

ADVICE AND CONSENT AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to the Senate's advice and consent for gubernatorial nominees.

Highlighted Provisions:

This bill:

- ▶ modifies deadlines, and the information provided by the governor, with respect to non-judicial gubernatorial nominees;
- ▶ requires a Senate confirmation hearing, and provides an exception to a deadline waiver provision, for certain nominees;
- ▶ requires notice of anticipated vacancies in offices that require Senate consent;
- ▶ provides a process for government entities and other organizations to provide input on gubernatorial appointments;
- ▶ provides for the governor to receive advice regarding judicial appointments;
- ▶ amends provisions requiring Senate consent to also require Senate advice; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

- 29 **4-2-104**, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 30 **4-18-104**, as last amended by Laws of Utah 2018, Chapter 115
- 31 **7-1-202**, as last amended by Laws of Utah 2002, Chapter 176
- 32 **7-1-203**, as last amended by Laws of Utah 2013, Chapter 73
- 33 **9-1-201.1**, as enacted by Laws of Utah 2012, Chapter 212
- 34 **9-6-204**, as last amended by Laws of Utah 2012, Chapter 212
- 35 **9-6-803**, as enacted by Laws of Utah 2015, Chapter 350
- 36 **9-8-204**, as last amended by Laws of Utah 2019, Chapter 221
- 37 **9-22-104**, as renumbered and amended by Laws of Utah 2019, Chapter 487
- 38 **11-38-201**, as last amended by Laws of Utah 2013, Chapter 310
- 39 **13-1-3**, as last amended by Laws of Utah 2002, Chapter 176
- 40 **17B-2a-1005**, as last amended by Laws of Utah 2014, Chapter 377
- 41 **19-1-104**, as last amended by Laws of Utah 2002, Chapter 176
- 42 **19-2-103**, as last amended by Laws of Utah 2015, Chapter 154
- 43 **19-4-103**, as last amended by Laws of Utah 2012, Chapter 360
- 44 **19-5-103**, as last amended by Laws of Utah 2015, Chapter 234
- 45 **19-6-103**, as last amended by Laws of Utah 2015, Chapter 451
- 46 **20A-1-504**, as last amended by Laws of Utah 2018, Chapter 19
- 47 **23-14-2**, as last amended by Laws of Utah 2011, Chapter 297
- 48 **26-1-8**, as last amended by Laws of Utah 2002, Chapter 176
- 49 **26-9f-103**, as last amended by Laws of Utah 2018, Chapter 125
- 50 **26-21-3**, as last amended by Laws of Utah 2011, Chapter 366
- 51 **26-33a-103**, as last amended by Laws of Utah 2014, Chapter 118
- 52 **26-39-200**, as last amended by Laws of Utah 2019, Chapter 111
- 53 **31A-2-102**, as last amended by Laws of Utah 2002, Chapter 176
- 54 **31A-2-403**, as last amended by Laws of Utah 2019, Chapter 193
- 55 **32B-2-201**, as last amended by Laws of Utah 2012, Chapter 365
- 56 **32B-2-205**, as last amended by Laws of Utah 2012, Chapter 365
- 57 **34-20-3**, as last amended by Laws of Utah 2016, Chapter 348
- 58 **34A-1-201**, as last amended by Laws of Utah 2011, Chapter 336

- 59 [34A-1-205](#), as last amended by Laws of Utah 2013, Chapter 428
- 60 [35A-1-201](#), as last amended by Laws of Utah 2018, Chapter 423
- 61 [35A-8-304](#), as last amended by Laws of Utah 2019, Chapter 89
- 62 [35A-8-2103](#), as renumbered and amended by Laws of Utah 2018, Chapter 182
- 63 [40-6-4](#), as last amended by Laws of Utah 2013, Chapter 243
- 64 [49-11-202](#), as last amended by Laws of Utah 2019, Chapter 31
- 65 [51-7-16](#), as last amended by Laws of Utah 2010, Chapter 286
- 66 [51-10-206](#), as last amended by Laws of Utah 2019, Chapter 163
- 67 [53-1-107](#), as last amended by Laws of Utah 2002, Chapter 176
- 68 [53-2a-1103](#), as last amended by Laws of Utah 2019, Chapter 161
- 69 [53B-1-104](#), as last amended by Laws of Utah 2018, Chapter 382
- 70 [53B-1-105](#), as last amended by Laws of Utah 2012, Chapter 78
- 71 [53B-2-104](#), as last amended by Laws of Utah 2019, Chapter 357
- 72 [53B-2a-103](#), as last amended by Laws of Utah 2018, Chapter 382
- 73 [53B-2a-108](#), as repealed and reenacted by Laws of Utah 2018, Chapter 382
- 74 [53C-1-202](#), as last amended by Laws of Utah 2011, Chapter 247
- 75 [53E-3-921](#), as renumbered and amended by Laws of Utah 2018, Chapter 1
- 76 [53G-5-201](#), as last amended by Laws of Utah 2019, Chapter 293
- 77 [54-1-1.5](#), as last amended by Laws of Utah 2002, Chapter 176
- 78 [54-10a-201](#), as renumbered and amended by Laws of Utah 2009, Chapter 237
- 79 [59-1-201](#), as last amended by Laws of Utah 2014, Chapter 370
- 80 [59-1-206](#), as last amended by Laws of Utah 2003, Chapter 131
- 81 [61-1-18.5](#), as last amended by Laws of Utah 2011, Chapter 319
- 82 [61-2f-103](#), as last amended by Laws of Utah 2016, Chapters 25 and 381
- 83 [61-2g-204](#), as renumbered and amended by Laws of Utah 2011, Chapter 289
- 84 [62A-1-107](#), as last amended by Laws of Utah 2019, Chapter 246
- 85 [62A-1-108](#), as last amended by Laws of Utah 2002, Chapter 176
- 86 [62A-7-501](#), as last amended by Laws of Utah 2019, Chapter 246
- 87 [63A-1-105](#), as last amended by Laws of Utah 2002, Chapter 176
- 88 [63F-1-105](#), as enacted by Laws of Utah 2005, Chapter 169
- 89 [63G-2-501](#), as last amended by Laws of Utah 2019, Chapter 254

- 90 **63H-4-102**, as last amended by Laws of Utah 2011, Chapter 308 and renumbered and
- 91 amended by Laws of Utah 2011, Chapter 370
- 92 **63H-6-104**, as last amended by Laws of Utah 2018, Chapter 447
- 93 **63H-8-201**, as renumbered and amended by Laws of Utah 2015, Chapter 226
- 94 **63J-4-602**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 95 **63J-4-702**, as last amended by Laws of Utah 2019, Chapter 246
- 96 **63L-9-103**, as renumbered and amended by Laws of Utah 2017, Chapter 451
- 97 **63M-2-301**, as last amended by Laws of Utah 2019, Chapters 246 and 352
- 98 **63M-7-203**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 99 **63M-7-504**, as last amended by Laws of Utah 2011, Chapter 131
- 100 **63N-1-202**, as last amended by Laws of Utah 2015, Chapter 344 and renumbered and
- 101 amended by Laws of Utah 2015, Chapter 283
- 102 **63N-1-401**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 103 **63N-1-501**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 104 **63N-7-102**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 105 **64-13-3**, as last amended by Laws of Utah 2002, Chapter 176
- 106 **67-1-1.5**, as last amended by Laws of Utah 2010, Chapter 355
- 107 **67-1-2**, as last amended by Laws of Utah 2008, Chapter 382
- 108 **67-1-2.5**, as last amended by Laws of Utah 2019, Chapter 246
- 109 **67-1-3**, as last amended by Laws of Utah 2002, Chapter 176
- 110 **67-1-5**, Utah Code Annotated 1953
- 111 **67-1a-2**, as last amended by Laws of Utah 2019, Chapter 165
- 112 **67-19a-201**, as last amended by Laws of Utah 2010, Chapters 249, 286, 324 and last
- 113 amended by Coordination Clause, Laws of Utah 2010, Chapter 249
- 114 **68-4-5**, as repealed and reenacted by Laws of Utah 2011, Chapter 356
- 115 **68-4-6**, as repealed and reenacted by Laws of Utah 2011, Chapter 356
- 116 **72-1-202**, as last amended by Laws of Utah 2019, Chapters 69 and 479
- 117 **72-1-301**, as last amended by Laws of Utah 2019, Chapter 479
- 118 **73-2-1**, as last amended by Laws of Utah 2017, Chapter 60
- 119 **73-10-2**, as last amended by Laws of Utah 2010, Chapter 286
- 120 **73-30-201**, as last amended by Laws of Utah 2011, Chapter 308

- 121 **77-5-6**, as last amended by Laws of Utah 1986, Chapter 47
- 122 **77-27-2**, as last amended by Laws of Utah 2011, Chapter 366
- 123 **78A-11-103**, as last amended by Laws of Utah 2012, Chapter 133
- 124 **78B-22-402**, as last amended by Laws of Utah 2019, Chapter 435 and renumbered and
- 125 amended by Laws of Utah 2019, Chapter 326
- 126 **79-2-202**, as last amended by Laws of Utah 2018, Chapter 200
- 127 **79-3-302**, as last amended by Laws of Utah 2010, Chapter 286
- 128 **79-4-302**, as last amended by Laws of Utah 2010, Chapter 286

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

131 Section 1. Section **4-2-104** is amended to read:

132 **4-2-104. Administration by commissioner.**

133 (1) Administration of the department is under the direction, control, and management
 134 of a commissioner appointed by the governor with the advice and consent of the Senate.

135 (2) The commissioner shall serve at the pleasure of the governor.

136 (3) The governor shall establish the commissioner's compensation within the salary
 137 range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

138 Section 2. Section **4-18-104** is amended to read:

139 **4-18-104. Conservation Commission created -- Composition -- Appointment --**
 140 **Terms -- Compensation -- Attorney general to provide legal assistance.**

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

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

144 (a) 11 voting members, including:

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

147 (ii) the executive director of the Department of Natural Resources or the executive
 148 director's designee;

149 (iii) the executive director of the Department of Environmental Quality or the
 150 executive director's designee;

151 (iv) the president of the County Weed Supervisors Association or the president's

152 designee; and

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

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

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

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

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

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

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

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

167 (b) be appointed by the governor with the advice and consent of the Senate.

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

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

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

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

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

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

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

- 183 (b) Section 63A-3-107; and
- 184 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 185 63A-3-107.
- 186 (11) The commission shall keep a record of the commission's actions.
- 187 (12) The attorney general shall provide legal services to the commission upon request.
- 188 Section 3. Section 7-1-202 is amended to read:

189 **7-1-202. Commissioner of financial institutions as executive officer --**
190 **Appointment -- Term -- Salary -- Qualifications.**

191 The chief executive officer of the Department of Financial Institutions shall be the
192 commissioner of financial institutions who shall be appointed by the governor with the advice
193 and consent of the Senate. [~~He~~] The commissioner shall hold office for a term of four years
194 following [~~his~~] appointment and confirmation and until [~~his~~] a successor is appointed and
195 qualified, but [~~he~~] shall be subject to removal at the pleasure of the governor. The governor
196 shall establish the commissioner's salary within the salary range fixed by the Legislature in
197 Title 67, Chapter 22, State Officer Compensation. The commissioner of financial institutions
198 shall be a citizen of the United States and shall have sufficient experience with depository
199 institutions or as an employee of a state or federal agency having supervision over financial
200 institutions to demonstrate [~~his~~] the commissioner's qualifications and fitness to perform the
201 duties of [~~his~~] the commissioner's office.

202 Section 4. Section 7-1-203 is amended to read:

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

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

- 208 (a) one representative from the commercial banking business;
- 209 (b) one representative from the consumer lending, money services business, or escrow
210 agency business;
- 211 (c) one representative from the industrial bank business;
- 212 (d) one representative from the credit union business; and
- 213 (e) one representative of the general public who, as a result of education, training,

214 experience, or interest, is well qualified to consider economic and financial issues and data as
215 they may affect the public interest in the soundness of the financial systems of this state.

216 (2) The commissioner shall act as chair.

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

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

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

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

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

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

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

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

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

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

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

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

236 (e) A meeting of the board and records of the board's proceedings are subject to Title
237 52, Chapter 4, Open and Public Meetings Act, except for discussion of confidential
238 information pertaining to a particular financial institution.

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

242 (b) The member shall:

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

244 and

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

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

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

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

251 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
252 63A-3-107.

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

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

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

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

260 Section 5. Section 9-1-201.1 is amended to read:

261 **9-1-201.1. Executive director of department -- Appointment -- Removal --**
262 **Compensation.**

263 (1) The department shall be directed, organized, and managed by an executive director
264 appointed by the governor with the advice and consent of the Senate.

265 (2) The executive director serves at the pleasure of the governor.

266 (3) The salary of the executive director shall be established by the governor within the
267 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

268 Section 6. Section 9-6-204 is amended to read:

269 **9-6-204. Utah Arts Council Board of Directors.**

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

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

274 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
275 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

276 board members are staggered so that approximately half of the board is appointed every two
277 years.

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

- 279 (i) visual arts;
- 280 (ii) architecture or design;
- 281 (iii) literature;
- 282 (iv) music;
- 283 (v) sculpture;
- 284 (vi) folklore or folk arts;
- 285 (vii) theatre;
- 286 (viii) dance; and
- 287 (ix) media arts.

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

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

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

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

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

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

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

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

299 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
300 63A-3-107.

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

303 Section 7. Section 9-6-803 is amended to read:

304 **9-6-803. Arts and Culture Business Alliance -- Creation -- Members -- Vacancies.**

305 (1) There is created within the division the Arts and Culture Business Alliance.

306 (2) (a) The alliance shall consist of seven members.

307 (b) The six members described in Subsections (2)(d) and (e) shall be appointed by the
308 governor to four-year terms of office with the advice and consent of the Senate.

309 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the
310 time of appointment or reappointment, adjust the length of terms to ensure that the terms of the
311 members described in Subsections (2)(d) and (e) are staggered so that approximately half of the
312 members are appointed every two years.

313 (d) Five members shall be citizens with an interest in supporting and advancing the arts
314 and arts development in the state.

315 (e) One member shall have expertise in business or finance.

316 (f) One member is the executive director of the Department of Heritage and Arts, or the
317 executive director's designee.

318 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
319 appointed for the unexpired term in the same manner as the original member.

320 (4) Four members of the board constitute a quorum for the transaction of business.

321 (5) The governor shall annually select one of the board members as chair.

322 (6) Except for the executive director, a member may not receive compensation or
323 benefits for the member's service, but may receive per diem and travel expenses in accordance
324 with:

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

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

327 (c) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
328 [63A-3-107](#).

329 (7) A member may not receive a gift, prize, or award of money from the division or the
330 account.

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

332 **9-8-204. Board of State History.**

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

334 (2) The board shall consist of 11 members appointed by the governor with the advice
335 and consent of the Senate as follows:

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

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

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

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

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

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

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

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

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

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

353 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
354 63A-3-107.

355 Section 9. Section 9-22-104 is amended to read:

356 **9-22-104. STEM Action Center Board -- Duties.**

357 (1) The STEM board shall:

358 (a) establish a STEM Action Center to:

359 (i) coordinate STEM activities in the state among the following stakeholders:

360 (A) the State Board of Education;

361 (B) school districts and charter schools;

362 (C) the State Board of Regents;

363 (D) institutions of higher education;

364 (E) parents of home-schooled students;

365 (F) other state agencies; and

366 (G) business and industry representatives;

367 (ii) align public education STEM activities with higher education STEM activities; and

368 (iii) create and coordinate best practices among public education and higher education;

- 369 (b) with the advice and consent of the Senate, appoint a director to oversee the
370 administration of the STEM Action Center;
- 371 (c) select a physical location for the STEM Action Center;
- 372 (d) strategically engage industry and business entities to cooperate with the STEM
373 board:
- 374 (i) to support high quality professional development and provide other assistance for
375 educators and students; and
- 376 (ii) to provide private funding and support for the STEM Action Center;
- 377 (e) give direction to the STEM Action Center and the providers selected through a
378 request for proposals process pursuant to this part; and
- 379 (f) work to meet the following expectations:
- 380 (i) that at least 50 educators are implementing best practice learning tools in
381 classrooms;
- 382 (ii) performance change in student achievement in each classroom participating in a
383 STEM Action Center project; and
- 384 (iii) that students from at least 50 schools in the state participate in the STEM
385 competitions, fairs, and camps described in Subsection 9-22-106(2)(d).
- 386 (2) The STEM board may:
- 387 (a) enter into contracts for the purposes of this part;
- 388 (b) apply for, receive, and disburse funds, contributions, or grants from any source for
389 the purposes set forth in this part;
- 390 (c) employ, compensate, and prescribe the duties and powers of individuals necessary
391 to execute the duties and powers of the STEM board;
- 392 (d) prescribe the duties and powers of the STEM Action Center providers; and
- 393 (e) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
394 make rules to administer this part.
- 395 (3) The STEM board may establish a foundation to assist in:
- 396 (a) the development and implementation of the programs authorized under this part to
397 promote STEM education; and
- 398 (b) implementation of other STEM education objectives described in this part.
- 399 (4) A foundation established by the STEM board under Subsection (3):

- 400 (a) may solicit and receive contributions from a private organization for STEM
- 401 education objectives described in this part;
- 402 (b) shall comply with the requirements described in Section 9-22-105;
- 403 (c) does not have power or authority to incur contractual obligations or liabilities that
- 404 constitute a claim against public funds;
- 405 (d) may not exercise executive or administrative authority over the programs or other
- 406 activities described in this part, except to the extent specifically authorized by the STEM board;
- 407 (e) shall provide the STEM board with information detailing transactions and balances
- 408 associated with the foundation; and
- 409 (f) may not:
 - 410 (i) engage in lobbying activities;
 - 411 (ii) attempt to influence legislation; or
 - 412 (iii) participate in any campaign activity for or against:
 - 413 (A) a political candidate; or
 - 414 (B) an initiative, referendum, proposed constitutional amendment, bond, or any other
 - 415 ballot proposition submitted to the voters.

416 Section 10. Section 11-38-201 is amended to read:

417 **11-38-201. Quality Growth Commission -- Term of office -- Vacancy --**
418 **Organization -- Expenses -- Staff.**

- 419 (1) (a) There is created a Quality Growth Commission consisting of:
 - 420 (i) the director of the Department of Natural Resources;
 - 421 (ii) the commissioner of the Department of Agriculture and Food;
 - 422 (iii) six elected officials at the local government level, three of whom may not be
 - 423 residents of a county of the first or second class; and
 - 424 (iv) five persons from the profit and nonprofit private sector, two of whom may not be
 - 425 residents of a county of the first or second class and no more than three of whom may be from
 - 426 the same political party and one of whom shall be from the residential construction industry,
 - 427 nominated by the Utah Home Builders Association, and one of whom shall be from the real
 - 428 estate industry, nominated by the Utah Association of Realtors.
- 429 (b) (i) The director of the Department of Natural Resources and the commissioner of
- 430 the Department of Agriculture and Food may not assume their positions on the commission

431 until:

432 (A) after May 1, 2005; and

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

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

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

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

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

446 (3) (a) The term of office of each member is four years, except that the governor shall
447 appoint one of the persons at the state government level, three of the persons at the local
448 government level, and two of the persons under Subsection (1)(a)(iv) to an initial two-year
449 term.

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

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

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

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

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

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

460 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
461 [63A-3-107](#).

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

463 (8) Staff services to the commission:

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

465 (b) may be provided by local entities through the Utah Association of Counties and the

466 Utah League of Cities and Towns, with funds approved by the commission from those

467 identified as available to local entities under Subsection 11-38-203(1)(a).

468 Section 11. Section 13-1-3 is amended to read:

469 **13-1-3. Executive director.**

470 (1) The department shall be under the supervision, direction, and control of the
471 executive director of commerce. The executive director shall be appointed by the governor
472 with the advice and consent of the Senate. The executive director shall hold office at the
473 pleasure of the governor. The governor shall establish the executive director's salary within the
474 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

475 (2) The executive director shall employ personnel necessary to carry out the duties and
476 responsibilities of the department.

477 Section 12. Section 17B-2a-1005 is amended to read:

478 **17B-2a-1005. Water conservancy district board of trustees -- Selection of**
479 **members -- Number -- Qualifications -- Terms -- Vacancies -- 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 conservancy
483 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
488 day on which a water conservancy district is created as provided in Section 17B-1-215, the
489 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 advice

493 and consent of the Senate, shall appoint each trustee from nominees submitted as provided in
494 this Subsection (2)(c).

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

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

505 (B) The county legislative body may submit fewer than three nominees per trustee if
506 the county legislative body certifies in writing to the governor that the county legislative body
507 is unable, after reasonably diligent effort, to identify three nominees who are willing and
508 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 nominees.

511 (v) For purposes of this Subsection (2)(c), a municipality that is located in more than
512 one county shall be considered to be located in only the county in which more of the municipal
513 area is located than in any other county.

514 (d) In districts where substantial water is allocated for irrigated agriculture, one trustee
515 appointed in that district shall be a person who owns irrigation rights and uses those rights as
516 part of that person's livelihood.

517 (3) (a) The board shall give written notice of the upcoming vacancy in an appointed
518 trustee's term and the date when the trustee's term expires to the county legislative body in
519 single county districts and to the nominating entities and the governor in all other districts:

520 (i) if the upcoming vacancy is in a single county district, at least 90 days before the
521 expiration of the trustee's term; and

522 (ii) for all other districts, on or before October 1 before the expiration of the appointed
523 trustee's term.

524 (b) (i) Upon receipt of the notice of the expiration of an appointed trustee's term or
525 notice of a vacancy in the office of an appointed trustee, the county or municipal legislative
526 body, as the case may be, shall nominate candidates to fill the unexpired term of office
527 pursuant to Subsection (2).

528 (ii) If a trustee is to be appointed by the governor and the entity charged with
529 nominating candidates has not submitted the list of nominees within 90 days after service of
530 the notice, the governor shall make the appointment from qualified candidates without
531 consultation with the county or municipal legislative body.

532 (iii) If the governor fails to appoint, the incumbent shall continue to serve until a
533 successor is appointed and qualified.

534 (iv) Appointment by the governor vests in the appointee, upon qualification, the
535 authority to discharge the duties of trustee, subject only to the advice and consent of the Senate.

536 (c) Each trustee shall hold office during the term for which appointed and until a
537 successor is duly appointed and has qualified.

538 (4) (a) Members of the board of trustees of a water conservancy district shall be
539 elected, if, subject to Subsection (4)(b):

540 (i) two-thirds of all members of the board of trustees of the water conservancy district
541 vote in favor of changing to an elected board; and

542 (ii) the legislative body of each municipality or county that appoints a member to the
543 board of trustees adopts a resolution approving the change to an elected board.

544 (b) A change to an elected board of trustees under Subsection (4)(a) may not shorten
545 the term of any member of the board of trustees serving at the time of the change.

546 (5) The board of trustees of a water conservancy district shall consist of:

547 (a) except as provided in Subsection (5)(b), not more than 11 persons who are residents
548 of the district; or

549 (b) if the district consists of five or more counties, not more than 21 persons who are
550 residents of the district.

551 (6) If an elected trustee's office is vacated, the vacated office shall be filled in
552 accordance with Section [17B-1-303](#).

553 (7) Each trustee shall furnish a corporate surety bond at the expense of the district,
554 conditioned for the faithful performance of duties as a trustee.

555 (8) (a) The board of trustees of a water conservancy district may:

556 (i) make and enforce all reasonable rules and regulations for the management, control,

557 delivery, use, and distribution of water;

558 (ii) withhold the delivery of water with respect to which there is a default or

559 delinquency of payment;

560 (iii) provide for and declare a forfeiture of the right to the use of water upon the default

561 or failure to comply with an order, contract, or agreement for the purchase, lease, or use of

562 water, and resell, lease, or otherwise dispose of water with respect to which a forfeiture has

563 been declared;

564 (iv) allocate and reallocate the use of water to lands within the district;

565 (v) provide for and grant the right, upon terms, to transfer water from lands to which

566 water has been allocated to other lands within the district;

567 (vi) create a lien, as provided in this part, upon land to which the use of water is

568 transferred;

569 (vii) discharge a lien from land to which a lien has attached; and

570 (viii) subject to Subsection (8)(b), enter into a written contract for the sale, lease, or

571 other disposition of the use of water.

572 (b) (i) A contract under Subsection (8)(a)(viii) may provide for the use of water

573 perpetually or for a specified term.

574 (ii) (A) If a contract under Subsection (8)(a)(viii) makes water available to the

575 purchasing party without regard to actual taking or use, the board may require that the

576 purchasing party give security for the payment to be made under the contract, unless the

577 contract requires the purchasing party to pay for certain specified annual minimums.

578 (B) The security requirement under Subsection (8)(b)(ii)(A) in a contract with a public

579 entity may be met by including in the contract a provision for the public entity's levy of a

580 special assessment to make annual payments to the district.

581 Section 13. Section **19-1-104** is amended to read:

582 **19-1-104. Creation of department -- Appointment of executive director.**

583 (1) There is created within state government the Department of Environmental Quality.

584 The department shall be administered by an executive director.

585 (2) The executive director shall be appointed by the governor with the advice and

586 consent of the Senate and shall serve at the pleasure of the governor.

587 (3) The executive director shall have demonstrated the necessary administrative and
588 professional ability through education and experience to efficiently and effectively manage the
589 department's affairs.

