduct of a real estate school, course provider, or instructor



1483 regulated under this chapter; or  
1484 (iv) violation of this chapter by any person;  
1485 (d) with the concurrence of the director, impose a sanction as provided in Section  
1486 [61-2f-404](#);  
1487 (e) advise the director on the administration and enforcement of a matter affecting the  
1488 division and the real estate sales and property management industries;  
1489 (f) advise the director on matters affecting the division budget;  
1490 (g) advise and assist the director in conducting real estate seminars; and  
1491 (h) perform other duties as provided by this chapter.  
1492 (2) (a) Except as provided in Subsection (2)(b), a state entity may not, without the  
1493 concurrence of the commission, make a rule that changes the rights, duties, or obligations of  
1494 buyers, sellers, or persons licensed under this chapter in relation to a real estate transaction  
1495 between private parties.  
1496 (b) Subsection (2)(a) does not apply to a rule made:  
1497 (i) under Title 31A, Insurance Code, or Title 7, Financial Institutions Act; or  
1498 (ii) by the Department of Commerce or any division or other rulemaking body within  
1499 the Department of Commerce.  
1500 (3) (a) The commission shall be comprised of five members appointed by the governor  
1501 and approved by the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.  
1502 (b) Four of the commission members shall:  
1503 (i) have at least five years' experience in the real estate business; and  
1504 (ii) hold an active principal broker, associate broker, or sales agent license.  
1505 (c) One commission member shall be a member of the general public.  
1506 (d) The governor may not appoint a commission member described in Subsection  
1507 (3)(b) who, at the time of appointment, resides in the same county in the state as another  
1508 commission member.  
1509 (e) At least one commission member described in Subsection (3)(b) shall at the time of  
1510 an appointment reside in a county that is not a county of the first or second class.  
1511 (4) (a) Except as required by Subsection (4)(b), as terms of current commission  
1512 members expire, the governor shall appoint each new member or reappointed member to a  
1513 four-year term ending June 30.

1514 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
1515 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1516 commission members are staggered so that approximately half of the commission is appointed  
1517 every two years.

1518 (c) Upon the expiration of the term of a member of the commission, the member of the  
1519 commission shall continue to hold office until a successor is appointed and qualified.

1520 (d) A commission member may not serve more than two consecutive terms.

1521 (e) Members of the commission shall annually select one member to serve as chair.

1522 (5) When a vacancy occurs in the membership for any reason, the governor, with the  
1523 consent of the Senate, shall appoint a replacement for the unexpired term.

1524 (6) A member may not receive compensation or benefits for the member's service, but  
1525 may receive per diem and travel expenses in accordance with:

1526 (a) Section 63A-3-106;

1527 (b) Section 63A-3-107; and

1528 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1529 63A-3-107.

1530 (7) (a) The commission shall meet at least monthly.

1531 (b) The director may call additional meetings:

1532 (i) at the director's discretion;

1533 (ii) upon the request of the chair; or

1534 (iii) upon the written request of three or more commission members.

1535 (8) Three members of the commission constitute a quorum for the transaction of  
1536 business.

1537 (9) A member of the commission shall comply with the conflict of interest provisions  
1538 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1539 Section 29. Section 61-2g-204 is amended to read:

1540 **61-2g-204. Real Estate Appraiser Licensing and Certification Board.**

1541 (1) (a) There is established a Real Estate Appraiser Licensing and Certification Board  
1542 that consists of five regular members as follows:

1543 (i) one state-licensed or state-certified appraiser who may be either a residential or  
1544 general licensee or certificate holder;

- 1545 (ii) one state-certified residential appraiser;  
1546 (iii) one state-certified general appraiser;  
1547 (iv) one member who is certified as either a state-certified residential appraiser or a  
1548 state-certified general appraiser; and  
1549 (v) one member of the general public.
- 1550 (b) A state-licensed or state-certified appraiser may be appointed as an alternate  
1551 member of the board.
- 1552 (c) The governor shall appoint all members of the board with the consent of the Senate  
1553 in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 1554 (2) (a) Except as required by Subsection (2)(b), as terms of current board members  
1555 expire, the governor shall appoint each new member or reappointed member to a four-year  
1556 term beginning on July 1.
- 1557 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
1558 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1559 board members are staggered so that approximately half of the board is appointed every two  
1560 years.
- 1561 (c) Upon the expiration of a member's term, a member of the board shall continue to  
1562 hold office until the appointment and qualification of the member's successor.
- 1563 (d) A person may not serve as a member of the board for more than two consecutive  
1564 terms.
- 1565 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall  
1566 be appointed for the unexpired term.
- 1567 (b) The governor may remove a member for cause.
- 1568 (4) The public member of the board may not be licensed or certified under this chapter.
- 1569 (5) The board shall meet at least quarterly to conduct its business. The division shall  
1570 give public notice of a board meeting.
- 1571 (6) The members of the board shall elect a chair annually from among the members to  
1572 preside at board meetings.
- 1573 (7) A member may not receive compensation or benefits for the member's service, but  
1574 may receive per diem and travel expenses in accordance with:
- 1575 (a) Section [63A-3-106](#);

1576 (b) Section 63A-3-107; and  
1577 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1578 63A-3-107.

1579 (8) (a) Three members of the board shall constitute a quorum for the transaction of  
1580 business.

1581 (b) If a quorum of members is unavailable for any meeting, the alternate member of the  
1582 board, if any, shall serve as a regular member of the board for that meeting if with the presence  
1583 of the alternate member a quorum is present at the meeting.

1584 (c) A member of the board shall comply with the conflict of interest provisions  
1585 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1586 Section 30. Section 62A-1-107 is amended to read:

1587 **62A-1-107. Board of Aging and Adult Services -- Members, appointment, terms,**  
1588 **vacancies, chairperson, compensation, meetings, quorum.**

1589 (1) The Board of Aging and Adult Services described in Subsection 62A-1-105(1)(a)  
1590 shall have seven members who are appointed by the governor with the consent of the Senate in  
1591 accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1592 (2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a  
1593 term of four years, and is eligible for one reappointment.

1594 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
1595 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1596 board members are staggered so that approximately half of the board is appointed every two  
1597 years.

1598 (c) Board members shall continue in office until the expiration of their terms and until  
1599 their successors are appointed, which may not exceed 90 days after the formal expiration of a  
1600 term.

1601 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
1602 appointed for the unexpired term.

1603 (3) No more than four members of the board may be from the same political party.  
1604 The board shall have diversity of gender, ethnicity, and culture; and members shall be chosen  
1605 on the basis of their active interest, experience, and demonstrated ability to deal with issues  
1606 related to the Board of Aging and Adult Services.

1607 (4) The board shall annually elect a chairperson from the board's membership. The  
1608 board shall hold meetings at least once every three months. Within budgetary constraints,  
1609 meetings may be held from time to time on the call of the chairperson or of the majority of the  
1610 members of the board. Four members of the board are necessary to constitute a quorum at any  
1611 meeting, and, if a quorum exists, the action of the majority of members present shall be the  
1612 action of the board.

1613 (5) A member may not receive compensation or benefits for the member's service, but,  
1614 at the executive director's discretion, may receive per diem and travel expenses in accordance  
1615 with:

1616 (a) Section 63A-3-106;

1617 (b) Section 63A-3-107; and

1618 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1619 63A-3-107.

1620 (6) The board shall adopt bylaws governing its activities. Bylaws shall include  
1621 procedures for removal of a board member who is unable or unwilling to fulfill the  
1622 requirements of the board member's appointment.

1623 (7) The board has program policymaking authority for the division over which the  
1624 board presides.

1625 (8) A member of the board shall comply with the conflict of interest provisions  
1626 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1627 Section 31. Section 63G-2-501 is amended to read:

1628 **63G-2-501. State Records Committee created -- Membership -- Terms --**  
1629 **Vacancies -- Expenses.**

1630 (1) There is created the State Records Committee within the Department of  
1631 Administrative Services consisting of the following seven individuals:

1632 (a) an individual in the private sector whose profession requires the individual to create  
1633 or manage records that, if created by a governmental entity, would be private or controlled;

1634 (b) an individual with experience with electronic records and databases, as  
1635 recommended by a statewide technology advocacy organization that represents the public,  
1636 private, and nonprofit sectors;

1637 (c) the director of the Division of Archives and Records Services or the director's

1638 designee;

1639 (d) two citizen members;

1640 (e) one person representing political subdivisions, as recommended by the Utah League  
1641 of Cities and Towns; and

1642 (f) one individual representing the news media.

1643 (2) The governor shall appoint the members described in Subsections (1)(a), (b), (d),  
1644 (e), and (f) with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,  
1645 Vacancies.

1646 (3) (a) Except as provided in Subsection (3)(b), the governor shall appoint each  
1647 member to a four-year term.

1648 (b) Notwithstanding Subsection (3)(a), the governor shall, at the time of appointment  
1649 or reappointment, adjust the length of terms to ensure that the terms of committee members are  
1650 staggered so that approximately half of the committee is appointed every two years.

