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BOARDS AND COMMISSIONS REVISIONS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Wayne A. Harper
House Sponsor: Calvin R. Musselman

LONG TITLE

General Description:

This bill modifies provisions related to boards and commissions.

Highlighted Provisions:

This bill:

- clarifies that, when the governor makes an appointment to a board, commission, or similar entity that requires the advice and consent of the Senate, the governor's new appointment, reappointment, or vacancy appointment of an individual to that board, commission, or similar entity also requires the advice and consent of the Senate; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 4-18-104 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapters 352, 373
- 7-1-203 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapter 352
- 9-6-301 (Effective 05/01/24)**, as repealed and reenacted by Laws of Utah 2020, Chapter 419
- 9-8-204 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 160
- 11-68-301 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023, Chapter 502
- 17B-2a-807.1 (Effective 05/01/24)**, as last amended by Laws of Utah 2021, Chapter 239
- 17B-2a-807.2 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 259
- 17B-2a-1005 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapter 352
- 19-2-103 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapters 352, 373

29 **19-4-103 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapters 352, 373
30 **19-5-103 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapters 352, 373
31 **23A-2-301 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 211 and
32 renumbered and amended by Laws of Utah 2023, Chapter 103
33 **23A-2-303 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 211 and
34 renumbered and amended by Laws of Utah 2023, Chapter 103
35 **26B-1-409 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
36 Chapter 305
37 **26B-1-412 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
38 Chapter 305
39 **26B-1-413 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
40 Chapter 305
41 **26B-1-426 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
42 Chapter 305
43 **26B-1-429 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 435 and
44 renumbered and amended by Laws of Utah 2023, Chapter 305
45 **32B-2-205 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 447
46 **35A-8-304 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 427
47 **35A-8-2103 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapters 352,
48 365 and 373
49 **40-6-4 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapters 352, 373
50 **51-7-16 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapters 352, 373
51 **51-10-206 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapter 352
52 **53B-2-104 (Effective 05/01/24)**, as last amended by Laws of Utah 2021, Chapter 187
53 **59-1-201 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapters 352, 373
54 **61-1-18.5 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapter 352
55 **61-2g-204 (Effective 05/01/24)**, as last amended by Laws of Utah 2021, Chapter 259
56 **63A-15-201 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 16
57 **63G-2-501 (Effective 05/01/24)**, as last amended by Laws of Utah 2021, Chapter 344
58 **63M-7-504 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapters 352, 373
59 **63M-7-902 (Effective 05/01/24)**, as enacted by Laws of Utah 2023, Chapter 150
60 **63N-7-201 (Effective 05/01/24)**, as repealed and reenacted by Laws of Utah 2022, Chapter
61 362
62

78A-11-103 (Effective 05/01/24) (Superseded 07/01/24), as last amended by Laws of Utah 2020, Chapters 352, 373

63 **78A-11-103 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapter 394

64 **78B-22-402 (Effective 05/01/24)**, as last amended by Laws of Utah 2021, Chapter 228

65 **80-5-702 (Effective 05/01/24)**, as enacted by Laws of Utah 2021, Chapter 261

66

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

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

69 **4-18-104 (Effective 05/01/24). Conservation Commission created -- Composition**
 70 **-- Appointment -- Terms -- Compensation -- Attorney general to provide legal assistance.**

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

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

74 (a) 12 voting members, including:

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

77 (ii) the executive director of the Department of Natural Resources or the executive
 78 director's designee;

79 (iii) the executive director of the Department of Environmental Quality or the
 80 executive director's designee;

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

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

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

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

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

90 (5) (a) The commissioner or the commissioner's designee shall serve as chair of the
 91 Conservation Commission.

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

- 95 (6) The members of the commission specified in Subsection (2)(a)(v) shall:
- 96 (a) be recommended by the commission to the governor; and
- 97 (b) be appointed by the governor with the advice and consent of the Senate in
- 98 accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 99 (7) (a) Except as required by Subsection (7)(b), as terms of current commission
- 100 members expire, the governor shall appoint each new member or reappointed
- 101 member to a four-year term.
- 102 (b) Notwithstanding the requirements of Subsection (7)(a), the governor shall, at the
- 103 time of appointment or reappointment, adjust the length of terms to ensure that the
- 104 terms of commission members are staggered so that approximately half of the
- 105 commission is appointed every two years.
- 106 (c) A commission member may not be appointed to more than two consecutive terms.
- 107 (8) When a vacancy occurs in the membership for any reason, the replacement shall be
- 108 appointed for the unexpired term.
- 109 (9) When the governor makes a new appointment or reappointment under Subsection (7)(a),
- 110 or a vacancy appointment under Subsection (8), the governor's new appointment,
- 111 reappointment, or vacancy appointment shall be made with the advice and consent of the
- 112 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 113 ~~[(9)]~~ (10) Attendance of six voting members of the commission at a meeting constitutes a
- 114 quorum.
- 115 ~~[(10)]~~ (11) A member may not receive compensation or benefits for the member's service,
- 116 but may receive per diem and travel expenses in accordance with:
- 117 (a) Section 63A-3-106;
- 118 (b) Section 63A-3-107; and
- 119 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 120 63A-3-107.
- 121 ~~[(11)]~~ (12) The commission shall keep a record of the commission's actions.
- 122 ~~[(12)]~~ (13) The attorney general shall provide legal services to the commission upon request.
- 123 ~~[(13)]~~ (14) A member shall comply with the conflict of interest provisions described in Title
- 124 63G, Chapter 24, Part 3, Conflicts of Interest.
- 125 Section 2. Section **7-1-203** is amended to read:
- 126 **7-1-203 (Effective 05/01/24). Board of Financial Institutions.**
- 127 (1) There is created a Board of Financial Institutions consisting of the commissioner and
- 128 the following five members, who shall be qualified by training and experience in their

- 129 respective fields and shall be appointed or reappointed by the governor with the advice
130 and consent of the Senate:
- 131 (a) one representative from the commercial banking business;
- 132 (b) one representative from the consumer lending, money services business, or escrow
133 agency business;
- 134 (c) one representative from the industrial bank business;
- 135 (d) one representative from the credit union business; and
- 136 (e) one representative of the general public who, as a result of education, training,
137 experience, or interest, is well qualified to consider economic and financial issues
138 and data as they may affect the public interest in the soundness of the financial
139 systems of this state.
- 140 (2) The commissioner shall act as chair.
- 141 (3) (a) A member of the board shall be a resident of this state.
- 142 (b) No more than three members of the board may be from the same political party.
- 143 (c) No more than two members of the board may be connected with the same financial
144 institution or its holding company.
- 145 (d) A member may not participate in any matter involving an institution with which the
146 member has a conflict of interest.
- 147 (4) (a) Except as required by Subsection (4)(b), the terms of office shall be four years
148 each expiring on July 1.
- 149 (b) The governor shall, at the time of appointment or reappointment, adjust the length of
150 terms to ensure that the terms of board members are staggered so that approximately
151 half of the board is appointed every two years.
- 152 (c) A member serves until the member's successor is appointed and qualified.
- 153 (d) When a vacancy occurs in the membership for any reason, the governor shall, with
154 the advice and consent of the Senate, appoint a replacement for the unexpired term.
- 155 (5) (a) The board shall meet at least quarterly on a date the board sets.
- 156 (b) The commissioner or any two members of the board may call additional meetings.
- 157 (c) Four members constitute a quorum for the transaction of business.
- 158 (d) Actions of the board require a vote of a majority of those present when a quorum is
159 present.
- 160 (e) A meeting of the board and records of the board's proceedings are subject to Title 52,
161 Chapter 4, Open and Public Meetings Act, except for discussion of confidential
162 information pertaining to a particular financial institution.

- 163 (6) (a) A member of the board shall, by sworn or written statement filed with the
164 commissioner, disclose any position of employment or ownership interest that the
165 member has with respect to any institution subject to the jurisdiction of the
166 department.
- 167 (b) The member shall:
- 168 (i) file the statement required by this Subsection (6) when first appointed to the
169 board; and
- 170 (ii) subsequently file amendments to the statement if there is any material change in
171 the matters covered by the statement.
- 172 (7) A member may not receive compensation or benefits for the member's service, but may
173 receive per diem and travel expenses in accordance with:
- 174 (a) Section 63A-3-106;
- 175 (b) Section 63A-3-107; and
- 176 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
177 63A-3-107.
- 178 (8) The board shall advise the commissioner with respect to:
- 179 (a) the exercise of the commissioner's duties, powers, and responsibilities under this
180 title; and
- 181 (b) the organization and performance of the department and its employees.
- 182 (9) The board shall recommend annually to the governor and the Legislature a budget for
183 the requirements of the department in carrying out its duties, functions, and
184 responsibilities under this title.
- 185 Section 3. Section **9-6-301** is amended to read:
- 186 **9-6-301 (Effective 05/01/24). Utah Arts Advisory Board.**
- 187 (1) There is created within the division the Utah Arts Advisory Board.
- 188 (2) (a) Except as provided in Subsections (2)(b) and (2)(f), the arts board shall consist of
189 13 members appointed or reappointed by the governor to four-year terms with the
190 advice and consent of the Senate.
- 191 (b) The governor shall, at the time of appointment or reappointment, adjust the length of
192 terms to ensure that the terms of arts board members are staggered so that
193 approximately half of the arts board is appointed every two years.
- 194 (c) The governor shall appoint eight members who are working artists or administrators,
195 one from each of the following areas:
- 196 (i) visual arts;

- 197 (ii) architecture or design;
198 (iii) literature;
199 (iv) music;
200 (v) folk, traditional, or native arts;
201 (vi) theater;
202 (vii) dance; and
203 (viii) media arts.
- 204 (d) The governor shall appoint three members who are knowledgeable in or appreciative
205 of the arts.
- 206 (e) The governor shall appoint two members who have expertise in technology,
207 marketing, business, or finance.
- 208 (f) Before January 1, 2026, the governor may appoint up to three additional members
209 who are knowledgeable in or appreciative of the arts:
210 (i) for terms that shall end before January 1, 2026; and
211 (ii) in which case the arts board may consist of up to 16 members until January 1,
212 2026.
- 213 (3) The governor shall appoint members from the state at large with due consideration for
214 geographical representation.
- 215 (4) When a vacancy occurs in the membership for any reason, the governor shall, within 30
216 days after the date on which the vacancy occurs, appoint a replacement [~~member for the~~
217 ~~unexpired term within one month from the time of the vacancy~~], with the advice and
218 consent of the Senate, for the unexpired term.
- 219 (5) A simple majority of the voting members of the arts board constitutes a quorum for the
220 transaction of business.
- 221 (6) (a) The arts board members shall elect a chair and a vice chair from among the arts
222 board's members.
223 (b) The chair and the vice chair shall serve a term of two years.
- 224 (7) The arts board shall meet at least once each year.
- 225 (8) A member of the arts board may not receive compensation or benefits for the member's
226 service, but may receive per diem and travel expenses in accordance with:
227 (a) Sections 63A-3-106 and 63A-3-107; and
228 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
229 63A-3-107.
- 230 (9) Except as provided in Subsection (8), a member may not receive any gifts, prizes, or

231 awards of money from division funds during the member's term of office.

232 Section 4. Section **9-8-204** is amended to read:

233 **9-8-204 (Effective 05/01/24). Board of State History.**

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

235 (2) The board shall consist of 11 members appointed or reappointed by the governor with
 236 the advice and consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2,
 237 Vacancies, who are persons with an interest in the subject matter of the society's
 238 responsibilities.

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

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

245 (4) When a vacancy occurs in the membership for any reason, [~~the replacement shall be~~
 246 ~~appointed for the unexpired term with the consent of the Senate~~] the governor shall, with
 247 the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,
 248 Vacancies, appoint a replacement for the unexpired term.

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

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

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

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

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

255 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 256 63A-3-107.

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

259 Section 5. Section **11-68-301** is amended to read:

260 **11-68-301 (Effective 05/01/24). Board -- Membership -- Term -- Quorum --**
 261 **Vacancies -- Duties.**

262 (1) The authority is governed by a board.

263 (2) The board is composed of:

264 (a) the director of the Division of Facilities Construction and Management or the

- 265 director's designee;
- 266 (b) the commissioner of agriculture and food or the commissioner's designee;
- 267 (c) two members, appointed by the president of the Senate:
- 268 (i) who have business related experience; and
- 269 (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);
- 270 (d) two members, appointed by the speaker of the House:
- 271 (i) who have business related experience; and
- 272 (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);
- 273 (e) five members, of whom only one may be a legislator, in accordance with Subsection
- 274 (3)(e), appointed by the governor with the advice and consent of the Senate in
- 275 accordance with Title 63G, Chapter 24, Part 2, Vacancies, as follows:
- 276 (i) two members who represent agricultural interests;
- 277 (ii) two members who have business related experience; and
- 278 (iii) one member who is recommended by the Utah Farm Bureau Federation;
- 279 (f) one member, appointed by the mayor of Salt Lake City with the advice and consent
- 280 of the Senate, who is a resident of the neighborhood located adjacent to the fair park
- 281 land;
- 282 (g) a representative of Salt Lake County, if Salt Lake County is party to an executed
- 283 lease agreement with the authority; and
- 284 (h) a representative of the Days of '47 Rodeo.
- 285 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), a board member appointed
- 286 under Subsection (2)(c), (d), (e), or (f) shall serve a term that expires on the
- 287 December 1 four years after the year that the board member was appointed.
- 288 (ii) In making appointments to the board, the president of the Senate, the speaker of
- 289 the House, the governor, and the mayor of Salt Lake City shall ensure that the
- 290 terms of approximately 1/4 of the appointed board members expire each year.
- 291 (b) Except as provided in Subsection (3)(c), appointed board members serve until their
- 292 successors are appointed and qualified.
- 293 (c) (i) If an appointed board member is absent from three consecutive board meetings
- 294 without excuse, that member's appointment is terminated, the position is vacant,
- 295 and the individual who appointed the board member shall appoint a replacement
- 296 in accordance with the procedures described in this section.
- 297 (ii) The president of the Senate, the speaker of the House of Representatives, the
- 298 governor, or the mayor of Salt Lake City, as applicable, may remove an appointed

- 299 member of the board at will.
- 300 (d) The president of the Senate, the speaker of the House of Representatives, the
- 301 governor, or the mayor of Salt Lake City, as appropriate, shall fill [~~any~~] a vacancy that
- 302 occurs on the board for any reason by appointing an individual in accordance with
- 303 the procedures described in this section for the unexpired term of the vacated member.
- 304 (e) No more than a combined total of two legislators may be appointed under
- 305 Subsections (2)(c), (d), and (e).
- 306 (4) The governor shall select the board's chair.
- 307 (5) A majority of the members of the board is a quorum for the transaction of business.
- 308 (6) The board may elect a vice chair and any other board offices.
- 309 (7) The board may create one or more subcommittees to advise the board on any issue
- 310 related to the state fair park.
- 311 (8) A member described in Subsection (2)(e) shall comply with the conflict of interest
- 312 provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 313 (9) The board shall create and may, as the board considers appropriate, modify:
- 314 (a) a business plan for the authority;
- 315 (b) a financial plan for the authority that projects self-sufficiency for the authority within
- 316 two years; and
- 317 (c) a master plan for the fair park land.

318 Section 6. Section **17B-2a-807.1** is amended to read:

319 **17B-2a-807.1 (Effective 05/01/24). Large public transit district board of trustees**
 320 **-- Appointment -- Quorum -- Compensation -- Terms.**

- 321 (1) (a) For a large public transit district, the board of trustees shall consist of three
- 322 members appointed as described in Subsection (1)(b).
- 323 (b) (i) The governor, with advice and consent of the Senate, shall appoint the
- 324 members of the board of trustees, making an appointment from nominations given
- 325 from each region created in Subsection (1)(b)(ii).
- 326 (ii) (A) Before creation of a large public transit district, the political subdivision or
- 327 subdivisions forming the large public transit district shall submit to the
- 328 Legislature for approval a proposal for the creation of three regions for
- 329 nominating members to the board of trustees of the large public transit district.
- 330 (B) For a large public transit district created after January 1, 2019, the Legislature,
- 331 after receiving and considering the proposal described in Subsection
- 332 (1)(b)(ii)(A), shall designate three regions for nominating members to the

- 333 board of trustees of the large public transit district, and further describe the
334 process for nomination for appointment to the board of trustees.
- 335 (c) Each nominee shall be a qualified executive with technical and administrative
336 experience and training appropriate for the position.
- 337 (d) The board of trustees of a large public transit district shall be full-time employees of
338 the public transit district.
- 339 (e) The compensation package for the board of trustees shall be determined by a local
340 advisory council as described in Section 17B-2a-808.2.
- 341 (f) (i) Subject to Subsection (1)(f)(iii), for a board of trustees of a large public transit
342 district, "quorum" means at least two members of the board of trustees.
- 343 (ii) Action by a majority of a quorum constitutes an action of the board of trustees.
- 344 (iii) A meeting of a quorum of the board of trustees of a large public transit district is
345 subject to Section 52-4-103 regarding convening of a three-member board of
346 trustees and what constitutes a public meeting.
- 347 (2) (a) Subject to Subsections (3), (4), and (7), each member of the board of trustees of a
348 large public transit district shall serve for a term of four years.
- 349 (b) A member of the board of trustees may serve an unlimited number of terms.
- 350 (3) Each member of the board of trustees of a large public transit district shall serve at the
351 pleasure of the governor.
- 352 (4) The first time the board of trustees is appointed under this section, the governor shall
353 stagger the initial term of each of the members of the board of trustees as follows:
- 354 (a) one member of the board of trustees shall serve an initial term of two years;
- 355 (b) one member of the board of trustees shall serve an initial term of three years; and
- 356 (c) one member of the board of trustees shall serve an initial term of four years.
- 357 (5) The governor shall designate one member of the board of trustees as chair of the board
358 of trustees.
- 359 (6) (a) If a vacancy occurs, the nomination and appointment procedures to replace the
360 individual shall occur in the same manner described in Subsection (1) for the member
361 creating the vacancy.
- 362 (b) A replacement board member shall serve for the remainder of the unexpired term,
363 but may serve an unlimited number of terms as provided in Subsection (2)(b).
- 364 (c) If the nominating officials under Subsection (1) do not nominate to fill the vacancy
365 within 60 days, the governor shall, with the advice and consent of the Senate, appoint
366 an individual to fill the vacancy.