590 (4) The Legislature shall fix the compensation of the executive director in accordance
591 with Title 67, Chapter 22, State Officer Compensation.

592 Section 14. Section **19-2-103** is amended to read:

593 **19-2-103. Members of board -- Appointment -- Terms -- Organization -- Per diem**
594 **and expenses.**

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

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

598 (i) the executive director; or

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

600 (b) the following eight voting members, who shall be appointed by the governor with
601 the advice and consent of the Senate:

602 (i) one representative who:

603 (A) is not connected with industry;

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

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

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

608 (iii) one representative from the mining industry;

609 (iv) one representative from the fuels industry;

610 (v) one representative from the manufacturing industry;

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

612 (A) an environmental nongovernmental organization; or

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

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

- 617 (2) A member of the board shall:
- 618 (a) be knowledgeable about air pollution matters, as evidenced by a professional
619 degree, a professional accreditation, or documented experience;
- 620 (b) be a resident of Utah;
- 621 (c) attend board meetings in accordance with the attendance rules made by the
622 department under Subsection 19-1-201(1)(d)(i)(A); and
- 623 (d) comply with all applicable statutes, rules, and policies, including the conflict of
624 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).
- 625 (3) No more than five of the appointed members of the board shall belong to the same
626 political party.
- 627 (4) A majority of the members of the board may not derive any significant portion of
628 their income from persons subject to permits or orders under this chapter.
- 629 (5) (a) Members shall be appointed for a term of four years.
- 630 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
631 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
632 board members are staggered so that half of the appointed board is appointed every two years.
- 633 (6) A member may serve more than one term.
- 634 (7) A member shall hold office until the expiration of the member's term and until the
635 member's successor is appointed, but not more than 90 days after the expiration of the
636 member's term.
- 637 (8) When a vacancy occurs in the membership for any reason, the replacement shall be
638 appointed 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
642 the 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 15. Section 19-4-103 is amended to read:

653 **19-4-103. Drinking Water Board -- Members -- Organization -- Meetings -- Per**
654 **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
661 the advice and consent of the Senate:

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

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

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

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

669 (v) one representative from:

670 (A) the state water research community; or

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

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

674 (A) an environmental nongovernmental organization; or

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

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

679 (2) A member of the board shall:

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

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

683 (c) be a resident of Utah;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

714 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
715 63A-3-107.

716 Section 16. Section 19-5-103 is amended to read:

717 **19-5-103. Water Quality Board -- Members of board -- Appointment -- Terms --**
718 **Organization -- Meetings -- Per diem and expenses.**

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

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

722 (i) the executive director; or

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

724 (b) the following eight voting members, who shall be appointed by the governor with
725 the advice and consent of the Senate:

726 (i) one representative who:

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

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

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

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

732 (iii) one representative from the mineral industry;

733 (iv) one representative from the manufacturing industry;

734 (v) one representative who represents agricultural and livestock interests;

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

736 (A) an environmental nongovernmental organization; or

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

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

- 741 (2) A member of the board shall:
- 742 (a) be knowledgeable about water quality matters, as evidenced by a professional
743 degree, a professional accreditation, or documented experience;
- 744 (b) be a resident of Utah;
- 745 (c) attend board meetings in accordance with the attendance rules made by the
746 department under Subsection 19-1-201(1)(d)(i)(A); and
- 747 (d) comply with all applicable statutes, rules, and policies, including the conflict of
748 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).
- 749 (3) No more than five of the appointed members may be from the same political party.
- 750 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
751 appointed for the unexpired term with the advice and consent of the Senate.
- 752 (5) (a) A member shall be appointed for a term of four years and is eligible for
753 reappointment.
- 754 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
755 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
756 board members are staggered so that half of the appointed board is appointed every two years.
- 757 (c) (i) Notwithstanding Subsection (5)(a), the term of a board member who is
758 appointed before March 1, 2013, shall expire on February 28, 2013.
- 759 (ii) On March 1, 2013, the governor shall appoint or reappoint board members in
760 accordance with this section.
- 761 (6) A member shall hold office until the expiration of the member's term and until the
762 member's successor is appointed, not to exceed 90 days after the formal expiration of the term.
- 763 (7) The board shall:
- 764 (a) organize and annually select one of its members as chair and one of its members as
765 vice chair;
- 766 (b) hold at least four regular meetings each calendar year; and
- 767 (c) keep minutes of its proceedings which are open to the public for inspection.
- 768 (8) The chair may call a special meeting upon the request of three or more members of
769 the board.
- 770 (9) Each member of the board and the director shall be notified of the time and place of
771 each meeting.

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

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

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

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

778 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
779 63A-3-107.

780 Section 17. Section 19-6-103 is amended to read:

781 **19-6-103. Waste Management and Radiation Control Board -- Members -- Terms**
782 **-- Organization -- Meetings -- Per diem and expenses.**

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

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

786 (i) the executive director; or

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

788 (b) the following 11 voting members appointed by the governor with the advice and
789 consent of the Senate:

790 (i) one representative who is:

791 (A) not connected with industry; and

792 (B) a Utah-licensed professional engineer;

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

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

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

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

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

798 (vii) one representative from the uranium milling industry;

799 (viii) one representative from the public who represents:

800 (A) an environmental nongovernmental organization; or

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

803 (ix) one representative from the public who is trained and experienced in public health
804 and a licensed:

805 (A) medical doctor; or

806 (B) dentist; and

807 (x) one representative who is:

808 (A) a medical physicist or a health physicist; or

809 (B) a professional employed in the field of radiation safety.

810 (2) A member of the board shall:

811 (a) be knowledgeable about solid and hazardous waste matters and radiation safety and
812 protection as evidenced by a professional degree, a professional accreditation, or documented
813 experience;

814 (b) be a resident of Utah;

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

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

819 (3) No more than six of the appointed members may be from the same political party.

820 (4) (a) Members shall be appointed for terms of four years each.

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

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

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

828 (5) Each member is eligible for reappointment.

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

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

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

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

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

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

840 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
841 63A-3-107.

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

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

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

848 Section 18. Section 20A-1-504 is amended to read:

849 **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,
850 state auditor, State Board of Education member, and lieutenant governor.**

851 (1) (a) When a vacancy occurs for any reason in the office of attorney general, state
852 treasurer, state auditor, or State Board of Education member, the vacancy shall be filled for the
853 unexpired term at the next regular general election.

854 (b) The governor shall fill the vacancy until the next regular general election by:

855 (i) appointing a person who meets the qualifications for the office from three persons
856 nominated by the state central committee of the same political party as the prior officeholder;
857 or

858 (ii) for a State Board of Education vacancy, if the individual who is being replaced:

859 (A) was elected at a nonpartisan State Board of Education election, by appointing, with
860 the advice and consent of the Senate, an individual who meets the qualifications and residency
861 requirements for filling the vacancy described in Section 20A-14-103;

862 (B) was elected at a partisan State Board of Education election, but is not a member of
863 a political party, by appointing, with the advice and consent of the Senate, an individual who
864 meets the qualifications and residency requirements for filling the vacancy described in Section

865 20A-14-103; or

866 (C) was elected at a partisan State Board of Education election, and is a member of a
867 political party, by appointing an individual who meets the qualifications for the office from
868 three persons nominated by the state central committee of the same political party as the prior
869 officeholder.

870 (2) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the
871 advice and consent of the Senate, appoint a person to hold the office until the next regular
872 general election at which the governor stands for election.

873 Section 19. Section 23-14-2 is amended to read:

874 **23-14-2. Wildlife Board -- Creation -- Membership -- Terms -- Quorum --**
875 **Meetings -- Per diem and expenses.**

876 (1) There is created a Wildlife Board which shall consist of seven members appointed
877 by the governor with the advice and consent of the Senate.

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

880 (i) wildlife management or biology;

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

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

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

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

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

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

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

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

895 (ii) The interim board member shall serve until the matter is resolved by the committee

896 and the governor or until the board member is replaced pursuant to this chapter.

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

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

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

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

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

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

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

909 or

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

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

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

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

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

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

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

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

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

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

925 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
926 63A-3-107.

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

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

931 Section 20. Section **26-1-8** is amended to read:

932 **26-1-8. Executive director -- Appointment -- Compensation.**

933 The chief administrative officer of the department is the executive director who shall be
934 appointed by the governor with the advice and consent of the Senate. The executive director
935 shall serve at the pleasure of the governor. The governor shall establish the executive director's
936 salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer
937 Compensation.

938 Section 21. Section **26-9f-103** is amended to read:

939 **26-9f-103. Utah Digital Health Service Commission.**

940 (1) There is created within the department the Utah Digital Health Service
941 Commission.

942 (2) The governor shall appoint 13 members to the commission with the advice and
943 consent of the Senate, as follows:

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

945 (b) a representative of a health care system or a licensed health care facility as that term
946 is defined in Section **26-21-2**;

947 (c) a representative of rural Utah, which may be a person nominated by an advisory
948 committee on rural health issues created pursuant to Section **26-1-20**;

949 (d) a member of the public who is not involved with digital health service;

950 (e) a nurse who is involved in digital health service; and

951 (f) eight members who fall into one or more of the following categories:

952 (i) individuals who use digital health service in a public or private institution;

953 (ii) individuals who use digital health service in serving medically underserved
954 populations;

955 (iii) nonphysician health care providers involved in digital health service;

956 (iv) information technology professionals involved in digital health service;

957 (v) representatives of the health insurance industry;

958 (vi) telehealth digital health service consumer advocates; and
959 (vii) individuals who use digital health service in serving mental or behavioral health
960 populations.

961 (3) (a) The commission shall annually elect a chairperson from its membership. The
962 chairperson shall report to the executive director of the department.

963 (b) The commission shall hold meetings at least once every three months. Meetings
964 may be held from time to time on the call of the chair or a majority of the board members.

965 (c) Seven commission members are necessary to constitute a quorum at any meeting
966 and, if a quorum exists, the action of a majority of members present shall be the action of the
967 commission.

968 (4) (a) Except as provided in Subsection (4)(b), a commission member shall be
969 appointed for a three-year term and eligible for two reappointments.

970 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment
971 or reappointment, adjust the length of terms to ensure that the terms of commission members
972 are staggered so that approximately 1/3 of the commission is appointed each year.

973 (c) A commission member shall continue in office until the expiration of the member's
974 term and until a successor is appointed, which may not exceed 90 days after the formal
975 expiration of the term.

976 (d) Notwithstanding Subsection (4)(c), a commission member who fails to attend 75%
977 of the scheduled meetings in a calendar year shall be disqualified from serving.

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

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

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

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

985 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
986 [63A-3-107](#).

987 (6) The department shall provide informatics staff support to the commission.

988 (7) The funding of the commission shall be a separate line item to the department in

989 the annual appropriations act.

990 Section 22. Section 26-21-3 is amended to read:

991 **26-21-3. Health Facility Committee -- Members -- Terms -- Organization --**
992 **Meetings.**

993 (1) The Health Facility Committee created by Section 26-1-7 consists of 15 members
994 appointed by the governor with the advice and consent of the Senate. The appointed members
995 shall be knowledgeable about health care facilities and issues. The membership of the
996 committee is:

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

1000 (b) one hospital administrator;

1001 (c) one hospital trustee;

1002 (d) one representative of a freestanding ambulatory surgical facility;

1003 (e) one representative of an ambulatory surgical facility that is affiliated with a
1004 hospital;

1005 (f) two representatives of the nursing care facility industry;

1006 (g) one registered nurse, licensed to practice under Title 58, Chapter 31b, Nurse
1007 Practice Act;

1008 (h) one professional in the field of intellectual disabilities not affiliated with a nursing
1009 care facility;

1010 (i) one licensed architect or engineer with expertise in health care facilities;

1011 (j) two representatives of assisted living facilities licensed under this chapter;

1012 (k) two consumers, one of whom has an interest in or expertise in geriatric care; and

1013 (l) one representative from either a home health care provider or a hospice provider.

1014 (2) (a) Except as required by Subsection (2)(b), members shall be appointed for a term
1015 of four years.

1016 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1017 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1018 committee members are staggered so that approximately half of the committee is appointed
1019 every two years.

1020 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
1021 appointed for the unexpired term by the governor, giving consideration to recommendations
1022 made by the committee, with the advice and consent of the Senate.

1023 (d) A member may not serve more than two consecutive full terms or 10 consecutive
1024 years, whichever is less. However, a member may continue to serve as a member until [~~he~~] the
1025 member is replaced.

1026 (e) The committee shall annually elect from its membership a chair and vice chair.

1027 (f) The committee shall meet at least quarterly, or more frequently as determined by the
1028 chair or five members of the committee.

1029 (g) Eight members constitute a quorum. A vote of the majority of the members present
1030 constitutes action of the committee.

1031 Section 23. Section **26-33a-103** is amended to read:

1032 **26-33a-103. Committee membership -- Terms -- Chair -- Compensation.**

1033 (1) The Health Data Committee created by Section **26-1-7** shall be composed of 15
1034 members.

1035 (2) (a) One member shall be:

1036 (i) the commissioner of the Utah Insurance Department; or

1037 (ii) the commissioner's designee who shall have knowledge regarding the health care
1038 system and characteristics and use of health data.

1039 (b) Fourteen members shall be appointed by the governor with the advice and consent
1040 of the Senate in accordance with Subsection (3). No more than seven members of the
1041 committee appointed by the governor may be members of the same political party.

1042 (3) The members of the committee appointed under Subsection (2)(b) shall:

1043 (a) be knowledgeable regarding the health care system and the characteristics and use
1044 of health data;

1045 (b) be selected so that the committee at all times includes individuals who provide
1046 care;

1047 (c) include one person employed by or otherwise associated with a general acute
1048 hospital as defined by Section **26-21-2**, who is knowledgeable about the collection, analysis,
1049 and use of health care data;

1050 (d) include two physicians, as defined in Section **58-67-102**:

- 1051 (i) who are licensed to practice in this state;
- 1052 (ii) who actively practice medicine in this state;
- 1053 (iii) who are trained in or have experience with the collection, analysis, and use of
- 1054 health care data; and
- 1055 (iv) one of whom is selected by the Utah Medical Association;
- 1056 (e) include three persons:
- 1057 (i) who are:
- 1058 (A) employed by or otherwise associated with a business that supplies health care
- 1059 insurance to its employees; and
- 1060 (B) knowledgeable about the collection and use of health care data; and
- 1061 (ii) at least one of whom represents an employer employing 50 or fewer employees;
- 1062 (f) include three persons representing health insurers:
- 1063 (i) at least one of whom is employed by or associated with a third-party payor that is
- 1064 not licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited
- 1065 Health Plans;
- 1066 (ii) at least one of whom is employed by or associated with a third party payer that is
- 1067 licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health
- 1068 Plans; and
- 1069 (iii) who are trained in, or experienced with the collection, analysis, and use of health
- 1070 care data;
- 1071 (g) include two consumer representatives:
- 1072 (i) from organized consumer or employee associations; and
- 1073 (ii) knowledgeable about the collection and use of health care data;
- 1074 (h) include one person:
- 1075 (i) representative of a neutral, non-biased entity that can demonstrate that it has the
- 1076 broad support of health care payers and health care providers; and
- 1077 (ii) who is knowledgeable about the collection, analysis, and use of health care data;
- 1078 and
- 1079 (i) include two persons representing public health who are trained in, or experienced
- 1080 with the collection, use, and analysis of health care data.
- 1081 (4) (a) Except as required by Subsection (4)(b), as terms of current committee members

1082 expire, the governor shall appoint each new member or reappointed member to a four-year
1083 term.

1084 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1085 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1086 committee members are staggered so that approximately half of the committee is appointed
1087 every two years.

1088 (c) Members may serve after their terms expire until replaced.

1089 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
1090 appointed for the unexpired term.

1091 (6) Committee members shall annually elect a chair of the committee from among their
1092 membership. The chair shall report to the executive director.

1093 (7) The committee shall meet at least once during each calendar quarter. Meeting dates
1094 shall be set by the chair upon 10 working days notice to the other members, or upon written
1095 request by at least four committee members with at least 10 working days notice to other
1096 committee members.

1097 (8) Eight committee members constitute a quorum for the transaction of business.
1098 Action may not be taken except upon the affirmative vote of a majority of a quorum of the
1099 committee.

1100 (9) A member may not receive compensation or benefits for the member's service, but
1101 may receive per diem and travel expenses in accordance with:

1102 (a) Section 63A-3-106;

1103 (b) Section 63A-3-107; and

1104 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1105 63A-3-107.

1106 (10) All meetings of the committee shall be open to the public, except that the
1107 committee may hold a closed meeting if the requirements of Sections 52-4-204, 52-4-205, and
1108 52-4-206 are met.

1109 Section 24. Section 26-39-200 is amended to read:

1110 **26-39-200. Child Care Center Licensing Committee.**

1111 (1) (a) The Child Care Center Licensing Committee created in Section 26-1-7 shall be
1112 comprised of seven members appointed by the governor and approved by the Senate in

1113 accordance with this subsection.

1114 (b) The governor shall appoint three members who:

1115 (i) have at least five years of experience as an owner in or director of a for profit or
1116 not-for-profit center based child care; and

1117 (ii) hold an active license as a child care center from the department to provide center
1118 based child care.

1119 (c) (i) The governor shall appoint one member to represent each of the following:

1120 (A) a parent with a child in center based child care;

1121 (B) a child development expert from the state system of higher education;

1122 (C) except as provided in Subsection (1)(e), a pediatrician licensed in the state; and

1123 (D) an architect licensed in the state.

1124 (ii) Except as provided in Subsection (1)(c)(i)(B), a member appointed under
1125 Subsection (1)(c)(i) may not be an employee of the state or a political subdivision of the state.

1126 (d) At least one member described in Subsection (1)(b) shall at the time of appointment
1127 reside in a county that is not a county of the first class.

1128 (e) For the appointment described in Subsection (1)(c)(i)(C), the governor may appoint
1129 a health care professional who specializes in pediatric health if:

1130 (i) the health care professional is licensed under:

1131 (A) Title 58, Chapter 31b, Nurse Practice Act, as an advanced practice nurse
1132 practitioner; or

1133 (B) Title 58, Chapter 70a, Utah Physician Assistant Act; and

1134 (ii) before appointing a health care professional under this Subsection (1)(e), the
1135 governor:

1136 (A) sends a notice to a professional physician organization in the state regarding the
1137 opening for the appointment described in Subsection (1)(c)(i)(C); and

1138 (B) receives no applications from a pediatrician who is licensed in the state for the
1139 appointment described in Subsection (1)(c)(i)(C) within 90 days after the day on which the
1140 governor sends the notice described in Subsection (1)(e)(ii)(A).

1141 (2) (a) Except as required by Subsection (2)(b), as terms of current members expire, the
1142 governor shall appoint each new member or reappointed member to a four-year term ending
1143 June 30.

1144 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1145 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1146 members are staggered so that approximately half of the licensing committee is appointed
1147 every two years.

1148 (c) Upon the expiration of the term of a member of the licensing committee, the
1149 member shall continue to hold office until a successor is appointed and qualified.

1150 (d) A member may not serve more than two consecutive terms.

1151 (e) Members of the licensing committee shall annually select one member to serve as
1152 chair who shall establish the agenda for licensing committee meetings.

1153 (3) When a vacancy occurs in the membership for any reason, the governor, with the
1154 advice and consent of the Senate, shall appoint a replacement for the unexpired term.

1155 (4) (a) The licensing committee shall meet at least every two months.

1156 (b) The director may call additional meetings:

1157 (i) at the director's discretion;

1158 (ii) upon the request of the chair; or

1159 (iii) upon the written request of three or more members.

1160 (5) Three members of the licensing committee constitute a quorum for the transaction
1161 of business.

1162 Section 25. Section **31A-2-102** is amended to read:

1163 **31A-2-102. Appointment, general powers, and duties of commissioner -- Vacancy**
1164 **-- Compensation of commissioner.**

1165 (1) The chief officer of the department is the insurance commissioner, who may
1166 exercise all powers given to, and shall perform all duties imposed on, the Insurance
1167 Department. [~~He~~] The commissioner shall be appointed by the governor with the advice and
1168 consent of the Senate. If the commissioner dies, resigns, or is removed, a successor may be
1169 appointed as specified in this subsection. If the Legislature is not then in session, the successor
1170 may serve as acting commissioner without advice and consent of the Senate until the Senate
1171 has an opportunity to advise and consent to the successor. The commissioner is subject to
1172 removal at the pleasure of the governor.

1173 (2) When the office of the commissioner is vacant, or when the commissioner is unable
1174 to perform the duties of the office, the governor shall fill the position as provided in Section

1175 67-1-1.5.

1176 (3) The governor shall establish the commissioner's salary within the salary range
1177 approved by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1178 Section 26. Section **31A-2-403** is amended to read:

1179 **31A-2-403. Title and Escrow Commission created.**

1180 (1) (a) Subject to Subsection (1)(b), there is created within the department the Title and
1181 Escrow Commission that is comprised of five members appointed by the governor with the
1182 advice and consent of the Senate as follows:

1183 (i) except as provided in Subsection (1)(c), two members shall be employees of a title
1184 insurer;

1185 (ii) two members shall:

1186 (A) be employees of a Utah agency title insurance producer;

1187 (B) be or have been licensed under the title insurance line of authority;

1188 (C) as of the day on which the member is appointed, be or have been licensed with the
1189 title examination or escrow subline of authority for at least five years; and

1190 (D) as of the day on which the member is appointed, not be from the same county as
1191 another member appointed under this Subsection (1)(a)(ii); and

1192 (iii) one member shall be a member of the general public from any county in the state.

1193 (b) No more than one commission member may be appointed from a single company
1194 or an affiliate or subsidiary of the company.

1195 (c) If the governor is unable to identify more than one individual who is an employee
1196 of a title insurer and willing to serve as a member of the commission, the commission shall
1197 include the following members in lieu of the members described in Subsection (1)(a)(i):

1198 (i) one member who is an employee of a title insurer; and

1199 (ii) one member who is an employee of a Utah agency title insurance producer.

1200 (2) (a) Subject to Subsection (2)(c), a commission member shall file with the
1201 commissioner a disclosure of any position of employment or ownership interest that the
1202 commission member has with respect to a person that is subject to the jurisdiction of the
1203 commissioner.

1204 (b) The disclosure statement required by this Subsection (2) shall be:

1205 (i) filed by no later than the day on which the person begins that person's appointment;

1206 and

1207 (ii) amended when a significant change occurs in any matter required to be disclosed
1208 under this Subsection (2).

1209 (c) A commission member is not required to disclose an ownership interest that the
1210 commission member has if the ownership interest is in a publicly traded company or held as
1211 part of a mutual fund, trust, or similar investment.

1212 (3) (a) Except as required by Subsection (3)(b), as terms of current commission
1213 members expire, the governor shall appoint each new commission member to a four-year term
1214 ending on June 30.

1215 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
1216 time of appointment, adjust the length of terms to ensure that the terms of the commission
1217 members are staggered so that approximately half of the members appointed under Subsection
1218 (1)(a)(i) and half of the members appointed under Subsection (1)(a)(ii) are appointed every two
1219 years.

1220 (c) A commission member may not serve more than one consecutive term.

1221 (d) When a vacancy occurs in the membership for any reason, the governor, with the
1222 advice and consent of the Senate, shall appoint a replacement for the unexpired term.

1223 (e) Notwithstanding the other provisions of this Subsection (3), a commission member
1224 serves until a successor is appointed by the governor with the advice and consent of the Senate.

1225 (4) A commission member may not receive compensation or benefits for the
1226 commission member's service, but may receive per diem and travel expenses in accordance
1227 with:

1228 (a) Section 63A-3-106;

1229 (b) Section 63A-3-107; and

1230 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1231 63A-3-107.

1232 (5) Members of the commission shall annually select one commission member to serve
1233 as chair.

1234 (6) (a) (i) Except as provided in Subsection (6)(b), the commission shall meet at least
1235 monthly.

1236 (ii) (A) The commissioner shall, with the concurrence of the chair of the commission,

1237 designate at least one monthly meeting per quarter as an in-person meeting.

1238 (B) Notwithstanding Section 52-4-207, a commission member shall physically attend a
1239 meeting designated as an in-person meeting under Subsection (6)(a)(ii)(A) and may not attend
1240 through electronic means. A commission member may attend any other commission meeting,
1241 subcommittee meeting, or emergency meeting by electronic means in accordance with Section
1242 52-4-207.

1243 (b) (i) Except as provided in Subsection (6)(b)(ii), the commissioner may, with the
1244 concurrence of the chair of the commission, cancel a monthly meeting of the commission if,
1245 due to the number or nature of pending title insurance matters, the monthly meeting is not
1246 necessary.

1247 (ii) The commissioner may not cancel a monthly meeting designated as an in-person
1248 meeting under Subsection (6)(a)(ii)(A).

1249 (c) The commissioner may call additional meetings:

1250 (i) at the commissioner's discretion;

1251 (ii) upon the request of the chair of the commission; or

1252 (iii) upon the written request of three or more commission members.

1253 (d) (i) Three commission members constitute a quorum for the transaction of business.

1254 (ii) The action of a majority of the commission members when a quorum is present is
1255 the action of the commission.

1256 (7) The commissioner shall staff the commission.

1257 Section 27. Section 32B-2-201 is amended to read:

1258 **32B-2-201. Alcoholic Beverage Control Commission created.**

1259 (1) There is created the "Alcoholic Beverage Control Commission." The commission is
1260 the governing board over the department.