1651 (c) Each appointed member is eligible for reappointment for one additional term.

1652 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
1653 appointed for the unexpired term.

1654 (5) A member of the State Records Committee may not receive compensation or  
1655 benefits for the member's service on the committee, but may receive per diem and travel  
1656 expenses in accordance with:

1657 (a) Section 63A-3-106;

1658 (b) Section 63A-3-107; and

1659 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

1660 (6) A member described in Subsection (1)(a), (b), (d), (e), or (f) shall comply with the  
1661 conflict of interest provisions described in Chapter 24, Part 3, Conflicts of Interest.

1662 Section 32. Section 63G-24-101 is enacted to read:

1663 **CHAPTER 24. BOARD VACANCIES AND CONFLICTS ACT**

1664 **Part 1. General Provisions**

1665 **63G-24-101. Title.**

1666 This chapter is known as the "Board Vacancies and Conflicts Act."

1667 Section 33. Section 63G-24-102 is enacted to read:

1668 **63G-24-102. Definitions.**

1669 As used in this chapter:

1670 (1) "Affiliation" means association with an entity, including association in the form of  
1671 employment, ownership, shareholdership, or financial interest.

1672 (2) "Agency" means the same as that term is defined in Section [63G-4-103](#).

1673 (3) "Appointed board member" means an individual appointed by the governor, with  
1674 the consent of the Senate, to serve on a rulemaking board.

1675 (4) "Nominee" means a person selected by the governor to fill a rulemaking board  
1676 vacancy subject to the consent of the Senate.

1677 (5) (a) "Rulemaking board" means a board, committee, commission, or council:

1678 (i) that has rulemaking authority; and

1679 (ii) at least part of whose membership is appointed by the governor subject to the  
1680 consent of the Senate.

1681 (b) "Rulemaking board" does not include:

1682 (i) the State Board of Education; or

1683 (ii) the Utah Retirement Board.

1684 (6) "Substantial interest" means the same as that term is defined in Section [67-16-3](#).

1685 Section 34. Section **63G-24-103** is enacted to read:

1686 **63G-24-103. Requirement to follow this chapter.**

1687 (1) An applicant, a rulemaking board, and the governor's office shall follow the  
1688 procedures for vacancies described in this chapter in order to fill a vacancy on a rulemaking  
1689 board.

1690 (2) An appointed board member shall follow the procedures for conflicts of interest  
1691 described in this chapter.

1692 Section 35. Section **63G-24-201** is enacted to read:

## 1693 **Part 2. Vacancies**

1694 **63G-24-201. Notice.**

1695 (1) A rulemaking board shall give public notice regarding a vacancy or expiring term  
1696 on the rulemaking board on or before:

1697 (a) 90 days before the day on which a departing appointed board member's or a  
1698 continuing board member's term expires; or

1699 (b) 10 days after the day on which the rulemaking board chair or vice chair receives

1700 written notice of a current appointed board member's intent to leave the board.

1701 (2) (a) The governor's office shall post the notice described in Subsection (1) on the  
1702 governor's website described in Subsection [67-1-2.5\(4\)](#).

1703 (b) A rulemaking board may post the notice described in Subsection (1) on the  
1704 rulemaking board's website.

1705 Section 36. Section **63G-24-202** is enacted to read:

1706 **63G-24-202. Application.**

1707 (1) The application period for an appointed board member position shall last no fewer  
1708 than 60 days.

1709 (2) An applicant shall use the application feature on the governor's website described in  
1710 Subsection [67-1-2.5\(4\)](#) to apply for a vacant appointed board member position.

1711 (3) The application feature described in Subsection (2) shall require the applicant to  
1712 provide information including:

1713 (a) the applicant's name;

1714 (b) the applicant's current employment; and

1715 (c) the applicant's affiliation with public and private entities, including employment, in  
1716 the five years on or before the day on which the applicant submits the application.

1717 Section 37. Section **63G-24-203** is enacted to read:

1718 **63G-24-203. Governor selection of nominee.**

1719 (1) The governor shall select a nominee based on:

1720 (a) the applicant's fitness for office; and

1721 (b) statutory requirements.

1722 (2) The governor shall follow the process described in Section [67-1-2](#) to notify the  
1723 Senate of a nominee for an appointed board member vacancy.

1724 Section 38. Section **63G-24-204** is enacted to read:

1725 **63G-24-204. Public comment on nominee.**

1726 (1) Within seven days after the day on which the governor selects a nominee, the  
1727 governor's office shall post the information about the nominee described in Subsection  
1728 [63G-24-202\(3\)](#) on the governor's website described in Subsection [67-1-2.5\(4\)](#).

1729 (2) A rulemaking board may post the information about the nominee described in  
1730 Subsection [63G-24-202\(3\)](#) on the rulemaking board's website.



1731 (3) Before posting the information described in Subsection 63G-24-202(3), the  
1732 governor's office and the rulemaking board shall redact personal information about the  
1733 nominee, including the nominee's home address, date of birth, email address, and phone  
1734 number.

1735 (4) The governor's website described in Subsection 67-1-2.5(4) shall include  
1736 information on how to publicly comment on a nominee no fewer than seven days before the  
1737 first day on which the governor's office will accept applications for a position.

1738 (5) The governor's office shall permit public comment for no fewer than 30 days after  
1739 the day on which the governor's office posts the information about the nominee.

1740 Section 39. Section **63G-24-205** is enacted to read:

1741 **63G-24-205. Senate confirmation of nominee.**

1742 The Senate shall follow the process described in Section 67-1-2 to confirm a nominee  
1743 to fill an appointed board member vacancy.

1744 Section 40. Section **63G-24-301** is enacted to read:

1745 **Part 3. Conflicts of Interest**

1746 **63G-24-301. Disclosure of conflicts.**

1747 (1) An appointed board member shall disclose the nature of any position or financial  
1748 interest the appointed board member holds in any business entity that is subject to the  
1749 regulation of the agency, including if the relationship of the appointed board member to the  
1750 business entity is that of:

1751 (a) an officer;

1752 (b) a director;

1753 (c) an agent;

1754 (d) an employee; or

1755 (e) an owner of a substantial interest.

1756 (2) Within 10 days after the day on which an appointed board member is appointed to  
1757 serve on a rulemaking board, the appointed board member shall make the disclosure described  
1758 in Subsection (1) in writing to the rulemaking board.

1759 (3) An appointed board member shall, if there are changes to items the appointed board  
1760 member is required to disclose under Subsection (1), update the disclosure before voting on a  
1761 measure the rulemaking board takes with respect to a business entity described in Subsection

1762 (1).

1763 Section 41. Section **63G-24-302** is enacted to read:

1764 **63G-24-302. Effect on voting.**

1765 Disclosure under Section [63G-24-201](#) does not require an appointed board member to  
1766 abstain from voting unless the appointed board member holds a substantial interest in a  
1767 business entity that the vote will impact.

1768 Section 42. Section **63H-6-104** is amended to read:

1769 **63H-6-104. Board of directors -- Membership -- Term -- Quorum -- Vacancies --**

1770 **Duties.**

1771 (1) The corporation is governed by a board of directors.

1772 (2) The board is composed of members as follows:

1773 (a) the director of the Division of Facilities Construction and Management or the  
1774 director's designee;

1775 (b) the commissioner of agriculture and food or the commissioner's designee;

1776 (c) two members, appointed by the president of the Senate:

1777 (i) who have business related experience; and

1778 (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);

1779 (d) two members, appointed by the speaker of the House:

1780 (i) who have business related experience; and

1781 (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);

1782 (e) five members, of whom only one may be a legislator, in accordance with

1783 Subsection (3)(e), appointed by the governor with the consent of the Senate in accordance with

1784 Title 63G, Chapter 24, Part 2, Vacancies as follows:

1785 (i) two members who represent agricultural interests;

1786 (ii) two members who have business related experience; and

1787 (iii) one member who is recommended by the Utah Farm Bureau Federation;

1788 (f) one member, appointed by the mayor of Salt Lake City with the consent of the  
1789 Senate, who is a resident of the neighborhood located adjacent to the state fair park;

1790 (g) a representative of Salt Lake County, if Salt Lake County is party to an executed  
1791 lease agreement with the corporation; and

1792 (h) a representative of the Days of '47 Rodeo.

1793 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), a board member appointed under  
1794 Subsection (2)(c), (d), (e), or (f) shall serve a term that expires on the December 1 four years  
1795 after the year that the board member was appointed.

1796 (ii) In making appointments to the board, the president of the Senate, the speaker of the  
1797 House, the governor, and the mayor of Salt Lake City shall ensure that the terms of  
1798 approximately 1/4 of the appointed board members expire each year.

1799 (b) Except as provided in Subsection (3)(c), appointed board members serve until their  
1800 successors are appointed and qualified.

1801 (c) (i) If an appointed board member is absent from three consecutive board meetings  
1802 without excuse, that member's appointment is terminated, the position is vacant, and the  
1803 individual who appointed the board member shall appoint a replacement.