367 (7) Each board of trustees member shall serve until a successor is duly nominated,
 368 appointed, and qualified, unless the board of trustees member is removed from office or
 369 resigns or otherwise leaves office.

370 Section 7. Section **17B-2a-807.2** is amended to read:

371 **17B-2a-807.2 (Effective 05/01/24). Existing large public transit district board of**
 372 **trustees -- Appointment -- Quorum -- Compensation -- Terms.**

373 (1) (a) (i) For a large public transit district created before January 1, 2019, and except
 374 as provided in Subsection (7), the board of trustees shall consist of three members
 375 appointed as described in Subsection (1)(b).

376 (ii) For purposes of a large public transit district created before January 1, 2019, the
 377 nominating regions are as follows:

378 (A) a central region that is Salt Lake County;

379 (B) a southern region that is comprised of Utah County and the portion of Tooele
 380 County that is part of the large public transit district; and

381 (C) a northern region that is comprised of Davis County, Weber County, and the
 382 portion of Box Elder County that is part of the large public transit district.

383 (iii) (A) If a large public transit district created before January 1, 2019, annexes an
 384 additional county into the large public transit district pursuant to Section
 385 17B-1-402, following the issuance of the certificate of annexation by the
 386 lieutenant governor, the political subdivisions making up the large public
 387 transit district shall submit to the Legislature for approval a proposal for the
 388 creation of three regions for nominating members to the board of trustees of the
 389 large public transit district.

390 (B) If a large public transit district created before January 1, 2019, has a change to
 391 the boundaries of the large public transit district, the Legislature, after
 392 receiving and considering the proposal described in Subsection (1)(a)(iii)(A),
 393 shall designate the three regions for nominating members to the board of
 394 trustees of the large public transit district.

395 (b) [(+) Except as provided in Subsection (5), the governor, with advice and consent
 396 of the Senate, shall appoint the members of the board of trustees, making:

397 [~~(A)~~] (i) one appointment from individuals nominated from the central region as
 398 described in Subsection (2);

399 [~~(B)~~] (ii) one appointment from individuals nominated from the southern region
 400 described in Subsection (3); and

- 401 [(C)] (iii) one appointment from individuals nominated from the northern region
402 described in Subsection (4).
- 403 (2) For the appointment from the central region, the governor shall appoint one individual
404 selected from five individuals nominated as follows:
- 405 (a) two individuals nominated by the council of governments of Salt Lake County; and
406 (b) three individuals nominated by the mayor of Salt Lake County, with approval of the
407 Salt Lake County council.
- 408 (3) For the appointment from the southern region, the governor shall appoint one individual
409 selected from five individuals nominated as follows:
- 410 (a) two individuals nominated by the council of governments of Utah County;
411 (b) two individuals nominated by the county commission of Utah County; and
412 (c) one individual nominated by the county commission of Tooele County.
- 413 (4) For the appointment from the northern region, the governor shall appoint one individual
414 selected from five individuals nominated as follows:
- 415 (a) one individual nominated by the council of governments of Davis County;
416 (b) one individual nominated by the council of governments of Weber County;
417 (c) one individual nominated by the county commission of Davis County;
418 (d) one individual nominated by the county commission of Weber County; and
419 (e) one individual nominated by the county commission of Box Elder County.
- 420 (5) (a) The nominating counties described in Subsections (2) through (4) shall ensure
421 that nominations are submitted to the governor no later than June 1 of each respective
422 nominating year.
- 423 (b) If the governor fails to appoint one of the individuals nominated as described in
424 Subsection (2), (3), or (4), as applicable, within 60 days of the nominations, the
425 following appointment procedures apply:
- 426 (i) for an appointment for the central region, the Salt Lake County council shall
427 appoint an individual, with ~~[confirmation by]~~ the advice and consent of the Senate;
- 428 (ii) for an appointment for the southern region, the Utah County commission shall
429 appoint an individual, in consultation with the Tooele County commission, with [
430 ~~confirmation by the]~~ the advice and consent of the Senate; and
- 431 (iii) for an appointment for the northern region, the Davis County commission and
432 the Weber County commission, collectively, and in consultation with the Box
433 Elder County commission, shall appoint an individual, with ~~[confirmation by]~~ the
434 advice and consent of the Senate.

- 435 (6) (a) Each nominee shall be a qualified executive with technical and administrative
436 experience and training appropriate for the position.
- 437 (b) The board of trustees of a large public transit district shall be full-time employees of
438 the public transit district.
- 439 (c) The compensation package for the board of trustees shall be determined by the local
440 advisory council as described in Section 17B-2a-808.2.
- 441 (d) (i) Subject to Subsection (6)(d)(iii), for a board of trustees of a large public transit
442 district, "quorum" means at least two members of the board of trustees.
- 443 (ii) Action by a majority of a quorum constitutes an action of the board of trustees.
- 444 (iii) A meeting of a quorum of a board of trustees of a large public transit district is
445 subject to Section 52-4-103 regarding convening of a three-member board of
446 trustees and what constitutes a public meeting.
- 447 (7) (a) Subject to Subsection (8), each member of the board of trustees of a large public
448 transit district shall serve for a term of four years.
- 449 (b) A member of the board of trustees may serve an unlimited number of terms.
- 450 (c) Notwithstanding Subsection (2), (3), or (4), as applicable, at the expiration of a term
451 of a member of the board of trustees, if the respective nominating entities and
452 individuals for the respective region described in Subsection (2), (3), or (4),
453 unanimously agree to retain the existing member of the board of trustees, the
454 respective nominating individuals or bodies described in Subsection (2), (3), or (4)
455 are not required to make nominations to the governor, and the governor may, with the
456 advice and consent of the Senate, reappoint the existing member to the board of
457 trustees.
- 458 (8) Each member of the board of trustees of a large public transit district shall serve at the
459 pleasure of the governor.
- 460 (9) Subject to Subsections (7) and (8), a board of trustees of a large public transit district
461 that is in place as of February 1, 2019, may remain in place.
- 462 (10) The governor shall designate one member of the board of trustees as chair of the board
463 of trustees.
- 464 (11) (a) If a vacancy occurs, the nomination and appointment procedures to replace the
465 individual shall occur in the same manner described in Subsection (1)(b), Subsection
466 (2), (3), or (4), and, if applicable, Subsection (5), for the respective member of the
467 board of trustees creating the vacancy.
- 468 (b) If a vacancy occurs on the board of trustees of a large public transit district, the

469 respective nominating region shall nominate individuals to the governor as described
470 in this section within 60 days after the date the vacancy occurs.

471 (c) If the respective nominating region does not nominate to fill the vacancy within 60
472 days, the governor shall, with the advice and consent of the Senate, appoint an
473 individual to fill the vacancy.

474 (d) A replacement board member shall serve for the remainder of the unexpired term,
475 but may serve an unlimited number of terms as provided in Subsection (7)(b).

476 Section 8. Section **17B-2a-1005** is amended to read:

477 **17B-2a-1005 (Effective 05/01/24). Water conservancy district board of trustees --**
478 **Selection of members -- Number -- Qualifications -- Terms -- Vacancies --**
479 **Surety bonds -- Authority.**

480 (1) Members of the board of trustees for a water conservancy district shall be:

481 (a) elected in accordance with:

482 (i) the petition or resolution that initiated the process of creating the water
483 conservancy district; and

484 (ii) Section 17B-1-306;

485 (b) appointed in accordance with Subsection (2); or

486 (c) elected under Subsection (4)(a).

487 (2) (a) If the members of the board of trustees are appointed, within 45 days after the day
488 on which a water conservancy district is created as provided in Section 17B-1-215,
489 the board of trustees shall be appointed as provided in this Subsection (2).

490 (b) For a district located entirely within the boundaries of a single county, the county
491 legislative body of that county shall appoint each trustee.

492 (c) (i) For a district located in more than a single county, the governor, with the
493 advice and consent of the Senate, shall appoint each trustee from nominees
494 submitted as provided in this Subsection (2)(c).

495 (ii) (A) Except as provided in Subsection (2)(c)(ii)(B), in a division composed
496 solely of municipalities, the legislative body of each municipality within the
497 division shall submit two nominees per trustee.

498 (B) The legislative body of a municipality may submit fewer than two nominees
499 per trustee if the legislative body certifies in writing to the governor that the
500 legislative body is unable, after reasonably diligent effort, to identify two
501 nominees who are willing and qualified to serve as trustee.

502 (iii) (A) Except as provided in Subsection (2)(c)(iii)(B), in all other divisions, the

- 503 county legislative body of the county in which the division is located shall
504 submit three nominees per trustee.
- 505 (B) The county legislative body may submit fewer than three nominees per trustee
506 if the county legislative body certifies in writing to the governor that the county
507 legislative body is unable, after reasonably diligent effort, to identify three
508 nominees who are willing and qualified to serve as trustee.
- 509 (iv) If a trustee represents a division located in more than one county, the county
510 legislative bodies of those counties shall collectively compile the list of three
511 nominees.
- 512 (v) For purposes of this Subsection (2)(c), a municipality that is located in more than
513 one county shall be considered to be located in only the county in which more of
514 the municipal area is located than in any other county.
- 515 (d) In districts where substantial water is allocated for irrigated agriculture, one trustee
516 appointed in that district shall be a person who owns irrigation rights and uses those
517 rights as part of that person's livelihood.
- 518 (3) (a) The board shall give written notice of the upcoming vacancy in an appointed
519 trustee's term and the date when the trustee's term expires to the county legislative
520 body in single county districts and to the nominating entities and the governor in all
521 other districts:
- 522 (i) if the upcoming vacancy is in a single county district, at least 90 days before the
523 expiration of the trustee's term; and
- 524 (ii) for all other districts, on or before October 1 before the expiration of the
525 appointed trustee's term.
- 526 (b) (i) Upon receipt of the notice of the expiration of an appointed trustee's term or
527 notice of a vacancy in the office of an appointed trustee, the county or municipal
528 legislative body, as the case may be, shall nominate candidates to fill the
529 unexpired term of office pursuant to Subsection (2).
- 530 (ii) If a trustee is to be appointed by the governor and the entity charged with
531 nominating candidates has not submitted the list of nominees within 90 days after
532 service of the notice, the governor shall, with the advice and consent of the Senate,
533 make the appointment from qualified candidates without consultation with the
534 county or municipal legislative body.
- 535 (iii) If the governor fails to appoint, the incumbent shall continue to serve until a
536 successor is appointed and qualified.

- 537 (iv) Appointment by the governor vests in the appointee, upon qualification, the
538 authority to discharge the duties of trustee, subject only to the advice and consent
539 of the Senate.
- 540 (c) Each trustee shall hold office during the term for which appointed and until a
541 successor is duly appointed and has qualified.
- 542 (4) (a) Members of the board of trustees of a water conservancy district shall be elected,
543 if, subject to Subsection (4)(b):
- 544 (i) two-thirds of all members of the board of trustees of the water conservancy district
545 vote in favor of changing to an elected board; and
- 546 (ii) the legislative body of each municipality or county that appoints a member to the
547 board of trustees adopts a resolution approving the change to an elected board.
- 548 (b) A change to an elected board of trustees under Subsection (4)(a) may not shorten the
549 term of any member of the board of trustees serving at the time of the change.
- 550 (5) The board of trustees of a water conservancy district shall consist of:
- 551 (a) except as provided in Subsection (5)(b), not more than 11 persons who are residents
552 of the district; or
- 553 (b) if the district consists of five or more counties, not more than 21 persons who are
554 residents of the district.
- 555 (6) If an elected trustee's office is vacated, the vacated office shall be filled in accordance
556 with Section 17B-1-303.
- 557 (7) Each trustee shall furnish a corporate surety bond at the expense of the district,
558 conditioned for the faithful performance of duties as a trustee.
- 559 (8) (a) The board of trustees of a water conservancy district may:
- 560 (i) make and enforce all reasonable rules and regulations for the management,
561 control, delivery, use, and distribution of water;
- 562 (ii) withhold the delivery of water with respect to which there is a default or
563 delinquency of payment;
- 564 (iii) provide for and declare a forfeiture of the right to the use of water upon the
565 default or failure to comply with an order, contract, or agreement for the purchase,
566 lease, or use of water, and resell, lease, or otherwise dispose of water with respect
567 to which a forfeiture has been declared;
- 568 (iv) allocate and reallocate the use of water to lands within the district;
- 569 (v) provide for and grant the right, upon terms, to transfer water from lands to which
570 water has been allocated to other lands within the district;

- 571 (vi) create a lien, as provided in this part, upon land to which the use of water is
 572 transferred;
- 573 (vii) discharge a lien from land to which a lien has attached; and
- 574 (viii) subject to Subsection (8)(b), enter into a written contract for the sale, lease, or
 575 other disposition of the use of water.

576 (b) (i) A contract under Subsection (8)(a)(viii) may provide for the use of water
 577 perpetually or for a specified term.

578 (ii) (A) If a contract under Subsection (8)(a)(viii) makes water available to the
 579 purchasing party without regard to actual taking or use, the board may require
 580 that the purchasing party give security for the payment to be made under the
 581 contract, unless the contract requires the purchasing party to pay for certain
 582 specified annual minimums.

583 (B) The security requirement under Subsection (8)(b)(ii)(A) in a contract with a
 584 public entity may be met by including in the contract a provision for the public
 585 entity's levy of a special assessment to make annual payments to the district.

586 Section 9. Section **19-2-103** is amended to read:

587 **19-2-103 (Effective 05/01/24). Members of board -- Appointment -- Terms --**
 588 **Organization -- Per diem and expenses.**

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

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

592 (i) the executive director; or

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

594 (b) the following eight voting members, who shall be appointed or reappointed by the
 595 governor with the advice and consent of the Senate in accordance with Title 63G,
 596 Chapter 24, Part 2, Vacancies:

597 (i) one representative who:

598 (A) is not connected with industry;

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

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

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

603 (iii) one representative from the mining industry;

604 (iv) one representative from the fuels industry;

- 605 (v) one representative from the manufacturing industry;
- 606 (vi) one representative from the public who represents:
- 607 (A) an environmental nongovernmental organization; or
- 608 (B) a nongovernmental organization that represents community interests and does
- 609 not represent industry interests; and
- 610 (vii) one representative from the public who is trained and experienced in public
- 611 health.
- 612 (2) A member of the board shall:
- 613 (a) be knowledgeable about air pollution matters, as evidenced by a professional degree,
- 614 a professional accreditation, or documented experience;
- 615 (b) be a resident of Utah;
- 616 (c) attend board meetings in accordance with the attendance rules made by the
- 617 department under Subsection 19-1-201(1)(d)(i)(A); and
- 618 (d) comply with all applicable statutes, rules, and policies, including the conflict of
- 619 interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest,
- 620 and the conflict of interest rules made by the department under Subsection 19-1-201
- 621 (1)(d)(i)(B).
- 622 (3) No more than five of the appointed members of the board shall belong to the same
- 623 political party.
- 624 (4) A majority of the members of the board may not derive any significant portion of their
- 625 income from persons subject to permits or orders under this chapter.
- 626 (5) (a) Members shall be appointed for a term of four years.
- 627 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
- 628 time of appointment or reappointment, adjust the length of terms to ensure that the
- 629 terms of board members are staggered so that half of the appointed board is
- 630 appointed every two years.
- 631 (6) A member may serve more than one term.
- 632 (7) A member shall hold office until the expiration of the member's term and until the
- 633 member's successor is appointed, but not more than 90 days after the expiration of the
- 634 member's term.
- 635 (8) When a vacancy occurs in the membership for any reason, ~~[the replacement shall be~~
- 636 ~~appointed for the unexpired term]~~ the governor shall, with the advice and consent of the
- 637 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, appoint a
- 638 replacement for the unexpired term.

- 639 (9) The board shall elect annually a chair and a vice chair from its members.
- 640 (10) (a) The board shall meet at least quarterly.
- 641 (b) Special meetings may be called by the chair upon the chair's own initiative, upon the
- 642 request of the director, or upon the request of three members of the board.
- 643 (c) Three days' notice shall be given to each member of the board before a meeting.
- 644 (11) Five members constitute a quorum at a meeting, and the action of a majority of
- 645 members present is the action of the board.
- 646 (12) A member may not receive compensation or benefits for the member's service, but
- 647 may receive per diem and travel expenses in accordance with:
- 648 (a) Section 63A-3-106;
- 649 (b) Section 63A-3-107; and
- 650 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 651 63A-3-107.
- 652 Section 10. Section **19-4-103** is amended to read:
- 653 **19-4-103 (Effective 05/01/24). Drinking Water Board -- Members --**
- 654 **Organization -- Meetings -- Per diem and expenses.**
- 655 (1) The board consists of the following nine members:
- 656 (a) the following non-voting member, except that the member may vote to break a tie
- 657 vote between the voting members:
- 658 (i) the executive director; or
- 659 (ii) an employee of the department designated by the executive director; and
- 660 (b) the following eight voting members, who shall be appointed by the governor with the
- 661 advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,
- 662 Vacancies:
- 663 (i) one representative who is a Utah-licensed professional engineer with expertise in
- 664 civil or sanitary engineering;
- 665 (ii) two representatives who are elected officials from a municipal government that is
- 666 involved in the management or operation of a public water system;
- 667 (iii) one representative from an improvement district, a water conservancy district, or
- 668 a metropolitan water district;
- 669 (iv) one representative from an entity that manages or operates a public water system;
- 670 (v) one representative from:
- 671 (A) the state water research community; or
- 672 (B) an institution of higher education that has comparable expertise in water

- 673 research to the state water research community;
- 674 (vi) one representative from the public who represents:
- 675 (A) an environmental nongovernmental organization; or
- 676 (B) a nongovernmental organization that represents community interests and does
- 677 not represent industry interests; and
- 678 (vii) one representative from the public who is trained and experienced in public
- 679 health.
- 680 (2) A member of the board shall:
- 681 (a) be knowledgeable about drinking water and public water systems, as evidenced by a
- 682 professional degree, a professional accreditation, or documented experience;
- 683 (b) represent different geographical areas within the state insofar as practicable;
- 684 (c) be a resident of Utah;
- 685 (d) attend board meetings in accordance with the attendance rules made by the
- 686 department under Subsection 19-1-201(1)(d)(i)(A); and
- 687 (e) comply with all applicable statutes, rules, and policies, including the conflict of
- 688 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B) and the
- 689 conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of
- 690 Interest.
- 691 (3) No more than five appointed members of the board shall be from the same political
- 692 party.
- 693 (4) (a) As terms of current board members expire, the governor shall appoint each new
- 694 member or reappointed member to a four-year term.
- 695 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
- 696 time of appointment or reappointment, adjust the length of terms to ensure that the
- 697 terms of board members are staggered so that half of the appointed board is
- 698 appointed every two years.
- 699 (c) (i) Notwithstanding Subsection (4)(a), the term of a board member who is
- 700 appointed before May 1, 2013, shall expire on April 30, 2013.
- 701 (ii) On May 1, 2013, the governor shall appoint or reappoint board members in
- 702 accordance with this section.
- 703 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
- 704 appointed for the unexpired term.
- 705 (6) When the governor makes a new appointment or reappointment under Subsection (4)(a),
- 706 or a vacancy appointment under Subsection (5), the governor's new appointment,

707 reappointment, or vacancy appointment shall be with the advice and consent of the
 708 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

709 [~~6~~] (7) Each member holds office until the expiration of the member's term, and until a
 710 successor is appointed, but not for more than 90 days after the expiration of the term.