1261 (2) (a) The commission is composed of seven part-time commissioners appointed by
1262 the governor with the advice and consent of the Senate.

1263 (b) No more than four commissioners may be of the same political party.

1264 (3) (a) Except as required by Subsection (3)(b), as terms of commissioners expire, the
1265 governor shall appoint each new commissioner or reappointed commissioner to a four-year
1266 term.

1267 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the

1268 time of appointment or reappointment, adjust the length of terms to ensure that the terms of no
1269 more than three commissioners expire in a fiscal year.

1270 (4) (a) When a vacancy occurs on the commission for any reason, the governor shall
1271 appoint a replacement for the unexpired term with the advice and consent of the Senate.

1272 (b) Unless removed in accordance with Subsection (6), a commissioner shall remain on
1273 the commission after the expiration of a term until a successor is appointed by the governor,
1274 with the advice and consent of the Senate.

1275 (5) A commissioner shall take the oath of office.

1276 (6) (a) The governor may remove a commissioner from the commission for cause,
1277 neglect of duty, inefficiency, or malfeasance after a public hearing conducted by:

1278 (i) the governor; or

1279 (ii) an impartial hearing examiner appointed by the governor to conduct the hearing.

1280 (b) At least 10 days before the hearing described in Subsection (6)(a), the governor
1281 shall provide the commissioner notice of:

1282 (i) the date, time, and place of the hearing; and

1283 (ii) the alleged grounds for the removal.

1284 (c) The commissioner shall have an opportunity to:

1285 (i) attend the hearing;

1286 (ii) present witnesses and other evidence; and

1287 (iii) confront and cross examine witnesses.

1288 (d) After a hearing under this Subsection (6):

1289 (i) the person conducting the hearing shall prepare written findings of fact and
1290 conclusions of law; and

1291 (ii) the governor shall serve a copy of the prepared findings and conclusions upon the
1292 commissioner.

1293 (e) If a hearing under this Subsection (6) is held before a hearing examiner, the hearing
1294 examiner shall issue a written recommendation to the governor in addition to complying with
1295 Subsection (6)(d).

1296 (f) A commissioner has five days from the day on which the commissioner receives the
1297 findings and conclusions described in Subsection (6)(d) to file written objections to the
1298 recommendation before the governor issues a final order.

- 1299 (g) The governor shall:
- 1300 (i) issue the final order under this Subsection (6) in writing; and
- 1301 (ii) serve the final order upon the commissioner.
- 1302 (7) A commissioner may not receive compensation or benefits for the commissioner's
- 1303 service, but may receive per diem and travel expenses in accordance with:
- 1304 (a) Section 63A-3-106;
- 1305 (b) Section 63A-3-107; and
- 1306 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 1307 63A-3-107.
- 1308 (8) (a) The governor shall annually appoint the chair of the commission. A
- 1309 commissioner serves as chair to the commission at the pleasure of the governor. If removed as
- 1310 chair, the commissioner continues to serve as a commissioner unless removed as a
- 1311 commissioner under Subsection (6).
- 1312 (b) The commission shall elect:
- 1313 (i) another commissioner to serve as vice chair; and
- 1314 (ii) other commission officers as the commission considers advisable.
- 1315 (c) A commissioner elected under Subsection (8)(b) shall serve in the office to which
- 1316 the commissioner is elected at the pleasure of the commission.
- 1317 (9) (a) Each commissioner has equal voting rights on a commission matter when in
- 1318 attendance at a commission meeting.
- 1319 (b) Four commissioners is a quorum for conducting commission business.
- 1320 (c) A majority vote of the quorum present at a meeting is required for the commission
- 1321 to act.
- 1322 (10) (a) The commission shall meet at least monthly, but may hold other meetings at
- 1323 times and places as scheduled by:
- 1324 (i) the commission;
- 1325 (ii) the chair; or
- 1326 (iii) three commissioners upon filing a written request for a meeting with the chair.
- 1327 (b) Notice of the time and place of a commission meeting shall be given to each
- 1328 commissioner, and to the public in compliance with Title 52, Chapter 4, Open and Public
- 1329 Meetings Act. A commission meeting is open to the public, except for a commission meeting

1330 or portion of a commission meeting that is closed by the commission as authorized by Sections
1331 52-4-204 and 52-4-205.

1332 Section 28. Section **32B-2-205** is amended to read:

1333 **32B-2-205. Director of alcoholic beverage control.**

1334 (1) (a) In accordance with Subsection (1)(b), the governor, with the advice and consent
1335 of the Senate, shall appoint a director of alcoholic beverage control to a four-year term. The
1336 director may be appointed to more than one four-year term. The director is the administrative
1337 head of the department.

1338 (b) (i) The governor shall appoint the director from nominations made by the
1339 commission.

1340 (ii) The commission shall submit the nomination of three individuals to the governor
1341 for appointment of the director.

1342 (iii) By no later than 30 calendar days from the day on which the governor receives the
1343 three nominations submitted by the commission, the governor may:

1344 (A) appoint the director; or

1345 (B) reject the three nominations.

1346 (iv) If the governor rejects the nominations or fails to take action within the 30-day
1347 period, the commission shall nominate three different individuals from which the governor may
1348 appoint the director or reject the nominations until such time as the governor appoints the
1349 director.

1350 (v) The governor may reappoint the director without seeking nominations from the
1351 commission. Reappointment of a director is subject to the advice and consent of the Senate.

1352 (c) If there is a vacancy in the position of director, during the nomination process
1353 described in Subsection (1)(b), the governor may appoint an interim director for a period of up
1354 to 30 calendar days. If a director is not appointed within the 30-day period, the interim director
1355 may continue to serve beyond the 30-day period subject to the advice and consent of the Senate
1356 at the next scheduled time for the Senate giving consent to appointments of the governor.
1357 Except that if the Senate does not act on the consent to the appointment of the interim director
1358 within 60 days of the end of the initial 30-day period, the interim director may continue as the
1359 interim director.

1360 (d) The director may be terminated by:

- 1361 (i) the commission by a vote of four commissioners; or
- 1362 (ii) the governor after consultation with the commission.
- 1363 (e) The director may not be a commissioner.
- 1364 (f) The director shall:
- 1365 (i) be qualified in administration;
- 1366 (ii) be knowledgeable by experience and training in the field of business management;
- 1367 and
- 1368 (iii) possess any other qualification prescribed by the commission.
- 1369 (2) The governor shall establish the director's compensation within the salary range
- 1370 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
- 1371 (3) The director shall:
- 1372 (a) carry out the policies of the commission;
- 1373 (b) carry out the policies of the department;
- 1374 (c) fully inform the commission of the operations and administrative activities of the
- 1375 department; and
- 1376 (d) assist the commission in the proper discharge of the commission's duties.

1377 Section 29. Section **34-20-3** is amended to read:

1378 **34-20-3. Labor relations board.**

- 1379 (1) (a) There is created the Labor Relations Board consisting of the following:
- 1380 (i) the commissioner of the Labor Commission;
- 1381 (ii) two members appointed by the governor with the advice and consent of the Senate
- 1382 consisting of:
- 1383 (A) a representative of employers, in the appointment of whom the governor shall
- 1384 consider nominations from employer organizations; and
- 1385 (B) a representative of employees, in the appointment of whom the governor shall
- 1386 consider nominations from employee organizations.
- 1387 (b) (i) Except as provided in Subsection (1)(b)(ii), as terms of members appointed
- 1388 under Subsection (1)(a)(ii) expire, the governor shall appoint each new member or reappointed
- 1389 member to a four-year term.
- 1390 (ii) Notwithstanding the requirements of Subsection (1)(b)(i), the governor shall, at the
- 1391 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

1392 members appointed under Subsection (1)(a)(ii) are staggered so one member is appointed every
1393 two years.

1394 (c) The commissioner shall serve as chair of the board.

1395 (d) A vacancy occurring on the board for any cause of the members appointed under
1396 Subsection (1)(a)(ii) shall be filled by the governor with the advice and consent of the Senate
1397 pursuant to this section for the unexpired term of the vacating member.

1398 (e) The governor may at any time remove a member appointed under Subsection
1399 (1)(a)(ii) but only for inefficiency, neglect of duty, malfeasance or malfeasance in office, or for
1400 cause upon a hearing.

1401 (f) A member of the board appointed under Subsection (1)(a)(ii) may not hold any
1402 other office in the government of the United States, this state or any other state, or of any
1403 county government or municipal corporation within a state.

1404 (g) A member appointed under Subsection (1)(a)(ii) may not receive compensation or
1405 benefits for the member's service, but may receive per diem and travel expenses in accordance
1406 with:

1407 (i) Section [63A-3-106](#);

1408 (ii) Section [63A-3-107](#); and

1409 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
1410 [63A-3-107](#).

1411 (2) A meeting of the board may be called:

1412 (a) by the chair; or

1413 (b) jointly by the members appointed under Subsection (1)(a)(ii).

1414 (3) The chair may provide staff and administrative support as necessary from the Labor
1415 Commission.

1416 (4) A vacancy in the board does not impair the right of the remaining members to
1417 exercise all the powers of the board, and two members of the board shall at all times constitute
1418 a quorum.

1419 (5) The board shall have an official seal which shall be judicially noticed.

1420 Section 30. Section **34A-1-201** is amended to read:

1421 **34A-1-201. Commissioner -- Appointment -- Removal -- Compensation --**

1422 **Qualifications -- Responsibilities -- Reports.**

1423 (1) (a) The chief administrative officer of the commission is the commissioner, who
1424 shall be appointed by the governor with the advice and consent of the Senate.

1425 (b) The commissioner shall serve at the pleasure of the governor.

1426 (c) The commissioner shall receive a salary established by the governor within the
1427 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1428 (d) The commissioner shall be experienced in administration, management, and
1429 coordination of complex organizations.

1430 (2) (a) The commissioner shall serve full-time.

1431 (b) (i) Except as provided in Subsection (2)(b)(ii), the commissioner may not:

1432 (A) hold any other office of this state, another state, or the federal government except
1433 in an ex officio capacity; or

1434 (B) serve on any committee of any political party.

1435 (ii) Notwithstanding Subsection (2)(b)(i), the commissioner may:

1436 (A) hold a nominal position or title if it is required by law as a condition for the state
1437 participating in an appropriation or allotment of any money, property, or service that may be
1438 made or allotted for the commission; or

1439 (B) serve as the chief administrative officer of any division, office, or bureau that is
1440 established within the commission.

1441 (iii) If the commissioner holds a position as permitted under Subsection (2)(b)(ii), the
1442 commissioner may not be paid any additional compensation for holding the position.

1443 (3) Before beginning the duties as a commissioner, an appointed commissioner shall
1444 take and subscribe the constitutional oath of office and file the oath with the Division of
1445 Archives.

1446 (4) The commissioner shall:

1447 (a) administer and supervise the commission in compliance with Title 67, Chapter 19,
1448 Utah State Personnel Management Act;

1449 (b) approve the proposed budget of each division and the Appeals Board;

1450 (c) approve all applications for federal grants or assistance in support of any
1451 commission program; and

1452 (d) fulfill such other duties as assigned by the Legislature or as assigned by the
1453 governor that are not inconsistent with this title or Title 34, Labor in General.

1454 (5) (a) The commissioner shall report annually to the Legislature and the governor
1455 concerning the operations of the commission and the programs that the commission
1456 administers.

1457 (b) If federal law requires that a report to the governor or Legislature be given
1458 concerning the commission or a program administered by the commission, the commissioner or
1459 the commissioner's designee shall make that report.

1460 Section 31. Section **34A-1-205** is amended to read:

1461 **34A-1-205. Appeals Board -- Chair -- Appointment -- Compensation --**

1462 **Qualifications.**

1463 (1) There is created the Appeals Board within the commission consisting of three
1464 members. The board may call and preside at adjudicative proceedings to review an order or
1465 decision that is subject to review by the Appeals Board under this title.

1466 (2) (a) The governor shall appoint the members with the advice and consent of the
1467 Senate and in accordance with this section.

1468 (b) One member of the board shall be appointed to represent employers, in making this
1469 appointment, the governor shall consider nominations from employer organizations.

1470 (c) One member of the board shall be appointed to represent employees, in making this
1471 appointment, the governor shall consider nominations from employee organizations.

1472 (d) No more than two members may belong to the same political party.

1473 (e) The governor shall, at the time of appointment or reappointment, make
1474 appointments to the board so that at least two of the members of the board are members of the
1475 Utah State Bar in good standing or resigned from the Utah State Bar in good standing.

1476 (3) (a) The term of a member shall be six years beginning on March 1 of the year the
1477 member is appointed, except that the governor shall, at the time of appointment or
1478 reappointment, adjust the length of terms to ensure that the terms of members are staggered so
1479 that one member is appointed every two years.

1480 (b) The governor may remove a member only for inefficiency, neglect of duty,
1481 malfeasance or misfeasance in office, or other good and sufficient cause.

1482 (c) A member shall hold office until a successor is appointed and has qualified.

1483 (4) A member shall be part-time and receive compensation as provided by Title 67,
1484 Chapter 19, Utah State Personnel Management Act.

1485 (5) (a) The chief officer of the board shall be the chair, who shall serve as the executive
1486 and administrative head of the board.

1487 (b) The governor shall appoint and may remove at will the chair from the position of
1488 chair.

1489 (6) A majority of the board shall constitute a quorum to transact business.

1490 (7) (a) The commission shall provide the Appeals Board necessary staff support,
1491 except as provided in Subsection (7)(b).

1492 (b) At the request of the Appeals Board, the attorney general shall act as an impartial
1493 aid to the Appeals Board in outlining the facts and the issues.

1494 Section 32. Section **35A-1-201** is amended to read:

1495 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**
1496 **Qualifications -- Responsibilities -- Deputy directors.**

1497 (1) (a) The chief administrative officer of the department is the executive director, who
1498 is appointed by the governor with the advice and consent of the Senate.

1499 (b) The executive director serves at the pleasure of the governor.

1500 (c) The executive director shall receive a salary established by the governor within the
1501 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1502 (d) The executive director shall be experienced in administration, management, and
1503 coordination of complex organizations.

1504 (2) The executive director shall:

1505 (a) administer and supervise the department in compliance with Title 67, Chapter 19,
1506 Utah State Personnel Management Act;

1507 (b) supervise and coordinate between the economic service areas and directors created
1508 under Chapter 2, Economic Service Areas;

1509 (c) coordinate policies and program activities conducted through the divisions and
1510 economic service areas of the department;

1511 (d) approve the proposed budget of each division, the Workforce Appeals Board, and
1512 each economic service area within the department;

1513 (e) approve all applications for federal grants or assistance in support of any
1514 department program;

1515 (f) coordinate with the executive directors of the Governor's Office of Economic

1516 Development and the Governor's Office of Management and Budget to review data and metrics
1517 to be reported to the Legislature as described in Subsection 35A-1-109(2)(b); and

1518 (g) fulfill such other duties as assigned by the Legislature or as assigned by the
1519 governor that are not inconsistent with this title.

1520 (3) The executive director may appoint deputy or assistant directors to assist the
1521 executive director in carrying out the department's responsibilities.

1522 (4) The executive director shall at least annually provide for the sharing of information
1523 between the advisory councils established under this title.

1524 Section 33. Section 35A-8-304 is amended to read:

1525 **35A-8-304. Permanent Community Impact Fund Board created -- Members --**
1526 **Terms -- Chair -- Expenses.**

1527 (1) There is created within the department the Permanent Community Impact Fund
1528 Board composed of 11 members as follows:

- 1529 (a) the chair of the Board of Water Resources or the chair's designee;
- 1530 (b) the chair of the Water Quality Board or the chair's designee;
- 1531 (c) the director of the department or the director's designee;
- 1532 (d) the state treasurer;
- 1533 (e) the chair of the Transportation Commission or the chair's designee;
- 1534 (f) a locally elected official who resides in Carbon, Emery, Grand, or San Juan County;
- 1535 (g) a locally elected official who resides in Juab, Millard, Sanpete, Sevier, Piute, or
1536 Wayne County;
- 1537 (h) a locally elected official who resides in Duchesne, Daggett, or Uintah County;
- 1538 (i) a locally elected official who resides in Beaver, Iron, Washington, Garfield, or Kane
1539 County; and
- 1540 (j) a locally elected official from each of the two counties that produced the most
1541 mineral lease money during the previous four-year period, prior to the term of appointment, as
1542 determined by the department.

1543 (2) (a) The members specified under Subsections (1)(f) through (j) may not reside in
1544 the same county and shall be:

- 1545 (i) nominated by the Board of Directors of the Southeastern Association of Local
1546 Governments, the Six County Association of Governments, the Uintah Basin Association of

1547 Governments, and the Five County Association of Governments, respectively, except that a
1548 member under Subsection (1)(j) shall be nominated by the Board of Directors of the
1549 Association of Governments from the region of the state in which the county is located; and

1550 (ii) appointed by the governor with the advice and consent of the Senate.

1551 (b) Except as required by Subsection (2)(c), as terms of current board members expire,
1552 the governor shall appoint each new member or reappointed member to a four-year term.

1553 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the
1554 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1555 board members are staggered so that approximately half of the board is appointed every two
1556 years.

1557 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
1558 appointed for the unexpired term.

1559 (3) The terms of office for the members of the impact board specified under
1560 Subsections (1)(a) through (1)(e) shall run concurrently with the terms of office for the
1561 councils, boards, committees, commission, departments, or offices from which the members
1562 come.

1563 (4) The executive director of the department, or the executive director's designee, is the
1564 chair of the impact board.

1565 (5) A member may not receive compensation or benefits for the member's service, but
1566 may receive per diem and travel expenses in accordance with:

1567 (a) Section [63A-3-106](#);

1568 (b) Section [63A-3-107](#); and

1569 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
1570 [63A-3-107](#).

1571 Section 34. Section **35A-8-2103** is amended to read:

1572 **35A-8-2103. Private Activity Bond Review Board.**

1573 (1) There is created within the department the Private Activity Bond Review Board,
1574 composed of the following 11 members:

1575 (a) (i) the executive director of the department or the executive director's designee;

1576 (ii) the executive director of the Governor's Office of Economic Development or the
1577 executive director's designee;

- 1578 (iii) the state treasurer or the state treasurer's designee;
- 1579 (iv) the chair of the Board of Regents or the chair's designee; and
- 1580 (v) the chair of the Utah Housing Corporation or the chair's designee; and
- 1581 (b) six local government members who are:
- 1582 (i) three elected or appointed county officials, nominated by the Utah Association of
- 1583 Counties and appointed by the governor with the advice and consent of the Senate; and
- 1584 (ii) three elected or appointed municipal officials, nominated by the Utah League of
- 1585 Cities and Towns and appointed by the governor with the advice and consent of the Senate.
- 1586 (2) (a) Except as required by Subsection (2)(b), the terms of office for the local
- 1587 government members of the board of review shall be four-year terms.
- 1588 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
- 1589 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 1590 board of review members are staggered so that approximately half of the board of review is
- 1591 appointed every two years.
- 1592 (c) Members may be reappointed only once.
- 1593 (3) (a) If a local government member ceases to be an elected or appointed official of
- 1594 the city or county the member is appointed to represent, that membership on the board of
- 1595 review terminates immediately and there shall be a vacancy in the membership.
- 1596 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
- 1597 appointed within 30 days in the manner of the regular appointment for the unexpired term.
- 1598 (4) (a) The chair of the board of review is the executive director of the department or
- 1599 the executive director's designee.
- 1600 (b) The chair is nonvoting except in the case of a tie vote.
- 1601 (5) Six members of the board of review constitute a quorum.
- 1602 (6) Formal action by the board of review requires a majority vote of a quorum.
- 1603 (7) A member may not receive compensation or benefits for the member's service, but
- 1604 may receive per diem and travel expenses in accordance with:
- 1605 (a) Section [63A-3-106](#);
- 1606 (b) Section [63A-3-107](#); and
- 1607 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).
- 1608 (8) The chair of the board of review serves as the state official designated under state

1609 law to make certifications required to be made under Section 146 of the code including the
1610 certification required by Section 149(e)(2)(F) of the code.

1611 Section 35. Section **40-6-4** is amended to read:

1612 **40-6-4. Board of Oil, Gas, and Mining created -- Functions -- Appointment of**
1613 **members -- Terms -- Chair -- Quorum -- Expenses.**

1614 (1) (a) There is created within the Department of Natural Resources the Board of Oil,
1615 Gas, and Mining.

1616 (b) The board shall be the policy making body for the Division of Oil, Gas, and
1617 Mining.

1618 (2) (a) The board shall consist of seven members appointed by the governor with the
1619 advice and consent of the Senate.

1620 (b) No more than four members shall be from the same political party.

1621 (c) In accordance with the requirements of Section [79-2-203](#), the members appointed
1622 under Subsection (2)(a) shall include the following:

1623 (i) two members who are knowledgeable in mining matters;

1624 (ii) two members who are knowledgeable in oil and gas matters;

1625 (iii) one member who is knowledgeable in ecological and environmental matters;

1626 (iv) one member who:

1627 (A) is a private land owner;

1628 (B) owns a mineral or royalty interest; and

1629 (C) is knowledgeable in mineral or royalty interests; and

1630 (v) one member who is knowledgeable in geological matters.

1631 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
1632 expire, the governor shall appoint each new member or reappointed member to a four-year
1633 term.

1634 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
1635 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1636 board members are staggered so that approximately half of the board is appointed every two
1637 years.

1638 (c) A member shall hold office until the expiration of the member's term and until the
1639 member's successor is appointed, but not more than 90 days after the expiration of the

1640 member's term.

1641 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
1642 be appointed for the unexpired term by the governor with the advice and consent of the Senate.

1643 (b) The person appointed shall have the same qualifications as the person's
1644 predecessor.

1645 (5) (a) The board shall appoint its chair from the membership.

1646 (b) Four members of the board shall constitute a quorum for the transaction of business
1647 and the holding of hearings.

1648 (6) A member may not receive compensation or benefits for the member's service, but
1649 may receive per diem and travel expenses in accordance with:

1650 (a) Section 63A-3-106;

1651 (b) Section 63A-3-107; and

1652 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1653 63A-3-107.

1654 Section 36. Section 49-11-202 is amended to read:

1655 **49-11-202. Establishment of Utah State Retirement Board -- Quorum -- Terms --**
1656 **Officers -- Expenses and per diem.**

1657 (1) There is established the Utah State Retirement Board composed of seven board
1658 members determined as follows:

1659 (a) Four board members, with experience in investments or banking, shall be appointed
1660 by the governor from the general public.

1661 (b) One board member shall be a school employee appointed by the governor from at
1662 least three nominations submitted by the governing board of the school employees' association
1663 that is representative of a majority of the school employees who are members of a system
1664 administered by the board.

1665 (c) One board member shall be a public employee appointed by the governor from at
1666 least three nominations submitted by the governing board of the public employee association
1667 that is representative of a majority of the public employees who are members of a system
1668 administered by the board.

1669 (d) One board member shall be the state treasurer.

1670 (2) Four board members constitute a quorum for the transaction of business.

1671 (3) (a) All appointments to the board shall be made on a nonpartisan basis, with the
1672 advice and consent of the Senate.

1673 (b) Board members shall serve until their successors are appointed and take the
1674 constitutional oath of office.

1675 (c) When a vacancy occurs on the board for any reason, the replacement shall be
1676 appointed for the unexpired term.

1677 (4) (a) Except as required by Subsection (4)(b), all appointed board members shall
1678 serve for four-year terms.

1679 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1680 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1681 board members are staggered so that:

1682 (i) approximately half of the board is appointed every two years; and

1683 (ii) no more than two of the board members appointed under Subsection (1)(a) are
1684 appointed every two years.

1685 (c) A board member who is appointed as a school employee or as a public employee
1686 who retires or who is no longer employed with a participating employer shall immediately
1687 resign from the board.

1688 (5) (a) Each year the board shall elect a president and vice president from its
1689 membership.

1690 (b) A board member may not receive compensation or benefits for the board member's
1691 service, but may receive per diem and travel expenses in accordance with:

1692 (i) Section [63A-3-106](#);

1693 (ii) Section [63A-3-107](#); and

1694 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
1695 [63A-3-107](#).

1696 Section 37. Section **51-7-16** is amended to read:

1697 **51-7-16. State Money Management Council -- Members -- Terms -- Vacancies --**
1698 **Chair and vice chair-- Executive secretary -- Meetings -- Quorum -- Members' disclosure**
1699 **of interests -- Per diem and expenses.**

1700 (1) (a) There is created a State Money Management Council composed of five
1701 members appointed by the governor after consultation with the state treasurer and with the

1702 advice and consent of the Senate.

1703 (b) The members of the council shall be qualified by training and experience in the
1704 field of investment or finance as follows:

1705 (i) at least one member, but not more than two members, shall be experienced in the
1706 banking business;

1707 (ii) at least one member, but not more than two members, shall be an elected treasurer;

1708 (iii) at least one member, but not more than two members, shall be an appointed public
1709 treasurer; and

1710 (iv) two members, but not more than two members, shall be experienced in the field of
1711 investment.

1712 (c) No more than three members of the council may be from the same political party.

1713 (2) (a) Except as required by Subsection (2)(b), the council members shall be appointed
1714 for terms of four years.

1715 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1716 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1717 council members are staggered so that approximately half of the council is appointed every two
1718 years.

1719 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
1720 appointed for the unexpired term.

1721 (d) All members shall serve until their successors are appointed and qualified.

1722 (3) (a) The council members shall elect a chair and vice chair.