1804 (ii) The president of the Senate, the speaker of the House, the governor, or the mayor of  
1805 Salt Lake City, as applicable, may remove an appointed member of the board at will.

1806 (d) The president of the Senate, the speaker of the House, the governor, or the mayor of  
1807 Salt Lake City, as appropriate, shall fill any vacancy that occurs on the board for any reason by  
1808 appointing an individual in accordance with the procedures described in this section for the  
1809 unexpired term of the vacated member.

1810 (e) No more than a combined total of two legislators may be appointed under  
1811 Subsections (2)(c), (d), and (e).

1812 (4) The governor shall select the board's chair.

1813 (5) A majority of the members of the board is a quorum for the transaction of business.

1814 (6) The board may elect a vice chair and any other board offices.

1815 (7) The board may create one or more subcommittees to advise the board on any issue  
1816 related to the state fair park.

1817 (8) In carrying out the board's duties under this chapter, the board shall cooperate with  
1818 and, upon request, appear before the State Fair Park Committee.

1819 (9) No later than November 30 of each year, the board shall provide the following to  
1820 the State Fair Park Committee:

1821 (a) a report on the general state of the financial and business affairs of the corporation;

1822 (b) a report on that year's annual exhibition described in Subsection 63H-6-103(4)(j),  
1823 including the exhibition's attendance, operations, and revenue;

1824 (c) any appropriation request that the board plans to submit to the Legislature; and

1825 (d) any other report that the State Fair Park Committee requests.

1826 (10) A member described in Subsection (2)(e) shall comply with the conflict of interest  
1827 provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1828 Section 43. Section **63H-8-201** is amended to read:

1829 **63H-8-201. Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers --**  
1830 **Quorum -- Per diem and expenses.**

1831 (1) (a) There is created an independent body politic and corporate, constituting a public  
1832 corporation, known as the "Utah Housing Corporation."

1833 (b) The corporation may also be known and do business as the:

1834 (i) Utah Housing Finance Association; and

1835 (ii) Utah Housing Finance Agency in connection with a contract entered into when that  
1836 was the corporation's legal name.

1837 (c) No other entity may use the names described in Subsections (1)(a) and (b) without  
1838 the express approval of the corporation.

1839 (2) The corporation is governed by a board of trustees composed of the following nine  
1840 trustees:

1841 (a) the executive director of the Department of Workforce Services or the executive  
1842 director's designee;

1843 (b) the commissioner of the Department of Financial Institutions or the commissioner's  
1844 designee;

1845 (c) the state treasurer or the treasurer's designee; and

1846 (d) six public trustees, who are private citizens of the state, as follows:

1847 (i) two people who represent the mortgage lending industry;

1848 (ii) two people who represent the home building and real estate industry; and

1849 (iii) two people who represent the public at large.

1850 (3) The governor shall:

1851 (a) appoint the six public trustees of the corporation with the consent of the Senate in  
1852 accordance with Title 63G, Chapter 24, Part 2, Vacancies; and

1853 (b) ensure that:

1854 (i) the six public trustees are from different counties and are residents of the state; and

1855 (ii) not more than three of the public trustees are members of the same political party.

1856 (4) (a) Except as required by Subsection (4)(b), the governor shall appoint the six  
1857 public trustees to terms of office of four years each.

1858 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
1859 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1860 corporation trustees are staggered so that approximately half of the board is appointed every  
1861 two years.

1862 (5) (a) A public trustee of the corporation may be removed from office for cause either  
1863 by the governor or by an affirmative vote of six trustees of the corporation.

1864 (b) When a vacancy occurs in the board of trustees for any reason, the replacement  
1865 shall be appointed for the unexpired term.

1866 (c) A public trustee shall hold office for the term of appointment and until the trustee's  
1867 successor has been appointed and qualified.

1868 (d) A public trustee is eligible for reappointment but may not serve more than two full  
1869 consecutive terms.

1870 (6) (a) The governor shall select the chair of the corporation.

1871 (b) The trustees shall elect from among their number a vice chair and other officers  
1872 they may determine.

1873 (7) (a) Five trustees of the corporation constitute a quorum for transaction of business.

1874 (b) An affirmative vote of at least five trustees is necessary for any action to be taken  
1875 by the corporation.

1876 (c) A vacancy in the board of trustees does not impair the right of a quorum to exercise  
1877 all rights and perform all duties of the corporation.

1878 (8) A trustee may not receive compensation or benefits for the trustee's service, but  
1879 may receive per diem and travel expenses in accordance with:

1880 (a) Section [63A-3-106](#);

1881 (b) Section [63A-3-107](#); and

1882 (c) rules made by the Division of Finance according to Sections [63A-3-106](#) and  
1883 [63A-3-107](#).

1884 (9) A trustee described in Subsection (2)(d) shall comply with the conflict of interest  
1885 provisions described in Section [63G-24-301](#).

1886 Section 44. Section **63M-2-301** is amended to read:

1887 **63M-2-301. The Utah Science Technology and Research Initiative -- Governing**  
1888 **authority -- Program director.**

1889 (1) There is created the Utah Science Technology and Research Initiative.

1890 (2) Subject to Subsection [~~(1)~~] (11), to oversee USTAR, there is created the Utah  
1891 Science Technology and Research Governing Authority consisting of:

1892 (a) the state treasurer or the state treasurer's designee;

1893 (b) the executive director of the Governor's Office of Economic Development;

1894 (c) three members appointed by the governor, with the consent of the Senate in  
1895 accordance with Title 63G, Chapter 24, Part 2, Vacancies;

1896 (d) two members who are not legislators appointed by the president of the Senate;

1897 (e) two members who are not legislators appointed by the speaker of the House of  
1898 Representatives; and

1899 (f) one member appointed by the commissioner of higher education.

1900 (3) (a) The eight appointed members under Subsections (2)(c) through (f) shall serve  
1901 four-year staggered terms.

1902 (b) An appointed member under Subsection (2)(c), (d), (e), or (f):

1903 (i) may not serve more than two full consecutive terms; and

1904 (ii) may be removed from the governing authority for any reason before the member's  
1905 term is completed:

1906 (A) at the discretion of the original appointing authority; and

1907 (B) after the original appointing authority consults with the governing authority.

1908 (4) A vacancy on the governing authority in an appointed position under Subsection  
1909 (2)(c), (d), (e), or (f) shall be filled for the unexpired term by the appointing authority in the  
1910 same manner as the original appointment.

1911 (5) (a) Except as provided in Subsection (5)(b), the governor, with the consent of the  
1912 Senate, shall select the chair of the governing authority to serve a one-year term.

1913 (b) The governor may extend the term of a sitting chair of the governing authority  
1914 without the consent of the Senate.

1915 (c) The executive director of the Governor's Office of Economic Development shall  
1916 serve as the vice chair of the governing authority.

1917 (6) The governing authority shall meet at least six times each year and may meet more  
1918 frequently at the request of a majority of the members of the governing authority.

1919 (7) Five members of the governing authority are a quorum.

1920 (8) A member of the governing authority may not receive compensation or benefits for  
1921 the member's service, but may receive per diem and travel expenses as allowed in:

1922 (a) Section 63A-3-106;

1923 (b) Section 63A-3-107; and

1924 (c) rules made by the Division of Finance:

1925 (i) pursuant to Sections 63A-3-106 and 63A-3-107; and

1926 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1927 (9) (a) The governor, with the consent of the Senate, may appoint a program director to  
1928 oversee USTAR.

1929 (b) The program director is an at-will employee who may be terminated with or  
1930 without cause by the governor or the executive director of the Governor's Office of Economic  
1931 Development.

1932 (10) On July 1, 2019, the governing authority is dissolved and the program director is  
1933 under the supervision of the executive director of the Governor's Office of Economic  
1934 Development.

1935 Section 45. Section 63M-7-504 is amended to read:

1936 **63M-7-504. Crime Victim Reparations and Assistance Board -- Members.**

1937 (1) (a) A Crime Victim Reparations and Assistance Board is created, consisting of  
1938 seven members appointed by the governor with the consent of the Senate in accordance with  
1939 Title 63G, Chapter 24, Part 2, Vacancies.

1940 (b) The membership of the board shall consist of:

1941 (i) a member of the bar of this state;

1942 (ii) a victim of criminally injurious conduct;

1943 (iii) a licensed physician;

1944 (iv) a representative of law enforcement;

1945 (v) a mental health care provider;

1946 (vi) a victim advocate; and

1947 (vii) a private citizen.

1948 (c) The governor may appoint a chair of the board who shall serve for a period of time  
1949 prescribed by the governor, not to exceed the length of the chair's term. The board may elect a  
1950 vice chair to serve in the absence of the chair.

1951 (d) The board may hear appeals from administrative decisions as provided in rules  
1952 adopted pursuant to Section 63M-7-515.

1953 (2) (a) Except as required by Subsection (2)(b), as terms of current board members  
1954 expire, the governor shall appoint each new member or reappointed member to a four-year  
1955 term.

1956 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
1957 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1958 board members are staggered so that approximately half of the board is appointed every two  
1959 years.