711 [~~7~~] (8) The board shall elect annually a chair and a vice chair from its members.

712 [~~8~~] (9) (a) The board shall meet at least quarterly.

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

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

716 [~~9~~] (10) Five members constitute a quorum at any meeting and the action of the majority
 717 of the members present is the action of the board.

718 [~~10~~] (11) A member may not receive compensation or benefits for the member's service,
 719 but may receive per diem and travel expenses in accordance with:

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

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

722 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 723 63A-3-107.

724 Section 11. Section **19-5-103** is amended to read:

725 **19-5-103 (Effective 05/01/24). Water Quality Board -- Members of board --**

726 **Appointment -- Terms -- Organization -- Meetings -- Per diem and expenses.**

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

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

730 (i) the executive director; or

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

732 (b) the following eight voting members, who shall be appointed or reappointed by the
 733 governor with the advice and consent of the Senate in accordance with Title 63G,
 734 Chapter 24, Part 2, Vacancies:

735 (i) one representative who:

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

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

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

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

- 741 (iii) one representative from the mineral industry;
- 742 (iv) one representative from the manufacturing industry;
- 743 (v) one representative who represents agricultural and livestock interests;
- 744 (vi) one representative from the public who represents:
- 745 (A) an environmental nongovernmental organization; or
- 746 (B) a nongovernmental organization that represents community interests and does
- 747 not represent industry interests; and
- 748 (vii) one representative from the public who is trained and experienced in public
- 749 health.
- 750 (2) A member of the board shall:
- 751 (a) be knowledgeable about water quality matters, as evidenced by a professional
- 752 degree, a professional accreditation, or documented experience;
- 753 (b) be a resident of Utah;
- 754 (c) attend board meetings in accordance with the attendance rules made by the
- 755 department under Subsection 19-1-201(1)(d)(i)(A); and
- 756 (d) comply with all applicable statutes, rules, and policies, including the conflict of
- 757 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B) and the
- 758 conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of
- 759 Interest.
- 760 (3) No more than five of the appointed members may be from the same political party.
- 761 (4) When a vacancy occurs in the membership for any reason, ~~[the replacement shall be~~
- 762 ~~appointed for the unexpired term with the advice and consent of the Senate]~~ the governor
- 763 shall, with the advice and consent of the Senate in accordance with Title 63G, Chapter
- 764 24, Part 2, Vacancies, appoint a replacement for the unexpired term.
- 765 (5) (a) A member shall be appointed for a term of four years and is eligible for
- 766 reappointment.
- 767 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
- 768 time of appointment or reappointment, adjust the length of terms to ensure that the
- 769 terms of board members are staggered so that half of the appointed board is
- 770 appointed every two years.
- 771 (6) A member shall hold office until the expiration of the member's term and until the
- 772 member's successor is appointed, not to exceed 90 days after the formal expiration of the
- 773 term.
- 774 (7) The board shall:

- 775 (a) organize and annually select one of its members as chair and one of its members as
776 vice chair;
- 777 (b) hold at least four regular meetings each calendar year; and
- 778 (c) keep minutes of its proceedings which are open to the public for inspection.
- 779 (8) The chair may call a special meeting upon the request of three or more members of the
780 board.
- 781 (9) Each member of the board and the director shall be notified of the time and place of
782 each meeting.
- 783 (10) Five members of the board constitute a quorum for the transaction of business, and the
784 action of a majority of members present is the action of the board.
- 785 (11) A member may not receive compensation or benefits for the member's service, but
786 may receive per diem and travel expenses in accordance with:
- 787 (a) Section 63A-3-106;
- 788 (b) Section 63A-3-107; and
- 789 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
790 63A-3-107.
- 791 Section 12. Section **23A-2-301** is amended to read:
- 792 **23A-2-301 (Effective 05/01/24). Wildlife Board created.**
- 793 (1) There is created a Wildlife Board that consists of seven members appointed by the
794 governor with the advice and consent of the Senate in accordance with Title 63G,
795 Chapter 24, Part 2, Vacancies.
- 796 (2) (a) In addition to the requirements of Section 79-2-203, the members of the Wildlife
797 Board shall have expertise or experience in at least one of the following areas:
- 798 (i) wildlife management or biology;
- 799 (ii) habitat management, including range or aquatic;
- 800 (iii) business, including knowledge of private land issues; and
- 801 (iv) economics, including knowledge of recreational wildlife uses.
- 802 (b) At least one member of the Wildlife Board shall represent each of the areas of
803 expertise under Subsection (2)(a).
- 804 (3) (a) The governor shall select a board member from a list of nominees submitted by
805 the nominating committee pursuant to Section 23A-2-302.
- 806 (b) No more than two members shall be from a single wildlife region described in
807 Subsection 23A-2-303(1).
- 808 (c) The governor may request an additional list of at least two nominees from the

- 809 nominating committee if the initial list of nominees for a given position is
810 unacceptable.
- 811 (d) (i) If the governor fails to appoint a board member within 60 days after receipt of
812 the initial or additional list, the nominating committee shall make an interim
813 appointment by majority vote.
- 814 (ii) The interim board member shall serve until the matter is resolved by the
815 nominating committee and the governor or until the board member is replaced
816 pursuant to this chapter.
- 817 (4) (a) Except as required by Subsection (4)(b), as terms of current board members
818 expire, the governor shall appoint a new member or reappointed member to a
819 six-year term.
- 820 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
821 time of appointment or reappointment, adjust the length of terms to ensure that:
- 822 (i) the terms of board members are staggered so that approximately one-third of the
823 Wildlife Board is appointed every two years; and
- 824 (ii) members serving from the same region have staggered terms.
- 825 (c) If a vacancy occurs, the nominating committee shall submit at least two names, as
826 provided in Subsection 23A-2-302(4), to the governor and the governor shall appoint
827 a replacement for the unexpired term.
- 828 (d) A board member may serve only one term unless the board member:
- 829 (i) is among the first board members appointed to serve four years or less; or
830 (ii) filled a vacancy under Subsection (4)(c) for four years or less.
- 831 (5) When the governor makes a new appointment or reappointment under Subsection (4)(a),
832 or a vacancy appointment under Subsection (4)(c), the governor's new appointment,
833 reappointment, or vacancy appointment shall be made with the advice and consent of the
834 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 835 [~~5~~] (6) (a) The Wildlife Board shall elect a chair and a vice chair from the Wildlife
836 Board's membership.
- 837 (b) Four members of the Wildlife Board constitutes a quorum.
- 838 (c) The director shall act as secretary to the Wildlife Board, but is not a voting member
839 of the Wildlife Board.
- 840 [~~6~~] (7) (a) The Wildlife Board shall hold a sufficient number of public meetings each
841 year to expeditiously conduct the Wildlife Board's business.
- 842 (b) Meetings may be called by the chair upon five days notice or upon shorter notice in

- 843 emergency situations.
- 844 (c) Meetings may be held at the Salt Lake City office of the division or elsewhere as
845 determined by the Wildlife Board.
- 846 ~~[(7)]~~ (8) A member may not receive compensation or benefits for the member's service, but
847 may receive per diem and travel expenses in accordance with:
- 848 (a) Section 63A-3-106;
- 849 (b) Section 63A-3-107; and
- 850 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
851 63A-3-107.
- 852 ~~[(8)]~~ (9) (a) A member of the Wildlife Board shall complete an orientation course to
853 assist the member in the performance of the duties of the member's office.
- 854 (b) The department shall provide the course required under Subsection ~~[(8)(a)]~~ (9)(a).
- 855 ~~[(9)]~~ (10) A member shall comply with the conflict of interest provisions described in Title
856 63G, Chapter 24, Part 3, Conflicts of Interest.
- 857 Section 13. Section **23A-2-303** is amended to read:
- 858 **23A-2-303 (Effective 05/01/24). Regional advisory councils created.**
- 859 (1) There are created five regional advisory councils that consist of 12 to 15 members each
860 from the wildlife region whose boundaries are established for administrative purposes
861 by the division.
- 862 (2) The members shall include individuals who represent the following groups and interests:
- 863 (a) agriculture;
- 864 (b) sportsmen;
- 865 (c) nonconsumptive wildlife;
- 866 (d) locally elected public officials;
- 867 (e) federal land agencies; and
- 868 (f) the public at large.
- 869 (3) The executive director, in consultation with the director, shall select the members from
870 a list of nominees submitted by the respective interest group or agency.
- 871 (4) The regional advisory councils shall:
- 872 (a) hear broad input, including recommendations, biological data, and information
873 regarding the effects of wildlife;
- 874 (b) gather information from staff, the public, and government agencies; and
- 875 (c) make recommendations to the Wildlife Board in an advisory capacity.
- 876 (5) (a) Except as required by Subsection (5)(b), a member shall serve a four-year term.

877 (b) Notwithstanding the requirements of Subsection (5)(a), the executive director shall,
878 at the time of appointment or reappointment, adjust the length of terms to ensure that
879 the terms of council members are staggered so that approximately half of the council
880 is appointed every two years.

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

883 (7) The councils shall determine:

884 (a) the time and place of meetings; and

885 (b) a procedural matter not specified in this chapter.

886 (8) Members of the councils shall complete an orientation course described in Subsection [
887 ~~23A-2-301(8)~~] 23A-2-301(9).

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

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

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

892 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
893 63A-3-107.

894 Section 14. Section **26B-1-409** is amended to read:

895 **26B-1-409 (Effective 05/01/24). Utah Digital Health Service Commission --**
896 **Creation -- Membership -- Duties.**

897 (1) As used in this section:

898 (a) "Commission" means the Utah Digital Health Service Commission created in this
899 section.

900 (b) "Digital health service" means the electronic transfer, exchange, or management of
901 related data for diagnosis, treatment, consultation, educational, public health, or other
902 related purposes.

903 (2) There is created within the department the Utah Digital Health Service Commission.

904 (3) The governor shall appoint or reappoint 13 members to the commission with the advice
905 and consent of the Senate, as follows:

906 (a) a physician who is involved in digital health service;

907 (b) a representative of a health care system or a licensed health care facility as defined in
908 Section 26B-2-201;

909 (c) a representative of rural Utah, which may be a person nominated by an advisory
910 committee on rural health issues;

- 911 (d) a member of the public who is not involved with digital health service;
912 (e) a nurse who is involved in digital health service; and
913 (f) eight members who fall into one or more of the following categories:
914 (i) individuals who use digital health service in a public or private institution;
915 (ii) individuals who use digital health service in serving medically underserved
916 populations;
917 (iii) nonphysician health care providers involved in digital health service;
918 (iv) information technology professionals involved in digital health service;
919 (v) representatives of the health insurance industry;
920 (vi) telehealth digital health service consumer advocates; and
921 (vii) individuals who use digital health service in serving mental or behavioral health
922 populations.
- 923 (4) (a) The commission shall annually elect a chairperson from its membership. The
924 chairperson shall report to the executive director of the department.
- 925 (b) The commission shall hold meetings at least once every three months. Meetings
926 may be held from time to time on the call of the chair or a majority of the board
927 members.
- 928 (c) Seven commission members are necessary to constitute a quorum at any meeting
929 and, if a quorum exists, the action of a majority of members present shall be the
930 action of the commission.
- 931 (5) (a) Except as provided in Subsection (5)(b), a commission member shall be
932 appointed for a three-year term and eligible for two reappointments.
- 933 (b) Notwithstanding Subsection (5)(a), the governor shall, at the time of appointment or
934 reappointment, adjust the length of terms to ensure that the terms of commission
935 members are staggered so that approximately 1/3 of the commission is appointed
936 each year.
- 937 (c) A commission member shall continue in office until the expiration of the member's
938 term and until a successor is appointed, which may not exceed 90 days after the
939 formal expiration of the term.
- 940 (d) Notwithstanding Subsection (5)(c), a commission member who fails to attend 75%
941 of the scheduled meetings in a calendar year shall be disqualified from serving.
- 942 (e) When a vacancy occurs in membership for any reason, ~~the replacement shall be~~
943 ~~appointed for the unexpired term]~~ the governor shall, with the advice and consent of
944 the Senate, appoint a replacement for the unexpired term.

- 945 (6) A member may not receive compensation or benefits for the member's service, but, at
946 the executive director's discretion, may receive per diem and travel expenses in
947 accordance with:
- 948 (a) Section 63A-3-106;
949 (b) Section 63A-3-107; and
950 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
951 63A-3-107.
- 952 (7) The department shall provide informatics staff support to the commission.
- 953 (8) The funding of the commission shall be a separate line item to the department in the
954 annual appropriations act.
- 955 (9) The commission shall:
- 956 (a) advise and make recommendations on digital health service issues to the department
957 and other state entities;
- 958 (b) advise and make recommendations on digital health service related patient privacy
959 and information security to the department;
- 960 (c) promote collaborative efforts to establish technical compatibility, uniform policies,
961 privacy features, and information security to meet legal, financial, commercial, and
962 other societal requirements;
- 963 (d) identify, address, and seek to resolve the legal, ethical, regulatory, financial, medical,
964 and technological issues that may serve as barriers to digital health service;
- 965 (e) explore and encourage the development of digital health service systems as a means
966 of reducing health care costs and increasing health care quality and access, with
967 emphasis on assisting rural health care providers and special populations with access
968 to or development of electronic medical records;
- 969 (f) seek public input on digital health service issues; and
970 (g) in consultation with the department, advise the governor and Legislature on:
- 971 (i) the role of digital health service in the state;
972 (ii) the policy issues related to digital health service;
973 (iii) the changing digital health service needs and resources in the state; and
974 (iv) state budgetary matters related to digital health service.
- 975 Section 15. Section **26B-1-412** is amended to read:
- 976 **26B-1-412 (Effective 05/01/24). Health Facility Committee -- Members -- Terms**
977 **-- Organization -- Meetings.**
- 978 (1) The definitions in Section 26B-2-201 apply to this section.

- 979 (2) (a) The Health Facility Committee shall consist of 12 members appointed by the
980 governor in consultation with the executive director.
- 981 (b) The appointed members shall be knowledgeable about health care facilities and
982 issues.
- 983 (3) The membership of the committee is:
- 984 (a) one physician, licensed to practice medicine and surgery under Title 58, Chapter 67,
985 Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical
986 Practice Act, who is a graduate of a regularly chartered medical school;
- 987 (b) one hospital administrator;
- 988 (c) one hospital trustee;
- 989 (d) one representative of a freestanding ambulatory surgical facility;
- 990 (e) one representative of an ambulatory surgical facility that is affiliated with a hospital;
- 991 (f) one representative of the nursing care facility industry;
- 992 (g) one registered nurse, licensed to practice under Title 58, Chapter 31b, Nurse Practice
993 Act;
- 994 (h) one licensed architect or engineer with expertise in health care facilities;
- 995 (i) one representative of assisted living facilities licensed under Chapter 2, Part 2, Health
996 Care Facility Licensing and Inspection;
- 997 (j) two consumers, one of whom has an interest in or expertise in geriatric care; and
- 998 (k) one representative from either a home health care provider or a hospice provider.
- 999 (4) (a) Except as required by Subsection (4)(b), members shall be appointed for a term
1000 of four years.
- 1001 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1002 time of appointment or reappointment, adjust the length of terms to ensure that the
1003 terms of committee members are staggered so that approximately half of the
1004 committee is appointed every two years.
- 1005 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
1006 appointed for the unexpired term by the governor, giving consideration to
1007 recommendations made by the committee, with the advice and consent of the Senate.
- 1008 (d) (i) A member may not serve more than two consecutive full terms or 10
1009 consecutive years, whichever is less.
- 1010 (ii) Notwithstanding Subsection (4)(d)(i), a member may continue to serve as a
1011 member until the member is replaced.
- 1012 (e) The committee shall annually elect from the committee's membership a chair and

- 1013 vice chair.
- 1014 (f) The committee shall meet at least quarterly, or more frequently as determined by the
1015 chair or five members of the committee.
- 1016 (g) Six members constitute a quorum.
- 1017 (h) A vote of the majority of the members present constitutes action of the committee.
- 1018 (5) The committee shall:
- 1019 (a) with the concurrence of the department, make rules in accordance with Title 63G,
1020 Chapter 3, Utah Administrative Rulemaking Act:
- 1021 (i) for the licensing of health-care facilities; and
- 1022 (ii) requiring the submission of architectural plans and specifications for any
1023 proposed new health-care facility or renovation to the department for review;
- 1024 (b) approve the information for applications for licensure pursuant to Section 26B-2-207;
- 1025 (c) advise the department as requested concerning the interpretation and enforcement of
1026 the rules established under Chapter 2, Part 2, Health Care Facility Licensing and
1027 Inspection; and
- 1028 (d) advise, consult, cooperate with, and provide technical assistance to other agencies of
1029 the state and federal government, and other states and affected groups or persons in
1030 carrying out the purposes of Chapter 2, Part 2, Health Care Facility Licensing and
1031 Inspection.
- 1032 (6) A member may not receive compensation or benefits for the member's service, but may
1033 receive per diem and travel expenses in accordance with:
- 1034 (a) Section 63A-3-106;
- 1035 (b) Section 63A-3-107; and
- 1036 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1037 63A-3-107.
- 1038 Section 16. Section **26B-1-413** is amended to read:
- 1039 **26B-1-413 (Effective 05/01/24). Health Data Committee -- Purpose, powers, and**
1040 **duties of the committee -- Membership -- Terms -- Chair -- Compensation.**
- 1041 (1) The definitions in Section 26B-8-501 apply to this section.
- 1042 (2) (a) There is created within the department the Health Data Committee.
- 1043 (b) The purpose of the committee is to direct a statewide effort to collect, analyze, and
1044 distribute health care data to facilitate the promotion and accessibility of quality and
1045 cost-effective health care and also to facilitate interaction among those with concern
1046 for health care issues.