1723 (b) The state treasurer shall serve as executive secretary of the council without vote.

1724 (4) (a) The council shall meet at least once per quarter at a regular date to be fixed by
1725 the council and at other times at the call of the chair, the state treasurer, or any two members of
1726 the council.

1727 (b) Three members are a quorum for the transaction of business.

1728 (c) Actions of the council require a vote of a majority of those present.

1729 (d) All meetings of the council and records of its proceedings are open for inspection
1730 by the public at the state treasurer's office during regular business hours except for:

1731 (i) reports of the commissioner of financial institutions concerning the identity,
1732 liquidity, or financial condition of qualified depositories and the amount of public funds each is

1733 eligible to hold; and

1734 (ii) reports of the director concerning the identity, liquidity, or financial condition of
1735 certified dealers.

1736 (5) (a) Each member of the council shall file a sworn or written statement with the
1737 lieutenant governor that discloses any position or employment or ownership interest that [~~he~~]
1738 the member has in any financial institution or investment organization.

1739 (b) Each member shall file the statement required by this Subsection (5) when [~~he~~] the
1740 member becomes a member of the council and when substantial changes in [~~his~~] the member's
1741 position, employment, or ownership interests occur.

1742 (6) A member may not receive compensation or benefits for the member's service, but
1743 may receive per diem and travel expenses in accordance with:

1744 (a) Section 63A-3-106;

1745 (b) Section 63A-3-107; and

1746 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1747 63A-3-107.

1748 Section 38. Section 51-10-206 is amended to read:

1749 **51-10-206. Diné Advisory Committee.**

1750 (1) There is created the Diné Advisory Committee.

1751 (2) (a) The governor, with the advice and consent of the Senate, shall appoint nine
1752 members to the Diné Advisory Committee.

1753 (b) In making an appointment under Subsection (2)(a), the governor shall ensure that
1754 the Diné Advisory Committee includes:

1755 (i) two registered members of the Aneth Chapter of the Navajo Nation who reside in
1756 San Juan County, Utah;

1757 (ii) one registered member of the Blue Mountain Diné who resides in San Juan County,
1758 Utah;

1759 (iii) one registered member of the Mexican Water Chapter of the Navajo Nation who
1760 resides in San Juan County, Utah;

1761 (iv) one registered member of the Naatsis'áán Chapter of the Navajo Nation who
1762 resides in San Juan County, Utah;

1763 (v) subject to Subsection (4), two members who reside in San Juan County, Utah, one

1764 of whom is a registered member of the Oljato Chapter of the Navajo Nation, and one of whom
1765 is a registered member of either the Oljato Chapter or the Dennehotso Chapter of the Navajo
1766 Nation;

1767 (vi) one registered member of the Red Mesa Chapter of the Navajo Nation who resides
1768 in San Juan County, Utah; and

1769 (vii) one registered member of the Teec Nos Pos Chapter of the Navajo Nation who
1770 resides in San Juan County, Utah.

1771 (3) (a) (i) Each chapter of the Utah Navajo Chapter, except the Aneth, Oljato, and
1772 Dennehotso chapters, shall submit to the governor the names of two nominees to the Diné
1773 Advisory Committee chosen by the chapter.

1774 (ii) The governor shall appoint one of the two persons whose names are submitted
1775 under Subsection (3)(a)(i) as that chapter's representative on the Diné Advisory Committee.

1776 (b) (i) The Blue Mountain Diné shall submit to the governor the names of two
1777 nominees to the Diné Advisory Committee.

1778 (ii) The governor shall appoint one of the two persons whose names are submitted
1779 under Subsection (3)(b)(i) as the Blue Mountain Diné representative on the Diné Advisory
1780 Committee.

1781 (c) (i) The Aneth Chapter shall submit to the governor the names of two nominees for
1782 each of the two positions to the Diné Advisory Committee representing the Aneth chapter.

1783 (ii) The governor shall appoint two of the persons whose names are submitted under
1784 Subsection (3)(c)(i) to be the Aneth Chapter's representatives on the Diné Advisory Committee.

1785 (d) (i) Subject to Subsection (3)(d)(ii), the Oljato Chapter shall submit to the governor
1786 the names of two nominees for each of the two positions to the Diné Advisory Committee
1787 representing the Oljato Chapter and the Dennehotso Chapter.

1788 (ii) The Dennehotso Chapter may submit one nominee for purposes of the governor
1789 appointing a representative of the Oljato Chapter and the Dennehotso Chapter.

1790 (iii) The governor shall appoint two of the persons whose names are submitted under
1791 Subsection (3)(d)(i) or (ii) to be the representatives on the Diné Advisory Committee of the
1792 Oljato Chapter and the Dennehotso Chapter.

1793 (e) Before submitting a name to the governor, a Utah Navajo Chapter and the Blue
1794 Mountain Diné shall ensure that the individual's whose name is submitted:

- 1795 (i) is an enrolled member of the Navajo Nation;
- 1796 (ii) resides in San Juan County, Utah;
- 1797 (iii) is 21 years of age or older;
- 1798 (iv) is not an officer of the chapter;
- 1799 (v) has not been convicted of a felony; and
- 1800 (vi) is not currently, or within the last 12 months has not been, an officer, director,
- 1801 employee, or contractor of a service provider that solicits, accepts, or receives a benefit from an
- 1802 expenditure of:
 - 1803 (A) the Division of Indian Affairs; or
 - 1804 (B) the fund.
- 1805 (4) If both members appointed under Subsection (2)(b)(v) are registered members of
- 1806 the Oljato Chapter, the two members shall attend Dennehotso Chapter meetings as practicable.
- 1807 (5) (a) Except as provided in Subsection (5)(b) and other than the amount authorized
- 1808 by this section for Diné Advisory Committee member expenses, a person appointed to the Diné
- 1809 Advisory Committee may not solicit, accept, or receive any benefit from an expenditure of:
 - 1810 (i) the Division of Indian Affairs;
 - 1811 (ii) the fund; or
 - 1812 (iii) the Division of Indian Affairs or fund as an officer, director, employee, or
 - 1813 contractor of a service provider that solicits, accepts, or receives a benefit from the expenditure
 - 1814 of:
 - 1815 (A) the Division of Indian Affairs; or
 - 1816 (B) the fund.
 - 1817 (b) A member of the Diné Advisory Committee may receive a benefit from an
 - 1818 expenditure of the fund if:
 - 1819 (i) when the benefit is discussed by the Diné Advisory Committee:
 - 1820 (A) the member discloses that the member may receive the benefit;
 - 1821 (B) the member physically leaves the room in which the Diné Advisory Committee is
 - 1822 discussing the benefit; and
 - 1823 (C) the Diné Advisory Committee approves the member receiving the benefit by a
 - 1824 unanimous vote of the members present at the meeting discussing the benefit;
 - 1825 (ii) a Utah Navajo Chapter requests that the benefit be received by the member;

1826 (iii) the member is in compliance with the ethics and conflict of interest policy required
1827 under Subsection 51-10-204(2)(c);

1828 (iv) (A) the expenditure from the fund is made in accordance with this chapter; and

1829 (B) the benefit is no greater than the benefit available to members of the Navajo Nation
1830 residing in San Juan County, Utah; and

1831 (v) the member is not receiving the benefit as an officer, director, employee, or
1832 contractor of a service provider.

1833 (6) (a) (i) Except as required in Subsection (6)(a)(ii), as terms of current committee
1834 members expire, the governor shall appoint each new member or reappointed member to a
1835 four-year term.

1836 (ii) The governor shall, at the time of appointment or reappointment, adjust the length
1837 of terms to ensure that the terms of committee members are staggered so that approximately
1838 half of the Diné Advisory Committee is appointed every two years.

1839 (iii) The terms of the Aneth Chapter's representatives appointed under Subsection
1840 (3)(c)(ii) shall be staggered in accordance with this Subsection (6) so that only one position is
1841 appointed by the governor in a year.

1842 (iv) The terms of the Oljato Chapter's and the Dennehotso Chapter's representatives
1843 appointed under Subsection (3)(d) shall be staggered in accordance with this Subsection (6) so
1844 that only one position is appointed by the governor in a year.

1845 (b) Except as provided in Subsection (6)(c), a committee member shall serve until the
1846 committee member's successor is appointed and qualified.

1847 (c) If a committee member is absent from three consecutive committee meetings, or if
1848 the committee member violates the ethical or conflict of interest policies established by statute
1849 or the Diné Advisory Committee:

1850 (i) the committee member's appointment is terminated;

1851 (ii) the position is vacant; and

1852 (iii) the governor shall appoint a replacement.

1853 (d) When a vacancy occurs in the membership for any reason, the governor shall
1854 appoint a replacement for the unexpired term according to the procedures of this section.

1855 (e) The governor may appoint an individual to more than one term on the Diné
1856 Advisory Committee.

1857 (7) (a) The committee members shall select a chair and vice chair from committee
1858 membership each two years subsequent to the appointment of new committee members.

1859 (b) Five members of the Diné Advisory Committee is a quorum for the transaction of
1860 business.

1861 (c) The Diné Advisory Committee shall:

1862 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act;

1863 (ii) ensure that its meetings are held at or near:

1864 (A) a chapter house or meeting hall of a Utah Navajo Chapter; or

1865 (B) other places in Utah that the Diné Advisory Committee considers practical and
1866 appropriate; and

1867 (iii) ensure that its meetings are public hearings at which a resident of San Juan
1868 County, Utah, may appear and speak.

1869 (8) A committee member may not receive compensation or benefits for the committee
1870 member's service, but may receive per diem and travel expenses in accordance with policy
1871 adopted by the board.

1872 (9) The trust administrator shall staff the Diné Advisory Committee.

1873 (10) The Diné Advisory Committee shall advise the trust administrator about the
1874 expenditure of fund money.

1875 Section 39. Section **53-1-107** is amended to read:

1876 **53-1-107. Commissioner of public safety -- Appointment -- Qualifications --**
1877 **Salary.**

1878 (1) The chief executive officer of the department is the commissioner.

1879 (2) (a) Every fourth year after the year 1989, the governor shall appoint a commissioner
1880 with the advice and consent of the Senate.

1881 (b) The commissioner shall serve for a period of four years from July 1 of the year of
1882 [his] the commissioner's appointment.

1883 (3) The commissioner shall:

1884 (a) be an individual of recognized executive and administrative capacity;

1885 (b) be selected solely with regard to [his] the commissioner's qualifications and fitness
1886 to discharge the duties of the commissioner's office;

1887 (c) be of high moral character;

1888 (d) be of good standing in the community in which [~~he~~] the commissioner lives; and
1889 (e) have been a resident of this state for a period of at least five years immediately prior
1890 to [~~his~~] appointment.

1891 (4) The commissioner shall devote full time to the duties of the office.

1892 (5) The governor shall establish the commissioner's salary within the salary range fixed
1893 by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1894 Section 40. Section **53-2a-1103** is amended to read:

1895 **53-2a-1103. Search and Rescue Advisory Board -- Members -- Compensation.**

1896 (1) There is created the Search and Rescue Advisory Board consisting of seven
1897 members appointed as follows:

1898 (a) two representatives designated by the Utah Sheriff's Association, who are members
1899 of a voluntary search and rescue unit operating in the state, one of whom is from a county
1900 having a population of 75,000 or more; and one from a county having a population of less than
1901 75,000;

1902 (b) three sheriffs designated by the Utah Sheriff's Association, at least one of whom
1903 shall be from a county having a population of 75,000 or more, and at least one of whom shall
1904 be from a county having a population of less than 75,000;

1905 (c) one representative of the Division of Emergency Management designated by the
1906 director; and

1907 (d) one private citizen appointed by the governor with the advice and consent of the
1908 Senate.

1909 (2) (a) The term of each member of the board is four years.

1910 (b) A member may be reappointed to successive terms.

1911 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
1912 appointed for the unexpired term.

1913 (d) In order to stagger the terms of membership, the members appointed or reappointed
1914 to represent the Utah Sheriff's Association on or after May 2, 2005, shall serve a term of two
1915 years, and all subsequent terms shall be four years.

1916 (3) A member may not receive compensation or benefits for the member's service, but
1917 may receive per diem and travel expenses in accordance with:

1918 (a) Section [63A-3-106](#);

- 1919 (b) Section 63A-3-107; and
- 1920 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 1921 63A-3-107.
- 1922 Section 41. Section 53B-1-104 is amended to read:
- 1923 **53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath --**
- 1924 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.**
- 1925 (1) Except as provided in Subsection (2), the board consists of 17 residents of the state
- 1926 appointed by the governor with the advice and consent of the Senate, as follows:
- 1927 (a) eight at-large members;
- 1928 (b) eight members, each of whom is:
- 1929 (i) selected from three nominees presented to the governor by a higher education
- 1930 institution board of trustees; and
- 1931 (ii) a current or former member of the institution of higher education board of trustees
- 1932 that nominates the member; and
- 1933 (c) one member, selected from three nominees presented to the governor by the student
- 1934 body presidents of the institutions of higher education, who:
- 1935 (i) is a fully matriculated student enrolled in an institution of higher education; and
- 1936 (ii) is not serving as a student body president at the time of the nomination.
- 1937 (2) (a) (i) An individual appointed to the board on or before May 8, 2017, may serve on
- 1938 the board, even if the individual does not fulfill a requirement for the composition of the board
- 1939 described in Subsection (1).
- 1940 (ii) The governor may reappoint a member described in Subsection (2)(a)(i) when the
- 1941 member's term expires.
- 1942 (b) An individual appointed to the board on or before May 8, 2017, who is a current or
- 1943 former member of an institution of higher education board of trustees is the board member for
- 1944 the institution of higher education described in Subsection (1)(b).
- 1945 (c) (i) Subject to Subsection (2)(c)(ii), as positions on the board become vacant, the
- 1946 governor shall ensure that newly appointed members move the board toward the composition
- 1947 described in Subsection (1).
- 1948 (ii) In appointing a new member to the board, the governor shall first appoint a member
- 1949 described in Subsection (1)(b) until the eight positions described in Subsection (1)(b) are filled.

- 1950 (3) (a) All appointments to the board shall be made on a nonpartisan basis.
- 1951 (b) In making appointments to the board, the governor shall consider:
- 1952 (i) geographic representation of members;
- 1953 (ii) diversity;
- 1954 (iii) experience in higher education governance;
- 1955 (iv) experience in economic development; and
- 1956 (v) exposure to institutions of higher education.
- 1957 (c) An individual may not serve simultaneously on the State Board of Regents and an
- 1958 institution of higher education board of trustees.
- 1959 (4) (a) Except as provided in Subsection (4)(b), members of the board shall be
- 1960 appointed to six-year staggered terms, which begin on July 1 of the year of appointment.
- 1961 (b) A student member described in Subsection (1)(c) shall be appointed to a one-year
- 1962 term.
- 1963 (c) (i) The governor may remove a member of the board for cause.
- 1964 (ii) The governor shall consult with the president of the Senate before removing a
- 1965 member of the board.
- 1966 (5) (a) A member of the board shall take the official oath of office before entering upon
- 1967 the duties of office.
- 1968 (b) The oath shall be filed with the Division of Archives and Records Services.
- 1969 (6) The board shall elect a chair and vice chair from among the board's members who
- 1970 shall serve terms of two years and until their successors are chosen and qualified.
- 1971 (7) (a) The board shall appoint a secretary from the staff of the board's chief executive
- 1972 to serve at the board's discretion.
- 1973 (b) The secretary is a full-time employee who receives a salary set by the board.
- 1974 (c) The secretary shall record and maintain a record of all board meetings and perform
- 1975 other duties as the board directs.
- 1976 (8) (a) The board may establish advisory committees.
- 1977 (b) The powers and authority of the board are nondelegable, except as specifically
- 1978 provided for in this title.
- 1979 (c) All matters requiring board determination shall be addressed in a properly convened
- 1980 meeting of the board or the board's executive committee.

1981 (9) The board shall enact bylaws for the board's own government not inconsistent with
1982 the constitution or the laws of this state.

1983 (10) (a) The board shall meet regularly upon the board's own determination.

1984 (b) The board may also meet, in full or executive session, at the request of the chair,
1985 the executive officer, or five members of the board.

1986 (11) A quorum of the voting members of the board is required to conduct the board's
1987 business and consists of nine members.

1988 (12) (a) A vacancy in the board occurring before the expiration of a voting member's
1989 full term shall be immediately filled by appointment by the governor with the advice and
1990 consent of the Senate.

1991 (b) An individual appointed under Subsection (12)(a) serves for the remainder of the
1992 unexpired term.

1993 (13) A board member may not receive compensation or benefits for the member's
1994 service, but may receive per diem and travel expenses in accordance with:

1995 (a) Section 63A-3-106;

1996 (b) Section 63A-3-107; and

1997 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1998 63A-3-107.

1999 Section 42. Section 53B-1-105 is amended to read:

2000 **53B-1-105. Appointment of commissioner of higher education -- Qualifications --**
2001 **Duties.**

2002 (1) (a) The board, upon approval from the governor and with the advice and consent of
2003 the Senate for each appointee nominated on or after May 8, 2012, shall appoint a commissioner
2004 of higher education to serve at its pleasure as its chief executive officer.

2005 (b) The commissioner may be terminated by:

2006 (i) the board; or

2007 (ii) the governor, after consultation with the board.

2008 (c) The board shall:

2009 (i) set the salary of the commissioner;

2010 (ii) prescribe the duties and functions of the commissioner; and

2011 (iii) select a commissioner on the basis of outstanding professional qualifications.

- 2012 (2) The commissioner is responsible to the board to:
- 2013 (a) ensure that the policies and programs of the board are properly executed;
- 2014 (b) furnish information about the state system of higher education and make
- 2015 recommendations regarding that information to the board;
- 2016 (c) provide state-level leadership in any activity affecting an institution in the state
- 2017 system of higher education; and
- 2018 (d) perform other duties assigned by the board in carrying out its duties and
- 2019 responsibilities.

2020 Section 43. Section **53B-2-104** is amended to read:

2021 **53B-2-104. Institution of higher education board of trustees -- Membership --**
 2022 **Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees --**
 2023 **Compensation.**

2024 (1) (a) Except as provided in Subsection (10), the board of trustees of an institution of
2025 higher education consists of the following:

2026 (i) except as provided in Subsection (1)(c), eight individuals appointed by the governor
2027 with the advice and consent of the Senate; and

2028 (ii) two ex officio members who are the president of the institution's alumni
2029 association, and the president of the associated students of the institution.

2030 (b) The appointed members of the boards of trustees for Utah Valley University and
2031 Salt Lake Community College shall be representative of the interests of business, industry, and
2032 labor.

2033 (c) (i) The board of trustees of Utah State University has nine individuals appointed by
2034 the governor with the advice and consent of the Senate.

2035 (ii) One of the nine individuals described in Subsection (1)(c)(i) shall reside in the
2036 Utah State University Eastern service region or the Utah State University Blanding service
2037 region.

2038 (2) (a) The governor shall appoint four members of each board of trustees during each
2039 odd-numbered year to four-year terms commencing on July 1 of the year of appointment.

2040 (b) Except as provided in Subsection (2)(d), a member appointed under Subsection
2041 (1)(a)(i) or (1)(c)(i) holds office until a successor is appointed and qualified.

2042 (c) The ex officio members serve for the same period as they serve as presidents and

2043 until their successors have qualified.

2044 (d) (i) The governor may remove a member appointed under Subsection (1)(a)(i) or
2045 (1)(c)(i) for cause.

2046 (ii) The governor shall consult with the president of the Senate before removing a
2047 member appointed under Subsection (1)(a)(i) or (1)(c)(i).

2048 (3) When a vacancy occurs in the membership of a board of trustees for any reason, the
2049 replacement shall be appointed for the unexpired term.

2050 (4) (a) Each member of a board of trustees shall take the official oath of office prior to
2051 assuming the office.

2052 (b) The oath shall be filed with the Division of Archives and Records Services.

2053 (5) A board of trustees shall elect a chair and vice chair, who serve for two years and
2054 until their successors are elected and qualified.

2055 (6) (a) A board of trustees may enact bylaws for the board of trustees' own government,
2056 including provisions for regular meetings.

2057 (b) (i) A board of trustees may provide for an executive committee in the board of
2058 trustees' bylaws.

2059 (ii) If established, an executive committee shall have full authority of the board of
2060 trustees to act upon routine matters during the interim between board of trustees meetings.

2061 (iii) An executive committee may act on nonroutine matters only under extraordinary
2062 and emergency circumstances.

2063 (iv) An executive committee shall report the executive committee's activities to the
2064 board of trustees at the board of trustees' next regular meeting following the action.

2065 (c) Copies of a board of trustees' bylaws shall be filed with the board.

2066 (7) A quorum is required to conduct business and consists of six members.

2067 (8) A board of trustees may establish advisory committees.

2068 (9) A member may not receive compensation or benefits for the member's service, but
2069 may receive per diem and travel expenses in accordance with:

2070 (a) Section [63A-3-106](#);

2071 (b) Section [63A-3-107](#); and

2072 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2073 [63A-3-107](#).

2074 (10) This section does not apply to a technical college board of directors described in
2075 Section 53B-2a-108.

2076 Section 44. Section 53B-2a-103 is amended to read:

2077 **53B-2a-103. UTech Board of Trustees -- Membership -- Terms -- Vacancies --**
2078 **Oath -- Officers -- Quorum -- Committees -- Compensation.**

2079 (1) There is created the UTech Board of Trustees.

2080 (2) (a) Beginning on July 1, 2019, the board of trustees is composed of 15 members
2081 appointed by the governor with the advice and consent of the Senate, as follows:

2082 (i) one member selected from at least two nominees presented to the governor by the
2083 board of directors of each technical college, for a total of eight members; and

2084 (ii) one member who is employed in and represents each of the following sectors:

2085 (A) information technology;

2086 (B) manufacturing;

2087 (C) life sciences;

2088 (D) health care;

2089 (E) transportation;

2090 (F) union craft, trade, or apprenticeship; and

2091 (G) non-union craft, trade, or apprenticeship.

2092 (b) The seven members described in Subsection (2)(a)(ii) shall be selected from the
2093 state at large, subject to the following conditions:

2094 (i) at least four members shall reside in a geographic area served by a technical college;
2095 and

2096 (ii) no more than two members may reside in a single geographic area served by a
2097 technical college.

2098 (c) The governor shall make appointments to the board of trustees on a nonpartisan
2099 basis.

2100 (d) An individual may not serve on the board of trustees and a technical college board
2101 of directors simultaneously.

2102 (3) (a) (i) Except as provided under Subsection (3)(a)(ii), a member shall be appointed
2103 commencing on July 1 of each odd-numbered year to a four-year term.

2104 (ii) The governor shall ensure that member terms are staggered so that approximately

- 2105 one-half of the members' terms expire in any odd-numbered year.
- 2106 (b) A member may not hold office for more than two consecutive full terms.
- 2107 (c) (i) The governor may remove a member of the board of trustees for cause.
- 2108 (ii) The governor shall consult with the president of the Senate before removing a
- 2109 member of the board of trustees.
- 2110 (4) When a vacancy occurs on the board of trustees for any reason, the governor shall
- 2111 appoint a replacement for the unexpired term.
- 2112 (5) (a) Each member shall take the official oath of office prior to assuming the office.
- 2113 (b) The oath shall be filed with the Division of Archives and Records Services.
- 2114 (6) (a) The board of trustees shall elect a chair and vice chair, who serve for two years
- 2115 and until their successors are elected and qualified.
- 2116 (b) A member may not serve more than two consecutive terms as the chair or vice
- 2117 chair.
- 2118 (7) (a) The board of trustees shall enact bylaws for the board of trustees' own
- 2119 government, including provisions for regular meetings.
- 2120 (b) (i) The board of trustees shall provide for an executive committee in the board of
- 2121 trustees' bylaws.
- 2122 (ii) The executive committee shall have full authority of the board of trustees to act
- 2123 upon routine matters during the interim between board of trustees meetings.
- 2124 (iii) The executive committee may act on nonroutine matters only under extraordinary
- 2125 and emergency circumstances.
- 2126 (iv) The executive committee shall report the executive committee's activities to the
- 2127 board of trustees at the board of trustees' next regular meeting following the executive
- 2128 committee's activities.
- 2129 (8) A quorum shall be required to conduct business which shall consist of a majority of
- 2130 board of trustee members.
- 2131 (9) The board of trustees may establish advisory committees.
- 2132 (10) A member may not receive compensation or benefits for the member's service, but
- 2133 may receive per diem and travel expenses in accordance with:
- 2134 (a) Section [63A-3-106](#);
- 2135 (b) Section [63A-3-107](#); and

2136 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2137 63A-3-107.
2138 Section 45. Section 53B-2a-108 is amended to read:
2139 **53B-2a-108. Technical college boards of directors -- Membership --**
2140 **Appointments.**
2141 (1) As used in this section:
2142 (a) "Higher education institution" means the same as that term is defined in Section
2143 53B-2a-112.
2144 (b) "Technical college service area" means the geographic area served by each
2145 technical college as described in Section 53B-2a-105.
2146 (2) A technical college board of directors consists of:
2147 (a) one member of the local school board for each school district in the technical
2148 college service area, appointed by the local school board to which the member belongs;
2149 (b) except as provided in Subsection (3)(b), one individual who is a member of the
2150 higher education institution board of trustees, appointed by the higher education institution
2151 board of trustees; and
2152 (c) a number of individuals, appointed by the governor with the advice and consent of
2153 the Senate, that is:
2154 (i) seven for:
2155 (A) Tooele Technical College;
2156 (B) Uintah Basin Technical College; and
2157 (C) Dixie Technical College;
2158 (ii) eight for:
2159 (A) Bridgerland Technical College;
2160 (B) Ogden-Weber Technical College;
2161 (C) Davis Technical College; and
2162 (D) Southwest Technical College; or
2163 (iii) nine for Mountainland Technical College.
2164 (3) (a) In appointing the members described in Subsection (2)(c), the governor shall
2165 appoint individuals who represent the interests of business, industry, or labor in the technical
2166 college service area.