1960 (c) A member may be reappointed to one successive term in addition to a member's  
1961 initial full-term appointment.

1962 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall  
1963 be appointed for the unexpired term.

1964 (b) A member resigning from the board shall serve until the member's successor is  
1965 appointed and qualified.

1966 (4) A member may not receive compensation or benefits for the member's service, but  
1967 may receive per diem and travel expenses in accordance with:

1968 (a) Section 63A-3-106;

1969 (b) Section 63A-3-107; and

1970 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1971 63A-3-107.

1972 (5) The board shall meet at least once quarterly but may meet more frequently as  
1973 necessary.

1974 (6) A member shall comply with the conflict of interest provisions described in Title  
1975 63G, Chapter 24, Part 3, Conflicts of Interest.

1976 Section 46. Section 63N-1-401 is amended to read:

1977 **63N-1-401. Board of Business and Economic Development -- Membership --**  
1978 **Expenses.**



1979 (1) (a) There is created within the office the Board of Business and Economic  
 1980 Development, consisting of 15 members appointed by the governor to four-year terms of office  
 1981 with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1982 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the  
 1983 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
 1984 board members are staggered so that approximately half of the board is appointed every two  
 1985 years.

1986 (c) The members may not serve more than two full consecutive terms except where the  
 1987 governor determines that an additional term is in the best interest of the state.

1988 (2) In appointing members of the committee, the governor shall ensure that:

1989 (a) no more than eight members of the board are from one political party; and

1990 (b) members represent a variety of geographic areas and economic interests of the state.

1991 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
 1992 appointed for the unexpired term in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1993 (4) Eight members of the board constitute a quorum for conducting board business and  
 1994 exercising board power.

1995 (5) The governor shall select one board member as the board's chair.

1996 (6) A member may not receive compensation or benefits for the member's service, but  
 1997 may receive per diem and travel expenses in accordance with:

1998 (a) Section [63A-3-106](#);

1999 (b) Section [63A-3-107](#); and

2000 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

2001 (7) A member shall comply with the conflict of interest provisions described in Title  
 2002 63G, Chapter 24, Part 3, Conflicts of Interest.

2003 Section 47. Section **67-1-2** is amended to read:

2004 **67-1-2. Sending list of gubernatorial nominees to Senate and to Office of**  
 2005 **Legislative Research and General Counsel.**

2006 [~~(1) Unless waived by a majority of the president of the Senate, the Senate majority~~  
 2007 ~~leader, and the Senate minority leader, 15 days before any Senate session to confirm any~~  
 2008 ~~gubernatorial nominee, except a judicial appointment,]~~

2009 (1) Except as provided in Subsection (2), at least 30 days before the day of an

2010 extraordinary session of the Senate to confirm a gubernatorial nominee, the governor shall send  
2011 to each member of the Senate and to the Office of Legislative Research and General Counsel  
2012 the following information for each nominee:

2013 ~~[(a) a list of each nominee for an office or position made by the governor in accordance~~  
2014 ~~with the Utah Constitution and state law; and]~~

2015 ~~[(b) any information that may support or provide biographical information about the~~  
2016 ~~nominee, including resumes and curriculum vitae.]~~

2017 (a) the nominee's name and biographical information, including a resume and a  
2018 curriculum vitae with personal contact information, including home address, email address, and  
2019 telephone number, redacted, except that the governor shall send to the Office of Legislative  
2020 Research and General Counsel the contact information for the nominee;

2021 (b) a detailed list, with citations, of the legal requirements for the appointed position;

2022 (c) a detailed list with supporting documents explaining how, and verifying that, the  
2023 nominee meets each statutory and constitutional requirement for the appointed position;

2024 (d) a written certification by the governor that the nominee satisfies all requirements  
2025 for the appointment; and

2026 (e) public comment information collected in accordance with Section [63G-24-204](#).

2027 (2) (a) Subsection (1) does not apply to a judicial nominee.

2028 (b) A majority of the president of the Senate, the Senate majority leader, and the Senate  
2029 minority leader may waive the 30-day requirement described in Subsection (1) for a  
2030 gubernatorial nominee other than a nominee for the following:

2031 (i) a member of the State Tax Commission;

2032 (ii) a member of the State Board of Education;

2033 (iii) a member of the State Board of Regents; or

2034 (iv) a member of the Utah System of Technical Colleges Board of Trustees.

2035 (3) The Senate shall hold a confirmation hearing for a nominee for an individual  
2036 described in Subsections (2)(b)(i) through (iv).

2037 (4) The governor shall:

2038 (a) if the governor is aware of an upcoming vacancy in a position that requires Senate  
2039 confirmation, provide notice of the upcoming vacancy to the president of the Senate, the Senate  
2040 minority leader, and the Office of Legislative Research and General Counsel at least 30 days

2041 before the day on which the vacancy occurs; and

2042 (b) establish a process for the government entities and other relevant organizations to  
2043 provide input on gubernatorial appointments.

2044 [~~2~~] (5) When the governor makes a judicial appointment, the governor shall  
2045 immediately provide to the president of the Senate and the Office of Legislative Research and  
2046 General Counsel:

2047 (a) the name of the judicial appointee; and

2048 (b) the judicial appointee's:

2049 (i) resume;

2050 (ii) complete file of all the application materials the governor received from the

2051 Judicial Nominating Commission; and

2052 (iii) any other related documents, including any letters received by the governor about  
2053 the appointee, unless the letter specifically directs that it may not be shared.

2054 [~~3~~] (6) The governor shall inform the president of the Senate and the Office of  
2055 Legislative Research and General Counsel of the number of letters withheld pursuant to  
2056 Subsection [~~2~~] (5)(b)(iii).

2057 [~~4~~] (7) (a) Letters of inquiry submitted by any judge at the request of any judicial  
2058 nominating commission shall be classified as private in accordance with Section 63G-2-302.

2059 (b) All other records received from the governor pursuant to this Subsection [~~4~~] (7)  
2060 may be classified as private in accordance with Section 63G-2-302.

2061 [~~5~~] (8) The Senate shall consent or refuse to give [~~its~~] consent to the nomination or  
2062 judicial appointment.

2063 Section 48. Section 67-1-2.5 is amended to read:

2064 **67-1-2.5. Executive boards -- Database -- Governor's review of new boards.**

2065 (1) As used in this section:

2066 (a) "Administrator" means the boards and commissions administrator designated under  
2067 Subsection (2).

2068 (b) "Executive board" means any executive branch board, commission, council,  
2069 committee, working group, task force, study group, advisory group, or other body with a  
2070 defined limited membership that is created to operate for more than six months by the  
2071 constitution, by statute, by executive order, by the governor, lieutenant governor, attorney

2072 general, state auditor, or state treasurer or by the head of a department, division, or other  
2073 administrative subunit of the executive branch of state government.

2074 (2) (a) Before September 1 of the calendar year following the year in which the  
2075 Legislature creates a new executive board, the governor shall:

2076 (i) review the executive board to evaluate:

2077 (A) whether the executive board accomplishes a substantial governmental interest; and

2078 (B) whether it is necessary for the executive board to remain in statute;

2079 (ii) in the governor's review under Subsection (2)(a)(i), consider:

2080 (A) the funding required for the executive board;

2081 (B) the staffing resources required for the executive board;

2082 (C) the time members of the executive board are required to commit to serve on the  
2083 executive board; and

2084 (D) whether the responsibilities of the executive board could reasonably be  
2085 accomplished through an existing entity or without statutory direction; and

2086 (iii) submit a report to the Government Operations Interim Committee recommending  
2087 that the Legislature:

2088 (A) repeal the executive board;

2089 (B) add a sunset provision or future repeal date to the executive board;

2090 (C) make other changes to make the executive board more efficient; or

2091 (D) make no changes to the executive board.

2092 (b) In conducting the evaluation and making the report described in Subsection (2)(a),  
2093 the governor shall give deference to:

2094 (i) reducing the size of government; and

2095 (ii) making governmental programs more efficient and effective.

2096 (c) Upon receipt of a report from the governor under Subsection (2)(a)(iii), the

2097 Government Operations Interim Committee shall vote on whether to address the

2098 recommendations made by the governor in the report and prepare legislation accordingly.

2099 (3) (a) The governor shall designate a board and commissions administrator from the  
2100 governor's staff to maintain a computerized database containing information about all  
2101 executive boards.