- 1047 (3) The committee shall:
- 1048 (a) with the concurrence of the department and in accordance with Title 63G, Chapter 3,
- 1049 Utah Administrative Rulemaking Act, develop and adopt by rule, following public
- 1050 hearing and comment, a health data plan that shall among its elements:
- 1051 (i) identify the key health care issues, questions, and problems amenable to resolution
- 1052 or improvement through better data, more extensive or careful analysis, or
- 1053 improved dissemination of health data;
- 1054 (ii) document existing health data activities in the state to collect, organize, or make
- 1055 available types of data pertinent to the needs identified in Subsection (3)(a)(i);
- 1056 (iii) describe and prioritize the actions suitable for the committee to take in response
- 1057 to the needs identified in Subsection (3)(a)(i) in order to obtain or to facilitate the
- 1058 obtaining of needed data, and to encourage improvements in existing data
- 1059 collection, interpretation, and reporting activities, and indicate how those actions
- 1060 relate to the activities identified under Subsection (3)(a)(ii);
- 1061 (iv) detail the types of data needed for the committee's work, the intended data
- 1062 suppliers, and the form in which such data are to be supplied, noting the
- 1063 consideration given to the potential alternative sources and forms of such data and
- 1064 to the estimated cost to the individual suppliers as well as to the department of
- 1065 acquiring these data in the proposed manner; the plan shall reasonably
- 1066 demonstrate that the committee has attempted to maximize cost-effectiveness in
- 1067 the data acquisition approaches selected;
- 1068 (v) describe the types and methods of validation to be performed to assure data
- 1069 validity and reliability;
- 1070 (vi) explain the intended uses of and expected benefits to be derived from the data
- 1071 specified in Subsection (3)(a)(iv), including the contemplated tabulation formats
- 1072 and analysis methods; the benefits described shall demonstrably relate to one or
- 1073 more of the following:
- 1074 (A) promoting quality health care;
- 1075 (B) managing health care costs; or
- 1076 (C) improving access to health care services;
- 1077 (vii) describe the expected processes for interpretation and analysis of the data
- 1078 flowing to the committee; noting specifically the types of expertise and
- 1079 participation to be sought in those processes; and
- 1080 (viii) describe the types of reports to be made available by the committee and the

- 1081 intended audiences and uses;
- 1082 (b) have the authority to collect, validate, analyze, and present health data in accordance
1083 with the plan while protecting individual privacy through the use of a control number
1084 as the health data identifier;
- 1085 (c) evaluate existing identification coding methods and, if necessary, require by rule
1086 adopted in accordance with Subsection (4), that health data suppliers use a uniform
1087 system for identification of patients, health care facilities, and health care providers
1088 on health data they submit under this section and Chapter 8, Part 5, Utah Health Data
1089 Authority; and
- 1090 (d) advise, consult, contract, and cooperate with any corporation, association, or other
1091 entity for the collection, analysis, processing, or reporting of health data identified by
1092 control number only in accordance with the plan.
- 1093 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1094 committee, with the concurrence of the department, may adopt rules to carry out the
1095 provisions of this section and Chapter 8, Part 5, Utah Health Data Authority.
- 1096 (5) (a) Except for data collection, analysis, and validation functions described in this
1097 section, nothing in this section or in Chapter 8, Part 5, Utah Health Data Authority,
1098 shall be construed to authorize or permit the committee to perform regulatory
1099 functions which are delegated by law to other agencies of the state or federal
1100 governments or to perform quality assurance or medical record audit functions that
1101 health care facilities, health care providers, or third party payors are required to
1102 conduct to comply with federal or state law.
- 1103 (b) The committee may not recommend or determine whether a health care provider,
1104 health care facility, third party payor, or self-funded employer is in compliance with
1105 federal or state laws including federal or state licensure, insurance, reimbursement,
1106 tax, malpractice, or quality assurance statutes or common law.
- 1107 (6) (a) Nothing in this section or in Chapter 8, Part 5, Utah Health Data Authority, shall
1108 be construed to require a data supplier to supply health data identifying a patient by
1109 name or describing detail on a patient beyond that needed to achieve the approved
1110 purposes included in the plan.
- 1111 (7) No request for health data shall be made of health care providers and other data
1112 suppliers until a plan for the use of such health data has been adopted.
- 1113 (8) (a) If a proposed request for health data imposes unreasonable costs on a data
1114 supplier, due consideration shall be given by the committee to altering the request.

- 1115 (b) If the request is not altered, the committee shall pay the costs incurred by the data
1116 supplier associated with satisfying the request that are demonstrated by the data
1117 supplier to be unreasonable.
- 1118 (9) After a plan is adopted as provided in Section 26B-8-504, the committee may require
1119 any data supplier to submit fee schedules, maximum allowable costs, area prevailing
1120 costs, terms of contracts, discounts, fixed reimbursement arrangements, capitations, or
1121 other specific arrangements for reimbursement to a health care provider.
- 1122 (10) (a) The committee may not publish any health data collected under Subsection (9)
1123 that would disclose specific terms of contracts, discounts, or fixed reimbursement
1124 arrangements, or other specific reimbursement arrangements between an individual
1125 provider and a specific payer.
- 1126 (b) Nothing in Subsection (9) shall prevent the committee from requiring the submission
1127 of health data on the reimbursements actually made to health care providers from any
1128 source of payment, including consumers.
- 1129 (11) The committee shall be composed of 15 members.
- 1130 (12) (a) One member shall be:
- 1131 (i) the commissioner of the Utah Insurance Department; or
1132 (ii) the commissioner's designee who shall have knowledge regarding the health care
1133 system and characteristics and use of health data.
- 1134 (b) (i) Fourteen members shall be appointed or reappointed by the governor with the
1135 advice and consent of the Senate in accordance with Subsection (13) and~~in~~
1136 ~~accordance with~~] Title 63G, Chapter 24, Part 2, Vacancies.
- 1137 (ii) No more than seven members of the committee appointed by the governor may
1138 be members of the same political party.
- 1139 (13) The members of the committee appointed under Subsection (12)(b) shall:
- 1140 (a) be knowledgeable regarding the health care system and the characteristics and use of
1141 health data;
- 1142 (b) be selected so that the committee at all times includes individuals who provide care;
- 1143 (c) include one person employed by or otherwise associated with a general acute
1144 hospital as defined in Section 26B-2-201, who is knowledgeable about the collection,
1145 analysis, and use of health care data;
- 1146 (d) include two physicians, as defined in Section 58-67-102:
- 1147 (i) who are licensed to practice in this state;
- 1148 (ii) who actively practice medicine in this state;

- 1149 (iii) who are trained in or have experience with the collection, analysis, and use of
1150 health care data; and
- 1151 (iv) one of whom is selected by the Utah Medical Association;
- 1152 (e) include three persons:
- 1153 (i) who are:
- 1154 (A) employed by or otherwise associated with a business that supplies health care
1155 insurance to the business's employees; and
- 1156 (B) knowledgeable about the collection and use of health care data; and
- 1157 (ii) at least one of whom represents an employer employing 50 or fewer employees;
- 1158 (f) include three persons representing health insurers:
- 1159 (i) at least one of whom is employed by or associated with a third-party payor that is
1160 not licensed under Title 31A, Chapter 8, Health Maintenance Organizations and
1161 Limited Health Plans;
- 1162 (ii) at least one of whom is employed by or associated with a third party that is
1163 licensed under Title 31A, Chapter 8, Health Maintenance Organizations and
1164 Limited Health Plans; and
- 1165 (iii) who are trained in, or experienced with the collection, analysis, and use of health
1166 care data;
- 1167 (g) include two consumer representatives:
- 1168 (i) from organized consumer or employee associations; and
- 1169 (ii) knowledgeable about the collection and use of health care data;
- 1170 (h) include one person:
- 1171 (i) representative of a neutral, non-biased entity that can demonstrate that the entity
1172 has the broad support of health care payers and health care providers; and
- 1173 (ii) who is knowledgeable about the collection, analysis, and use of health care data;
1174 and
- 1175 (i) include two persons representing public health who are trained in or experienced with
1176 the collection, use, and analysis of health care data.
- 1177 (14) (a) Except as required by Subsection (14)(b), as terms of current committee
1178 members expire, the governor shall appoint each new member or reappointed
1179 member to a four-year term.
- 1180 (b) Notwithstanding the requirements of Subsection (14)(a), the governor shall, at the
1181 time of appointment or reappointment, adjust the length of terms to ensure that the
1182 terms of committee members are staggered so that approximately half of the

- 1183 committee is appointed every two years.
- 1184 (c) Members may serve after the members' terms expire until replaced.
- 1185 (15) When a vacancy occurs in the membership for any reason, [~~the replacement shall be~~
 1186 ~~appointed for the unexpired term~~] the governor shall, with the advice and consent of the
 1187 Senate, and in accordance with Subsection (13) and Title 63G, Chapter 24, Part 2,
 1188 Vacancies, appoint a replacement for the unexpired term.
- 1189 (16) Committee members shall annually elect a chair of the committee from among the
 1190 committee's membership. The chair shall report to the executive director.
- 1191 (17) (a) The committee shall meet at least once during each calendar quarter. Meeting
 1192 dates shall be set by the chair upon 10 working days' notice to the other members, or
 1193 upon written request by at least four committee members with at least 10 working
 1194 days' notice to other committee members.
- 1195 (b) Eight committee members constitute a quorum for the transaction of business.
 1196 Action may not be taken except upon the affirmative vote of a majority of a quorum
 1197 of the committee.
- 1198 (c) All meetings of the committee shall be open to the public, except that the committee
 1199 may hold a closed meeting if the requirements of Sections 52-4-204, 52-4-205, and
 1200 52-4-206 are met.
- 1201 (18) A member:
- 1202 (a) may not receive compensation or benefits for the member's service, but may receive
 1203 per diem and travel expenses in accordance with:
- 1204 (i) Section 63A-3-106;
 1205 (ii) Section 63A-3-107; and
 1206 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 1207 63A-3-107; and
- 1208 (b) shall comply with the conflict of interest provisions described in Title 63G, Chapter
 1209 24, Part 3, Conflicts of Interest.
- 1210 Section 17. Section **26B-1-426** is amended to read:
- 1211 **26B-1-426 (Effective 05/01/24). Board of Aging and Adult Services -- Members,**
 1212 **appointment, terms, vacancies, chairperson, compensation, meetings, quorum.**
- 1213 (1) The Board of Aging and Adult Services created in Section 26B-1-204 shall have seven
 1214 members who are appointed or reappointed by the governor with the advice and consent
 1215 of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 1216 (2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a

- 1217 term of four years, and is eligible for one reappointment.
- 1218 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1219 time of appointment or reappointment, adjust the length of terms to ensure that the
1220 terms of board members are staggered so that approximately half of the board is
1221 appointed every two years.
- 1222 (c) Board members shall continue in office until the expiration of their terms and until
1223 their successors are appointed, which may not exceed 90 days after the formal
1224 expiration of a term.
- 1225 (d) When a vacancy occurs in the membership for any reason, [~~the replacement shall be~~
1226 ~~appointed for the unexpired term]~~ the governor shall, with the advice and consent of
1227 the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, appoint a
1228 replacement for the unexpired term.
- 1229 (3) (a) No more than four members of the board may be from the same political party.
- 1230 (b) The board shall have diversity of gender, ethnicity, and culture; and members shall
1231 be chosen on the basis of their active interest, experience, and demonstrated ability to
1232 deal with issues related to the Board of Aging and Adult Services[-].
- 1233 (4) (a) The board shall annually elect a chairperson from the board's membership.
- 1234 (b) The board shall hold meetings at least once every three months.
- 1235 (c) Within budgetary constraints, meetings may be held from time to time on the call of
1236 the chairperson or of the majority of the members of the board.
- 1237 (d) Four members of the board are necessary to constitute a quorum at any meeting, and,
1238 if a quorum exists, the action of the majority of members present shall be the action
1239 of the board.
- 1240 (5) A member may not receive compensation or benefits for the member's service, but, at
1241 the executive director's discretion, may receive per diem and travel expenses in
1242 accordance with:
- 1243 (a) Section 63A-3-106;
- 1244 (b) Section 63A-3-107; and
- 1245 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1246 63A-3-107.
- 1247 (6) (a) The board shall adopt bylaws governing its activities.
- 1248 (b) The bylaws described in Subsection (6)(a) shall include procedures for removal of a
1249 board member who is unable or unwilling to fulfill the requirements of the board
1250 member's appointment.

- 1251 (7) The board has program policymaking authority for the division over which the board
1252 presides.
- 1253 (8) A member of the board shall comply with the conflict of interest provisions described in
1254 Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 1255 Section 18. Section **26B-1-429** is amended to read:
- 1256 **26B-1-429 (Effective 05/01/24). Utah State Developmental Center Board --**
1257 **Creation -- Membership -- Duties -- Powers.**
- 1258 (1) There is created the Utah State Developmental Center Board within the department.
- 1259 (2) The board is composed of nine members as follows:
- 1260 (a) the director of the Division of Services for People with Disabilities or the director's
1261 designee;
- 1262 (b) the superintendent of the developmental center or the superintendent's designee;
- 1263 (c) the executive director or the executive director's designee;
- 1264 (d) a resident of the Utah State Developmental Center selected by the superintendent; and
- 1265 (e) five members appointed or reappointed by the governor with the advice and consent
1266 of the Senate as follows:
- 1267 (i) three members of the general public; and
- 1268 (ii) two members who are parents or guardians of individuals who receive services at
1269 the Utah State Developmental Center.
- 1270 (3) In making appointments to the board, the governor shall ensure that:
- 1271 (a) no more than three members have immediate family residing at the Utah State
1272 Developmental Center; and
- 1273 (b) members represent a variety of geographic areas and economic interests of the state.
- 1274 (4) (a) The governor shall appoint each member described in Subsection (2)(e) for a
1275 term of four years.
- 1276 (b) An appointed member may not serve more than two full consecutive terms unless the
1277 governor determines that an additional term is in the best interest of the state.
- 1278 (c) Notwithstanding the requirements of Subsections (4)(a) and (b), the governor shall,
1279 at the time of appointment or reappointment, adjust the length of terms to ensure that
1280 the terms of appointed members are staggered so that approximately half of the
1281 appointed members are appointed every two years.
- 1282 (d) Appointed members shall continue in office until the expiration of their terms and
1283 until their successors are appointed, which may not exceed 120 days after the formal
1284 expiration of a term.

- 1285 (e) When a vacancy occurs in the membership for any reason, [~~the replacement shall be~~
1286 ~~appointed for the unexpired term]~~ the governor shall, with the advice and consent of
1287 the Senate, appoint a replacement for the unexpired term.
- 1288 (5) (a) The director shall serve as the chair.
- 1289 (b) The board shall appoint a member to serve as vice chair.
- 1290 (c) The board shall hold meetings quarterly or as needed.
- 1291 (d) Five members are necessary to constitute a quorum at any meeting, and, if a quorum
1292 exists, the action of the majority of members present shall be the action of the board.
- 1293 (e) The chair shall be a non-voting member except that the chair may vote to break a tie
1294 vote between the voting members.
- 1295 (6) An appointed member may not receive compensation or benefits for the member's
1296 service, but, at the executive director's discretion, may receive per diem and travel
1297 expenses in accordance with:
- 1298 (a) Section 63A-3-106;
- 1299 (b) Section 63A-3-107; and
- 1300 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1301 63A-3-107.
- 1302 (7) (a) The board shall adopt bylaws governing the board's activities.
- 1303 (b) Bylaws shall include procedures for removal of a member who is unable or unwilling
1304 to fulfill the requirements of the member's appointment.
- 1305 (8) The board shall:
- 1306 (a) act for the benefit of the Utah State Developmental Center and the Division of
1307 Services for People with Disabilities;
- 1308 (b) advise and assist the Division of Services for People with Disabilities with the
1309 division's functions, operations, and duties related to the Utah State Developmental
1310 Center, described in Sections 26B-6-402, 26B-6-403, 26B-6-502, 26B-6-504, and
1311 26B-6-506;
- 1312 (c) administer the Utah State Developmental Center Miscellaneous Donation Fund, as
1313 described in Section 26B-1-330;
- 1314 (d) administer the Utah State Developmental Center Long-Term Sustainability Fund, as
1315 described in Section 26B-1-331;
- 1316 (e) approve the sale, lease, or other disposition of real property or water rights associated
1317 with the Utah State Developmental Center, as described in Subsection 26B-6-507(2);
1318 and

1319 (f) within 21 days after the day on which the board receives the notice required under
 1320 Subsection 10-2-419(3) (b), provide a written opinion regarding the proposed
 1321 boundary adjustment to:

- 1322 (i) the director of the Division of Facilities and Construction Management; and
 1323 (ii) the Legislative Management Committee.