2167 (b) If no member of the institution of higher education board of trustees lives within
2168 the technical college service area, the institution of higher education board of trustees may
2169 nominate an individual to be appointed by the governor with the advice and consent of the
2170 Senate instead of appointing a member described in Subsection (2)(b).

2171 (4) (a) The governor may remove a member appointed under Subsection (2)(c) or
2172 (3)(b) for cause.

2173 (b) The governor shall consult with the president of the Senate before removing a
2174 member appointed under Subsection (2)(c) or (3)(b).

2175 (5) (a) Notwithstanding Subsection (2) or 53B-2a-109(2), an individual appointed to a
2176 technical college board of directors on or before May 7, 2018, may continue to serve on the
2177 technical college board of directors until the end of the individual's current term, even if the
2178 total number of members on the technical college board of directors exceeds the number of
2179 members for the technical college board of directors described in Subsection (2).

2180 (b) Notwithstanding Subsection (2), the governor may only make an appointment
2181 described in Subsection (2)(c) if the number of members on the technical college board of
2182 directors following the appointment will be less than or equal to the number of members for the
2183 technical college board of directors described in Subsection (2).

2184 Section 46. Section 53C-1-202 is amended to read:

2185 **53C-1-202. Board of trustees membership -- Nomination list -- Qualifications --**
2186 **Terms -- Replacement -- Chair -- Quorum.**

2187 (1) There is established the School and Institutional Trust Lands Board of Trustees.

2188 (2) The board shall consist of seven members appointed on a nonpartisan basis by the
2189 governor with the advice and consent of the Senate.

2190 (3) (a) Except for the appointment made pursuant to Subsection (5), all appointments
2191 to the board shall be for a nonconsecutive term of six years, or until a replacement has been
2192 appointed and confirmed pursuant to this section.

2193 (b) If a vacancy occurs, the governor shall appoint a replacement, following the
2194 procedures set forth in Subsections (2), (4), (5), and (6), to fill the unexpired term.

2195 (c) Any member of the board who has served less than six years upon the expiration of
2196 that member's term is eligible for a consecutive reappointment.

2197 (4) (a) The governor shall select six of the seven appointees to the board from a

2198 nomination list of at least two candidates for each position or vacancy submitted pursuant to
2199 Section 53C-1-203.

2200 (b) The governor may request an additional nomination list of at least two candidates
2201 from the nominating committee if the initial list of candidates for a given position is
2202 unacceptable.

2203 (c) (i) If the governor fails to select an appointee within 60 days after receipt of the
2204 initial list or within 60 days after the receipt of an additional list, the nominating committee
2205 shall make an interim appointment by majority vote.

2206 (ii) The interim appointee shall serve until the matter is resolved by the committee and
2207 the governor or until replaced pursuant to this chapter.

2208 (5) (a) The governor may appoint one member without requiring a nomination list.

2209 (b) The member appointed under Subsection (5)(a) serves at the pleasure of the
2210 governor.

2211 (6) (a) Each board candidate shall possess outstanding professional qualifications
2212 pertinent to the purposes and activities of the trust.

2213 (b) The board shall represent the following areas of expertise:

2214 (i) nonrenewable resource management or development;

2215 (ii) renewable resource management or development; and

2216 (iii) real estate.

2217 (c) Other qualifications which are pertinent for membership to the board are expertise
2218 in any of the following areas:

2219 (i) business;

2220 (ii) investment banking;

2221 (iii) finance;

2222 (iv) trust administration;

2223 (v) asset management; and

2224 (vi) the practice of law in any of the areas referred to in Subsections (6)(b) and (6)(c)(i)
2225 through (v).

2226 (7) The board of trustees shall select a chair and vice chair from its membership.

2227 (8) Before assuming a position on the board, each member shall take an oath of office.

2228 (9) Four members of the board constitute a quorum for the transaction of business.

2229 (10) The governor or five board members may, for cause, remove a member of the
2230 board.

2231 Section 47. Section **53E-3-921** is amended to read:

2232 **53E-3-921. Appointment of compact commissioner.**

2233 The governor, with the advice and consent of the Senate, shall appoint a compact
2234 commissioner to carry out the duties described in this part.

2235 Section 48. Section **53G-5-201** is amended to read:

2236 **53G-5-201. State Charter School Board created.**

2237 (1) As used in this section, "organization that represents Utah's charter schools" means
2238 an organization, except a governmental entity, that advocates for charter schools, charter school
2239 parents, or charter school students.

2240 (2) (a) The State Charter School Board is created consisting of the following members
2241 appointed by the governor with the advice and consent of the Senate:

2242 (i) one member who has expertise in finance or small business management;

2243 (ii) three members who:

2244 (A) are nominated by an organization that represents Utah's charter schools; and

2245 (B) have expertise or experience in developing or administering a charter school;

2246 (iii) two members who are nominated by the state board; and

2247 (iv) one member who:

2248 (A) has expertise in personalized learning, including digital teaching and learning or
2249 deliberate practice; and

2250 (B) supports innovation in education.

2251 (b) Each appointee shall have demonstrated dedication to the purposes of charter
2252 schools as outlined in Section [53G-5-104](#).

2253 (c) At least two candidates shall be nominated for each appointment made under
2254 Subsection (2)(a)(ii) or (iii).

2255 (d) The governor may seek nominations for a prospective appointment under
2256 Subsection (2)(a)(ii) from one or more organizations that represent Utah's charter schools.

2257 (3) (a) State Charter School Board members shall serve four-year terms.

2258 (b) If a vacancy occurs, the governor shall, with the advice and consent of the Senate,
2259 appoint a replacement for the unexpired term.

2260 (4) The governor may remove a member at any time for official misconduct, habitual
2261 or willful neglect of duty, or for other good and sufficient cause.

2262 (5) (a) The State Charter School Board shall annually elect a chair from its
2263 membership.

2264 (b) Four members of the State Charter School Board shall constitute a quorum.

2265 (c) Meetings may be called by the chair or upon request of three members of the State
2266 Charter School Board.

2267 (6) A member may not receive compensation or benefits for the member's service, but
2268 may receive per diem and travel expenses in accordance with:

2269 (a) Section 63A-3-106;

2270 (b) Section 63A-3-107; and

2271 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2272 63A-3-107.

2273 Section 49. Section 54-1-1.5 is amended to read:

2274 **54-1-1.5. Appointment of members -- Terms -- Qualifications -- Chairman --**
2275 **Quorum -- Removal -- Vacancies -- Compensation.**

2276 The commission shall be composed of three members appointed by the governor with
2277 the advice and consent of the Senate. The terms of the members shall be staggered so that one
2278 commissioner is appointed for a term of six years on March 1 of each odd-numbered year. Not
2279 more than two members of the commission shall belong to the same political party. One
2280 member of the commission shall be designated by the governor as chairman of the commission.
2281 Any two commissioners constitute a quorum. Any member of the commission may be
2282 removed for cause by the governor. Vacancies in the commission shall be filled for unexpired
2283 terms by appointment of the governor. Commissioners shall receive compensation as
2284 established by the governor within the salary range fixed by the Legislature in Title 67, Chapter
2285 22, State Officer Compensation, and all actual and necessary expenses incurred in attending to
2286 official business. Each commissioner at the time of appointment and qualification shall be a
2287 resident citizen of the United States and of the state of Utah and shall be not less than 30 years
2288 of age. Except as provided by law, no commissioner may hold any other office either under the
2289 government of the United States or of this state or of any municipal corporation within this
2290 state.

2291 Section 50. Section **54-10a-201** is amended to read:

2292 **54-10a-201. Office of Consumer Services -- Director.**

2293 (1) There is created within the Department of Commerce the "Office of Consumer
2294 Services."

2295 (2) (a) The governor shall appoint, with the concurrence of the Committee of
2296 Consumer Services and the advice and consent of the Senate, a qualified person in the field of
2297 public utilities to be the director of the office.

2298 (b) The director shall serve for a term of six years.

2299 (c) For purposes of the individual who is the director on May 12, 2009, that
2300 individual's six-year term is considered to begin on July 1, 2009.

2301 (d) The governor may remove the director for cause.

2302 (3) In accordance with this chapter, the director shall on behalf of the office:

2303 (a) represent residential consumers and small commercial consumers of an applicable
2304 public utility; and

2305 (b) represent the interests of:

2306 (i) residential consumers; and

2307 (ii) small commercial consumers.

2308 Section 51. Section **59-1-201** is amended to read:

2309 **59-1-201. Composition of commission -- Terms -- Removal from office --**
2310 **Appointment.**

2311 (1) The commission shall be composed of four members appointed by the governor
2312 with the advice and consent of the Senate.

2313 (2) Subject to Subsection (3), the term of office of each commissioner shall be for four
2314 years and expire on June 30 of the year the term ends.

2315 (3) The governor shall stagger a term described in Subsection (2) so that the term of
2316 one commissioner expires each year.

2317 (4) A commissioner shall hold office until a successor is appointed and qualified.

2318 (5) (a) The governor may remove a commissioner from office for neglect of duty,
2319 inefficiency, or malfeasance, after notice and a hearing.

2320 (b) If the governor removes a commissioner from office and appoints another person to
2321 replace the commissioner, the person the governor appoints to replace the commissioner:

2322 (i) shall serve for the remainder of the unexpired term; and
2323 (ii) may be reappointed as the governor determines.
2324 (6) (a) Before appointing a commissioner, the governor shall request a list of names of
2325 potential appointees from:
2326 (i) the Utah State Bar;
2327 (ii) one or more organizations that represent certified public accountants who are
2328 licensed to practice in the state;
2329 (iii) one or more organizations that represent persons who assess or appraise property
2330 in the state; and
2331 (iv) one or more national organizations that:
2332 (A) offer a professional certification in the areas of property tax, sales and use tax, and
2333 state income tax;
2334 (B) require experience, education, and testing to obtain the certification; and
2335 (C) require additional education to maintain the certification.
2336 (b) In appointing a commissioner, the governor shall consider:
2337 (i) to the extent names of potential appointees are submitted, the names of potential
2338 appointees submitted in accordance with Subsection (6)(a); and
2339 (ii) any other potential appointee of the governor's own choosing.
2340 Section 52. Section **59-1-206** is amended to read:
2341 **59-1-206. Appointment of staff -- Executive director -- Compensation --**
2342 **Administrative secretary -- Internal audit unit -- Appeals office staff -- Division directors**
2343 **-- Criminal tax investigators.**
2344 (1) The commission shall appoint the following persons who are qualified,
2345 knowledgeable, and experienced in matters relating to their respective positions, exempt under
2346 Title 67, Chapter 19, Utah State Personnel Management Act, to serve at the pleasure of, and
2347 who are directly accountable to, the commission:
2348 (a) in consultation with the governor and with the advice and consent of the Senate, an
2349 executive director;
2350 (b) an administrative secretary;
2351 (c) an internal audit unit; and
2352 (d) an appeals staff.

2353 (2) The governor shall establish the executive director's salary within the salary range
2354 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

2355 (3) Division directors shall be appointed by the executive director subject to the
2356 approval of the commission. The division directors are exempt employees under Title 67,
2357 Chapter 19, Utah State Personnel Management Act.

2358 (4) (a) The executive director may with the approval of the commission employ
2359 additional staff necessary to perform the duties and responsibilities of the commission. These
2360 employees are subject to Title 67, Chapter 19, Utah State Personnel Management Act.

2361 (b) (i) The executive director may under Subsection (4)(a) employ criminal tax
2362 investigators to help the commission carry out its duties and responsibilities regarding criminal
2363 provisions of the state tax laws. The executive director may not employ more than eight
2364 criminal tax investigators at one time.

2365 (ii) The executive director may designate investigators hired under this Subsection
2366 (4)(b) as special function officers, as defined in Section 53-13-105, to enforce the criminal
2367 provisions of the state tax laws.

2368 (iii) Notwithstanding Section 49-15-201, any special function officer designated under
2369 this Subsection (4)(b) may not become or be designated as a member of the Public Safety
2370 Retirement Systems.

2371 (5) The internal audit unit shall provide the following:

2372 (a) an examination to determine the honesty and integrity of fiscal affairs, the accuracy
2373 and reliability of financial statements and reports, and the adequacy and effectiveness of
2374 financial controls to properly record and safeguard the acquisition, custody, and use of public
2375 funds;

2376 (b) an examination to determine whether commission administrators have faithfully
2377 adhered to commission policies and legislative intent;

2378 (c) an examination to determine whether the operations of the divisions and other units
2379 of the commission have been conducted in an efficient and effective manner;

2380 (d) an examination to determine whether the programs administered by the divisions
2381 and other units of the commission have been effective in accomplishing intended objectives;
2382 and

2383 (e) an examination to determine whether management control and information systems

2384 are adequate and effective in assuring that commission programs are administered faithfully,
2385 efficiently, and effectively.

2386 (6) The appeals office shall receive and hear appeals to the commission and shall
2387 conduct the hearings in compliance with formal written rules approved by the commission.

2388 The commission has final review authority over the appeals.

2389 Section 53. Section **61-1-18.5** is amended to read:

2390 **61-1-18.5. Securities Commission -- Transition.**

2391 (1) (a) There is created a Securities Commission.

2392 (b) The division shall provide staffing to the commission.

2393 (2) (a) The commission shall:

2394 (i) formulate and make recommendations to the director regarding policy and
2395 budgetary matters;

2396 (ii) submit recommendations regarding registration requirements;

2397 (iii) formulate and make recommendations to the director regarding the establishment
2398 of reasonable fees;

2399 (iv) act in an advisory capacity to the director with respect to the exercise of the
2400 director's duties, powers, and responsibilities;

2401 (v) conduct an administrative hearing under this chapter that is not:

2402 (A) delegated by the commission to an administrative law judge or the division relating
2403 to a violation of this chapter; or

2404 (B) expressly delegated to the division under this chapter;

2405 (vi) except as provided in Subsection (2)(b), and consistent with Section **61-1-20**,
2406 impose a sanction as provided in this chapter;

2407 (vii) review rules made by the division for purposes of concurrence in accordance with
2408 Section **61-1-24**; and

2409 (viii) perform other duties as this chapter provides.

2410 (b) (i) The commission may delegate to the division the authority to impose a sanction
2411 under this chapter.

2412 (ii) If under Subsection (2)(b)(i) the commission delegates to the division the authority
2413 to impose a sanction, a person who is subject to the sanction may petition the commission for
2414 review of the sanction.

2415 (iii) A person who is sanctioned by the division in accordance with this Subsection
2416 (2)(b) may seek agency review by the executive director only after the commission reviews the
2417 division's action.

2418 (3) (a) The governor shall appoint five members to the commission with the advice and
2419 consent of the Senate as follows:

2420 (i) two members from the securities brokerage community:

2421 (A) who are not from the same broker-dealer or affiliate; and

2422 (B) who have at least five years prior experience in securities matters;

2423 (ii) one member from the securities section of the Utah State Bar:

2424 (A) whose practice primarily involves:

2425 (I) corporate securities; or

2426 (II) representation of plaintiffs in securities cases;

2427 (B) who does not routinely represent clients involved in:

2428 (I) civil or administrative litigation with the division; or

2429 (II) criminal cases brought under this chapter; and

2430 (C) who has at least five years prior experience in securities matters;

2431 (iii) one member who is an officer or director of a business entity not subject to the
2432 reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934; and

2433 (iv) one member from the public at large who has no active participation in the
2434 securities business.

2435 (b) A member may not serve more than two consecutive terms.

2436 (4) (a) Except as required by Subsection (4)(b) and subject to Subsection (4)(c), as
2437 terms of current members expire, the governor shall appoint a new member or reappointed
2438 member to a four-year term.

2439 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment
2440 or reappointment, adjust the length of terms to ensure that the terms of commission members
2441 are staggered so that approximately half of the commission is appointed every two years.

2442 (c) For purposes of making an appointment to the commission, the governor:

2443 (i) shall as of May 12, 2009:

2444 (A) appoint all five members of the commission; and

2445 (B) stagger the terms of the five members of the commission to comply with

2446 Subsection (4)(b); and
2447 (ii) may not consider the commission an extension of the previous Securities Advisory
2448 Board.
2449 (d) When a vacancy occurs in the membership for any reason, the governor shall
2450 appoint a replacement member for the unexpired term.
2451 (e) A member shall serve until the member's respective successor is appointed and
2452 qualified.
2453 (f) The commission shall annually select one member to serve as chair of the
2454 commission.
2455 (5) (a) The commission shall meet:
2456 (i) at least quarterly on a regular date to be fixed by the commission; and
2457 (ii) at such other times at the call of:
2458 (A) the director; or
2459 (B) any two members of the commission.
2460 (b) A majority of the commission shall constitute a quorum for the transaction of
2461 business.
2462 (c) An action of the commission requires a vote of a majority of members present.
2463 (6) A member of the commission shall, by sworn and written statement filed with the
2464 Department of Commerce and the lieutenant governor, disclose any position of employment or
2465 ownership interest that the member has with respect to an entity or business subject to the
2466 jurisdiction of the division or commission. This statement shall be filed upon appointment and
2467 must be appropriately amended whenever significant changes occur in matters covered by the
2468 statement.
2469 (7) A member may not receive compensation or benefits for the member's service, but
2470 may receive per diem and travel expenses in accordance with:
2471 (a) Section [63A-3-106](#);
2472 (b) Section [63A-3-107](#); and
2473 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2474 [63A-3-107](#).
2475 (8) (a) A rule or form made by the division under this section that is in effect on May
2476 11, 2009, is considered to have been concurred with by the commission as of May 12, 2009,

2477 until the commission acts on the rule or form.

2478 (b) For a civil or administrative action pending under this chapter as of May 12, 2009,
2479 brought under the authority of division under this chapter as in effect May 11, 2009, that may
2480 be brought only by the commission under this chapter as in effect on May 12, 2009:

2481 (i) the action shall be considered brought by the commission; and

2482 (ii) the commission may take any act authorized under this chapter regarding that
2483 action.

2484 Section 54. Section **61-2f-103** is amended to read:

2485 **61-2f-103. Real Estate Commission.**

2486 (1) There is created within the division a Real Estate Commission. The commission
2487 shall:

2488 (a) subject to concurrence by the division and in accordance with Title 63G, Chapter 3,
2489 Utah Administrative Rulemaking Act, make rules for the administration of this chapter that are
2490 not inconsistent with this chapter, including:

2491 (i) licensing of:

2492 (A) a principal broker;

2493 (B) an associate broker; and

2494 (C) a sales agent;

2495 (ii) registration of:

2496 (A) an entity; and

2497 (B) a branch office;

2498 (iii) prelicensing and postlicensing education curricula;

2499 (iv) examination procedures;

2500 (v) the certification and conduct of:

2501 (A) a real estate school;

2502 (B) a course provider; or

2503 (C) an instructor;

2504 (vi) proper handling of money received by a licensee under this chapter;

2505 (vii) brokerage office procedures and recordkeeping requirements;

2506 (viii) property management;

2507 (ix) standards of conduct for a licensee under this chapter; and

- 2508 (x) if the commission, with the concurrence of the division, determines necessary, a
2509 rule as provided in Subsection 61-2f-306(3) regarding a legal form;
- 2510 (b) establish, with the concurrence of the division, a fee provided for in this chapter,
2511 except a fee imposed under Part 5, Real Estate Education, Research, and Recovery Fund Act;
- 2512 (c) conduct an administrative hearing not delegated by the commission to an
2513 administrative law judge or the division relating to the:
- 2514 (i) licensing of an applicant;
- 2515 (ii) conduct of a licensee;
- 2516 (iii) the certification or conduct of a real estate school, course provider, or instructor
2517 regulated under this chapter; or
- 2518 (iv) violation of this chapter by any person;
- 2519 (d) with the concurrence of the director, impose a sanction as provided in Section
2520 61-2f-404;
- 2521 (e) advise the director on the administration and enforcement of a matter affecting the
2522 division and the real estate sales and property management industries;
- 2523 (f) advise the director on matters affecting the division budget;
- 2524 (g) advise and assist the director in conducting real estate seminars; and
- 2525 (h) perform other duties as provided by this chapter.
- 2526 (2) (a) Except as provided in Subsection (2)(b), a state entity may not, without the
2527 concurrence of the commission, make a rule that changes the rights, duties, or obligations of
2528 buyers, sellers, or persons licensed under this chapter in relation to a real estate transaction
2529 between private parties.
- 2530 (b) Subsection (2)(a) does not apply to a rule made:
- 2531 (i) under Title 31A, Insurance Code, or Title 7, Financial Institutions Act; or
- 2532 (ii) by the Department of Commerce or any division or other rulemaking body within
2533 the Department of Commerce.
- 2534 (3) (a) The commission shall be comprised of five members appointed by the governor
2535 and approved by the Senate.
- 2536 (b) Four of the commission members shall:
- 2537 (i) have at least five years' experience in the real estate business; and
- 2538 (ii) hold an active principal broker, associate broker, or sales agent license.

- 2539 (c) One commission member shall be a member of the general public.
- 2540 (d) The governor may not appoint a commission member described in Subsection
- 2541 (3)(b) who, at the time of appointment, resides in the same county in the state as another
- 2542 commission member.
- 2543 (e) At least one commission member described in Subsection (3)(b) shall at the time of
- 2544 an appointment reside in a county that is not a county of the first or second class.
- 2545 (4) (a) Except as required by Subsection (4)(b), as terms of current commission
- 2546 members expire, the governor shall appoint each new member or reappointed member to a
- 2547 four-year term ending June 30.
- 2548 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
- 2549 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 2550 commission members are staggered so that approximately half of the commission is appointed
- 2551 every two years.
- 2552 (c) Upon the expiration of the term of a member of the commission, the member of the
- 2553 commission shall continue to hold office until a successor is appointed and qualified.
- 2554 (d) A commission member may not serve more than two consecutive terms.
- 2555 (e) Members of the commission shall annually select one member to serve as chair.
- 2556 (5) When a vacancy occurs in the membership for any reason, the governor, with the
- 2557 advice and consent of the Senate, shall appoint a replacement for the unexpired term.
- 2558 (6) A member may not receive compensation or benefits for the member's service, but
- 2559 may receive per diem and travel expenses in accordance with:
- 2560 (a) Section [63A-3-106](#);
- 2561 (b) Section [63A-3-107](#); and
- 2562 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 2563 [63A-3-107](#).
- 2564 (7) (a) The commission shall meet at least monthly.
- 2565 (b) The director may call additional meetings:
- 2566 (i) at the director's discretion;
- 2567 (ii) upon the request of the chair; or
- 2568 (iii) upon the written request of three or more commission members.
- 2569 (8) Three members of the commission constitute a quorum for the transaction of

2570 business.

2571 Section 55. Section **61-2g-204** is amended to read:

2572 **61-2g-204. Real Estate Appraiser Licensing and Certification Board.**

2573 (1) (a) There is established a Real Estate Appraiser Licensing and Certification Board
2574 that consists of five regular members as follows:

2575 (i) one state-licensed or state-certified appraiser who may be either a residential or
2576 general licensee or certificate holder;

2577 (ii) one state-certified residential appraiser;

2578 (iii) one state-certified general appraiser;

2579 (iv) one member who is certified as either a state-certified residential appraiser or a
2580 state-certified general appraiser; and

2581 (v) one member of the general public.

2582 (b) A state-licensed or state-certified appraiser may be appointed as an alternate
2583 member of the board.

2584 (c) The governor shall appoint all members of the board with the advice and consent of
2585 the Senate.

2586 (2) (a) Except as required by Subsection (2)(b), as terms of current board members
2587 expire, the governor shall appoint each new member or reappointed member to a four-year
2588 term beginning on July 1.

2589 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
2590 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2591 board members are staggered so that approximately half of the board is appointed every two
2592 years.

2593 (c) Upon the expiration of a member's term, a member of the board shall continue to
2594 hold office until the appointment and qualification of the member's successor.

2595 (d) A person may not serve as a member of the board for more than two consecutive
2596 terms.

2597 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall
2598 be appointed for the unexpired term.

2599 (b) The governor may remove a member for cause.

2600 (4) The public member of the board may not be licensed or certified under this chapter.

2601 (5) The board shall meet at least quarterly to conduct its business. The division shall
2602 give public notice of a board meeting.

2603 (6) The members of the board shall elect a chair annually from among the members to
2604 preside at board meetings.

2605 (7) A member may not receive compensation or benefits for the member's service, but
2606 may receive per diem and travel expenses in accordance with:

2607 (a) Section 63A-3-106;

2608 (b) Section 63A-3-107; and

2609 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2610 63A-3-107.

2611 (8) (a) Three members of the board shall constitute a quorum for the transaction of
2612 business.

2613 (b) If a quorum of members is unavailable for any meeting, the alternate member of the
2614 board, if any, shall serve as a regular member of the board for that meeting if with the presence
2615 of the alternate member a quorum is present at the meeting.