2102 (b) The administrator shall ensure that the database contains:

- 2103 (i) the name of each executive board;
- 2104 (ii) the statutory or constitutional authority for the creation of the executive board;
- 2105 (iii) the sunset date on which each executive board's statutory authority expires;
- 2106 (iv) the state officer or department and division of state government under whose
- 2107 jurisdiction the executive board operates or with which the executive board is affiliated, if any;
- 2108 (v) the name, address, gender, telephone number, and county of each individual
- 2109 currently serving on the executive board, along with a notation of all vacant or unfilled
- 2110 positions;
- 2111 (vi) the title of the position held by the person who appointed each member of the
- 2112 executive board;
- 2113 (vii) the length of the term to which each member of the executive board was
- 2114 appointed and the month and year that each executive board member's term expires;
- 2115 (viii) whether or not members appointed to the executive board require consent of the
- 2116 Senate;
- 2117 (ix) the organization, interest group, profession, local government entity, or geographic
- 2118 area that an individual appointed to an executive board represents, if any;
- 2119 (x) the party affiliation of an individual appointed to an executive board, if the statute
- 2120 or executive order creating the position requires representation from political parties;
- 2121 (xi) whether each executive board is a policy board or an advisory board;
- 2122 (xii) whether the executive board has or exercises rulemaking authority, or is a
- 2123 rulemaking board as defined in Section 63G-24-102; and
- 2124 (xiii) any compensation and expense reimbursement that members of the executive
- 2125 board are authorized to receive.
- 2126 (4) The administrator shall [~~place the following on~~] ensure the governor's website
- 2127 includes:
- 2128 (a) the information contained in the database[;], except for an individual's:
- 2129 (i) physical address;
- 2130 (ii) email address; and
- 2131 (iii) telephone number;
- 2132 (b) each report the administrator receives under Subsection (5); and
- 2133 (c) the summary report described in Subsection (6).

2134 (5) (a) Before August 1 of each year, each executive board shall prepare and submit to  
2135 the administrator an annual report that includes:

2136 (i) the name of the executive board;

2137 (ii) a description of the executive board's official function and purpose;

2138 (iii) a description of the actual work performed by the executive board since the last  
2139 report the executive board submitted to the administrator under this Subsection (5);

2140 (iv) a description of actions taken by the executive board since the last report the  
2141 executive board submitted to the administrator under this Subsection (5);

2142 (v) recommendations on whether any statutory, rule, or other changes are needed to  
2143 make the executive board more effective; and

2144 (vi) an indication of whether the executive board should continue to exist.

2145 (b) The administrator shall compile and post the reports described in Subsection (5)(a)  
2146 to the governor's website before September 1 of each year.

2147 (c) An executive board is not required to submit a report under this Subsection (5) if  
2148 the executive board:

2149 (i) is also a legislative board under Section [36-12-22](#); and

2150 (ii) submits a report under Section [36-12-22](#).

2151 (6) (a) The administrator shall prepare, publish, and distribute an annual report by  
2152 September 1 of each year that includes:

2153 (i) as of August 1 of that year:

2154 (A) the total number of executive boards;

2155 (B) the name of each of those executive boards and the state officer or department and  
2156 division of state government under whose jurisdiction the executive board operates or with  
2157 which the executive board is affiliated, if any;

2158 (C) for each state officer and each department and division, the total number of  
2159 executive boards under the jurisdiction of or affiliated with that officer, department, and  
2160 division;

2161 (D) the total number of members for each of those executive boards;

2162 (E) whether or not some or all of the members of each of those executive boards are  
2163 approved by the Senate;

2164 (F) whether each board is a policymaking board or an advisory board and the total

2165 number of policy boards and the total number of advisory boards; and  
2166 (G) the compensation, if any, paid to the members of each of those executive boards;  
2167 and  
2168 (ii) a summary of the reports submitted to the administrator under Subsection (5),  
2169 including:  
2170 (A) a list of each executive board that submitted a report under Subsection (5);  
2171 (B) a list of each executive board that did not submit a report under Subsection (5);  
2172 (C) an indication of any recommendations made under Subsection (5)(a)(v); and  
2173 (D) a list of any executive boards that indicated under Subsection (5)(a)(vi) that the  
2174 executive board should no longer exist.  
2175 (b) The administrator shall distribute copies of the report described in Subsection (6)(a)  
2176 to:  
2177 (i) the governor;  
2178 (ii) the president of the Senate;  
2179 (iii) the speaker of the House;  
2180 (iv) the Office of Legislative Research and General Counsel;  
2181 (v) the Government Operations Interim Committee; and  
2182 (vi) any other persons who request a copy of the annual report.  
2183 (c) Each year, the Government Operations Interim Committee shall prepare legislation  
2184 making any changes the committee determines are suitable with respect to the report the  
2185 committee receives under Subsection (6)(b), including:  
2186 (i) repealing an executive board that is no longer functional or necessary; and  
2187 (ii) making appropriate changes to make an executive board more effective.  
2188 Section 49. Section **72-1-301** is amended to read:  
2189 **72-1-301. Transportation Commission created -- Members, appointment, terms --**  
2190 **Qualifications -- Pay and expenses -- Chair -- Quorum.**  
2191 (1) (a) There is created the Transportation Commission which shall consist of seven  
2192 members.  
2193 (b) The members of the commission shall be residents of Utah.  
2194 (c) The members of the commission shall be selected on a nonpartisan basis.  
2195 (d) (i) The commissioners shall, in accordance with Title 63G, Chapter 24, Part 2,

2196 Vacancies, be appointed by the governor, with the consent of the Senate, for a term of six  
2197 years, beginning on April 1 of odd-numbered years, except as provided under Subsection  
2198 (1)(d)(ii).

2199 (ii) The first two additional commissioners serving on the seven member commission  
2200 shall be appointed for terms of two years nine months and four years nine months, respectively,  
2201 initially commencing on July 1, 1996, and subsequently commencing as specified under  
2202 Subsection (1)(d)(i).

2203 (e) The commissioners serve on a part-time basis.

2204 (f) Each commissioner shall remain in office until a successor is appointed and  
2205 qualified.

2206 (2) (a) Except as provided in Subsection (2)(b), the selection of the commissioners  
2207 shall be as follows:

2208 (i) one commissioner from Box Elder, Cache, or Rich county;

2209 (ii) one commissioner from Salt Lake or Tooele county;

2210 (iii) one commissioner from Carbon, Emery, Grand, or San Juan county;

2211 (iv) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete,  
2212 Sevier, Washington, or Wayne county;

2213 (v) one commissioner from Weber, Davis, or Morgan county;

2214 (vi) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or  
2215 Daggett county; and

2216 (vii) one commissioner selected from the state at large.

2217 (b) Beginning with the appointment of commissioners on or after July 1, 2009 and  
2218 subject to the restriction in Subsection (2)(d), the selection of commissioners shall be as  
2219 follows:

2220 (i) four commissioners with one commissioner selected from each of the four regions  
2221 established by the department; and

2222 (ii) subject to the restriction in Subsection (2)(c), three commissioners selected from  
2223 the state at large.

2224 (c) (i) At least one of the three commissioners appointed under Subsection (2)(b)(ii)  
2225 shall be selected from a rural county.

2226 (ii) For purposes of this Subsection (2)(c), a rural county includes a county of the third,



2227 fourth, fifth, or sixth class.

2228 (d) No more than two commissioners appointed under Subsection (2)(b) may be  
2229 selected from any one of the four regions established by the department.

2230 (3) A member may not receive compensation or benefits for the member's service, but  
2231 may receive per diem and travel expenses in accordance with:

2232 (a) Section 63A-3-106;

2233 (b) Section 63A-3-107; and

2234 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2235 63A-3-107.

2236 (4) (a) One member of the commission shall be designated by the governor as chair.

2237 (b) The commission shall select one member as vice chair to act in the chair's absence.

2238 (5) Any four commissioners constitute a quorum.

2239 (6) Each member of the commission shall qualify by taking the constitutional oath of  
2240 office.

2241 (7) For the purposes of Section 63J-1-504, the commission is not considered an  
2242 agency.

2243 Section 50. Section 72-1-302 is amended to read:

2244 **72-1-302. Commission offices and meetings.**

2245 (1) The commission shall maintain offices and hold regular meetings at those offices  
2246 on dates fixed and formally announced by it, and may hold other meetings at the times and  
2247 places as it may, by order, provide.

2248 (2) (a) Meetings may be held upon call of the governor, the chairman, or two  
2249 commissioners upon notice of the time, place, and purpose of meeting to each commissioner at  
2250 least seven days prior to the date of the meeting.

2251 (b) Any meeting may be held upon shorter notice with the unanimous approval of the  
2252 commission.

2253 (c) A member of the commission shall comply with the conflict of interest provisions  
2254 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

2255 Section 51. Section 73-10-2 is amended to read:

2256 **73-10-2. Board of Water Resources -- Members -- Appointment -- Terms --**  
2257 **Vacancies.**

2258 (1) (a) The Board of Water Resources shall be comprised of eight members to be  
2259 appointed by the governor with the consent of the Senate in accordance with Title 63G,  
2260 Chapter 24, Part 2, Vacancies.

2261 (b) In addition to the requirements of Section 79-2-203, not more than four members  
2262 shall be from the same political party.

2263 (2) One member of the board shall be appointed from each of the following districts:

2264 (a) Bear River District, comprising the counties of Box Elder, Cache, and Rich;

2265 (b) Weber District, comprising the counties of Weber, Davis, Morgan, and Summit;

2266 (c) Salt Lake District, comprising the counties of Salt Lake and Tooele;

2267 (d) Provo River District, comprising the counties of Juab, Utah, and Wasatch;

2268 (e) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute,  
2269 and Wayne;

2270 (f) Green River District, comprising the counties of Daggett, Duchesne, and Uintah;

2271 (g) Upper Colorado River District, comprising the counties of Carbon, Emery, Grand,  
2272 and San Juan; and

2273 (h) Lower Colorado River District, comprising the counties of Beaver, Garfield, Iron,  
2274 Washington, and Kane.