1324 Section 19. Section **32B-2-205** is amended to read:

1325 **32B-2-205 (Effective 05/01/24). Director of alcoholic beverage services.**

1326 (1) (a) In accordance with Subsection (1)(b), the governor, with the advice and consent
 1327 of the Senate, shall appoint a director of alcoholic beverage services to a four-year
 1328 term.[~~-~~] The director may be appointed to more than one four-year term. The director
 1329 is the administrative head of the department.

1330 (b) (i) The governor shall appoint the director from nominations made by the
 1331 commission.

1332 (ii) The commission shall submit the nomination of three individuals to the governor
 1333 for appointment of the director.

1334 (iii) By no later than 30 calendar days from the day on which the governor receives
 1335 the three nominations submitted by the commission, the governor may:

1336 (A) appoint the director; or

1337 (B) reject the three nominations.

1338 (iv) If the governor rejects the nominations or fails to take action within the 30-day
 1339 period, the commission shall nominate three different individuals from which the
 1340 governor may appoint the director or reject the nominations until such time as the
 1341 governor appoints the director.

1342 (v) The governor may reappoint the director without seeking nominations from the
 1343 commission. [~~Reappointment of a director is subject to the advice and consent of~~
 1344 ~~the Senate.~~]

1345 (vi) The governor's reappointment of the director under Subsection (1)(b)(v) shall be
 1346 made with the advice and consent of the Senate.

1347 (c) (i) If there is a vacancy in the position of director, during the nomination process
 1348 described in Subsection (1)(b), the governor may unilaterally appoint an interim
 1349 director for a period of up to 30 calendar days.

1350 (ii) If a director is not appointed within the 30-day period, the interim director may
 1351 continue to serve beyond the 30-day period, subject to the advice and consent of
 1352 the Senate at the next scheduled time for the Senate giving consent to

- 1353 appointments of the governor.
- 1354 (iii) Except that if the Senate does not act on the consent to the appointment of the
1355 interim director within 60 days of the end of the initial 30-day period, the interim
1356 director may continue as the interim director.
- 1357 (d) The director may be terminated by:
- 1358 (i) the commission by a vote of four commissioners; or
1359 (ii) the governor after consultation with the commission.
- 1360 (e) The director may not be a commissioner.
- 1361 (f) The director shall:
- 1362 (i) be qualified in administration;
1363 (ii) be knowledgeable by experience and training in the field of business
1364 management; and
1365 (iii) possess any other qualification prescribed by the commission.
- 1366 (2) The governor shall establish the director's compensation within the salary range fixed by
1367 the Legislature in Title 67, Chapter 22, State Officer Compensation.
- 1368 (3) The director shall:
- 1369 (a) carry out the policies of the commission;
1370 (b) carry out the policies of the department;
1371 (c) fully inform the commission of the operations and administrative activities of the
1372 department; and
1373 (d) assist the commission in the proper discharge of the commission's duties.
- 1374 Section 20. Section **35A-8-304** is amended to read:
- 1375 **35A-8-304 (Effective 05/01/24). Permanent Community Impact Fund Board**
1376 **created -- Members -- Terms -- Chair -- Expenses.**
- 1377 (1) There is created within the department the Permanent Community Impact Fund Board
1378 composed of 11 members as follows:
- 1379 (a) the state treasurer or the state treasurer's designee;
1380 (b) the chair of the Transportation Commission or the chair's designee;
1381 (c) the executive director of the Governor's Office of Planning and Budget or the
1382 executive director's designee;
1383 (d) a locally elected official who resides in Carbon, Emery, Grand, or San Juan County;
1384 (e) a locally elected official who resides in Juab, Millard, Sanpete, Sevier, Piute, or
1385 Wayne County;
1386 (f) a locally elected official who resides in Duchesne, Daggett, or Uintah County;

- 1387 (g) a locally elected official who resides in Beaver, Iron, Washington, Garfield, or Kane
1388 County;
- 1389 (h) a locally elected official from the county that:
- 1390 (i) produced the most mineral lease money related to oil extraction during the
1391 four-year period immediately preceding the term of appointment, as determined
1392 by the department at the end of each term; and
- 1393 (ii) does not already have a representative on the impact board;
- 1394 (i) a locally elected official from the county that:
- 1395 (i) produced the most mineral lease money related to natural gas extraction during the
1396 four-year period immediately preceding the term of appointment, as determined
1397 by the department at the end of each term; and
- 1398 (ii) does not already have a representative on the impact board;
- 1399 (j) a locally elected official from the county that:
- 1400 (i) produced the most mineral lease money related to coal extraction during the
1401 four-year period immediately preceding the term of appointment, as determined
1402 by the department at the end of each term; and
- 1403 (ii) does not already have a representative on the impact board; and
- 1404 (k) an individual who resides in a county of the third, fourth, fifth, or sixth class,
1405 appointed by the governor with the advice and consent of the Senate in accordance
1406 with Title 63G, Chapter 24, Part 2, Vacancies.
- 1407 (2) (a) The members specified under Subsections (1)(d) through (j) may not reside in the
1408 same county and shall be:
- 1409 (i) nominated by the Board of Directors of the Southeastern Association of Local
1410 Governments, the Six County Association of Governments, the Uintah Basin
1411 Association of Governments, and the Five County Association of Governments,
1412 respectively, except that the members specified under Subsections (1)(h) through
1413 (j) shall be nominated by the Board of Directors of the Association of
1414 Governments from the region of the state in which the county is located; and
- 1415 (ii) appointed by the governor with the advice and consent of the Senate in
1416 accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 1417 (b) Except as required by Subsection (2)(c), as terms of current board members expire,
1418 the governor shall appoint each new member or reappointed member to a four-year
1419 term.
- 1420 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the

- 1421 time of appointment or reappointment, adjust the length of terms to ensure that the
1422 terms of board members are staggered so that approximately half of the board is
1423 appointed every two years.
- 1424 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
1425 appointed for the unexpired term.
- 1426 (3) When the governor makes a new appointment or reappointment under Subsection
1427 (2)(b), or a vacancy appointment under Subsection (2)(d), the governor's new
1428 appointment, reappointment, or vacancy appointment shall be made with the advice and
1429 consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 1430 ~~[(3)]~~ (4) The terms of office for the members specified under Subsections (1)(a) through (c)
1431 shall run concurrently with the term of office for the commission, department, or office
1432 from which each member comes.
- 1433 ~~[(4)]~~ (5) (a) The member specified under Subsection (1)(k) is the chair of the impact
1434 board.
- 1435 (b) The chair of the impact board is responsible for the call and conduct of meetings.
- 1436 ~~[(5)]~~ (6) A member may not receive compensation or benefits for the member's service, but
1437 may receive per diem and travel expenses in accordance with:
- 1438 (a) Section 63A-3-106;
1439 (b) Section 63A-3-107; and
1440 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1441 63A-3-107.
- 1442 ~~[(6)]~~ (7) A member described in Subsections (1)(d) through (k) shall comply with the
1443 conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of
1444 Interest.
- 1445 ~~[(7)]~~ (8) (a) A majority of the members of the impact board constitutes a quorum.
1446 (b) Action by a majority vote of a quorum of the impact board constitutes action by the
1447 impact board.
- 1448 ~~[(8)]~~ (9) The department shall provide staff support to the impact board.
1449 Section 21. Section **35A-8-2103** is amended to read:
1450 **35A-8-2103 (Effective 05/01/24). Private Activity Bond Review Board.**
- 1451 (1) There is created within the department the Private Activity Bond Review Board,
1452 composed of the following 11 members:
- 1453 (a) (i) the executive director of the department or the executive director's designee;
1454 (ii) the executive director of the Governor's Office of Economic Opportunity or the

- 1455 executive director's designee;
- 1456 (iii) the state treasurer or the state treasurer's designee;
- 1457 (iv) the chair of the Utah Board of Higher Education or the chair's designee; and
- 1458 (v) the chair of the Utah Housing Corporation or the chair's designee; and
- 1459 (b) six local government members who are:
- 1460 (i) three elected or appointed county officials, nominated by the Utah Association of
- 1461 Counties and appointed or reappointed by the governor with the advice and
- 1462 consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2,
- 1463 Vacancies; and
- 1464 (ii) three elected or appointed municipal officials, nominated by the Utah League of
- 1465 Cities and Towns and appointed or reappointed by the governor with the advice
- 1466 and consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2,
- 1467 Vacancies.
- 1468 (2) (a) Except as required by Subsection (2)(b), the terms of office for the local
- 1469 government members of the board of review shall be four-year terms.
- 1470 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
- 1471 time of appointment or reappointment, adjust the length of terms to ensure that the
- 1472 terms of board of review members are staggered so that approximately half of the
- 1473 board of review is appointed every two years.
- 1474 (c) Members may be reappointed only once.
- 1475 (3) (a) If a local government member ceases to be an elected or appointed official of the
- 1476 city or county the member is appointed to represent, that membership on the board of
- 1477 review terminates immediately and there shall be a vacancy in the membership.
- 1478 (b) When a vacancy occurs in the local government membership for any reason~~[, the~~
- 1479 ~~replacement shall be appointed within 30 days in the manner of the regular~~
- 1480 ~~appointment for the unexpired term.] :~~
- 1481 (i) the Utah Association of Counties or the Utah League of Cities and Towns shall,
- 1482 within 30 days after the date of the vacancy, nominate an official described in
- 1483 Subsection (1)(b)(i) or (ii), as applicable, to fill the vacancy; and
- 1484 (ii) the governor shall, with the advice and consent of the Senate in accordance with
- 1485 Title 63G, Chapter 24, Part 2, Vacancies, appoint the nominee for the unexpired
- 1486 term.
- 1487 (4) (a) The chair of the board of review is the executive director of the department or the
- 1488 executive director's designee.

- 1489 (b) The chair is nonvoting except in the case of a tie vote.
- 1490 (5) Six members of the board of review constitute a quorum.
- 1491 (6) Formal action by the board of review requires a majority vote of a quorum.
- 1492 (7) A member may not receive compensation or benefits for the member's service, but may
1493 receive per diem and travel expenses in accordance with:
- 1494 (a) Section 63A-3-106;
- 1495 (b) Section 63A-3-107; and
- 1496 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 1497 (8) The chair of the board of review serves as the state official designated under state law to
1498 make certifications required to be made under Section 146 of the code including the
1499 certification required by Section 149(e)(2)(F) of the code.
- 1500 (9) A member appointed to fill a position described in Subsection (1)(b) shall comply with
1501 the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of
1502 Interest.

1503 Section 22. Section **40-6-4** is amended to read:

1504 **40-6-4 (Effective 05/01/24). Board of Oil, Gas, and Mining created -- Functions --**
1505 **Appointment of members -- Terms -- Chair -- Quorum -- Expenses.**

- 1506 (1) (a) There is created within the Department of Natural Resources the Board of Oil,
1507 Gas, and Mining.
- 1508 (b) The board shall be the policy making body for the Division of Oil, Gas, and Mining.
- 1509 (2) (a) The board shall consist of seven members appointed by the governor with the
1510 advice and consent of the Senate~~and~~ in accordance with Title 63G, Chapter 24,
1511 Part 2, Vacancies.
- 1512 (b) No more than four members shall be from the same political party.
- 1513 (c) In accordance with the requirements of Section 79-2-203, the members appointed
1514 under Subsection (2)(a) shall include the following:
- 1515 (i) two members who are knowledgeable in mining matters;
- 1516 (ii) two members who are knowledgeable in oil and gas matters;
- 1517 (iii) one member who is knowledgeable in ecological and environmental matters;
- 1518 (iv) one member who:
- 1519 (A) is a private land owner;
- 1520 (B) owns a mineral or royalty interest; and
- 1521 (C) is knowledgeable in mineral or royalty interests; and
- 1522 (v) one member who is knowledgeable in geological matters.

- 1523 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
 1524 expire, the governor shall appoint each new member or reappointed member to a
 1525 four-year term.
- 1526 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
 1527 time of appointment or reappointment, adjust the length of terms to ensure that the
 1528 terms of board members are staggered so that approximately half of the board is
 1529 appointed every two years.
- 1530 (c) A member shall hold office until the expiration of the member's term and until the
 1531 member's successor is appointed, but not more than 90 days after the expiration of the
 1532 member's term.
- 1533 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
 1534 be appointed for the unexpired term by the governor with the advice and consent of
 1535 the Senate.
- 1536 (b) The person appointed shall have the same qualifications as the person's predecessor.
- 1537 (5) When the governor makes a new appointment or reappointment under Subsection (3)(a),
 1538 or a vacancy appointment under Subsection (4)(a), the governor's new appointment,
 1539 reappointment, or vacancy appointment shall be made with the advice and consent of the
 1540 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 1541 ~~(5)~~ (6) (a) The board shall appoint its chair from the membership.
- 1542 (b) Four members of the board shall constitute a quorum for the transaction of business
 1543 and the holding of hearings.
- 1544 ~~(6)~~ (7) A member may not receive compensation or benefits for the member's service, but
 1545 may receive per diem and travel expenses in accordance with:
- 1546 (a) Section 63A-3-106;
- 1547 (b) Section 63A-3-107; and
- 1548 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 1549 63A-3-107.
- 1550 ~~(7)~~ (8) A member shall comply with the conflict of interest provisions described in Title
 1551 63G, Chapter 24, Part 3, Conflicts of Interest.
- 1552 Section 23. Section **51-7-16** is amended to read:
- 1553 **51-7-16 (Effective 05/01/24). State Money Management Council -- Members --**
 1554 **Terms -- Vacancies -- Chair and vice chair-- Executive secretary -- Meetings --**
 1555 **Quorum -- Members' disclosure of interests -- Per diem and expenses.**
- 1556 (1) (a) There is created a State Money Management Council composed of five members

- 1557 appointed or reappointed by the governor after consultation with the state treasurer
1558 and with the advice and consent of the Senate in accordance with Title 63G, Chapter
1559 24, Part 2, Vacancies.
- 1560 (b) The members of the council shall be qualified by training and experience in the field
1561 of investment or finance as follows:
- 1562 (i) at least one member, but not more than two members, shall be experienced in the
1563 banking business;
- 1564 (ii) at least one member, but not more than two members, shall be an elected
1565 treasurer;
- 1566 (iii) at least one member, but not more than two members, shall be an appointed
1567 public treasurer; and
- 1568 (iv) two members, but not more than two members, shall be experienced in the field
1569 of investment.
- 1570 (c) No more than three members of the council may be from the same political party.
- 1571 (2) (a) Except as required by Subsection (2)(b), the council members shall be appointed
1572 for terms of four years.
- 1573 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1574 time of appointment or reappointment, adjust the length of terms to ensure that the
1575 terms of council members are staggered so that approximately half of the council is
1576 appointed every two years.
- 1577 (c) When a vacancy occurs in the membership for any reason, [~~the replacement shall be~~
1578 ~~appointed for the unexpired term]~~ the governor shall, with the advice and consent of
1579 the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, appoint a
1580 replacement for the unexpired term.
- 1581 (d) All members shall serve until their successors are appointed and qualified.
- 1582 (3) (a) The council members shall elect a chair and vice chair.
- 1583 (b) The state treasurer shall serve as executive secretary of the council without vote.
- 1584 (4) (a) The council shall meet at least once per quarter at a regular date to be fixed by the
1585 council and at other times at the call of the chair, the state treasurer, or any two
1586 members of the council.
- 1587 (b) Three members are a quorum for the transaction of business.
- 1588 (c) Actions of the council require a vote of a majority of those present.
- 1589 (d) All meetings of the council and records of its proceedings are open for inspection by
1590 the public at the state treasurer's office during regular business hours except for:

- 1591 (i) reports of the commissioner of financial institutions concerning the identity,
 1592 liquidity, or financial condition of qualified depositories and the amount of public
 1593 funds each is eligible to hold; and
- 1594 (ii) reports of the director concerning the identity, liquidity, or financial condition of
 1595 certified dealers.
- 1596 (5) (a) Each member of the council shall file a sworn or written statement with the
 1597 lieutenant governor that discloses any position or employment or ownership interest
 1598 that the member has in any financial institution or investment organization.
- 1599 (b) Each member shall file the statement required by this Subsection (5) when the
 1600 member becomes a member of the council and when substantial changes in the
 1601 member's position, employment, or ownership interests occur.
- 1602 (c) Each member shall comply with the conflict of interest provisions described in Title
 1603 63G, Chapter 24, Part 3, Conflicts of Interest.
- 1604 (6) A member may not receive compensation or benefits for the member's service, but may
 1605 receive per diem and travel expenses in accordance with:
- 1606 (a) Section 63A-3-106;
- 1607 (b) Section 63A-3-107; and
- 1608 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 1609 63A-3-107.
- 1610 Section 24. Section **51-10-206** is amended to read:
- 1611 **51-10-206 (Effective 05/01/24). Diné Advisory Committee.**
- 1612 (1) There is created the Diné Advisory Committee.
- 1613 (2) (a) The governor, with the advice and consent of the Senate, shall appoint nine
 1614 members to the Diné Advisory Committee.
- 1615 (b) In making an appointment under Subsection (2)(a), the governor shall ensure that the
 1616 Diné Advisory Committee includes:
- 1617 (i) two registered members of the Aneth Chapter of the Navajo Nation who reside in
 1618 San Juan County, Utah;
- 1619 (ii) one registered member of the Blue Mountain Diné who resides in San Juan
 1620 County, Utah;
- 1621 (iii) one registered member of the Mexican Water Chapter of the Navajo Nation who
 1622 resides in San Juan County, Utah;
- 1623 (iv) one registered member of the Naatsis'áán Chapter of the Navajo Nation who
 1624 resides in San Juan County, Utah;