2616 Section 56. Section 62A-1-107 is amended to read:

2617 **62A-1-107. Board of Aging and Adult Services -- Members, appointment, terms,**
2618 **vacancies, chairperson, compensation, meetings, quorum.**

2619 (1) The Board of Aging and Adult Services described in Subsection 62A-1-105(1)(a)
2620 shall have seven members who are appointed by the governor with the advice and consent of
2621 the Senate.

2622 (2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a
2623 term of four years, and is eligible for one reappointment.

2624 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
2625 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2626 board members are staggered so that approximately half of the board is appointed every two
2627 years.

2628 (c) Board members shall continue in office until the expiration of their terms and until
2629 their successors are appointed, which may not exceed 90 days after the formal expiration of a
2630 term.

2631 (d) When a vacancy occurs in the membership for any reason, the replacement shall be

2632 appointed for the unexpired term.

2633 (3) No more than four members of the board may be from the same political party.
2634 The board shall have diversity of gender, ethnicity, and culture; and members shall be chosen
2635 on the basis of their active interest, experience, and demonstrated ability to deal with issues
2636 related to the Board of Aging and Adult Services.

2637 (4) The board shall annually elect a chairperson from the board's membership. The
2638 board shall hold meetings at least once every three months. Within budgetary constraints,
2639 meetings may be held from time to time on the call of the chairperson or of the majority of the
2640 members of the board. Four members of the board are necessary to constitute a quorum at any
2641 meeting, and, if a quorum exists, the action of the majority of members present shall be the
2642 action of the board.

2643 (5) A member may not receive compensation or benefits for the member's service, but,
2644 at the executive director's discretion, may receive per diem and travel expenses in accordance
2645 with:

2646 (a) Section [63A-3-106](#);

2647 (b) Section [63A-3-107](#); and

2648 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2649 [63A-3-107](#).

2650 (6) The board shall adopt bylaws governing its activities. Bylaws shall include
2651 procedures for removal of a board member who is unable or unwilling to fulfill the
2652 requirements of the board member's appointment.

2653 (7) The board has program policymaking authority for the division over which the
2654 board presides.

2655 Section 57. Section **62A-1-108** is amended to read:

2656 **62A-1-108. Executive director -- Appointment -- Compensation -- Qualifications**
2657 **-- Responsibilities.**

2658 (1) The chief administrative officer of the department is the executive director, who
2659 shall be appointed by the governor with the advice and consent of the Senate. The executive
2660 director may be removed at the will of the governor. The executive director shall receive a
2661 salary established by the governor within the salary range fixed by the Legislature in Title 67,
2662 Chapter 22, State Officer Compensation. The executive director shall be experienced in

2663 administration, management, and coordination of complex organizations.

2664 (2) The executive director is responsible for:

2665 (a) administration and supervision of the department;

2666 (b) coordination of policies and program activities conducted through the boards,

2667 divisions, and offices of the department;

2668 (c) approval of the proposed budget of each board, division, and office within the

2669 department; and

2670 (d) such other duties as the Legislature or governor shall assign to him.

2671 (3) The executive director may appoint deputy or assistant directors to assist him in

2672 carrying out the department's responsibilities.

2673 Section 58. Section **62A-7-501** is amended to read:

2674 **62A-7-501. Youth Parole Authority -- Expenses -- Responsibilities -- Procedures.**

2675 (1) There is created within the division a Youth Parole Authority.

2676 (2) (a) The authority is composed of 10 part-time members and five pro tempore

2677 members who are residents of this state. No more than three pro tempore members may serve

2678 on the authority at any one time.

2679 (b) Throughout this section, the term "member" refers to both part-time and pro

2680 tempore members of the Youth Parole Authority.

2681 (3) (a) Except as required by Subsection (3)(b), members shall be appointed to

2682 four-year terms by the governor with the advice and consent of the Senate.

2683 (b) The governor shall, at the time of appointment or reappointment, adjust the length

2684 of terms to ensure that the terms of authority members are staggered so that approximately half

2685 of the authority is appointed every two years.

2686 (4) Each member shall have training or experience in social work, law, juvenile or

2687 criminal justice, or related behavioral sciences.

2688 (5) When a vacancy occurs in the membership for any reason, the replacement member

2689 shall be appointed for the unexpired term.

2690 (6) During the tenure of the member's appointment, a member may not:

2691 (a) be an employee of the department, other than in the member's capacity as a member

2692 of the authority;

2693 (b) hold any public office;

2694 (c) hold any position in the state's juvenile justice system; or

2695 (d) be an employee, officer, advisor, policy board member, or subcontractor of any
2696 juvenile justice agency or its contractor.

2697 (7) In extraordinary circumstances or when a regular member is absent or otherwise
2698 unavailable, the chair may assign a pro tempore member to act in the absent member's place.

2699 (8) A member may not receive compensation or benefits for the member's service, but
2700 may receive per diem and travel expenses in accordance with:

2701 (a) Section 63A-3-106;

2702 (b) Section 63A-3-107; and

2703 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2704 63A-3-107.

2705 (9) The authority shall determine appropriate parole dates for youth offenders in
2706 accordance with Section 62A-7-404.

2707 (10) Youth offenders may be paroled to their own homes, to an independent living
2708 program contracted or operated by the division, to an approved independent living setting, or to
2709 other appropriate residences of qualifying relatives or guardians, but shall remain on parole
2710 until parole is terminated by the authority in accordance with Section 62A-7-404.

2711 (11) The division's case management staff shall implement parole release plans and
2712 shall supervise youth offenders while on parole.

2713 (12) The division shall permit the authority to have reasonable access to youth
2714 offenders in secure facilities and shall furnish all pertinent data requested by the authority in
2715 matters of parole, revocation, and termination.

2716 Section 59. Section 63A-1-105 is amended to read:

2717 **63A-1-105. Appointment of executive director -- Compensation.**

2718 (1) The governor shall:

2719 (a) appoint the executive director with the advice and consent of the Senate; and

2720 (b) establish the executive director's salary within the salary range fixed by the
2721 Legislature in Title 67, Chapter 22, State Officer Compensation.

2722 (2) The executive director shall serve at the pleasure of the governor.

2723 Section 60. Section 63F-1-105 is amended to read:

2724 **63F-1-105. Appointment of executive director -- Compensation -- Authority.**

- 2725 (1) The governor shall:
- 2726 (a) appoint the executive director with the advice and consent of the Senate; and
- 2727 (b) establish the executive director's salary within the salary range fixed by the
- 2728 Legislature in Title 67, Chapter 22, State Officer Compensation.
- 2729 (2) The executive director shall:
- 2730 (a) serve at the pleasure of the governor; and
- 2731 (b) exercise all powers given to and perform all duties imposed on the department.
- 2732 Section 61. Section **63G-2-501** is amended to read:
- 2733 **63G-2-501. State Records Committee created -- Membership -- Terms --**
- 2734 **Vacancies -- Expenses.**
- 2735 (1) There is created the State Records Committee within the Department of
- 2736 Administrative Services consisting of the following seven individuals:
- 2737 (a) an individual in the private sector whose profession requires the individual to create
- 2738 or manage records that, if created by a governmental entity, would be private or controlled;
- 2739 (b) an individual with experience with electronic records and databases, as
- 2740 recommended by a statewide technology advocacy organization that represents the public,
- 2741 private, and nonprofit sectors;
- 2742 (c) the director of the Division of Archives and Records Services or the director's
- 2743 designee;
- 2744 (d) two citizen members;
- 2745 (e) one person representing political subdivisions, as recommended by the Utah League
- 2746 of Cities and Towns; and
- 2747 (f) one individual representing the news media.
- 2748 (2) The governor shall appoint the members described in Subsections (1)(a), (b), (d),
- 2749 (e), and (f) with the advice and consent of the Senate.
- 2750 (3) (a) Except as provided in Subsection (3)(b), the governor shall appoint each
- 2751 member to a four-year term.
- 2752 (b) Notwithstanding Subsection (3)(a), the governor shall, at the time of appointment
- 2753 or reappointment, adjust the length of terms to ensure that the terms of committee members are
- 2754 staggered so that approximately half of the committee is appointed every two years.
- 2755 (c) Each appointed member is eligible for reappointment for one additional term.

2756 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
2757 appointed for the unexpired term.

2758 (5) A member of the State Records Committee may not receive compensation or
2759 benefits for the member's service on the committee, but may receive per diem and travel
2760 expenses in accordance with:

2761 (a) Section 63A-3-106;

2762 (b) Section 63A-3-107; and

2763 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

2764 Section 62. Section 63H-4-102 is amended to read:

2765 **63H-4-102. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and**
2766 **expenses.**

2767 (1) There is created an independent state agency and a body politic and corporate
2768 known as the "Heber Valley Historic Railroad Authority."

2769 (2) The authority is composed of eight members as follows:

2770 (a) one member of the county legislative body of Wasatch County;

2771 (b) the mayor of Heber City;

2772 (c) the mayor of Midway;

2773 (d) the executive director of the Department of Transportation or the executive
2774 director's designee;

2775 (e) the executive director of Parks and Recreation, or the executive director's designee;

2776 and

2777 (f) three public members appointed by the governor with the advice and consent of the
2778 Senate, being private citizens of the state, as follows:

2779 (i) two people representing the tourism industry, one each from Wasatch and Utah
2780 counties; and

2781 (ii) one person representing the public at large.

2782 (3) All members shall be residents of the state.

2783 (4) (a) Except as required by Subsection (4)(b), the three public members are appointed
2784 for four-year terms beginning July 1, 2010.

2785 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
2786 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

2787 authority members are staggered so that approximately half of the authority is appointed every
2788 two years.

2789 (5) Any of the three public members may be removed from office by the governor or
2790 for cause by an affirmative vote of any four members of the authority.

2791 (6) When a vacancy occurs in the membership for any reason, the replacement is
2792 appointed for the unexpired term by the governor with advice and consent of the Senate for the
2793 unexpired term.

2794 (7) Each public member shall hold office for the term of appointment and until a
2795 successor has been appointed and qualified.

2796 (8) A public member is eligible for reappointment, but may not serve more than two
2797 full consecutive terms.

2798 (9) The governor shall appoint the chair of the authority from among its members.

2799 (10) The members shall elect from among their number a vice chair and other officers
2800 they may determine.

2801 (11) The powers of the authority are vested in its members.

2802 (12) (a) Four members constitute a quorum for transaction of authority business.

2803 (b) An affirmative vote of at least four members is necessary for any action taken by
2804 the authority.

2805 (13) A member may not receive compensation or benefits for the member's service, but
2806 may receive per diem and travel expenses in accordance with:

2807 (a) Section [63A-3-106](#);

2808 (b) Section [63A-3-107](#); and

2809 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2810 [63A-3-107](#).

2811 Section 63. Section **63H-6-104** is amended to read:

2812 **63H-6-104. Board of directors -- Membership -- Term -- Quorum -- Vacancies --**
2813 **Duties.**

2814 (1) The corporation is governed by a board of directors.

2815 (2) The board is composed of members as follows:

2816 (a) the director of the Division of Facilities Construction and Management or the
2817 director's designee;

- 2818 (b) the commissioner of agriculture and food or the commissioner's designee;
- 2819 (c) two members, appointed by the president of the Senate:
- 2820 (i) who have business related experience; and
- 2821 (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);
- 2822 (d) two members, appointed by the speaker of the House:
- 2823 (i) who have business related experience; and
- 2824 (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);
- 2825 (e) five members, of whom only one may be a legislator, in accordance with
- 2826 Subsection (3)(e), appointed by the governor with the advice and consent of the Senate as
- 2827 follows:
- 2828 (i) two members who represent agricultural interests;
- 2829 (ii) two members who have business related experience; and
- 2830 (iii) one member who is recommended by the Utah Farm Bureau Federation;
- 2831 (f) one member, appointed by the mayor of Salt Lake City with the advice and consent
- 2832 of the Senate, who is a resident of the neighborhood located adjacent to the state fair park;
- 2833 (g) a representative of Salt Lake County, if Salt Lake County is party to an executed
- 2834 lease agreement with the corporation; and
- 2835 (h) a representative of the Days of '47 Rodeo.
- 2836 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), a board member appointed under
- 2837 Subsection (2)(c), (d), (e), or (f) shall serve a term that expires on the December 1 four years
- 2838 after the year that the board member was appointed.
- 2839 (ii) In making appointments to the board, the president of the Senate, the speaker of the
- 2840 House, the governor, and the mayor of Salt Lake City shall ensure that the terms of
- 2841 approximately 1/4 of the appointed board members expire each year.
- 2842 (b) Except as provided in Subsection (3)(c), appointed board members serve until their
- 2843 successors are appointed and qualified.
- 2844 (c) (i) If an appointed board member is absent from three consecutive board meetings
- 2845 without excuse, that member's appointment is terminated, the position is vacant, and the
- 2846 individual who appointed the board member shall appoint a replacement.
- 2847 (ii) The president of the Senate, the speaker of the House, the governor, or the mayor of
- 2848 Salt Lake City, as applicable, may remove an appointed member of the board at will.

2849 (d) The president of the Senate, the speaker of the House, the governor, or the mayor of
2850 Salt Lake City, as appropriate, shall fill any vacancy that occurs on the board for any reason by
2851 appointing an individual in accordance with the procedures described in this section for the
2852 unexpired term of the vacated member.

2853 (e) No more than a combined total of two legislators may be appointed under
2854 Subsections (2)(c), (d), and (e).

2855 (4) The governor shall select the board's chair.

2856 (5) A majority of the members of the board is a quorum for the transaction of business.

2857 (6) The board may elect a vice chair and any other board offices.

2858 (7) The board may create one or more subcommittees to advise the board on any issue
2859 related to the state fair park.

2860 (8) In carrying out the board's duties under this chapter, the board shall cooperate with
2861 and, upon request, appear before the State Fair Park Committee.

2862 (9) No later than November 30 of each year, the board shall provide the following to
2863 the State Fair Park Committee:

2864 (a) a report on the general state of the financial and business affairs of the corporation;

2865 (b) a report on that year's annual exhibition described in Subsection [63H-6-103\(4\)\(j\)](#),
2866 including the exhibition's attendance, operations, and revenue;

2867 (c) any appropriation request that the board plans to submit to the Legislature; and

2868 (d) any other report that the State Fair Park Committee requests.

2869 Section 64. Section **63H-8-201** is amended to read:

2870 **63H-8-201. Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers --**

2871 **Quorum -- Per diem and expenses.**

2872 (1) (a) There is created an independent body politic and corporate, constituting a public
2873 corporation, known as the "Utah Housing Corporation."

2874 (b) The corporation may also be known and do business as the:

2875 (i) Utah Housing Finance Association; and

2876 (ii) Utah Housing Finance Agency in connection with a contract entered into when that
2877 was the corporation's legal name.

2878 (c) No other entity may use the names described in Subsections (1)(a) and (b) without
2879 the express approval of the corporation.

2880 (2) The corporation is governed by a board of trustees composed of the following nine
2881 trustees:

2882 (a) the executive director of the Department of Workforce Services or the executive
2883 director's designee;

2884 (b) the commissioner of the Department of Financial Institutions or the commissioner's
2885 designee;

2886 (c) the state treasurer or the treasurer's designee; and

2887 (d) six public trustees, who are private citizens of the state, as follows:

2888 (i) two people who represent the mortgage lending industry;

2889 (ii) two people who represent the home building and real estate industry; and

2890 (iii) two people who represent the public at large.

2891 (3) The governor shall:

2892 (a) appoint the six public trustees of the corporation with the advice and consent of the
2893 Senate; and

2894 (b) ensure that:

2895 (i) the six public trustees are from different counties and are residents of the state; and

2896 (ii) not more than three of the public trustees are members of the same political party.

2897 (4) (a) Except as required by Subsection (4)(b), the governor shall appoint the six
2898 public trustees to terms of office of four years each.

2899 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
2900 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2901 corporation trustees are staggered so that approximately half of the board is appointed every
2902 two years.

2903 (5) (a) A public trustee of the corporation may be removed from office for cause either
2904 by the governor or by an affirmative vote of six trustees of the corporation.

2905 (b) When a vacancy occurs in the board of trustees for any reason, the replacement
2906 shall be appointed for the unexpired term.

2907 (c) A public trustee shall hold office for the term of appointment and until the trustee's
2908 successor has been appointed and qualified.

2909 (d) A public trustee is eligible for reappointment but may not serve more than two full
2910 consecutive terms.

2911 (6) (a) The governor shall select the chair of the corporation.

2912 (b) The trustees shall elect from among their number a vice chair and other officers
2913 they may determine.

2914 (7) (a) Five trustees of the corporation constitute a quorum for transaction of business.

2915 (b) An affirmative vote of at least five trustees is necessary for any action to be taken
2916 by the corporation.

2917 (c) A vacancy in the board of trustees does not impair the right of a quorum to exercise
2918 all rights and perform all duties of the corporation.

2919 (8) A trustee may not receive compensation or benefits for the trustee's service, but
2920 may receive per diem and travel expenses in accordance with:

2921 (a) Section 63A-3-106;

2922 (b) Section 63A-3-107; and

2923 (c) rules made by the Division of Finance according to Sections 63A-3-106 and
2924 63A-3-107.

2925 Section 65. Section 63J-4-602 is amended to read:

2926 **63J-4-602. Public Lands Policy Coordinating Office -- Coordinator --**

2927 **Appointment -- Qualifications -- Compensation.**

2928 (1) There is created within state government the Public Lands Policy Coordinating
2929 Office. The office shall be administered by a public lands policy coordinator.

2930 (2) The coordinator shall be appointed by the governor with the advice and consent of
2931 the Senate and shall serve at the pleasure of the governor.

2932 (3) The coordinator shall have demonstrated the necessary administrative and
2933 professional ability through education and experience to efficiently and effectively manage the
2934 office's affairs.

2935 (4) The coordinator and employees of the office shall receive compensation as
2936 provided in Title 67, Chapter 19, Utah State Personnel Management Act.

2937 Section 66. Section 63J-4-702 is amended to read:

2938 **63J-4-702. Employability to Careers Program Board.**

2939 (1) There is created within the office the Employability to Careers Program Board
2940 composed of the following members:

2941 (a) the executive director of the Department of Workforce Services or the executive

2942 director's designee;

2943 (b) the executive director of the Department of Human Services or the executive
2944 director's designee; and

2945 (c) three members appointed by the governor with the advice and consent of the Senate
2946 as follows:

2947 (i) one member from the private or nonprofit sector with expertise in finance;

2948 (ii) one member who is not a legislator from the private or nonprofit sector chosen
2949 from among two individuals recommended by the president of the Senate; and

2950 (iii) one member who is not a legislator from the private or nonprofit sector chosen
2951 from among two individuals recommended by the speaker of the House of Representatives.

2952 (2) (a) An appointed member of the board shall serve for a term of three years, but may
2953 be reappointed for one additional term.

2954 (b) If a vacancy occurs in the board for any reason, the governor with the advice and
2955 consent of the Senate shall appoint a replacement to serve the remainder of the board member's
2956 term.

2957 (3) The board shall elect a chair from among the board's membership.

2958 (4) The board shall meet at least quarterly upon the call of the chair.

2959 (5) Four members of the board constitute a quorum.

2960 (6) Action by a majority present constitutes the action of the board.

2961 (7) A board member may not receive compensation or benefits for the member's
2962 service, but a member may receive per diem and travel expenses in accordance with:

2963 (a) Section [63A-3-106](#);

2964 (b) Section [63A-3-107](#); and

2965 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2966 [63A-3-107](#).

2967 (8) The office shall provide staff support to the board.

2968 Section 67. Section **63L-9-103** is amended to read:

2969 **63L-9-103. Director.**

2970 (1) Upon the requirements described in Subsection [63L-9-102](#)(2) being fulfilled, the
2971 governor shall, with the advice and consent of the Senate, appoint a director of the Department
2972 of Land Management.

- 2973 (2) The director shall:
- 2974 (a) be the executive and administrative head of the Department of Land Management;
- 2975 (b) have demonstrated ability and experience in the administration and management of
- 2976 state or federal lands;
- 2977 (c) not hold any other public office or be involved in a political party or organization;
- 2978 and
- 2979 (d) hire personnel to staff the department.
- 2980 (3) The director shall have:
- 2981 (a) executive authority and control of the Department of Land Management; and
- 2982 (b) authority over all personnel matters.
- 2983 Section 68. Section **63M-2-301** is amended to read:
- 2984 **63M-2-301. The Utah Science Technology and Research Initiative -- Governing**
- 2985 **authority -- Program director.**
- 2986 (1) There is created the Utah Science Technology and Research Initiative.
- 2987 (2) Subject to Subsection (10), to oversee USTAR, there is created the Utah Science
- 2988 Technology and Research Governing Authority consisting of:
- 2989 (a) the state treasurer or the state treasurer's designee;
- 2990 (b) the executive director of the Governor's Office of Economic Development;
- 2991 (c) three members appointed by the governor, with the advice and consent of the
- 2992 Senate;
- 2993 (d) two members who are not legislators appointed by the president of the Senate;
- 2994 (e) two members who are not legislators appointed by the speaker of the House of
- 2995 Representatives; and
- 2996 (f) one member appointed by the commissioner of higher education.
- 2997 (3) (a) The eight appointed members under Subsections (2)(c) through (f) shall serve
- 2998 four-year staggered terms.
- 2999 (b) An appointed member under Subsection (2)(c), (d), (e), or (f):
- 3000 (i) may not serve more than two full consecutive terms; and
- 3001 (ii) may be removed from the governing authority for any reason before the member's
- 3002 term is completed:
- 3003 (A) at the discretion of the original appointing authority; and

3004 (B) after the original appointing authority consults with the governing authority.

3005 (4) A vacancy on the governing authority in an appointed position under Subsection
3006 (2)(c), (d), (e), or (f) shall be filled for the unexpired term by the appointing authority in the
3007 same manner as the original appointment.

3008 (5) (a) Except as provided in Subsection (5)(b), the governor, with the advice and
3009 consent of the Senate, shall select the chair of the governing authority to serve a one-year term.

3010 (b) The governor may extend the term of a sitting chair of the governing authority
3011 without the advice and consent of the Senate.

3012 (c) The executive director of the Governor's Office of Economic Development shall
3013 serve as the vice chair of the governing authority.

3014 (6) The governing authority shall meet at least six times each year and may meet more
3015 frequently at the request of a majority of the members of the governing authority.

3016 (7) Five members of the governing authority are a quorum.

3017 (8) A member of the governing authority may not receive compensation or benefits for
3018 the member's service, but may receive per diem and travel expenses as allowed in:

3019 (a) Section [63A-3-106](#);

3020 (b) Section [63A-3-107](#); and

3021 (c) rules made by the Division of Finance:

3022 (i) pursuant to Sections [63A-3-106](#) and [63A-3-107](#); and

3023 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3024 (9) (a) The governor, with the advice and consent of the Senate, may appoint a program
3025 director to oversee USTAR.

3026 (b) The program director is an at-will employee who may be terminated with or
3027 without cause by the governor or the executive director of the Governor's Office of Economic
3028 Development.

3029 (10) On July 1, 2019, the governing authority is dissolved and the program director is
3030 under the supervision of the executive director of the Governor's Office of Economic
3031 Development.

3032 Section 69. Section **63M-7-203** is amended to read:

3033 **63M-7-203. Executive director -- Qualifications -- Compensation -- Appointment**
3034 **-- Functions.**

3035 (1) The governor, with the advice and consent of the Senate, shall appoint a person
3036 experienced in the field of criminal justice and in administration as the executive director of the
3037 Commission on Criminal and Juvenile Justice. The governor shall establish the executive
3038 director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State
3039 Officer Compensation.

3040 (2) (a) The executive director, under the direction of the commission, shall administer
3041 the duties of the commission and act as the governor's advisor on national, state, regional,
3042 metropolitan, and local government planning as it relates to criminal justice.

3043 (b) This chapter does not derogate the planning authority conferred on state, regional,
3044 metropolitan, and local governments by existing law.

3045 Section 70. Section **63M-7-504** is amended to read:

3046 **63M-7-504. Crime Victim Reparations and Assistance Board -- Members.**

3047 (1) (a) A Crime Victim Reparations and Assistance Board is created, consisting of
3048 seven members appointed by the governor with the advice and consent of the Senate.

3049 (b) The membership of the board shall consist of:

3050 (i) a member of the bar of this state;

3051 (ii) a victim of criminally injurious conduct;

3052 (iii) a licensed physician;

3053 (iv) a representative of law enforcement;

3054 (v) a mental health care provider;

3055 (vi) a victim advocate; and

3056 (vii) a private citizen.

3057 (c) The governor may appoint a chair of the board who shall serve for a period of time
3058 prescribed by the governor, not to exceed the length of the chair's term. The board may elect a
3059 vice chair to serve in the absence of the chair.

3060 (d) The board may hear appeals from administrative decisions as provided in rules
3061 adopted pursuant to Section [63M-7-515](#).

3062 (2) (a) Except as required by Subsection (2)(b), as terms of current board members
3063 expire, the governor shall appoint each new member or reappointed member to a four-year
3064 term.

3065 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the

3066 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3067 board members are staggered so that approximately half of the board is appointed every two
3068 years.

3069 (c) A member may be reappointed to one successive term in addition to a member's
3070 initial full-term appointment.

3071 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall
3072 be appointed for the unexpired term.

3073 (b) A member resigning from the board shall serve until the member's successor is
3074 appointed and qualified.