2275 (3) (a) Except as required by Subsection (3)(b), all appointments shall be for terms of  
2276 four years.

2277 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
2278 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2279 board members are staggered so that approximately half of the board is appointed every two  
2280 years.

2281 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
2282 appointed for the unexpired term with the consent of the Senate and shall be from the same  
2283 district as such person.

2284 (4) A member may not receive compensation or benefits for the member's service, but  
2285 may receive per diem and travel expenses in accordance with:

2286 (a) Section 63A-3-106;

2287 (b) Section 63A-3-107; and

2288 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

2289 63A-3-107.

2290 (5) A member shall comply with the conflict of interest provisions described in Title  
2291 63G, Chapter 24, Part 3, Conflicts of Interest.

2292 Section 52. Section **77-27-2** is amended to read:

2293 **77-27-2. Board of Pardons and Parole -- Creation -- Compensation -- Functions.**

2294 (1) There is created the Board of Pardons and Parole. The board shall consist of five  
2295 full-time members and not more than five pro tempore members to be appointed by the  
2296 governor with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,  
2297 Vacancies, and as provided in this section. The members of the board shall be resident citizens  
2298 of the state. The governor shall establish salaries for the members of the board within the  
2299 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

2300 (2) (a) (i) The full-time board members shall serve terms of five years. The terms of  
2301 the full-time members shall be staggered so one board member is appointed for a term of five  
2302 years on March 1 of each year.

2303 (ii) The pro tempore members shall serve terms of five years, beginning on March 1 of  
2304 the year of appointment, with no more than one pro tempore member term beginning or  
2305 expiring in the same calendar year. If a pro tempore member vacancy occurs, the board may  
2306 submit the names of not fewer than three or more than five persons to the governor for  
2307 appointment to fill the vacancy.

2308 (b) All vacancies occurring on the board for any cause shall be filled by the governor  
2309 with the consent of the Senate pursuant to this section for the unexpired term of the vacating  
2310 member.

2311 (c) The governor may at any time remove any member of the board for inefficiency,  
2312 neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing.

2313 (d) A member of the board may not hold any other office in the government of the  
2314 United States, this state or any other state, or of any county government or municipal  
2315 corporation within a state. A member may not engage in any occupation or business  
2316 inconsistent with the member's duties.

2317 (e) A majority of the board constitutes a quorum for the transaction of business,  
2318 including the holding of hearings at any time or any location within or without the state, or for  
2319 the purpose of exercising any duty or authority of the board. Action taken by a majority of the

2320 board regarding whether parole, pardon, commutation, termination of sentence, or remission of  
2321 fines or forfeitures may be granted or restitution ordered in individual cases is deemed the  
2322 action of the board. A majority vote of the five full-time members of the board is required for  
2323 adoption of rules or policies of general applicability as provided by statute. However, a  
2324 vacancy on the board does not impair the right of the remaining board members to exercise any  
2325 duty or authority of the board as long as a majority of the board remains. A board member shall  
2326 comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3,  
2327 Conflicts of Interest.

2328 (f) Any investigation, inquiry, or hearing that the board has authority to undertake or  
2329 hold may be conducted by any board member or an examiner appointed by the board. When  
2330 any of these actions are approved and confirmed by the board and filed in its office, they are  
2331 considered to be the action of the board and have the same effect as if originally made by the  
2332 board.

2333 (g) When a full-time board member is absent or in other extraordinary circumstances  
2334 the chair may, as dictated by public interest and efficient administration of the board, assign a  
2335 pro tempore member to act in the place of a full-time member. Pro tempore members shall  
2336 receive a per diem rate of compensation as established by the Division of Finance and all actual  
2337 and necessary expenses incurred in attending to official business.

2338 (h) The chair may request staff and administrative support as necessary from the  
2339 Department of Corrections.

2340 (3) (a) Except as provided in Subsection (3)(b), the Commission on Criminal and  
2341 Juvenile Justice shall:

2342 (i) recommend five applicants to the governor for a full-time member appointment to  
2343 the Board of Pardons and Parole; and

2344 (ii) consider applicants' knowledge of the criminal justice system, state and federal  
2345 criminal law, judicial procedure, corrections policies and procedures, and behavioral sciences.

2346 (b) The procedures and requirements of Subsection (3)(a) do not apply if the governor  
2347 appoints a sitting board member to a new term of office.

2348 (4) (a) The board shall appoint an individual to serve as its mental health adviser and  
2349 may appoint other staff necessary to aid it in fulfilling its responsibilities under Title 77,  
2350 Chapter 16a, Commitment and Treatment of Persons with a Mental Illness. The adviser shall

2351 prepare reports and recommendations to the board on all persons adjudicated as guilty with a  
2352 mental illness, in accordance with Title 77, Chapter 16a, Commitment and Treatment of  
2353 Persons with a Mental Illness.

2354 (b) The mental health adviser shall possess the qualifications necessary to carry out the  
2355 duties imposed by the board and may not be employed by the Department of Corrections or the  
2356 Utah State Hospital.

2357 (i) The Board of Pardons and Parole may review outside employment by the mental  
2358 health advisor.

2359 (ii) The Board of Pardons and Parole shall develop rules governing employment with  
2360 entities other than the board by the mental health advisor for the purpose of prohibiting a  
2361 conflict of interest.

2362 (c) The mental health adviser shall:

2363 (i) act as liaison for the board with the Department of Human Services and local mental  
2364 health authorities;

2365 (ii) educate the members of the board regarding the needs and special circumstances of  
2366 persons with a mental illness in the criminal justice system;

2367 (iii) in cooperation with the Department of Corrections, monitor the status of persons  
2368 in the prison who have been found guilty with a mental illness;

2369 (iv) monitor the progress of other persons under the board's jurisdiction who have a  
2370 mental illness;

2371 (v) conduct hearings as necessary in the preparation of reports and recommendations;  
2372 and

2373 (vi) perform other duties as assigned by the board.

2374 Section 53. Section **78A-11-103** is amended to read:

2375 **78A-11-103. Judicial Conduct Commission -- Members -- Terms -- Vacancies --**  
2376 **Voting -- Power of chair.**

2377 (1) The membership of the commission consists of the following 11 members:

2378 (a) two members of the House of Representatives to be appointed by the speaker of the  
2379 House of Representatives for a four-year term, not more than one of whom may be of the same  
2380 political party as the speaker;

2381 (b) two members of the Senate to be appointed by the president of the Senate for a

2382 four-year term, not more than one of whom may be of the same political party as the president;

2383 (c) two members of, and in good standing with, the Utah State Bar, who shall be  
2384 appointed by a majority of the Utah Supreme Court for a four-year term, none of whom may  
2385 reside in the same judicial district;

2386 (d) three persons not members of the Utah State Bar, who shall be appointed by the  
2387 governor, with the consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2,  
2388 Vacancies, for four-year terms, not more than two of whom may be of the same political party  
2389 as the governor; and

2390 (e) two judges to be appointed by a majority of the Utah Supreme Court for a four-year  
2391 term, neither of whom may:

2392 (i) be a member of the Utah Supreme Court;

2393 (ii) serve on the same level of court as the other; and

2394 (iii) if trial judges, serve primarily in the same judicial district as the other.

2395 (2) (a) The terms of the members shall be staggered so that approximately half of the  
2396 commission expires every two years.

2397 (b) Members of the commission may not serve longer than eight years.

2398 (3) The commission shall establish guidelines and procedures for the disqualification  
2399 of any member from consideration of any matter. A judge who is a member of the commission  
2400 or the Supreme Court may not participate in any proceedings involving the judge's own  
2401 removal or retirement.

2402 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall  
2403 be appointed by the appointing authority for that position for the unexpired term.

2404 (b) If the appointing authority fails to appoint a replacement, the commissioners who  
2405 have been appointed may act as a commission under all the provisions of this section.

2406 (5) Six members of the commission shall constitute a quorum. Any action of a  
2407 majority of the quorum constitutes the action of the commission.

2408 (6) (a) At each commission meeting, the chair and executive director shall schedule all  
2409 complaints to be heard by the commission and present any information from which a  
2410 reasonable inference can be drawn that a judge has committed misconduct so that the  
2411 commission may determine by majority vote of a quorum whether the executive director shall  
2412 draft a written complaint in accordance with Subsection [78A-11-102\(2\)\(b\)](#).

2413 (b) The chair and executive director may not act to dismiss any complaint without a  
2414 majority vote of a quorum of the commission.

2415 (c) A member of the commission described in Subsection (1)(d) shall comply with the  
2416 conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

2417 (7) It is the responsibility of the chair and the executive director to ensure that the  
2418 commission complies with the procedures of the commission.