- 1625 (v) subject to Subsection (4), two members who reside in San Juan County, Utah, one
1626 of whom is a registered member of the Oljato Chapter of the Navajo Nation, and
1627 one of whom is a registered member of either the Oljato Chapter or the
1628 Dennehotso Chapter of the Navajo Nation;
- 1629 (vi) one registered member of the Red Mesa Chapter of the Navajo Nation who
1630 resides in San Juan County, Utah; and
- 1631 (vii) one registered member of the Teec Nos Pos Chapter of the Navajo Nation who
1632 resides in San Juan County, Utah.
- 1633 (3) (a) (i) Each chapter of the Utah Navajo Chapter, except the Aneth, Oljato, and
1634 Dennehotso chapters, shall submit to the governor the names of two nominees to
1635 the Diné Advisory Committee chosen by the chapter.
- 1636 (ii) The governor shall appoint one of the two persons whose names are submitted
1637 under Subsection (3)(a)(i) as that chapter's representative on the Diné Advisory
1638 Committee.
- 1639 (b) (i) The Blue Mountain Diné shall submit to the governor the names of two
1640 nominees to the Diné Advisory Committee.
- 1641 (ii) The governor shall appoint one of the two persons whose names are submitted
1642 under Subsection (3)(b)(i) as the Blue Mountain Diné representative on the Diné
1643 Advisory Committee.
- 1644 (c) (i) The Aneth Chapter shall submit to the governor the names of two nominees for
1645 each of the two positions to the Diné Advisory Committee representing the Aneth
1646 chapter.
- 1647 (ii) The governor shall appoint two of the persons whose names are submitted under
1648 Subsection (3)(c)(i) to be the Aneth Chapter's representatives on the Diné
1649 Advisory Committee.
- 1650 (d) (i) Subject to Subsection (3)(d)(ii), the Oljato Chapter shall submit to the
1651 governor the names of two nominees for each of the two positions to the Diné
1652 Advisory Committee representing the Oljato Chapter and the Dennehotso Chapter.
- 1653 (ii) The Dennehotso Chapter may submit one nominee for purposes of the governor
1654 appointing a representative of the Oljato Chapter and the Dennehotso Chapter.
- 1655 (iii) The governor shall appoint two of the persons whose names are submitted under
1656 Subsection (3)(d)(i) or (ii) to be the representatives on the Diné Advisory
1657 Committee of the Oljato Chapter and the Dennehotso Chapter.
- 1658 (e) Before submitting a name to the governor, a Utah Navajo Chapter and the Blue

- 1659 Mountain Diné shall ensure that the individual's whose name is submitted:
- 1660 (i) is an enrolled member of the Navajo Nation;
- 1661 (ii) resides in San Juan County, Utah;
- 1662 (iii) is 21 years of age or older;
- 1663 (iv) is not an officer of the chapter;
- 1664 (v) has not been convicted of a felony; and
- 1665 (vi) is not currently, or within the last 12 months has not been, an officer, director,
- 1666 employee, or contractor of a service provider that solicits, accepts, or receives a
- 1667 benefit from an expenditure of:
- 1668 (A) the Division of Indian Affairs; or
- 1669 (B) the fund.
- 1670 (4) If both members appointed under Subsection (2)(b)(v) are registered members of the
- 1671 Oljato Chapter, the two members shall attend Dennehotso Chapter meetings as
- 1672 practicable.
- 1673 (5) (a) Except as provided in Subsection (5)(b) and other than the amount authorized by
- 1674 this section for Diné Advisory Committee member expenses, a person appointed to
- 1675 the Diné Advisory Committee may not solicit, accept, or receive any benefit from an
- 1676 expenditure of:
- 1677 (i) the Division of Indian Affairs;
- 1678 (ii) the fund; or
- 1679 (iii) the Division of Indian Affairs or fund as an officer, director, employee, or
- 1680 contractor of a service provider that solicits, accepts, or receives a benefit from the
- 1681 expenditure of:
- 1682 (A) the Division of Indian Affairs; or
- 1683 (B) the fund.
- 1684 (b) A member of the Diné Advisory Committee may receive a benefit from an
- 1685 expenditure of the fund if:
- 1686 (i) when the benefit is discussed by the Diné Advisory Committee:
- 1687 (A) the member discloses that the member may receive the benefit;
- 1688 (B) the member physically leaves the room in which the Diné Advisory
- 1689 Committee is discussing the benefit; and
- 1690 (C) the Diné Advisory Committee approves the member receiving the benefit by a
- 1691 unanimous vote of the members present at the meeting discussing the benefit;
- 1692 (ii) a Utah Navajo Chapter requests that the benefit be received by the member;

- 1693 (iii) the member is in compliance with the ethics and conflict of interest policy
1694 required under Subsection 51-10-204(2)(c);
- 1695 (iv) (A) the expenditure from the fund is made in accordance with this chapter; and
1696 (B) the benefit is no greater than the benefit available to members of the Navajo
1697 Nation residing in San Juan County, Utah; and
- 1698 (v) the member is not receiving the benefit as an officer, director, employee, or
1699 contractor of a service provider.
- 1700 (6) (a) (i) Except as required in Subsection (6)(a)(ii), as terms of current committee
1701 members expire, the governor shall appoint each new member or reappointed
1702 member to a four-year term.
- 1703 (ii) The governor shall, at the time of appointment or reappointment, adjust the length
1704 of terms to ensure that the terms of committee members are staggered so that
1705 approximately half of the Diné Advisory Committee is appointed every two years.
- 1706 (iii) The terms of the Aneth Chapter's representatives appointed under Subsection
1707 (3)(c)(ii) shall be staggered in accordance with this Subsection (6) so that only one
1708 position is appointed by the governor in a year.
- 1709 (iv) The terms of the Oljato Chapter's and the Dennehotso Chapter's representatives
1710 appointed under Subsection (3)(d) shall be staggered in accordance with this
1711 Subsection (6) so that only one position is appointed by the governor in a year.
- 1712 (b) Except as provided in Subsection (6)(c), a committee member shall serve until the
1713 committee member's successor is appointed and qualified.
- 1714 (c) If a committee member is absent from three consecutive committee meetings, or if
1715 the committee member violates the ethical or conflict of interest policies established
1716 by statute or the Diné Advisory Committee:
- 1717 (i) the committee member's appointment is terminated;
1718 (ii) the position is vacant; and
1719 (iii) the governor shall appoint a replacement.
- 1720 (d) When a vacancy occurs in the membership for any reason, the governor shall appoint
1721 a replacement for the unexpired term according to the procedures of this section.
- 1722 (e) The governor may appoint an individual to more than one term on the Diné Advisory
1723 Committee.
- 1724 (7) When the governor makes a new appointment or reappointment under Subsection
1725 (6)(a)(i), or a vacancy appointment under Subsection (6)(d), the governor's new
1726 appointment, reappointment, or vacancy appointment shall be made with the advice and

1727 consent of the Senate.

1728 [~~(7)~~] (8) (a) The committee members shall select a chair and vice chair from committee
1729 membership each two years subsequent to the appointment of new committee
1730 members.

1731 (b) Five members of the Diné Advisory Committee is a quorum for the transaction of
1732 business.

1733 (c) The Diné Advisory Committee shall:

1734 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act;

1735 (ii) ensure that its meetings are held at or near:

1736 (A) a chapter house or meeting hall of a Utah Navajo Chapter; or

1737 (B) other places in Utah that the Diné Advisory Committee considers practical and
1738 appropriate; and

1739 (iii) ensure that its meetings are public hearings at which a resident of San Juan
1740 County, Utah, may appear and speak.

1741 [~~(8)~~] (9) A committee member may not receive compensation or benefits for the committee
1742 member's service, but may receive per diem and travel expenses in accordance with
1743 policy adopted by the board.

1744 [~~(9)~~] (10) The trust administrator shall staff the Diné Advisory Committee.

1745 [~~(10)~~] (11) The Diné Advisory Committee shall advise the trust administrator about the
1746 expenditure of fund money.

1747 Section 25. Section **53B-2-104** is amended to read:

1748 **53B-2-104 (Effective 05/01/24). Degree-granting institution board of trustees --**

1749 **Membership -- Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum --**

1750 **Committees -- Compensation.**

1751 (1) As used in this section, "board of trustees" means the board of trustees for a
1752 degree-granting institution.

1753 (2) (a) The board of trustees of a degree-granting institution consists of the following:

1754 (i) except as provided in Subsection (2)(c), eight individuals appointed by the
1755 governor with the advice and consent of the Senate in accordance with Title 63G,
1756 Chapter 24, Part 2, Vacancies; and

1757 (ii) two ex officio members who are the president of the institution's alumni
1758 association, and the president of the associated students of the institution.

1759 (b) In making the appointments described in Subsections (2)(a)(i) and (2)(c)(i), the
1760 governor:

- 1761 (i) shall ensure that the membership of a board of trustees includes representation of
1762 interests of business, industry, and labor; and
- 1763 (ii) may not appoint an individual to more than two consecutive full terms.
- 1764 (c) (i) The board of trustees of Utah State University has nine individuals appointed
1765 by the governor with the advice and consent of the Senate in accordance with Title
1766 63G, Chapter 24, Part 2, Vacancies.
- 1767 (ii) One of the nine individuals described in Subsection (2)(c)(i) shall reside in the
1768 Utah State University Eastern service region or the Utah State University
1769 Blanding service region.
- 1770 (3) (a) The governor shall appoint four members of each board of trustees during each
1771 odd-numbered year to four-year terms commencing on July 1 of the year of
1772 appointment.
- 1773 (b) Except as provided in Subsection (3)(d), a member appointed under Subsection
1774 (2)(a)(i) or (2)(c)(i) holds office until a successor is appointed and qualified.
- 1775 (c) The ex officio members serve for the same period as they serve as presidents and
1776 until their successors have qualified.
- 1777 (d) (i) The governor may remove a member appointed under Subsection (2)(a)(i) or
1778 (2)(c)(i) for cause.
- 1779 (ii) The governor shall consult with the president of the Senate before removing a
1780 member in accordance with Subsection (3)(d)(i).
- 1781 (4) When a vacancy occurs in the membership of a board of trustees for any reason, the
1782 governor shall, with the advice and consent of the Senate in accordance with Title 63G,
1783 Chapter 24, Part 2, Vacancies, appoint a replacement for the unexpired term.
- 1784 (5) (a) Each member of a board of trustees shall take the official oath of office prior to
1785 assuming the office.
- 1786 (b) The oath shall be filed with the Division of Archives and Records Services.
- 1787 (6) A board of trustees shall elect a chair and vice chair, who serve for two years and until
1788 their successors are elected and qualified.
- 1789 (7) (a) A board of trustees may enact bylaws for the board of trustees' own government,
1790 including provisions for regular meetings.
- 1791 (b) (i) A board of trustees may provide for an executive committee in the board of
1792 trustees' bylaws.
- 1793 (ii) If established, an executive committee shall have full authority of the board of
1794 trustees to act upon routine matters during the interim between board of trustees

- 1795 meetings.
- 1796 (iii) An executive committee may act on nonroutine matters only under extraordinary
1797 and emergency circumstances.
- 1798 (iv) An executive committee shall report the executive committee's activities to the
1799 board of trustees at the board of trustees' next regular meeting following the action.
- 1800 (c) Copies of a board of trustees' bylaws shall be filed with the board.
- 1801 (8) A quorum is required to conduct business and consists of six members.
- 1802 (9) A board of trustees may establish advisory committees.
- 1803 (10) A member may not receive compensation or benefits for the member's service, but
1804 may receive per diem and travel expenses in accordance with:
- 1805 (a) Section 63A-3-106;
- 1806 (b) Section 63A-3-107; and
- 1807 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1808 63A-3-107.
- 1809 (11) A board of trustees member shall comply with the conflict of interest provisions
1810 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 1811 Section 26. Section **59-1-201** is amended to read:
- 1812 **59-1-201 (Effective 05/01/24). Composition of commission -- Terms -- Removal**
1813 **from office -- Appointment.**
- 1814 (1) The commission shall be composed of four members appointed by the governor with
1815 the advice and consent of the Senate~~[, and]~~ in accordance with Title 63G, Chapter 24,
1816 Part 2, Vacancies.
- 1817 (2) Subject to Subsection (3), the term of office of each commissioner shall be for four
1818 years and expire on June 30 of the year the term ends.
- 1819 (3) The governor shall stagger a term described in Subsection (2) so that the term of one
1820 commissioner expires each year.
- 1821 (4) A commissioner shall hold office until a successor is appointed and qualified.
- 1822 (5) (a) The governor may remove a commissioner from office for neglect of duty,
1823 inefficiency, or malfeasance, after notice and a hearing.
- 1824 (b) If the governor removes a commissioner from office and appoints another person to
1825 replace the commissioner, the person the governor appoints to replace the
1826 commissioner:
- 1827 (i) shall serve for the remainder of the unexpired term; and
1828 (ii) may be reappointed as the governor determines.

1829 (6) The individual the governor appoints or reappoints under Subsection (5) shall be made
1830 with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part
1831 2, Vacancies.

1832 [~~(6)~~] (7) (a) Before appointing a commissioner, the governor shall request a list of names
1833 of potential appointees from:

1834 (i) the Utah State Bar;

1835 (ii) one or more organizations that represent certified public accountants who are
1836 licensed to practice in the state;

1837 (iii) one or more organizations that represent persons who assess or appraise property
1838 in the state; and

1839 (iv) one or more national organizations that:

1840 (A) offer a professional certification in the areas of property tax, sales and use tax,
1841 and state income tax;

1842 (B) require experience, education, and testing to obtain the certification; and

1843 (C) require additional education to maintain the certification.

1844 (b) In appointing a commissioner, the governor shall consider:

1845 (i) to the extent names of potential appointees are submitted, the names of potential
1846 appointees submitted in accordance with Subsection [~~(6)(a)~~] (7)(a); and

1847 (ii) any other potential appointee of the governor's own choosing.

1848 Section 27. Section **61-1-18.5** is amended to read:

1849 **61-1-18.5 (Effective 05/01/24). Securities Commission -- Transition.**

1850 (1) (a) There is created a Securities Commission.

1851 (b) The division shall provide staffing to the commission.

1852 (2) (a) The commission shall:

1853 (i) formulate and make recommendations to the director regarding policy and
1854 budgetary matters;

1855 (ii) submit recommendations regarding registration requirements;

1856 (iii) formulate and make recommendations to the director regarding the establishment
1857 of reasonable fees;

1858 (iv) act in an advisory capacity to the director with respect to the exercise of the
1859 director's duties, powers, and responsibilities;

1860 (v) conduct an administrative hearing under this chapter that is not:

1861 (A) delegated by the commission to an administrative law judge or the division
1862 relating to a violation of this chapter; or

- 1863 (B) expressly delegated to the division under this chapter;
- 1864 (vi) except as provided in Subsection (2)(b), and consistent with Section 61-1-20,
- 1865 impose a sanction as provided in this chapter;
- 1866 (vii) review rules made by the division for purposes of concurrence in accordance
- 1867 with Section 61-1-24; and
- 1868 (viii) perform other duties as this chapter provides.
- 1869 (b) (i) The commission may delegate to the division the authority to impose a
- 1870 sanction under this chapter.
- 1871 (ii) If under Subsection (2)(b)(i) the commission delegates to the division the
- 1872 authority to impose a sanction, a person who is subject to the sanction may
- 1873 petition the commission for review of the sanction.
- 1874 (iii) A person who is sanctioned by the division in accordance with this Subsection
- 1875 (2)(b) may seek agency review by the executive director only after the
- 1876 commission reviews the division's action.
- 1877 (3) (a) The governor shall appoint five members to the commission with the advice and
- 1878 consent of the Senate as follows:
- 1879 (i) two members from the securities brokerage community:
- 1880 (A) who are not from the same broker-dealer or affiliate; and
- 1881 (B) who have at least five years prior experience in securities matters;
- 1882 (ii) one member from the securities section of the Utah State Bar:
- 1883 (A) whose practice primarily involves:
- 1884 (I) corporate securities; or
- 1885 (II) representation of plaintiffs in securities cases;
- 1886 (B) who does not routinely represent clients involved in:
- 1887 (I) civil or administrative litigation with the division; or
- 1888 (II) criminal cases brought under this chapter; and
- 1889 (C) who has at least five years prior experience in securities matters;
- 1890 (iii) one member who is an officer or director of a business entity not subject to the
- 1891 reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of
- 1892 1934; and
- 1893 (iv) one member from the public at large who has no active participation in the
- 1894 securities business.
- 1895 (b) A member may not serve more than two consecutive terms.
- 1896 (4) (a) Except as required by Subsection (4)(b) and subject to Subsection (4)(c), as terms

- 1897 of current members expire, the governor shall appoint a new member or reappointed
1898 member to a four-year term.
- 1899 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment or
1900 reappointment, adjust the length of terms to ensure that the terms of commission
1901 members are staggered so that approximately half of the commission is appointed
1902 every two years.
- 1903 (c) For purposes of making an appointment to the commission, the governor:
1904 (i) shall as of May 12, 2009:
1905 (A) appoint all five members of the commission; and
1906 (B) stagger the terms of the five members of the commission to comply with
1907 Subsection (4)(b); and
1908 (ii) may not consider the commission an extension of the previous Securities
1909 Advisory Board.
- 1910 (d) When a vacancy occurs in the membership for any reason, the governor shall appoint
1911 a replacement member for the unexpired term.
- 1912 (e) A member shall serve until the member's respective successor is appointed and
1913 qualified.
- 1914 (f) The commission shall annually select one member to serve as chair of the
1915 commission.
- 1916 (5) When the governor makes a new appointment or reappointment under Subsection (4)(a),
1917 or a vacancy appointment under Subsection (4)(d), the governor's new appointment,
1918 reappointment, or vacancy appointment shall be made with the advice and consent of the
1919 Senate.
- 1920 [~~5~~] (6) (a) The commission shall meet:
1921 (i) at least quarterly on a regular date to be fixed by the commission; and
1922 (ii) at such other times at the call of:
1923 (A) the director; or
1924 (B) any two members of the commission.
- 1925 (b) A majority of the commission shall constitute a quorum for the transaction of
1926 business.
- 1927 (c) An action of the commission requires a vote of a majority of members present.
- 1928 [~~6~~] (7) A member of the commission shall, by sworn and written statement filed with the
1929 Department of Commerce and the lieutenant governor, disclose any position of
1930 employment or ownership interest that the member has with respect to an entity or

1931 business subject to the jurisdiction of the division or commission. This statement shall
 1932 be filed upon appointment and must be appropriately amended whenever significant
 1933 changes occur in matters covered by the statement.