3075 (4) A member may not receive compensation or benefits for the member's service, but
3076 may receive per diem and travel expenses in accordance with:

3077 (a) Section 63A-3-106;

3078 (b) Section 63A-3-107; and

3079 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3080 63A-3-107.

3081 (5) The board shall meet at least once quarterly but may meet more frequently as
3082 necessary.

3083 Section 71. Section 63N-1-202 is amended to read:

3084 **63N-1-202. Executive director of office -- Appointment -- Removal --**
3085 **Compensation.**

3086 (1) The office shall be administered, organized, and managed by an executive director
3087 appointed by the governor, with the advice and consent of the Senate.

3088 (2) The executive director serves at the pleasure of the governor.

3089 (3) The salary of the executive director shall be established by the governor within the
3090 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

3091 Section 72. Section 63N-1-401 is amended to read:

3092 **63N-1-401. Board of Business and Economic Development -- Membership --**
3093 **Expenses.**

3094 (1) (a) There is created within the office the Board of Business and Economic
3095 Development, consisting of 15 members appointed by the governor to four-year terms of office
3096 with the advice and consent of the Senate.

3097 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the
3098 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3099 board members are staggered so that approximately half of the board is appointed every two
3100 years.

3101 (c) The members may not serve more than two full consecutive terms except where the
3102 governor determines that an additional term is in the best interest of the state.

3103 (2) In appointing members of the committee, the governor shall ensure that:

3104 (a) no more than eight members of the board are from one political party; and

3105 (b) members represent a variety of geographic areas and economic interests of the state.

3106 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
3107 appointed for the unexpired term.

3108 (4) Eight members of the board constitute a quorum for conducting board business and
3109 exercising board power.

3110 (5) The governor shall select one board member as the board's chair.

3111 (6) A member may not receive compensation or benefits for the member's service, but
3112 may receive per diem and travel expenses in accordance with:

3113 (a) Section [63A-3-106](#);

3114 (b) Section [63A-3-107](#); and

3115 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

3116 Section 73. Section **63N-1-501** is amended to read:

3117 **63N-1-501. Governor's Economic Development Coordinating Council --**
3118 **Membership -- Expenses.**

3119 (1) There is created in the office the Governor's Economic Development Coordinating
3120 Council, consisting of the following 11 members:

3121 (a) the executive director, who shall serve as chair of the council;

3122 (b) the chair of the board or the chair's designee;

3123 (c) the chair of the Utah Science Technology and Research Governing Authority
3124 created in Section [63M-2-301](#) or the chair's designee;

3125 (d) the chair of the Governor's Rural Partnership Board created in Section [63C-10-102](#)
3126 or the chair's designee;

3127 (e) the chair of the board of directors of the Utah Capital Investment Corporation

3128 created in Section 63N-6-301 or the chair's designee;

3129 (f) the chair of the Economic Development Corporation of Utah or its successor
3130 organization or the chair's designee;

3131 (g) the chair of the World Trade Center Utah or its successor organization or the chair's
3132 designee; and

3133 (h) four members appointed by the governor, with the advice and consent of the
3134 Senate, who have expertise in business, economic development, entrepreneurship, or the
3135 raising of venture or seed capital for research and business growth.

3136 (2) (a) The four members appointed by the governor may serve for no more than two
3137 consecutive two-year terms.

3138 (b) The governor shall appoint a replacement if a vacancy occurs from the membership
3139 appointed under Subsection (1)(h).

3140 (3) Six members of the council constitute a quorum for the purpose of conducting
3141 council business and the action of a majority of a quorum constitutes the action of the council.

3142 (4) A member may not receive compensation or benefits for the member's service on
3143 the council, but may receive per diem and travel expenses in accordance with:

3144 (a) Sections 63A-3-106 and 63A-3-107; and

3145 (b) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

3146 (5) The office shall provide office space and administrative staff support for the
3147 council.

3148 (6) The council, as a governmental entity, has all the rights, privileges, and immunities
3149 of a governmental entity of the state and its meetings are subject to Title 52, Chapter 4, Open
3150 and Public Meetings Act.

3151 Section 74. Section 63N-7-102 is amended to read:

3152 **63N-7-102. Members -- Meetings -- Expenses.**

3153 (1) (a) The board shall consist of 13 members appointed by the governor to four-year
3154 terms with the advice and consent of the Senate.

3155 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the
3156 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3157 board members are staggered so that approximately half of the board is appointed every two
3158 years.

3159 (2) The members may not serve more than two full consecutive terms unless the
3160 governor determines that an additional term is in the best interest of the state.

3161 (3) Not more than seven members of the board may be of the same political party.

3162 (4) (a) The members shall be representative of:

3163 (i) all areas of the state with six being appointed from separate geographical areas as
3164 provided in Subsection (4)(b); and

3165 (ii) a diverse mix of business ownership or executive management of tourism related
3166 industries.

3167 (b) The geographical representatives shall be appointed as follows:

3168 (i) one member from Salt Lake, Tooele, or Morgan County;

3169 (ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;

3170 (iii) one member from Utah, Summit, Juab, or Wasatch County;

3171 (iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;

3172 (v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and

3173 (vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.

3174 (c) The tourism industry representatives of ownership or executive management shall
3175 be appointed as follows:

3176 (i) one member from ownership or executive management of the lodging industry, as
3177 recommended by the lodging industry for the governor's consideration;

3178 (ii) one member from ownership or executive management of the restaurant industry,
3179 as recommended by the restaurant industry for the governor's consideration;

3180 (iii) one member from ownership or executive management of the ski industry, as
3181 recommended by the ski industry for the governor's consideration; and

3182 (iv) one member from ownership or executive management of the motor vehicle rental
3183 industry, as recommended by the motor vehicle rental industry for the governor's consideration.

3184 (d) One member shall be appointed at large from ownership or executive management
3185 of business, finance, economic policy, or the academic media marketing community.

3186 (e) One member shall be appointed from the Utah Tourism Industry Coalition as
3187 recommended by the coalition for the governor's consideration.

3188 (f) One member shall be appointed to represent the state's counties as recommended by
3189 the Utah Association of Counties for the governor's consideration.

3190 (g) (i) The governor may choose to disregard a recommendation made for a board
3191 member under Subsections (4)(c), (e), and (f).

3192 (ii) The governor shall request additional recommendations if recommendations are
3193 disregarded under Subsection (4)(g)(i).

3194 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
3195 appointed for the unexpired term from the same geographic area or industry representation as
3196 the member whose office was vacated.

3197 (6) Seven members of the board constitute a quorum for conducting board business and
3198 exercising board powers.

3199 (7) The governor shall select one of the board members as chair and one of the board
3200 members as vice chair, each for a four-year term as recommended by the board for the
3201 governor's consideration.

3202 (8) A member may not receive compensation or benefits for the member's service, but
3203 may receive per diem and travel expenses in accordance with:

3204 (a) Section [63A-3-106](#);

3205 (b) Section [63A-3-107](#); and

3206 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

3207 (9) The board shall meet monthly or as often as the board determines to be necessary at
3208 various locations throughout the state.

3209 (10) Members who may have a potential conflict of interest in consideration of fund
3210 allocation decisions shall identify the potential conflict prior to voting on the issue.

3211 (11) (a) The board shall determine attendance requirements for maintaining a
3212 designated board seat.

3213 (b) If a board member fails to attend according to the requirements established
3214 pursuant to Subsection (11)(a), the board member shall be replaced upon written certification
3215 from the board chair or vice chair to the governor.

3216 (c) A replacement appointed by the governor under Subsection (11)(b) shall serve for
3217 the remainder of the board member's unexpired term.

3218 (12) The board's office shall be in Salt Lake City.

3219 Section 75. Section **64-13-3** is amended to read:

3220 **64-13-3. Executive director.**

3221 (1) The executive director shall be appointed by the governor with the advice and
3222 consent of the Senate.

3223 (2) The executive director shall be experienced and knowledgeable in the field of
3224 corrections and shall have training in criminology and penology.

3225 (3) The governor shall establish the executive director's salary within the salary range
3226 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

3227 Section 76. Section **67-1-1.5** is amended to read:

3228 **67-1-1.5. Gubernatorial appointment powers.**

3229 (1) As used in this section:

3230 (a) "Board member" means each gubernatorial appointee to any state board, committee,
3231 commission, council, or authority.

3232 (b) "Executive branch management position" includes department executive directors,
3233 division directors, and any other administrative position in state government where the person
3234 filling the position:

3235 (i) works full-time performing managerial and administrative functions;

3236 (ii) is appointed by the governor with the advice and consent of the Senate.

3237 (c) (i) "Executive branch policy position" means any person other than a person filling
3238 an executive branch management position, who is appointed by the governor with the advice
3239 and consent of the Senate.

3240 (ii) "Executive branch policy position" includes each member of any state board and
3241 commission appointed by the governor with the advice and consent of the Senate.

3242 (2) (a) Whenever a vacancy occurs in any executive branch policy position or in any
3243 executive branch management position, the governor shall submit the name of a nominee to the
3244 Senate for advice and consent no later than three months after the day on which the vacancy
3245 occurs.

3246 (b) If the Senate fails to consent to that person within 90 days after the day on which
3247 the governor submits the nominee's name to the Senate for consent:

3248 (i) the nomination is considered rejected; and

3249 (ii) the governor shall resubmit the name of the nominee described in Subsection (2)(a)
3250 or submit the name of a different nominee to the Senate for consent no later than 60 days after
3251 the date on which the nomination was rejected by the Senate.

3252 (3) (a) Whenever a vacancy occurs in any executive branch management position, the
3253 governor may either:

3254 (i) appoint an interim manager who meets the qualifications of the vacant position to
3255 exercise the powers and duties of the vacant position for three months, pending consent of a
3256 person to permanently fill that position by the Senate; or

3257 (ii) appoint an interim manager who does not meet the qualifications of the vacant
3258 position and submit that person's name to the Senate for consent as interim manager within one
3259 month of the appointment.

3260 (b) If the Senate fails to consent to the interim manager appointed under Subsection
3261 (3)(a)(ii) within 30 days after the day on which the governor submits the nominee's name to the
3262 Senate for consent:

3263 (i) the nomination is considered rejected; and

3264 (ii) the governor may:

3265 (A) (I) reappoint the interim manager to whom the Senate failed to consent within 30
3266 days; and

3267 (II) resubmit the name of the person described in Subsection (3)(b)(ii)(A)(I) to the
3268 Senate for consent as interim manager; or

3269 (B) appoint a different interim manager under Subsection (3)(a).

3270 (c) If, after an interim manager has served three months, no one has been appointed and
3271 received Senate consent to permanently fill the position, the governor shall:

3272 (i) appoint a new interim manager who meets the qualifications of the vacant position
3273 to exercise the powers and duties of the vacant position for three months; or

3274 (ii) submit the name of the first interim manager to the Senate for consent as an interim
3275 manager for a three-month term.

3276 (d) If the Senate fails to consent to a nominee whose name is submitted under
3277 Subsection (3)(c)(ii) within 30 days after the day on which the governor submits the name to
3278 the Senate:

3279 (i) the nomination is considered rejected; and

3280 (ii) the governor shall:

3281 (A) (I) reappoint the person described in Subsection (3)(d); and

3282 (II) resubmit the name of the person described in Subsection (3)(d) to the Senate for

3283 consent as interim manager; or

3284 (B) appoint a different interim manager in the manner required by Subsection (3)(a).

3285 (4) The governor may not make a temporary appointment to fill a vacant executive
3286 branch policy position.

3287 (5) (a) Before appointing any person to serve as a board member, the governor shall
3288 ask the person whether or not the person wishes to receive per diem, expenses, or both for
3289 serving as a board member.

3290 (b) If the person declines to receive per diem, expenses, or both, the governor shall
3291 notify the agency administering the board, commission, committee, council, or authority and
3292 direct the agency to implement the board member's request.

3293 (6) A gubernatorial nomination upon which the Senate has not acted to give consent or
3294 refuse to give consent is void when a vacancy in the office of governor occurs.

3295 Section 77. Section **67-1-2** is amended to read:

3296 **67-1-2. Senate confirmation of gubernatorial nominees -- Verification of**
3297 **nomination requirements -- Consultation on appointments -- Notification of anticipated**
3298 **vacancies.**

3299 [~~(1) Unless waived by a majority of the president of the Senate, the Senate majority~~
3300 ~~leader, and the Senate minority leader, 15 days before any Senate session to confirm any~~
3301 ~~gubernatorial nominee, except a judicial appointment,]~~

3302 (1) Except as provided in Subsection (2), at least 30 days before the day of an
3303 extraordinary session of the Senate to confirm a gubernatorial nominee, the governor shall send
3304 to each member of the Senate and to the Office of Legislative Research and General Counsel
3305 the following information for each nominee:

3306 [~~(a) a list of each nominee for an office or position made by the governor in accordance~~
3307 ~~with the Utah Constitution and state law; and]~~

3308 [~~(b) any information that may support or provide biographical information about the~~
3309 ~~nominee, including resumes and curriculum vitae.]~~

3310 (a) the nominee's name and biographical information, including a resume and
3311 curriculum vitae;

3312 (b) a detailed list, with citations, of the legal requirements for the appointed position;

3313 (c) a detailed list with supporting documents explaining how, and verifying that, the

3314 nominee meets each statutory and constitutional requirement for the appointed position; and

3315 (d) a written certification by the governor that the nominee satisfies all requirements

3316 for the appointment.

3317 (2) (a) Subsection (1) does not apply to a judicial nominee.

3318 (b) A majority of the president of the Senate, the Senate majority leader, and the Senate

3319 minority leader may waive the 30-day requirement described in Subsection (1) for a

3320 gubernatorial nominee other than a nominee for the following:

3321 (i) the executive director of a department;

3322 (ii) the executive director of the Governor's Office of Economic Development;

3323 (iii) the executive director of the Labor Commission;

3324 (iv) a member of the State Tax Commission;

3325 (v) a member of the State Board of Education;

3326 (vi) a member of the State Board of Regents;

3327 (vii) a member of the Utah System of Technical Colleges Board of Trustees; or

3328 (viii) an individual:

3329 (A) whose appointment requires the advice and consent of the Senate; and

3330 (B) whom the governor designates as a member of the governor's cabinet.

3331 (3) The Senate shall hold a confirmation hearing for a nominee for an individual

3332 described in Subsection (2)(b)(i) through (viii).

3333 (4) The governor shall:

3334 (a) if the governor is aware of an upcoming vacancy in a position that requires Senate

3335 confirmation, provide notice of the upcoming vacancy to the president of the Senate, the Senate

3336 minority leader, and the Office of Legislative Research and General Counsel at least 30 days

3337 before the day on which the vacancy occurs; and

3338 (b) establish a process for government entities and other relevant organizations to

3339 provide input on gubernatorial appointments.

3340 ~~[(2)]~~ (5) When the governor makes a judicial appointment, the governor shall

3341 immediately provide to the president of the Senate and the Office of Legislative Research and

3342 General Counsel:

3343 (a) the name of the judicial appointee; and

3344 (b) the judicial appointee's:

- 3345 (i) resume;
- 3346 (ii) complete file of all the application materials the governor received from the
3347 Judicial Nominating Commission; and
- 3348 (iii) any other related documents, including any letters received by the governor about
3349 the appointee, unless the letter specifically directs that it may not be shared.

3350 ~~[(3)]~~ (6) The governor shall inform the president of the Senate and the Office of
3351 Legislative Research and General Counsel of the number of letters withheld pursuant to
3352 Subsection ~~[(2)]~~ (5)(b)(iii).

3353 ~~[(4)]~~ (7) (a) Letters of inquiry submitted by any judge at the request of any judicial
3354 nominating commission shall be classified as private in accordance with Section [63G-2-302](#).

3355 (b) All other records received from the governor pursuant to this Subsection ~~[(4)]~~ (7)
3356 may be classified as private in accordance with Section [63G-2-302](#).

3357 ~~[(5)]~~ (8) The Senate shall consent or refuse to give ~~[its]~~ consent to the nomination or
3358 judicial appointment.

3359 (9) The governor shall, after the Judicial Nomination Commission submits
3360 nominations to the governor, and before the governor makes an appointment, engage in
3361 communications with, and consider advice from, the Senate and individual senators regarding
3362 the appointment.

3363 Section 78. Section **67-1-2.5** is amended to read:

3364 **67-1-2.5. Executive boards -- Database -- Governor's review of new boards.**

3365 (1) As used in this section:

3366 (a) "Administrator" means the boards and commissions administrator designated under
3367 Subsection (2).

3368 (b) "Executive board" means any executive branch board, commission, council,
3369 committee, working group, task force, study group, advisory group, or other body with a
3370 defined limited membership that is created to operate for more than six months by the
3371 constitution, by statute, by executive order, by the governor, lieutenant governor, attorney
3372 general, state auditor, or state treasurer or by the head of a department, division, or other
3373 administrative subunit of the executive branch of state government.

3374 (2) (a) Before September 1 of the calendar year following the year in which the
3375 Legislature creates a new executive board, the governor shall:

- 3376 (i) review the executive board to evaluate:
- 3377 (A) whether the executive board accomplishes a substantial governmental interest; and
- 3378 (B) whether it is necessary for the executive board to remain in statute;
- 3379 (ii) in the governor's review under Subsection (2)(a)(i), consider:
- 3380 (A) the funding required for the executive board;
- 3381 (B) the staffing resources required for the executive board;
- 3382 (C) the time members of the executive board are required to commit to serve on the
- 3383 executive board; and
- 3384 (D) whether the responsibilities of the executive board could reasonably be
- 3385 accomplished through an existing entity or without statutory direction; and
- 3386 (iii) submit a report to the Government Operations Interim Committee recommending
- 3387 that the Legislature:
- 3388 (A) repeal the executive board;
- 3389 (B) add a sunset provision or future repeal date to the executive board;
- 3390 (C) make other changes to make the executive board more efficient; or
- 3391 (D) make no changes to the executive board.
- 3392 (b) In conducting the evaluation and making the report described in Subsection (2)(a),
- 3393 the governor shall give deference to:
- 3394 (i) reducing the size of government; and
- 3395 (ii) making governmental programs more efficient and effective.
- 3396 (c) Upon receipt of a report from the governor under Subsection (2)(a)(iii), the
- 3397 Government Operations Interim Committee shall vote on whether to address the
- 3398 recommendations made by the governor in the report and prepare legislation accordingly.
- 3399 (3) (a) The governor shall designate a board and commissions administrator from the
- 3400 governor's staff to maintain a computerized database containing information about all
- 3401 executive boards.
- 3402 (b) The administrator shall ensure that the database contains:
- 3403 (i) the name of each executive board;
- 3404 (ii) the statutory or constitutional authority for the creation of the executive board;
- 3405 (iii) the sunset date on which each executive board's statutory authority expires;
- 3406 (iv) the state officer or department and division of state government under whose

3407 jurisdiction the executive board operates or with which the executive board is affiliated, if any;

3408 (v) the name, address, gender, telephone number, and county of each individual
3409 currently serving on the executive board, along with a notation of all vacant or unfilled
3410 positions;

3411 (vi) the title of the position held by the person who appointed each member of the
3412 executive board;

3413 (vii) the length of the term to which each member of the executive board was
3414 appointed and the month and year that each executive board member's term expires;

3415 (viii) whether [~~or not~~] members appointed to the executive board require the advice
3416 and consent of the Senate;

3417 (ix) the organization, interest group, profession, local government entity, or geographic
3418 area that an individual appointed to an executive board represents, if any;

3419 (x) the party affiliation of an individual appointed to an executive board, if the statute
3420 or executive order creating the position requires representation from political parties;

3421 (xi) whether each executive board is a policy board or an advisory board;

3422 (xii) whether the executive board has or exercises rulemaking authority; and

3423 (xiii) any compensation and expense reimbursement that members of the executive
3424 board are authorized to receive.

3425 (4) The administrator shall place the following on the governor's website:

3426 (a) the information contained in the database;

3427 (b) each report the administrator receives under Subsection (5); and

3428 (c) the summary report described in Subsection (6).

3429 (5) (a) Before August 1 of each year, each executive board shall prepare and submit to
3430 the administrator an annual report that includes:

3431 (i) the name of the executive board;

3432 (ii) a description of the executive board's official function and purpose;

3433 (iii) a description of the actual work performed by the executive board since the last
3434 report the executive board submitted to the administrator under this Subsection (5);

3435 (iv) a description of actions taken by the executive board since the last report the
3436 executive board submitted to the administrator under this Subsection (5);

3437 (v) recommendations on whether any statutory, rule, or other changes are needed to

3438 make the executive board more effective; and

3439 (vi) an indication of whether the executive board should continue to exist.

3440 (b) The administrator shall compile and post the reports described in Subsection (5)(a)
3441 to the governor's website before September 1 of each year.

3442 (c) An executive board is not required to submit a report under this Subsection (5) if
3443 the executive board:

3444 (i) is also a legislative board under Section 36-12-22; and

3445 (ii) submits a report under Section 36-12-22.

3446 (6) (a) The administrator shall prepare, publish, and distribute an annual report by
3447 September 1 of each year that includes:

3448 (i) as of August 1 of that year:

3449 (A) the total number of executive boards;

3450 (B) the name of each of those executive boards and the state officer or department and
3451 division of state government under whose jurisdiction the executive board operates or with
3452 which the executive board is affiliated, if any;

3453 (C) for each state officer and each department and division, the total number of
3454 executive boards under the jurisdiction of or affiliated with that officer, department, and
3455 division;

3456 (D) the total number of members for each of those executive boards;

3457 (E) whether or not some or all of the members of each of those executive boards are
3458 approved by the Senate;

3459 (F) whether each board is a policymaking board or an advisory board and the total
3460 number of policy boards and the total number of advisory boards; and

3461 (G) the compensation, if any, paid to the members of each of those executive boards;
3462 and

3463 (ii) a summary of the reports submitted to the administrator under Subsection (5),
3464 including:

3465 (A) a list of each executive board that submitted a report under Subsection (5);

3466 (B) a list of each executive board that did not submit a report under Subsection (5);

3467 (C) an indication of any recommendations made under Subsection (5)(a)(v); and

3468 (D) a list of any executive boards that indicated under Subsection (5)(a)(vi) that the

3469 executive board should no longer exist.

3470 (b) The administrator shall distribute copies of the report described in Subsection (6)(a)

3471 to:

3472 (i) the governor;

3473 (ii) the president of the Senate;

3474 (iii) the speaker of the House;

3475 (iv) the Office of Legislative Research and General Counsel;

3476 (v) the Government Operations Interim Committee; and

3477 (vi) any other persons who request a copy of the annual report.

3478 (c) Each year, the Government Operations Interim Committee shall prepare legislation

3479 making any changes the committee determines are suitable with respect to the report the

3480 committee receives under Subsection (6)(b), including:

3481 (i) repealing an executive board that is no longer functional or necessary; and

3482 (ii) making appropriate changes to make an executive board more effective.

3483 Section 79. Section **67-1-3** is amended to read:

3484 **67-1-3. Removal of gubernatorial appointee.**

3485 (1) Any time during a recess of the Legislature, the governor may remove any
3486 gubernatorial appointee for official misconduct, habitual or willful neglect of duty, or for other
3487 good and sufficient cause.

3488 (2) If the appointment required the advice and consent of the Senate, the governor may
3489 fill the vacancy created by the removal by following the procedures and requirements of
3490 Section [67-1-1.5](#).

3491 Section 80. Section **67-1-5** is amended to read:

3492 **67-1-5. Commissioning officers.**

3493 The governor must commission all officers of the militia, and all officers appointed by
3494 the governor or by the governor with the advice and consent of the Senate.

3495 Section 81. Section **67-1a-2** is amended to read:

3496 **67-1a-2. Duties enumerated.**

3497 (1) The lieutenant governor shall:

3498 (a) perform duties delegated by the governor, including assignments to serve in any of
3499 the following capacities:

3500 (i) as the head of any one department, if so qualified, with the advice and consent of
3501 the Senate, and, upon appointment at the pleasure of the governor and without additional
3502 compensation;

3503 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
3504 law for the purpose of advising the governor or coordinating intergovernmental or
3505 interdepartmental policies or programs;

3506 (iii) as liaison between the governor and the state Legislature to coordinate and
3507 facilitate the governor's programs and budget requests;

3508 (iv) as liaison between the governor and other officials of local, state, federal, and
3509 international governments or any other political entities to coordinate, facilitate, and protect the
3510 interests of the state;

3511 (v) as personal advisor to the governor, including advice on policies, programs,
3512 administrative and personnel matters, and fiscal or budgetary matters; and

3513 (vi) as chairperson or member of any temporary or permanent boards, councils,
3514 commissions, committees, task forces, or other group appointed by the governor;

3515 (b) serve on all boards and commissions in lieu of the governor, whenever so
3516 designated by the governor;

3517 (c) serve as the chief election officer of the state as required by Subsection (2);

3518 (d) keep custody of the Great Seal of Utah;

3519 (e) keep a register of, and attest, the official acts of the governor;

3520 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
3521 which the official signature of the governor is required; and

3522 (g) furnish a certified copy of all or any part of any law, record, or other instrument
3523 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
3524 it and pays the fee.