2419 (8) The chair shall be nonvoting except in the case of a tie vote.

2420 (9) The chair shall be allowed the actual expenses of secretarial services, the expenses  
2421 of services for either a court reporter or a transcriber of electronic tape recordings, and other  
2422 necessary administrative expenses incurred in the performance of the duties of the commission.

2423 (10) Upon a majority vote of the quorum, the commission may:

2424 (a) employ an executive director, legal counsel, investigators, and other staff to assist  
2425 the commission; and

2426 (b) incur other reasonable and necessary expenses within the authorized budget of the  
2427 commission and consistent with the duties of the commission.

2428 (11) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah  
2429 Administrative Rulemaking Act, outlining its procedures and the appointment of masters.

2430 Section 54. Section **78B-22-402** is amended to read:

2431 **78B-22-402. Commission members -- Member qualifications -- Terms -- Vacancy.**

2432 (1) The commission is composed of 15 voting members and one ex officio, nonvoting  
2433 member.

2434 (a) The governor, with the consent of the Senate, and in accordance with Title 63G,  
2435 Chapter 24, Part 2, Vacancies, shall appoint the following 13 voting members:

2436 (i) two practicing criminal defense attorneys recommended by the Utah Association of  
2437 Criminal Defense Lawyers;

2438 (ii) one attorney practicing in juvenile delinquency defense recommended by the Utah  
2439 Association of Criminal Defense Lawyers;

2440 (iii) an attorney representing minority interests recommended by the Utah Minority Bar  
2441 Association;

2442 (iv) one member recommended by the Utah Association of Counties from a county of  
2443 the first or second class;

2444 (v) one member recommended by the Utah Association of Counties from a county of  
2445 the third through sixth class;

2446 (vi) a director of a county public defender organization recommended by the Utah  
2447 Association of Criminal Defense Lawyers;

2448 (vii) two members recommended by the Utah League of Cities and Towns from its  
2449 membership;

2450 (viii) a retired judge recommended by the Judicial Council;

2451 (ix) one attorney practicing in the area of parental defense, recommended by an entity  
2452 funded under the Child Welfare Parental Defense Program created in Section [63M-7-211](#); and

2453 (x) two members of the Utah Legislature, one from the House of Representatives and  
2454 one from the Senate, selected jointly by the Speaker of the House and President of the Senate.

2455 (b) The Judicial Council shall appoint a voting member from the Administrative Office  
2456 of the Courts.

2457 (c) The executive director of the State Commission on Criminal and Juvenile Justice or  
2458 the executive director's designee is a voting member of the commission.

2459 (d) The director of the commission, appointed under Section [78B-22-403](#), is an ex  
2460 officio, nonvoting member of the commission.

2461 (2) A member appointed by the governor shall serve a four-year term, except as  
2462 provided in Subsection (3).

2463 (3) The governor shall stagger the initial terms of appointees so that approximately half  
2464 of the members appointed by the governor are appointed every two years.

2465 (4) A member appointed to the commission shall have significant experience in  
2466 indigent criminal defense, parental defense, or juvenile defense in delinquency proceedings or  
2467 have otherwise demonstrated a strong commitment to providing effective representation in  
2468 indigent defense services.

2469 (5) A person who is currently employed solely as a criminal prosecuting attorney may  
2470 not serve as a member of the commission.

2471 (6) A commission member shall hold office until the member's successor is appointed.

2472 (7) The commission may remove a member for incompetence, dereliction of duty,  
2473 malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.

2474 (8) If a vacancy occurs in the membership for any reason, a replacement shall be



2475 appointed for the remaining unexpired term in the same manner as the original appointment.

2476 (9) The commission shall annually elect a chair from the commission's membership to  
2477 serve a one-year term. A commission member may not serve as chair of the commission for  
2478 more than three consecutive terms.

2479 (10) A member may not receive compensation or benefits for the member's service, but  
2480 may receive per diem and travel expenses in accordance with:

2481 (a) Section 63A-3-106;

2482 (b) Section 63A-3-107; and

2483 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2484 63A-3-107.

2485 (11) (a) A majority of the members of the commission constitutes a quorum.

2486 (b) If a quorum is present, the action of a majority of the voting members present  
2487 constitutes the action of the commission.

2488 (c) A member shall comply with the conflict of interest provisions described in Title  
2489 63G, Chapter 24, Part 3, Conflicts of Interest.

2490 Section 55. Section 79-3-302 is amended to read:

2491 **79-3-302. Members of board -- Qualifications and appointment -- Vacancies --**  
2492 **Organization -- Meetings -- Financial gain prohibited -- Expenses.**

2493 (1) The board consists of seven members appointed by the governor, with the consent  
2494 of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

2495 (2) In addition to the requirements of Section 79-2-203, the members shall have the  
2496 following qualifications:

2497 (a) one member knowledgeable in the field of geology as applied to the practice of civil  
2498 engineering;

2499 (b) four members knowledgeable and representative of various segments of the mineral  
2500 industry throughout the state, such as hydrocarbons, solid fuels, metals, and industrial minerals;

2501 (c) one member knowledgeable of the economic or scientific interests of the mineral  
2502 industry in the state; and

2503 (d) one member who is interested in the goals of the survey and from the public at  
2504 large.

2505 (3) The director of the School and Institutional Trust Lands Administration is an ex

2506 officio member of the board but without any voting privileges.

2507 (4) (a) Except as required by Subsection (4)(b), members are appointed for terms of  
2508 four years.

2509 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
2510 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2511 board members are staggered so that approximately half of the board is appointed every two  
2512 years.

2513 (c) No more than four members may be of the same political party.

2514 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
2515 appointed for the unexpired term by the governor with the consent of the Senate.

2516 (5) The board shall select from its members a chair and such officers and committees  
2517 as it considers necessary.

2518 (6) (a) The board shall hold meetings at least quarterly on such dates as may be set by  
2519 its chair.

2520 (b) Special meetings may be held upon notice of the chair or by a majority of its  
2521 members.

2522 (c) A majority of the members of the board present at a meeting constitutes a quorum  
2523 for the transaction of business.

2524 (7) (a) Members of the board may not obtain financial gain by reason of information  
2525 obtained during the course of their official duties.

2526 (b) A member shall comply with the conflict of interest provisions described in Title  
2527 63G, Chapter 24, Part 3, Conflicts of Interest.

2528 (8) A member may not receive compensation or benefits for the member's service, but  
2529 may receive per diem and travel expenses in accordance with:

2530 (a) Section 63A-3-106;

2531 (b) Section 63A-3-107; and

2532 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2533 63A-3-107.

2534 Section 56. Section 79-4-302 is amended to read:

2535 **79-4-302. Board appointment and terms of members -- Expenses.**

2536 (1) (a) The board is composed of nine members appointed in accordance with Title

2537 63G, Chapter 24, Part 2, Vacancies, by the governor, with the consent of the Senate, to  
2538 four-year terms.

2539 (b) In addition to the requirements of Section [79-2-203](#), the governor shall:

2540 (i) appoint one member from each judicial district and one member from the public at  
2541 large;

2542 (ii) ensure that not more than five members are from the same political party; and

2543 (iii) appoint persons who have an understanding of and demonstrated interest in parks  
2544 and recreation.

2545 (c) Notwithstanding the term requirements of Subsection (1)(a), the governor may  
2546 adjust the length of terms to ensure that the terms of board members are staggered so that  
2547 approximately half of the board is appointed every two years.

2548 (2) When vacancies occur because of death, resignation, or other cause, the governor,  
2549 with the consent of the Senate, shall:

2550 (a) appoint a person to complete the unexpired term of the person whose office was  
2551 vacated; and

2552 (b) if the person was appointed from a judicial district, appoint the replacement from  
2553 the judicial district from which the person whose office has become vacant was appointed.

2554 (3) The board shall appoint its chair from its membership.

2555 (4) A member may not receive compensation or benefits for the member's service, but  
2556 may receive per diem and travel expenses in accordance with:

2557 (a) Section [63A-3-106](#);

2558 (b) Section [63A-3-107](#); and

2559 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
2560 [63A-3-107](#).

2561 (5) A member shall comply with the conflict of interest provisions described in Title  
2562 63G, Chapter 24, Part 3, Conflicts of Interest.

2563 Section 57. **Effective date.**

2564 This bill takes effect on January 1, 2021.

2565 Section 58. **Coordinating S.B. 146 with S.B. 60 -- Substantive and technical**  
2566 **amendments.**

2567 If this S.B. 146 and S.B. 60, Advice and Consent Amendments, both pass and become

2568 law, and S.B. 111, Higher Education Amendments, does not pass, it is the intent of the  
 2569 Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code  
 2570 database for publication by modifying Subsections [63G-24-102](#)(4) and (5)(a) to read:

2571 "(4) "Nominee" means a person selected by the governor to fill a rulemaking board  
 2572 vacancy subject to the advice and consent of the Senate.

2573 (5) (a) "Rulemaking board" means a board, committee, commission, or council:

2574 (i) that has rulemaking authority; and

2575 (ii) at least part of whose membership is appointed by the governor subject to the  
 2576 advice and consent of the Senate."