1934 [(7)] (8) A member may not receive compensation or benefits for the member's service, but
 1935 may receive per diem and travel expenses in accordance with:

1936 (a) Section 63A-3-106;

1937 (b) Section 63A-3-107; and

1938 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 1939 63A-3-107.

1940 [(8)] (9) (a) A rule or form made by the division under this section that is in effect on
 1941 May 11, 2009, is considered to have been concurred with by the commission as of
 1942 May 12, 2009, until the commission acts on the rule or form.

1943 (b) For a civil or administrative action pending under this chapter as of May 12, 2009,
 1944 brought under the authority of division under this chapter as in effect May 11, 2009,
 1945 that may be brought only by the commission under this chapter as in effect on May
 1946 12, 2009:

1947 (i) the action shall be considered brought by the commission; and

1948 (ii) the commission may take any act authorized under this chapter regarding that
 1949 action.

1950 Section 28. Section **61-2g-204** is amended to read:

1951 **61-2g-204 (Effective 05/01/24). Real Estate Appraiser Licensing and**
 1952 **Certification Board.**

1953 (1) (a) There is established a Real Estate Appraiser Licensing and Certification Board
 1954 that consists of seven regular members as follows:

1955 (i) one state-licensed or state-certified appraiser who may be either a residential or
 1956 general licensee or certificate holder;

1957 (ii) one state-certified residential appraiser;

1958 (iii) one state-certified general appraiser;

1959 (iv) one member who is certified as either a state-certified residential appraiser or a
 1960 state-certified general appraiser;

1961 (v) one member who represents an appraisal management company registered in
 1962 accordance with Chapter 2e, Appraisal Management Company Registration and
 1963 Regulation Act;

1964 (vi) one member:

- 1965 (A) who is licensed or represents a person licensed under Chapter 2c, Utah
1966 Residential Mortgage Practices and Licensing Act; or
1967 (B) who represents a mortgage lender, as defined in Section 70D-2-102, operating
1968 in the state in accordance with Title 70D, Chapter 2, Mortgage Lending and
1969 Servicing Act; and
1970 (vii) one member of the general public.
- 1971 (b) A state-licensed or state-certified appraiser may be appointed as an alternate member
1972 of the board.
- 1973 (c) The governor shall appoint all members of the board with the advice and consent of
1974 the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 1975 (2) (a) Except as required by Subsection (2)(b), as terms of current board members
1976 expire, the governor shall appoint each new member or reappointed member to a
1977 four-year term beginning on July 1.
- 1978 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1979 time of appointment or reappointment, adjust the length of terms to ensure that the
1980 terms of board members are staggered so that approximately half of the board is
1981 appointed every two years.
- 1982 (c) Upon the expiration of a member's term, a member of the board shall continue to
1983 hold office until the appointment and qualification of the member's successor.
- 1984 (d) A person may not serve as a member of the board for more than two consecutive
1985 terms.
- 1986 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall
1987 be appointed for the unexpired term.
- 1988 (b) The governor may remove a member for cause.
- 1989 (4) When the governor makes a new appointment or reappointment under Subsection (2)(a),
1990 or a vacancy appointment under Subsection (3)(a), the governor's new appointment,
1991 reappointment, or vacancy appointment shall be made with the advice and consent of the
1992 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 1993 [(4)] (5) The public member of the board may not be licensed or certified under this chapter.
- 1994 [(5)] (6) The board shall meet at least quarterly to conduct its business. The division shall
1995 give public notice of a board meeting.
- 1996 [(6)] (7) The members of the board shall elect a chair annually from among the members to
1997 preside at board meetings.
- 1998 [(7)] (8) A member may not receive compensation or benefits for the member's service, but

- 1999 may receive per diem and travel expenses in accordance with:
- 2000 (a) Section 63A-3-106;
- 2001 (b) Section 63A-3-107; and
- 2002 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 2003 63A-3-107.
- 2004 [(8)] (9) (a) Four members of the board shall constitute a quorum for the transaction of
- 2005 business.
- 2006 (b) If a quorum of members is unavailable for any meeting, the alternate member of the
- 2007 board, if any, shall serve as a regular member of the board for that meeting if with the
- 2008 presence of the alternate member a quorum is present at the meeting.
- 2009 (c) A member of the board shall comply with the conflict of interest provisions
- 2010 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 2011 Section 29. Section **63A-15-201** is amended to read:
- 2012 **63A-15-201 (Effective 05/01/24). Commission established -- Membership.**
- 2013 (1) There is established a Political Subdivisions Ethics Review Commission.
- 2014 (2) The commission is composed of seven individuals, each of whom is registered to vote
- 2015 in this state and appointed by the governor with the advice and consent of the Senate, as
- 2016 follows:
- 2017 (a) one member who has served, but no longer serves, as a judge of a court of record in
- 2018 this state;
- 2019 (b) one member who has served as a mayor or municipal council member no more
- 2020 recently than four years before the date of appointment;
- 2021 (c) one member who has served as a member of a local board of education no more
- 2022 recently than four years before the date of appointment;
- 2023 (d) two members who are lay persons; and
- 2024 (e) two members, each of whom is one of the following:
- 2025 (i) a municipal mayor no more recently than four years before the date of
- 2026 appointment;
- 2027 (ii) a municipal council member no more recently than four years before the date of
- 2028 appointment;
- 2029 (iii) a county mayor no more recently than four years before the date of appointment;
- 2030 (iv) a county commissioner no more recently than four years before the date of
- 2031 appointment;
- 2032 (v) a special service district administrative control board member no more recently

- 2033 than four years before the date of appointment;
- 2034 (vi) a special district board of trustees member no more recently than four years
- 2035 before the date of appointment; or
- 2036 (vii) a judge who has served, but no longer serves, as a judge of a court of record in
- 2037 this state.
- 2038 (3) (a) A member of the commission may not, during the member's term of office on the
- 2039 commission, act or serve as:
- 2040 (i) a political subdivision officer;
- 2041 (ii) a political subdivision employee;
- 2042 (iii) an agency head as defined in Section 67-16-3;
- 2043 (iv) a lobbyist as defined in Section 36-11-102; or
- 2044 (v) a principal as defined in Section 36-11-102.
- 2045 (b) In addition to the seven members described in Subsection (2), the governor shall,
- 2046 with the advice and consent of the Senate, appoint one individual as an alternate
- 2047 member of the commission who:
- 2048 (i) may be a lay person;
- 2049 (ii) shall be registered to vote in the state; and
- 2050 (iii) complies with the requirements described in Subsection (3)(a).
- 2051 (c) The alternate member described in Subsection (3)(b):
- 2052 (i) shall serve as a member of the commission in the place of one of the seven
- 2053 members described in Subsection (2) if that member is temporarily unable or
- 2054 unavailable to participate in a commission function or is disqualified under
- 2055 Section 63A-15-303; and
- 2056 (ii) may not cast a vote on the commission unless the alternate member is serving in
- 2057 the capacity described in Subsection (3)(c)(i).
- 2058 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each member of the
- 2059 commission shall serve a four-year term.
- 2060 (ii) When appointing the initial members upon formation of the commission, a
- 2061 member described in Subsections (2)(b) through (d) shall be appointed to a
- 2062 two-year term so that approximately half of the commission is appointed every
- 2063 two years.
- 2064 (b) (i) When a vacancy occurs in the commission's membership for any reason, a
- 2065 replacement member shall be appointed for the unexpired term of the vacating
- 2066 member using the procedures and requirements [øf] described in Subsection (2) or

- 2067 (3)(b), as applicable.
- 2068 (ii) For the purposes of this section, an appointment for an unexpired term of a
- 2069 vacating member is not considered a full term.
- 2070 (c) A member may not be appointed to serve for more than two full terms, whether those
- 2071 terms are two or four years.
- 2072 (d) A member of the commission may resign from the commission by giving one
- 2073 month's written notice of the resignation to the governor.
- 2074 (e) The governor shall remove a member from the commission if the member:
- 2075 (i) is convicted of, or enters a plea of guilty to, a crime involving moral turpitude;
- 2076 (ii) enters a plea of no contest or a plea in abeyance to a crime involving moral
- 2077 turpitude; or
- 2078 (iii) fails to meet the qualifications of office as provided in this section.
- 2079 (f) (i) If a commission member is accused of wrongdoing in a complaint, or if a
- 2080 commission member has a conflict of interest in relation to a matter before the
- 2081 commission:
- 2082 (A) the alternate member described in Subsection (3)(b) shall serve in the
- 2083 member's place for the purposes of reviewing the complaint; or
- 2084 (B) if the alternate member has already taken the place of another commission
- 2085 member or is otherwise not available, the commission shall appoint another
- 2086 individual to temporarily serve in the member's place for the purposes of
- 2087 reviewing the complaint.
- 2088 (ii) An individual appointed by the commission under Subsection (4)(f)(i)(B):
- 2089 (A) is not required to be confirmed by the Senate;
- 2090 (B) may be a lay person;
- 2091 (C) shall be registered to vote in the state; and
- 2092 (D) shall comply with Subsection (3)(a).
- 2093 (5) (a) Except as provided in Subsection (5)(b)(i), a member of the commission may not
- 2094 receive compensation or benefits for the member's service.
- 2095 (b) (i) A member may receive per diem and expenses incurred in the performance of
- 2096 the member's official duties at the rates established by the Division of Finance
- 2097 under Sections 63A-3-106 and 63A-3-107.
- 2098 (ii) A member may decline to receive per diem and expenses for the member's
- 2099 service.
- 2100 (6) The commission members shall, by a majority vote, elect a commission chair from

2101 among the commission members.

2102 Section 30. Section **63G-2-501** is amended to read:

2103 **63G-2-501 (Effective 05/01/24). State Records Committee created -- Membership**
2104 **-- Terms -- Vacancies -- Expenses.**

2105 (1) There is created the State Records Committee within the Department of Government
2106 Operations consisting of the following seven individuals:

2107 (a) an individual in the private sector whose profession requires the individual to create
2108 or manage records that, if created by a governmental entity, would be private or
2109 controlled;

2110 (b) an individual with experience with electronic records and databases, as
2111 recommended by a statewide technology advocacy organization that represents the
2112 public, private, and nonprofit sectors;

2113 (c) the director of the Division of Archives and Records Services or the director's
2114 designee;

2115 (d) two citizen members;

2116 (e) one person representing political subdivisions, as recommended by the Utah League
2117 of Cities and Towns; and

2118 (f) one individual representing the news media.

2119 (2) The governor shall appoint or reappoint the members described in Subsections (1)(a),
2120 (b), (d), (e), and (f) with the advice and consent of the Senate in accordance with [Title
2121 ~~63G, Chapter 24, Part 2, Vacancies~~] Chapter 24, Part 2, Vacancies.

2122 (3) (a) Except as provided in Subsection (3)(b), the governor shall appoint each member
2123 to a four-year term.

2124 (b) Notwithstanding Subsection (3)(a), the governor shall, at the time of appointment or
2125 reappointment, adjust the length of terms to ensure that the terms of committee
2126 members are staggered so that approximately half of the committee is appointed
2127 every two years.

2128 (c) Each appointed member is eligible for reappointment for one additional term.

2129 (4) When a vacancy occurs in the membership for any reason, [~~the replacement shall be~~
2130 ~~appointed for the unexpired term~~] the governor shall, with the advice and consent of the
2131 Senate in accordance with Chapter 24, Part 2, Vacancies, appoint a replacement for the
2132 unexpired term.

2133 (5) A member of the State Records Committee may not receive compensation or benefits
2134 for the member's service on the committee, but may receive per diem and travel

- 2135 expenses in accordance with:
- 2136 (a) Section 63A-3-106;
- 2137 (b) Section 63A-3-107; and
- 2138 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 2139 (6) A member described in Subsection (1)(a), (b), (d), (e), or (f) shall comply with the
- 2140 conflict of interest provisions described in Chapter 24, Part 3, Conflicts of Interest.
- 2141 Section 31. Section **63M-7-504** is amended to read:
- 2142 **63M-7-504 (Effective 05/01/24). Crime Victim Reparations and Assistance**
- 2143 **Board -- Members.**
- 2144 (1) (a) A Crime Victim Reparations and Assistance Board is created, consisting of seven
- 2145 members appointed or reappointed by the governor with the advice and consent of
- 2146 the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 2147 (b) The membership of the board shall consist of:
- 2148 (i) a member of the bar of this state;
- 2149 (ii) a victim of criminally injurious conduct;
- 2150 (iii) a licensed physician;
- 2151 (iv) a representative of law enforcement;
- 2152 (v) a mental health care provider;
- 2153 (vi) a victim advocate; and
- 2154 (vii) a private citizen.
- 2155 (c) The governor may appoint a chair of the board who shall serve for a period of time
- 2156 prescribed by the governor, not to exceed the length of the chair's term. The board
- 2157 may elect a vice chair to serve in the absence of the chair.
- 2158 (d) The board may hear appeals from administrative decisions as provided in rules
- 2159 adopted pursuant to Section 63M-7-515.
- 2160 (2) (a) Except as required by Subsection (2)(b), as terms of current board members
- 2161 expire, the governor shall appoint each new member or reappointed member to a
- 2162 four-year term.
- 2163 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
- 2164 time of appointment or reappointment, adjust the length of terms to ensure that the
- 2165 terms of board members are staggered so that approximately half of the board is
- 2166 appointed every two years.
- 2167 (c) A member may be reappointed to one successive term in addition to a member's
- 2168 initial full-term appointment.

- 2169 (3) (a) When a vacancy occurs in the membership for any reason, [~~the replacement shall~~
2170 ~~be appointed for the unexpired term]~~ the governor shall, with the advice and consent
2171 of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, appoint a
2172 replacement for the unexpired term.
- 2173 (b) A member resigning from the board shall serve until the member's successor is
2174 appointed and qualified.
- 2175 (4) A member may not receive compensation or benefits for the member's service, but may
2176 receive per diem and travel expenses in accordance with:
- 2177 (a) Section 63A-3-106;
- 2178 (b) Section 63A-3-107; and
- 2179 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2180 63A-3-107.
- 2181 (5) The board shall meet at least once quarterly but may meet more frequently as necessary.
- 2182 (6) A member shall comply with the conflict of interest provisions described in Title 63G,
2183 Chapter 24, Part 3, Conflicts of Interest.
- 2184 Section 32. Section **63M-7-902** is amended to read:
- 2185 **63M-7-902 (Effective 05/01/24). Creation -- Membership -- Terms -- Vacancies --**
2186 **Expenses.**
- 2187 (1) There is created the Utah Victim Services Commission within the State Commission on
2188 Criminal and Juvenile Justice.
- 2189 (2) The commission is composed of the following members:
- 2190 (a) the executive director of the State Commission on Criminal and Juvenile Justice or
2191 the executive director's designee;
- 2192 (b) the director of the Utah Office for Victims of Crime or the director's designee;
- 2193 (c) the executive director of the Department of Health and Human Services or the
2194 executive director's designee;
- 2195 (d) the executive director of the Department of Corrections or the executive director's
2196 designee;
- 2197 (e) the director of the Division of Multicultural Affairs or the director's designee;
- 2198 (f) the executive director of the state sexual assault coalition for this state or the
2199 executive director's designee;
- 2200 (g) the executive director of the state domestic violence coalition for this state or the
2201 executive director's designee;
- 2202 (h) the executive director of the tribal coalition for this state or the executive director's

- 2203 designee;
- 2204 (i) the director of the Children's Justice Center Program in the Office of the Attorney
2205 General or the director's designee;
- 2206 (j) the chair of the Children's Justice Center Standing Committee or the chair's designee;
- 2207 (k) the attorney general or the attorney general's designee;
- 2208 (l) the commissioner of the Department of Public Safety or the commissioner's designee;
- 2209 (m) a criminal justice system based advocate, appointed by the governor with the advice
2210 and consent of the Senate;
- 2211 (n) a prosecuting attorney, appointed by the governor with the advice and consent of the
2212 Senate;
- 2213 (o) a criminal defense attorney, appointed by the governor with the advice and consent
2214 of the Senate;
- 2215 (p) a law enforcement representative from the Utah Sheriffs Association or Utah Chiefs
2216 of Police Association, appointed by the governor with the advice and consent of the
2217 Senate;
- 2218 (q) an individual who is a victim of crime, appointed by the governor with the advice
2219 and consent of the Senate;
- 2220 (r) an individual who is a current or former representative from the House of
2221 Representatives or has experience or expertise with the legislative process, appointed
2222 by the speaker of the House of Representatives; and
- 2223 (s) an individual who is a current or former senator from the Senate or has experience or
2224 expertise with the legislative process, appointed by the president of the Senate.
- 2225 (3) (a) A member appointed under Subsections (2)(m) through (s) shall serve a four-year
2226 term.
- 2227 (b) A member appointed to serve a four-year term is eligible for reappointment.
- 2228 (c) The governor's reappointment of a member under Subsections (2)(m) through (q)
2229 shall be made with the advice and consent of the Senate.
- 2230 (4) When a vacancy occurs in the membership of the commission for any reason, [~~the~~
2231 ~~replacement shall be appointed by the applicable appointing authority for the remainder~~
2232 ~~of the unexpired term of the original appointment] the applicable appointing authority
2233 shall, in accordance with any procedure described in Subsection (2)(a) through (s),
2234 appoint a replacement for the unexpired term.~~
- 2235 (5) Except as otherwise provided in Subsection [~~(5)~~] (6), a member may not receive
2236 compensation for the member's service but may receive per diem and reimbursement for

- 2237 travel expenses incurred as a member at the rates established by:
- 2238 (a) Section 63A-3-106;
- 2239 (b) Section 63A-3-107; and
- 2240 (c) rules made by the Division of Finance according to Sections 63A-3-106 and
- 2241 63A-3-107.
- 2242 (6) A member may not receive per diem or reimbursement for travel expenses under
- 2243 Subsection (5) if the member is being paid by a governmental entity while performing
- 2244 the member's service on the commission.
- 2245 Section 33. Section **63N-7-201** is amended to read:
- 2246 **63N-7-201 (Effective 05/01/24). Board of Tourism created -- Members --**
- 2247 **Meetings -- Expenses.**
- 2248 (1) There is created within the tourism office the Board of Tourism Development.
- 2249 (2) (a) The board shall consist of 15 members appointed or reappointed by the governor
- 2250 to four-year terms with the advice and consent of the Senate.
- 2251 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
- 2252 time of appointment or reappointment, adjust the length of terms to ensure that the
- 2253 terms of board members are staggered so that approximately half of the board is
- 2254 appointed every two years.
- 2255 (3) The members may not serve more than two full consecutive terms unless the governor
- 2256 determines that an additional term is in the best interest of the state.
- 2257 (4) Not more than eight members of the board may be from the same political party.
- 2258 (5) (a) The members shall be representative of:
- 2259 (i) all areas of the state with six being appointed from separate geographical areas as
- 2260 provided in Subsection (5)(b); and
- 2261 (ii) a diverse mix of business ownership or executive management of tourism related
- 2262 industries.
- 2263 (b) The geographical representatives shall be appointed as follows:
- 2264 (i) one member from Salt Lake, Tooele, or Morgan County;
- 2265 (ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;
- 2266 (iii) one member from Utah, Summit, Juab, or Wasatch County;
- 2267 (iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;
- 2268 (v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and
- 2269 (vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.
- 2270 (c) The tourism industry representatives of ownership or executive management shall be

- 2271 appointed as follows:
- 2272 (i) one member from ownership or executive management of the lodging industry, as
- 2273 recommended by the tourism industry for the governor's consideration;
- 2274 (ii) one member from ownership or executive management of the restaurant industry,
- 2275 as recommended by the restaurant industry for the governor's consideration;
- 2276 (iii) one member from ownership or executive management of the ski industry, as
- 2277 recommended by the ski industry for the governor's consideration; and
- 2278 (iv) one member from ownership or executive management of a tourism-related
- 2279 transportation provider, as recommended by the tourism industry for the
- 2280 governor's consideration.
- 2281 (d) One member shall be appointed at large from ownership or executive management of
- 2282 business, finance, economic policy, or the academic media marketing community.
- 2283 (e) One member shall be appointed from the Utah Tourism Industry Association, as
- 2284 recommended by the association for the governor's consideration.
- 2285 (f) One member shall be appointed to represent the state's counties, as recommended by
- 2286 the Utah Association of Counties for the governor's consideration.
- 2287 (g) One member shall be appointed from an arts and cultural organization, as
- 2288 recommended by the arts and cultural community for the governor's consideration.
- 2289 (h) One member shall be appointed to represent the outdoor recreation industry, as
- 2290 recommended by the outdoor recreation industry for the governor's consideration.
- 2291 (i) (i) The governor may choose to disregard a recommendation made for the board
- 2292 members described in Subsections (5)(c), (e), and (f) through (h).
- 2293 (ii) The governor shall request additional recommendations if recommendations are
- 2294 disregarded under Subsection (5)(i)(i).
- 2295 (6) When a vacancy occurs in the membership for any reason, [~~the replacement shall be~~
- 2296 ~~appointed]~~ the governor shall, with the advice and consent of the Senate, appoint a
- 2297 replacement for the unexpired term from the same geographic area or industry
- 2298 representation as the member whose office was vacated.
- 2299 (7) Eight members of the board constitute a quorum for conducting board business and
- 2300 exercising board powers.
- 2301 (8) The governor shall select one of the board members as chair and one of the board
- 2302 members as vice chair, each for a four-year term as recommended by the board for the
- 2303 governor's consideration.
- 2304 (9) A member may not receive compensation or benefits for the member's service, but may

- 2305 receive per diem and travel expenses in accordance with:
- 2306 (a) Section 63A-3-106;
- 2307 (b) Section 63A-3-107; and
- 2308 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 2309 (10) The board shall meet monthly or as often as the board determines to be necessary at
- 2310 various locations throughout the state.
- 2311 (11) Members who may have a potential conflict of interest in consideration of fund
- 2312 allocation decisions shall identify the potential conflict prior to voting on the issue.
- 2313 (12) (a) The board shall determine attendance requirements for maintaining a designated
- 2314 board seat.
- 2315 (b) If a board member fails to attend according to the requirements established pursuant
- 2316 to Subsection (12)(a), the board member shall be replaced upon written certification
- 2317 from the board chair or vice chair to the governor.
- 2318 (c) A replacement appointed by the governor under Subsection (12)(b) shall serve for
- 2319 the remainder of the board member's unexpired term.
- 2320 (13) (a) The board's office shall be in Salt Lake City.
- 2321 (b) The tourism office shall provide staff support to the board.
- 2322 Section 34. Section **78A-11-103** is amended to read:
- 2323 **78A-11-103 (Effective 05/01/24) (Superseded 07/01/24). Judicial Conduct Commission --**
- Members --**
- 2324 **Terms -- Vacancies -- Voting -- Power of chair.**
- 2325 (1) The membership of the commission consists of the following 11 members:
- 2326 (a) two members of the House of Representatives to be appointed by the speaker of the
- 2327 House of Representatives for a four-year term, not more than one of whom may be of
- 2328 the same political party as the speaker;
- 2329 (b) two members of the Senate to be appointed by the president of the Senate for a
- 2330 four-year term, not more than one of whom may be of the same political party as the
- 2331 president;
- 2332 (c) two members of, and in good standing with, the Utah State Bar, who shall be
- 2333 appointed by a majority of the Utah Supreme Court for a four-year term, none of
- 2334 whom may reside in the same judicial district;
- 2335 (d) three persons not members of the Utah State Bar, who shall be appointed by the
- 2336 governor, with the advice and consent of the Senate, in accordance with Title 63G,
- 2337 Chapter 24, Part 2, Vacancies, for four-year terms, not more than two of whom may

- 2338 be of the same political party as the governor; and
- 2339 (e) two judges to be appointed by a majority of the Utah Supreme Court for a four-year
- 2340 term, neither of whom may:
- 2341 (i) be a member of the Utah Supreme Court;
- 2342 (ii) serve on the same level of court as the other; and
- 2343 (iii) if trial judges, serve primarily in the same judicial district as the other.
- 2344 (2) (a) The terms of the members shall be staggered so that approximately half of the
- 2345 commission expires every two years.
- 2346 (b) Members of the commission may not serve longer than eight years.
- 2347 (3) The commission shall establish guidelines and procedures for the disqualification of any
- 2348 member from consideration of any matter. A judge who is a member of the commission
- 2349 or the Supreme Court may not participate in any proceedings involving the judge's own
- 2350 removal or retirement.
- 2351 (4) (a) When a vacancy occurs in the membership for any reason, [~~the replacement shall~~
- 2352 ~~be appointed by the appointing authority for that position for the unexpired term]~~ the
- 2353 applicable appointing authority shall, in accordance with any procedure described in
- 2354 this section, appoint a replacement for the unexpired term.
- 2355 (b) If the appointing authority fails to appoint a replacement, the commissioners who
- 2356 have been appointed may act as a commission under all the provisions of this section.
- 2357 (5) Six members of the commission shall constitute a quorum. Any action of a majority of
- 2358 the quorum constitutes the action of the commission.
- 2359 (6) (a) At each commission meeting, the chair and executive director shall schedule all
- 2360 complaints to be heard by the commission and present any information from which a
- 2361 reasonable inference can be drawn that a judge has committed misconduct so that the
- 2362 commission may determine by majority vote of a quorum whether the executive
- 2363 director shall draft a written complaint in accordance with Subsection 78A-11-102
- 2364 (2)(b).
- 2365 (b) The chair and executive director may not act to dismiss any complaint without a
- 2366 majority vote of a quorum of the commission.
- 2367 (c) A member of the commission described in Subsection (1)(d) shall comply with the
- 2368 conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of
- 2369 Interest.
- 2370 (7) It is the responsibility of the chair and the executive director to ensure that the
- 2371 commission complies with the procedures of the commission.

- 2372 (8) The chair shall be nonvoting except in the case of a tie vote.
- 2373 (9) The chair shall be allowed the actual expenses of secretarial services, the expenses of
2374 services for either a court reporter or a transcriber of electronic tape recordings, and
2375 other necessary administrative expenses incurred in the performance of the duties of the
2376 commission.
- 2377 (10) Upon a majority vote of the quorum, the commission may:
- 2378 (a) employ an executive director, legal counsel, investigators, and other staff to assist the
2379 commission; and
- 2380 (b) incur other reasonable and necessary expenses within the authorized budget of the
2381 commission and consistent with the duties of the commission.
- 2382 (11) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah
2383 Administrative Rulemaking Act, outlining its procedures and the appointment of masters.
2384 Section 35. Section **78A-11-103** is amended to read:
- 2385 **78A-11-103 (Effective 07/01/24). Judicial Conduct Commission -- Members --**
2386 **Terms -- Vacancies -- Voting -- Power of chair.**
- 2387 (1) (a) The membership of the commission consists of the following 11 members:
- 2388 (i) two members of the House of Representatives to be appointed by the speaker of
2389 the House of Representatives for a four-year term, not more than one of whom
2390 may be of the same political party as the speaker;
- 2391 (ii) two members of the Senate to be appointed by the president of the Senate for a
2392 four-year term, not more than one of whom may be of the same political party as
2393 the president;
- 2394 (iii) two members of, and in good standing with, the Utah State Bar, who shall be
2395 appointed by a majority of the Utah Supreme Court for a four-year term, none of
2396 whom may reside in the same judicial district;
- 2397 (iv) three persons not members of the Utah State Bar, who shall be appointed by the
2398 governor, with the advice and consent of the Senate, in accordance with Title 63G,
2399 Chapter 24, Part 2, Vacancies, for four-year terms, not more than two of whom
2400 may be of the same political party as the governor; and
- 2401 (v) subject to Subsection (1)(b), two judges to be appointed by a majority of the Utah
2402 Supreme Court for a four-year term.
- 2403 (b) The two judges appointed under Subsection (1)(a)(v) may not:
- 2404 (i) be a member of the Utah Supreme Court;
- 2405 (ii) serve on the same level of court; and

- 2406 (iii) serve primarily in the same judicial district if the judges are district or juvenile
2407 court judges.
- 2408 (2) (a) The terms of the members shall be staggered so that approximately half of the
2409 commission expires every two years.
- 2410 (b) Members of the commission may not serve longer than eight years.
- 2411 (3) The commission shall establish guidelines and procedures for the disqualification of any
2412 member from consideration of any matter. A judge who is a member of the commission
2413 or the Supreme Court may not participate in any proceedings involving the judge's own
2414 removal or retirement.
- 2415 (4) (a) When a vacancy occurs in the membership for any reason, [~~the replacement shall~~
2416 ~~be appointed by the appointing authority for that position for the unexpired term]~~ the
2417 applicable appointing authority shall, in accordance with any procedure described in
2418 this section, appoint a replacement for the unexpired term.
- 2419 (b) If the appointing authority fails to appoint a replacement, the commissioners who
2420 have been appointed may act as a commission under all the provisions of this section.
- 2421 (5) Six members of the commission shall constitute a quorum. Any action of a majority of
2422 the quorum constitutes the action of the commission.
- 2423 (6) (a) At each commission meeting, the chair and executive director shall schedule all
2424 complaints to be heard by the commission and present any information from which a
2425 reasonable inference can be drawn that a judge has committed misconduct so that the
2426 commission may determine by majority vote of a quorum whether the executive
2427 director shall draft a written complaint in accordance with Subsection 78A-11-102
2428 (2)(b).
- 2429 (b) The chair and executive director may not act to dismiss any complaint without a
2430 majority vote of a quorum of the commission.
- 2431 (c) A member of the commission described in Subsection (1)(a)(iv) shall comply with
2432 the conflict of interest provisions described in Title 63G, Chapter 24, Part 3,
2433 Conflicts of Interest.
- 2434 (7) It is the responsibility of the chair and the executive director to ensure that the
2435 commission complies with the procedures of the commission.
- 2436 (8) The chair shall be nonvoting except in the case of a tie vote.
- 2437 (9) The chair shall be allowed the actual expenses of secretarial services, the expenses of
2438 services for either a court reporter or a transcriber of electronic tape recordings, and
2439 other necessary administrative expenses incurred in the performance of the duties of the

- 2440 commission.
- 2441 (10) Upon a majority vote of the quorum, the commission may:
- 2442 (a) employ an executive director, legal counsel, investigators, and other staff to assist the
- 2443 commission; and
- 2444 (b) incur other reasonable and necessary expenses within the authorized budget of the
- 2445 commission and consistent with the duties of the commission.
- 2446 (11) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah
- 2447 Administrative Rulemaking Act, outlining its procedures and the appointment of masters.
- 2448 Section 36. Section **78B-22-402** is amended to read:
- 2449 **78B-22-402 (Effective 05/01/24). Commission members -- Member qualifications**
- 2450 **-- Terms -- Vacancy.**
- 2451 (1) (a) The commission is composed of 15 members.
- 2452 (b) The governor, with the advice and consent of the Senate, and in accordance with
- 2453 Title 63G, Chapter 24, Part 2, Vacancies, shall appoint the following 11 members:
- 2454 (i) two practicing criminal defense attorneys recommended by the Utah Association
- 2455 of Criminal Defense Lawyers;
- 2456 (ii) one attorney practicing in juvenile delinquency defense recommended by the
- 2457 Utah Association of Criminal Defense Lawyers;
- 2458 (iii) one attorney who represents parents in child welfare cases, recommended by an
- 2459 entity funded under the Child Welfare Parental Representation Program created in
- 2460 Section 78B-22-802;
- 2461 (iv) one attorney representing minority interests recommended by the Utah Minority
- 2462 Bar Association;
- 2463 (v) one member recommended by the Utah Association of Counties from a county of
- 2464 the first or second class;
- 2465 (vi) one member recommended by the Utah Association of Counties from a county of
- 2466 the third through sixth class;
- 2467 (vii) a director of a county public defender organization recommended by the Utah
- 2468 Association of Criminal Defense Lawyers;
- 2469 (viii) two members recommended by the Utah League of Cities and Towns from its
- 2470 membership; and
- 2471 (ix) one retired judge recommended by the Judicial Council.
- 2472 (c) The speaker of the House of Representatives and the president of the Senate shall
- 2473 appoint two members of the Utah Legislature, one from the House of Representatives

- 2474 and one from the Senate.
- 2475 (d) The Judicial Council shall appoint a member from the Administrative Office of the
2476 Courts.
- 2477 (e) The executive director of the State Commission on Criminal and Juvenile Justice or
2478 the executive director's designee is a member of the commission.
- 2479 (2) A member appointed by the governor shall serve a four-year term, except as provided in
2480 Subsection (3).
- 2481 (3) The governor shall stagger the initial terms of appointees so that approximately half of
2482 the members appointed by the governor are appointed every two years.
- 2483 (4) A member appointed to the commission shall have significant experience in indigent
2484 criminal defense , representing parents in child welfare cases, or in juvenile defense in
2485 delinquency proceedings or have otherwise demonstrated a strong commitment to
2486 providing effective representation in indigent defense services.
- 2487 (5) An individual who is currently employed solely as a criminal prosecuting attorney may
2488 not serve as a member of the commission .
- 2489 (6) A commission member shall hold office until the member's successor is appointed.
- 2490 (7) The commission may remove a member for incompetence, dereliction of duty,
2491 malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.
- 2492 (8) If a vacancy occurs in the membership for any reason, a replacement shall be appointed
2493 for the remaining unexpired term in the same manner, and in accordance with the same
2494 procedure, as the original appointment.
- 2495 (9) (a) The commission shall elect annually a chair from the commission's membership
2496 to serve a one-year term.
- 2497 (b) A commission member may not serve as chair of the commission for more than three
2498 consecutive terms.
- 2499 (10) A member may not receive compensation or benefits for the member's service, but
2500 may receive per diem and travel expenses in accordance with:
- 2501 (a) Section 63A-3-106;
- 2502 (b) Section 63A-3-107; and
- 2503 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
2504 63A-3-107.
- 2505 (11) (a) A majority of the members of the commission constitutes a quorum.
- 2506 (b) If a quorum is present, the action of a majority of the voting members present
2507 constitutes the action of the commission.

- 2508 (c) A member shall comply with the conflict of interest provisions described in Title
2509 63G, Chapter 24, Part 3, Conflicts of Interest.
- 2510 Section 37. Section **80-5-702** is amended to read:
- 2511 **80-5-702 (Effective 05/01/24). Member qualifications -- Expenses.**
- 2512 (1) As used in this section, "member" means both a part-time member and a pro tempore
2513 member of the authority.
- 2514 (2) (a) Except as required by Subsection (2)(b), the governor, with the advice and
2515 consent of the Senate, shall appoint or reappoint members to four-year terms.
- 2516 (b) The governor shall, at the time of appointment or reappointment, adjust the length of
2517 terms to ensure that the terms of members are staggered so that approximately half of
2518 the authority is appointed every two years.
- 2519 (3) A member shall have training or experience in social work, law, juvenile or criminal
2520 justice, or related behavioral sciences.
- 2521 (4) When a vacancy occurs in the membership for any reason, [~~the replacement member~~
2522 ~~shall be appointed for the unexpired term~~] the governor shall, with the advice and
2523 consent of the Senate, appoint a replacement for the unexpired term.
- 2524 (5) During the tenure of the member's appointment, a member may not:
- 2525 (a) be an employee of the department, other than in the member's capacity as a member
2526 of the authority;
- 2527 (b) hold any public office;
- 2528 (c) hold any position in the state's juvenile justice system; or
- 2529 (d) be an employee, officer, advisor, policy board member, or subcontractor of any
2530 juvenile justice agency or the juvenile justice agency's contractor.
- 2531 (6) In extraordinary circumstances or when a regular member is absent or otherwise
2532 unavailable, the chair may assign a pro tempore member to act in the absent member's
2533 place.
- 2534 (7) A member may not receive compensation or benefits for the member's service but may
2535 receive per diem and travel expenses in accordance with:
- 2536 (a) Section 63A-3-106;
- 2537 (b) Section 63A-3-107; and
- 2538 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
2539 63A-3-107.
- 2540 Section 38. **Effective date.**
- 2541 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

2542 (2) The actions affecting Section 78A-11-103 (Effective 07/01/24) take effect on July 1,
2543 2024.