2577 **Section 59. Coordinating S.B. 146 with S.B. 111 -- Substantive and technical**  
 2578 **amendments.**

2579 If this S.B. 146 and S.B. 111, Higher Education Amendments, both pass and become  
 2580 law, but S.B. 60, Advice and Consent Amendments, does not pass, it is the intent of the  
 2581 Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code  
 2582 database for publication by:

2583 (1) modifying Subsection [53B-1-404](#)(1) as renumbered and amended by S.B. 111 to  
 2584 read:

2585 "(1) [~~Except as provided in Subsection (2), the~~] The board consists of [~~17~~] 18 residents  
 2586 of the state appointed by the governor with the advice and consent of the Senate in accordance  
 2587 with Title 63G, Chapter 24, Part 2, Vacancies, as follows:

2588 [~~(a) eight at-large members;~~]

2589 [~~(b) eight members, each of whom is:~~]

2590 [~~(i) selected from three nominees presented to the governor by a higher education~~  
 2591 institution board of trustees; and]

2592 [~~(ii) a current or former member of the institution of higher education board of trustees~~  
 2593 that nominates the member; and]

2594 [~~(c) one member, selected from three nominees presented to the governor by the~~  
 2595 student body presidents of the institutions of higher education, who:]

2596 [~~(i) is a fully matriculated student enrolled in an institution of higher education; and]~~

2597 [~~(ii) is not serving as a student body president at the time of the nomination.]~~

2598 [~~(2) (a) (i) An individual appointed to the board on or before May 8, 2017, may serve~~

2599 ~~on the board, even if the individual does not fulfill a requirement for the composition of the~~  
2600 ~~board described in Subsection (1).]~~

2601 ~~[(ii) The governor may reappoint a member described in Subsection (2)(a)(i) when the~~  
2602 ~~member's term expires.]~~

2603 ~~[(b) An individual appointed to the board on or before May 8, 2017, who is a current or~~  
2604 ~~former member of an institution of higher education board of trustees is the board member for~~  
2605 ~~the institution of higher education described in Subsection (1)(b).]~~

2606 ~~[(c) (i) Subject to Subsection (2)(c)(ii), as positions on the board become vacant, the~~  
2607 ~~governor shall ensure that newly appointed members move the board toward the composition~~  
2608 ~~described in Subsection (1).]~~

2609 ~~[(ii) In appointing a new member to the board, the governor shall first appoint a~~  
2610 ~~member described in Subsection (1)(b) until the eight positions described in Subsection (1)(b)~~  
2611 ~~are filled.]~~

2612 (a) subject to Subsections (2)(a), (3), and (6)(b)(ii), 16 members appointed from among  
2613 candidates presented to the governor by a nominating committee; and

2614 (b) two student members appointed as described in Subsection (4).";

2615 (2) creating a newly enacted Subsection 53B-1-404(4)(c) to read:

2616 "(c) An appointee described in Subsection (4)(a) is not subject to the public comment  
2617 process described in Section 63G-24-204.";

2618 (3) modifying Subsections 63G-24-102(4) and (5)(a) to read:

2619 "(4) "Nominee" means a person selected by the governor to fill a rulemaking board  
2620 vacancy subject to the consent of the Senate.

2621 (5) (a) "Rulemaking board" means a board, committee, commission, or council:

2622 (i) that has rulemaking authority; and

2623 (ii) at least part of whose membership is appointed by the governor subject to the  
2624 consent of the Senate."; and

2625 (4) modifying Subsections 67-1-2(2)(b) and (3) amended in S.B. 146 to read:

2626 "(b) A majority of the president of the Senate, the Senate majority leader, and the  
2627 Senate minority leader may waive the 30-day requirement described in Subsection (1) for a  
2628 gubernatorial nominee other than a nominee for the following:

2629 (i) a member of the State Tax Commission;

2630 (ii) a member of the State Board of Education; or  
2631 (iii) a member of the Utah Board of Higher Education.  
2632 (3) The Senate shall hold a confirmation hearing for a nominee for an individual  
2633 described in Subsections (2)(b)(i) through (iii)."

2634 Section 60. **Coordinating S.B. 146 with S.B. 60 and S.B. 111 -- Substantive and**  
2635 **technical amendments.**

2636 If this S.B. 146, S.B. 60, Advice and Consent Amendments, and S.B. 111, Higher  
2637 Education Amendments, all pass and become law, it is the intent of the Legislature that the  
2638 Office of Legislative Research and General Counsel prepare the Utah Code database for  
2639 publication by:

2640 (1) modifying Subsection [53B-1-404](#)(1) as renumbered and amended by S.B. 111 to  
2641 read:

2642 "(1) [~~Except as provided in Subsection (2), the~~] The board consists of [~~17~~] 18 residents  
2643 of the state appointed by the governor with the advice and consent of the Senate in accordance  
2644 with Title 63G, Chapter 24, Part 2, Vacancies, as follows:

2645 [~~(a) eight at-large members;~~]

2646 [~~(b) eight members, each of whom is:~~]

2647 [~~(i) selected from three nominees presented to the governor by a higher education~~  
2648 institution board of trustees; and]

2649 [~~(ii) a current or former member of the institution of higher education board of trustees~~  
2650 that nominates the member; and]

2651 [~~(c) one member, selected from three nominees presented to the governor by the~~  
2652 student body presidents of the institutions of higher education, who:]

2653 [~~(i) is a fully matriculated student enrolled in an institution of higher education; and]~~

2654 [~~(ii) is not serving as a student body president at the time of the nomination.]~~

2655 [~~(2) (a) (i) An individual appointed to the board on or before May 8, 2017, may serve~~  
2656 on the board, even if the individual does not fulfill a requirement for the composition of the  
2657 board described in Subsection (1).]

2658 [~~(ii) The governor may reappoint a member described in Subsection (2)(a)(i) when the~~  
2659 member's term expires.]

2660 [~~(b) An individual appointed to the board on or before May 8, 2017, who is a current or~~

2661 former member of an institution of higher education board of trustees is the board member for  
2662 the institution of higher education described in Subsection (1)(b).]

2663 ~~[(c) (i) Subject to Subsection (2)(c)(ii), as positions on the board become vacant, the~~  
2664 ~~governor shall ensure that newly appointed members move the board toward the composition~~  
2665 ~~described in Subsection (1).]~~

2666 ~~[(ii) In appointing a new member to the board, the governor shall first appoint a~~  
2667 ~~member described in Subsection (1)(b) until the eight positions described in Subsection (1)(b)~~  
2668 ~~are filled.]~~

2669 (a) subject to Subsections (2)(a), (3), and (6)(b)(ii), 16 members appointed from among  
2670 candidates presented to the governor by a nominating committee; and

2671 (b) two student members appointed as described in Subsection (4).";

2672 (2) creating a newly enacted Subsection [53B-1-404](#)(4)(c) to read:

2673 "(c) An appointee described in Subsection (4)(a) is not subject to the public comment  
2674 process described in Section [63G-24-204](#).";

2675 (3) modifying Subsections [63G-24-102](#)(4) and (5)(a) to read:

2676 "(4) "Nominee" means a person selected by the governor to fill a rulemaking board  
2677 vacancy subject to the advice and consent of the Senate.

2678 (5) (a) "Rulemaking board" means a board, committee, commission, or council:

2679 (i) that has rulemaking authority; and

2680 (ii) at least part of whose membership is appointed by the governor subject to the  
2681 advice and consent of the Senate."; and

2682 (4) modifying Subsections [67-1-2](#)(2)(b) and (3) amended in this S.B. 146 and S.B. 60  
2683 to read:

2684 "(b) A majority of the president of the Senate, the Senate majority leader, and the  
2685 Senate minority leader may waive the 30-day requirement described in Subsection (1) for a  
2686 gubernatorial nominee other than a nominee for the following:

2687 (i) the executive director of a department;

2688 (ii) the executive director of the Governor's Office of Economic Development;

2689 (iii) the executive director of the Labor Commission;

2690 (iv) a member of the State Tax Commission;

2691 (v) a member of the State Board of Education;

- 2692 (vi) a member of the Utah Board of Higher Education; or
- 2693 (vii) an individual:
- 2694 (A) whose appointment requires the advice and consent of the Senate; and
- 2695 (B) whom the governor designates as a member of the governor's cabinet.
- 2696 (3) The Senate shall hold a confirmation hearing for a nominee for an individual
- 2697 described in Subsections (2)(b)(i) through (vii)."

2698 Section 61. **Coordinating S.B. 146 with H.B. 10 -- Superseding technical and**

2699 **substantive amendments.**

2700 If this S.B. 146 and H.B. 10, Boards and Commissions Amendments, both pass and

2701 become law, it is the intent of the Legislature that the amendments to Section [26-21-3](#) in H.B.

2702 10 supersede the amendments to Section [26-21-3](#) in this bill when the Office of Legislative

2703 Research and General Counsel prepares the Utah Code database for publication.