3525 (2) (a) As the chief election officer, the lieutenant governor shall:

3526 (i) exercise general supervisory authority over all elections;

3527 (ii) exercise direct authority over the conduct of elections for federal, state, and
3528 multicounty officers and statewide or multicounty ballot propositions and any recounts
3529 involving those races;

3530 (iii) assist county clerks in unifying the election ballot;

- 3531 (iv) (A) prepare election information for the public as required by statute and as
3532 determined appropriate by the lieutenant governor; and
- 3533 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to
3534 news media on the Internet and in other forms as required by statute or as determined
3535 appropriate by the lieutenant governor;
- 3536 (v) receive and answer election questions and maintain an election file on opinions
3537 received from the attorney general;
- 3538 (vi) maintain a current list of registered political parties as defined in Section
3539 [20A-8-101](#);
- 3540 (vii) maintain election returns and statistics;
- 3541 (viii) certify to the governor the names of those persons who have received the highest
3542 number of votes for any office;
- 3543 (ix) ensure that all voting equipment purchased by the state complies with the
3544 requirements of Subsection [20A-5-302\(2\)](#) and Sections [20A-5-802](#) and [20A-5-803](#);
- 3545 (x) conduct the study described in Section [67-1a-14](#);
- 3546 (xi) during a declared emergency, to the extent that the lieutenant governor determines
3547 it warranted, designate, as provided in Section [20A-1-308](#), a different method, time, or location
3548 relating to:
- 3549 (A) voting on election day;
- 3550 (B) early voting;
- 3551 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
- 3552 (D) the counting of an absentee ballot or military-overseas ballot; or
- 3553 (E) the canvassing of election returns; and
- 3554 (xii) perform other election duties as provided in Title 20A, Election Code.
- 3555 (b) As chief election officer, the lieutenant governor may not assume the
3556 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election
3557 officials by Title 20A, Election Code.
- 3558 (3) (a) The lieutenant governor shall:
- 3559 (i) determine a new municipality's classification under Section [10-2-301](#) upon the city's
3560 incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the
3561 municipality's population using the population estimate from the Utah Population Committee;

3562 and

3563 (ii) (A) prepare a certificate indicating the class in which the new municipality belongs
3564 based on the municipality's population; and

3565 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
3566 municipality's legislative body.

3567 (b) The lieutenant governor shall:

3568 (i) determine the classification under Section 10-2-301 of a consolidated municipality
3569 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,

3570 Consolidation of Municipalities, using population information from:

3571 (A) each official census or census estimate of the United States Bureau of the Census;

3572 or

3573 (B) the population estimate from the Utah Population Committee, if the population of a
3574 municipality is not available from the United States Bureau of the Census; and

3575 (ii) (A) prepare a certificate indicating the class in which the consolidated municipality
3576 belongs based on the municipality's population; and

3577 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
3578 consolidated municipality's legislative body.

3579 (c) The lieutenant governor shall:

3580 (i) determine a new metro township's classification under Section 10-2-301.5 upon the
3581 metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro

3582 Townships and Unincorporated Islands in a County of the First Class on and after May 12,
3583 2015, based on the metro township's population using the population estimates from the Utah

3584 Population Committee; and

3585 (ii) prepare a certificate indicating the class in which the new metro township belongs
3586 based on the metro township's population and, within 10 days after preparing the certificate,
3587 deliver a copy of the certificate to the metro township's legislative body.

3588 (d) The lieutenant governor shall monitor the population of each municipality using
3589 population information from:

3590 (i) each official census or census estimate of the United States Bureau of the Census; or

3591 (ii) the population estimate from the Utah Population Committee, if the population of a
3592 municipality is not available from the United States Bureau of the Census.

3593 (e) If the applicable population figure under Subsection (3)(b) or (d) indicates that a
3594 municipality's population has increased beyond the population for its current class, the
3595 lieutenant governor shall:

3596 (i) prepare a certificate indicating the class in which the municipality belongs based on
3597 the increased population figure; and

3598 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the
3599 legislative body of the municipality whose class has changed.

3600 (f) (i) If the applicable population figure under Subsection (3)(b) or (d) indicates that a
3601 municipality's population has decreased below the population for its current class, the
3602 lieutenant governor shall send written notification of that fact to the municipality's legislative
3603 body.

3604 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose
3605 population has decreased below the population for its current class, the lieutenant governor
3606 shall:

3607 (A) prepare a certificate indicating the class in which the municipality belongs based
3608 on the decreased population figure; and

3609 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
3610 legislative body of the municipality whose class has changed.

3611 Section 82. Section **67-19a-201** is amended to read:

3612 **67-19a-201. Career Service Review Office created -- Appointment of an**
3613 **administrator -- Reporting -- Qualifications.**

3614 (1) There is created a Career Service Review Office.

3615 (2) (a) The governor shall appoint, with the advice and consent of the Senate, an
3616 administrator of the office.

3617 (b) The administrator shall have demonstrated an ability to administer personnel
3618 policies in performing the duties specified in this chapter.

3619 Section 83. Section **68-4-5** is amended to read:

3620 **68-4-5. Creation -- Members -- Terms.**

3621 (1) There is established the "Utah Commission on Uniform State Laws," which
3622 consists of members of the Utah State Bar who are appointed as commissioners to the National
3623 Conference of Commissioners on Uniform State Laws as follows:

3624 (a) one commissioner, appointed by the governor with the advice and consent of the
3625 Senate, who shall be a member of the Senate at the time of appointment;

3626 (b) one commissioner, appointed by the governor with the advice and consent of the
3627 Senate, who shall be a member of the House of Representatives at the time of appointment;

3628 (c) two commissioners, appointed by the governor with the advice and consent of the
3629 Senate, who shall be active members of the Utah State Bar;

3630 (d) one commissioner who is the Legislature's general counsel or, alternatively, an
3631 attorney from the Office of Legislative Research and General Counsel who is appointed by the
3632 general counsel;

3633 (e) any commissioner that has previously served as a member of the commission and
3634 has been elected as a life member of the National Conference of Commissioners on Uniform
3635 State Laws according to the conference's constitution, bylaws, and rules of procedure; and

3636 (f) up to one associate commissioner, appointed by the Legislature's general counsel,
3637 who is an attorney from the Office of Legislative Research and General Counsel.

3638 (2) Commissioners appointed by the governor shall be appointed for four-year terms
3639 commencing on the date of their confirmation by the Senate.

3640 (3) A commissioner continues to serve:

3641 (a) unless the commissioner dies or resigns;

3642 (b) unless the commissioner ceases to be a member of the Utah State Bar in good
3643 standing; or

3644 (c) (i) for a commissioner appointed by the governor and notwithstanding expiration of
3645 the commissioner's term under Subsection (2), until the governor:

3646 (A) reappoints the commissioner to a new term; or

3647 (B) appoints a successor commissioner;

3648 (ii) for the general counsel, until the general counsel ceases to serve as general counsel
3649 or appoints an attorney to serve in the general counsel's place;

3650 (iii) for a commissioner appointed to serve in the place of the general counsel, until the
3651 general counsel chooses to serve as a commissioner or appoints a successor commissioner; or

3652 (iv) for an associate commissioner, until the general counsel appoints a successor
3653 commissioner or elects not to fill the position of associate commissioner.

3654 Section 84. Section **68-4-6** is amended to read:

3655 **68-4-6. Vacancies.**

3656 (1) For a commissioner who serves in a governor-appointed position described in
3657 Subsection 68-4-5(1)(a), (b), or (c):

3658 (a) the office of a commissioner becomes vacant and the governor, with the advice and
3659 consent of the Senate, shall immediately appoint a new commissioner upon the
3660 commissioner's:

3661 (i) death;

3662 (ii) resignation; or

3663 (iii) failure to be a member of the Utah State Bar in good standing; and

3664 (b) the governor may, with the advice and consent of the Senate, appoint a new
3665 commissioner or, as applicable, reappoint the current commissioner, provided that the current
3666 commissioner meets the requirements for appointment, after any of the following events:

3667 (i) the commissioner's failure to actively serve as commissioner;

3668 (ii) the commissioner's refusal to serve as commissioner;

3669 (iii) expiration of the commissioner's term;

3670 (iv) the commissioner's appointment to another position on the commission; or

3671 (v) the commissioner's election as a life member of the National Conference of

3672 Commissioners on Uniform State Laws.

3673 (2) (a) The commissioner who is the Legislature's general counsel shall serve only
3674 while acting as the Legislature's general counsel.

3675 (b) A commissioner who is serving as an appointee of the Legislature's general counsel
3676 shall serve at the will of the general counsel.

3677 Section 85. Section **72-1-202** is amended to read:

3678 **72-1-202. Executive director of department -- Appointment -- Qualifications --**
3679 **Term -- Responsibility -- Power to bring suits -- Salary.**

3680 (1) (a) The governor, with the advice and consent of the Senate, shall appoint an
3681 executive director to be the chief executive officer of the department.

3682 (b) The executive director shall be a registered professional engineer and qualified
3683 executive with technical and administrative experience and training appropriate for the
3684 position.

3685 (c) The executive director shall remain in office until a successor is appointed.

3686 (d) The executive director may be removed by the governor.

3687 (2) In addition to the other functions, powers, duties, rights, and responsibilities
3688 prescribed in this chapter, the executive director shall:

3689 (a) have responsibility for the administrative supervision of the state transportation
3690 systems and the various operations of the department;

3691 (b) have the responsibility for the implementation of rules, priorities, and policies
3692 established by the department and the commission;

3693 (c) have the responsibility for the oversight and supervision of any transportation
3694 project for which state funds are expended;

3695 (d) have full power to bring suit in courts of competent jurisdiction in the name of the
3696 department as the executive director considers reasonable and necessary for the proper
3697 attainment of the goals of this chapter;

3698 (e) receive a salary, to be established by the governor within the salary range fixed by
3699 the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual
3700 traveling expenses while away from the executive director's office on official business;

3701 (f) purchase all equipment, services, and supplies necessary to achieve the department's
3702 functions, powers, duties, rights, and responsibilities delegated under Section [72-1-201](#);

3703 (g) have the responsibility to determine whether a purchase from, contribution to, or
3704 other participation with a public entity or association of public entities in a pooled fund
3705 program to acquire, develop, or share information, data, reports, or other services related to the
3706 department's mission are procurement items under Title 63G, Chapter 6a, Utah Procurement
3707 Code;

3708 (h) have responsibility for administrative supervision of the Comptroller Division, the
3709 Internal Audit Division, and the Communications Division; and

3710 (i) appoint assistants, to serve at the discretion of the executive director, to administer
3711 the divisions of the department.

3712 (3) The executive director may employ other assistants and advisers as the executive
3713 director finds necessary and fix salaries in accordance with the salary standards adopted by the
3714 Department of Human Resource Management.

3715 Section 86. Section **72-1-301** is amended to read:

3716 **72-1-301. Transportation Commission created -- Members, appointment, terms --**

3717 **Qualifications -- Pay and expenses -- Chair -- Quorum.**

3718 (1) (a) There is created the Transportation Commission which shall consist of seven
3719 members.

3720 (b) The members of the commission shall be residents of Utah.

3721 (c) The members of the commission shall be selected on a nonpartisan basis.

3722 (d) (i) The commissioners shall be appointed by the governor, with the advice and
3723 consent of the Senate, for a term of six years, beginning on April 1 of odd-numbered years,
3724 except as provided under Subsection (1)(d)(ii).

3725 (ii) The first two additional commissioners serving on the seven member commission
3726 shall be appointed for terms of two years nine months and four years nine months, respectively,
3727 initially commencing on July 1, 1996, and subsequently commencing as specified under
3728 Subsection (1)(d)(i).

3729 (e) The commissioners serve on a part-time basis.

3730 (f) Each commissioner shall remain in office until a successor is appointed and
3731 qualified.

3732 (2) (a) Except as provided in Subsection (2)(b), the selection of the commissioners
3733 shall be as follows:

3734 (i) one commissioner from Box Elder, Cache, or Rich county;

3735 (ii) one commissioner from Salt Lake or Tooele county;

3736 (iii) one commissioner from Carbon, Emery, Grand, or San Juan county;

3737 (iv) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete,
3738 Sevier, Washington, or Wayne county;

3739 (v) one commissioner from Weber, Davis, or Morgan county;

3740 (vi) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or
3741 Daggett county; and

3742 (vii) one commissioner selected from the state at large.

3743 (b) Beginning with the appointment of commissioners on or after July 1, 2009 and
3744 subject to the restriction in Subsection (2)(d), the selection of commissioners shall be as
3745 follows:

3746 (i) four commissioners with one commissioner selected from each of the four regions
3747 established by the department; and

3748 (ii) subject to the restriction in Subsection (2)(c), three commissioners selected from
3749 the state at large.

3750 (c) (i) At least one of the three commissioners appointed under Subsection (2)(b)(ii)
3751 shall be selected from a rural county.

3752 (ii) For purposes of this Subsection (2)(c), a rural county includes a county of the third,
3753 fourth, fifth, or sixth class.

3754 (d) No more than two commissioners appointed under Subsection (2)(b) may be
3755 selected from any one of the four regions established by the department.

3756 (3) A member may not receive compensation or benefits for the member's service, but
3757 may receive per diem and travel expenses in accordance with:

3758 (a) Section 63A-3-106;

3759 (b) Section 63A-3-107; and

3760 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3761 63A-3-107.

3762 (4) (a) One member of the commission shall be designated by the governor as chair.

3763 (b) The commission shall select one member as vice chair to act in the chair's absence.

3764 (5) Any four commissioners constitute a quorum.

3765 (6) Each member of the commission shall qualify by taking the constitutional oath of
3766 office.

3767 (7) For the purposes of Section 63J-1-504, the commission is not considered an
3768 agency.

3769 Section 87. Section 73-2-1 is amended to read:

3770 **73-2-1. State engineer -- Term -- Powers and duties -- Qualification for duties.**

3771 (1) There shall be a state engineer.

3772 (2) The state engineer shall:

3773 (a) be appointed by the governor with the advice and consent of the Senate;

3774 (b) hold office for the term of four years and until a successor is appointed; and

3775 (c) have five years experience as a practical engineer or the theoretical knowledge,
3776 practical experience, and skill necessary for the position.

3777 (3) (a) The state engineer shall be responsible for the general administrative
3778 supervision of the waters of the state and the measurement, appropriation, apportionment, and

3779 distribution of those waters.

3780 (b) The state engineer may secure the equitable apportionment and distribution of the
3781 water according to the respective rights of appropriators.

3782 (4) The state engineer shall make rules, in accordance with Title 63G, Chapter 3, Utah
3783 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
3784 regarding:

3785 (a) reports of water right conveyances;

3786 (b) the construction of water wells and the licensing of water well drillers;

3787 (c) dam construction and safety;

3788 (d) the alteration of natural streams;

3789 (e) geothermal resource conservation;

3790 (f) enforcement orders and the imposition of fines and penalties; and

3791 (g) the duty of water.

3792 (5) The state engineer may make rules, in accordance with Title 63G, Chapter 3, Utah
3793 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
3794 governing:

3795 (a) water distribution systems and water commissioners;

3796 (b) water measurement and reporting;

3797 (c) groundwater recharge and recovery;

3798 (d) wastewater reuse;

3799 (e) the form, content, and processing procedure for a claim under Section 73-5-13 to
3800 surface or underground water that is not represented by a certificate of appropriation;

3801 (f) the form and content of a proof submitted to the state engineer under Section
3802 73-3-16;

3803 (g) the determination of water rights; or

3804 (h) the form and content of applications and related documents, maps, and reports.

3805 (6) The state engineer may bring suit in courts of competent jurisdiction to:

3806 (a) enjoin the unlawful appropriation, diversion, and use of surface and underground
3807 water without first seeking redress through the administrative process;

3808 (b) prevent theft, waste, loss, or pollution of those waters;

3809 (c) enable him to carry out the duties of the state engineer's office; and

3810 (d) enforce administrative orders and collect fines and penalties.

3811 (7) The state engineer may:

3812 (a) upon request from the board of trustees of an irrigation district under Title 17B,
3813 Chapter 2a, Part 5, Irrigation District Act, or another local district under Title 17B, Limited
3814 Purpose Local Government Entities - Local Districts, or a special service district under Title
3815 17D, Chapter 1, Special Service District Act, that operates an irrigation water system, cause a
3816 water survey to be made of all lands proposed to be annexed to the district in order to
3817 determine and allot the maximum amount of water that could be beneficially used on the land,
3818 with a separate survey and allotment being made for each 40-acre or smaller tract in separate
3819 ownership; and

3820 (b) upon completion of the survey and allotment under Subsection (7)(a), file with the
3821 district board a return of the survey and report of the allotment.

3822 (8) (a) The state engineer may establish water distribution systems and define their
3823 boundaries.

3824 (b) The water distribution systems shall be formed in a manner that:

3825 (i) secures the best protection to the water claimants; and

3826 (ii) is the most economical for the state to supervise.

3827 Section 88. Section 73-10-2 is amended to read:

3828 **73-10-2. Board of Water Resources -- Members -- Appointment -- Terms --**
3829 **Vacancies.**

3830 (1) (a) The Board of Water Resources shall be comprised of eight members to be
3831 appointed by the governor with the advice and consent of the Senate.

3832 (b) In addition to the requirements of Section 79-2-203, not more than four members
3833 shall be from the same political party.

3834 (2) One member of the board shall be appointed from each of the following districts:

3835 (a) Bear River District, comprising the counties of Box Elder, Cache, and Rich;

3836 (b) Weber District, comprising the counties of Weber, Davis, Morgan, and Summit;

3837 (c) Salt Lake District, comprising the counties of Salt Lake and Tooele;

3838 (d) Provo River District, comprising the counties of Juab, Utah, and Wasatch;

3839 (e) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute,
3840 and Wayne;

3841 (f) Green River District, comprising the counties of Daggett, Duchesne, and Uintah;

3842 (g) Upper Colorado River District, comprising the counties of Carbon, Emery, Grand,
3843 and San Juan; and

3844 (h) Lower Colorado River District, comprising the counties of Beaver, Garfield, Iron,
3845 Washington, and Kane.

3846 (3) (a) Except as required by Subsection (3)(b), all appointments shall be for terms of
3847 four years.

3848 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
3849 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3850 board members are staggered so that approximately half of the board is appointed every two
3851 years.

3852 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
3853 appointed for the unexpired term with the advice and consent of the Senate and shall be from
3854 the same district as such person.

3855 (4) A member may not receive compensation or benefits for the member's service, but
3856 may receive per diem and travel expenses in accordance with:

3857 (a) Section 63A-3-106;

3858 (b) Section 63A-3-107; and

3859 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3860 63A-3-107.

3861 Section 89. Section 73-30-201 is amended to read:

3862 **73-30-201. Advisory council created -- Staffing -- Per diem and travel expenses.**

3863 (1) There is created an advisory council known as the "Great Salt Lake Advisory
3864 Council" consisting of 11 members listed in Subsection (2).

3865 (2) (a) The governor shall appoint the following members, with the advice and consent
3866 of the Senate:

3867 (i) one representative of industry representing the extractive industry;

3868 (ii) one representative of industry representing aquaculture;

3869 (iii) one representative of conservation interests;

3870 (iv) one representative of a migratory bird protection area as defined in Section
3871 23-28-102;

3872 (v) one representative who is an elected official from municipal government, or the
3873 elected official's designee;

3874 (vi) five representatives who are elected officials from county government, or the
3875 elected official's designee, one each representing:

3876 (A) Box Elder County;

3877 (B) Davis County;

3878 (C) Salt Lake County;

3879 (D) Tooele County; and

3880 (E) Weber County; and

3881 (vii) one representative of a publicly owned treatment works.

3882 (3) (a) Except as required by Subsection (3)(b), each member shall serve a four-year
3883 term.

3884 (b) Notwithstanding Subsection (3)(a), at the time of appointment or reappointment,
3885 the governor shall adjust the length of terms of voting members to ensure that the terms of
3886 council members are staggered so that approximately half of the council is appointed every two
3887 years.

3888 (c) When a vacancy occurs in the membership for any reason, the governor shall
3889 appoint a replacement for the unexpired term with the advice and consent of the Senate.

3890 (d) A member shall hold office until the member's successor is appointed and qualified.

3891 (4) The council shall determine:

3892 (a) the time and place of meetings; and

3893 (b) any other procedural matter not specified in this chapter.

3894 (5) (a) Attendance of six members at a meeting of the council constitutes a quorum.

3895 (b) A vote of the majority of the members present at a meeting when a quorum is
3896 present constitutes an action of the council.

3897 (6) A member may not receive compensation or benefits for the member's service, but
3898 may receive per diem and travel expenses in accordance with:

3899 (a) Section 63A-3-106;

3900 (b) Section 63A-3-107; and

3901 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3902 63A-3-107.

3903 (7) The Department of Natural Resources and the Department of Environmental
3904 Quality shall coordinate and provide necessary staff assistance to the council.

3905 Section 90. Section 77-5-6 is amended to read:

3906 **77-5-6. Suspension on filing articles -- Vacancy, how filled.**

3907 When articles of impeachment are presented to the Senate, and the officer has been
3908 served with a copy of the articles, [~~he~~] the officer shall be temporarily suspended from [~~his~~]
3909 office and may not exercise [~~his~~] the duties of the office until [~~he~~] the officer is acquitted.
3910 Upon the suspension of any officer, other than the governor, or a justice or judge of a court of
3911 record, [~~his~~] the office shall be temporarily filled by an appointment made by the governor,
3912 with the advice and consent of the Senate, until the acquittal of the party impeached, or, in the
3913 case of [~~his~~] the officer's removal, until the vacancy is filled at the next election as provided by
3914 law.

3915 Section 91. Section 77-27-2 is amended to read:

3916 **77-27-2. Board of Pardons and Parole -- Creation -- Compensation -- Functions.**

3917 (1) There is created the Board of Pardons and Parole. The board shall consist of five
3918 full-time members and not more than five pro tempore members to be appointed by the
3919 governor with the advice and consent of the Senate as provided in this section. The members
3920 of the board shall be resident citizens of the state. The governor shall establish salaries for the
3921 members of the board within the salary range fixed by the Legislature in Title 67, Chapter 22,
3922 State Officer Compensation.

3923 (2) (a) (i) The full-time board members shall serve terms of five years. The terms of
3924 the full-time members shall be staggered so one board member is appointed for a term of five
3925 years on March 1 of each year.

3926 (ii) The pro tempore members shall serve terms of five years, beginning on March 1 of
3927 the year of appointment, with no more than one pro tempore member term beginning or
3928 expiring in the same calendar year. If a pro tempore member vacancy occurs, the board may
3929 submit the names of not fewer than three or more than five persons to the governor for
3930 appointment to fill the vacancy.

3931 (b) All vacancies occurring on the board for any cause shall be filled by the governor
3932 with the advice and consent of the Senate pursuant to this section for the unexpired term of the
3933 vacating member.

3934 (c) The governor may at any time remove any member of the board for inefficiency,
3935 neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing

3936 (d) A member of the board may not hold any other office in the government of the
3937 United States, this state or any other state, or of any county government or municipal
3938 corporation within a state. A member may not engage in any occupation or business
3939 inconsistent with the member's duties.

3940 (e) A majority of the board constitutes a quorum for the transaction of business,
3941 including the holding of hearings at any time or any location within or without the state, or for
3942 the purpose of exercising any duty or authority of the board. Action taken by a majority of the
3943 board regarding whether parole, pardon, commutation, termination of sentence, or remission of
3944 fines or forfeitures may be granted or restitution ordered in individual cases is deemed the
3945 action of the board. A majority vote of the five full-time members of the board is required for
3946 adoption of rules or policies of general applicability as provided by statute. However, a
3947 vacancy on the board does not impair the right of the remaining board members to exercise any
3948 duty or authority of the board as long as a majority of the board remains.

3949 (f) Any investigation, inquiry, or hearing that the board has authority to undertake or
3950 hold may be conducted by any board member or an examiner appointed by the board. When
3951 any of these actions are approved and confirmed by the board and filed in its office, they are
3952 considered to be the action of the board and have the same effect as if originally made by the
3953 board.

3954 (g) When a full-time board member is absent or in other extraordinary circumstances
3955 the chair may, as dictated by public interest and efficient administration of the board, assign a
3956 pro tempore member to act in the place of a full-time member. Pro tempore members shall
3957 receive a per diem rate of compensation as established by the Division of Finance and all actual
3958 and necessary expenses incurred in attending to official business.

3959 (h) The chair may request staff and administrative support as necessary from the
3960 Department of Corrections.

3961 (3) (a) Except as provided in Subsection (3)(b), the Commission on Criminal and
3962 Juvenile Justice shall:

3963 (i) recommend five applicants to the governor for a full-time member appointment to
3964 the Board of Pardons and Parole; and

3965 (ii) consider applicants' knowledge of the criminal justice system, state and federal
3966 criminal law, judicial procedure, corrections policies and procedures, and behavioral sciences.

3967 (b) The procedures and requirements of Subsection (3)(a) do not apply if the governor
3968 appoints a sitting board member to a new term of office.

3969 (4) (a) The board shall appoint an individual to serve as its mental health adviser and
3970 may appoint other staff necessary to aid it in fulfilling its responsibilities under Title 77,
3971 Chapter 16a, Commitment and Treatment of Persons with a Mental Illness. The adviser shall
3972 prepare reports and recommendations to the board on all persons adjudicated as guilty with a
3973 mental illness, in accordance with Title 77, Chapter 16a, Commitment and Treatment of
3974 Persons with a Mental Illness.

3975 (b) The mental health adviser shall possess the qualifications necessary to carry out the
3976 duties imposed by the board and may not be employed by the Department of Corrections or the
3977 Utah State Hospital.

3978 (i) The Board of Pardons and Parole may review outside employment by the mental
3979 health advisor.

3980 (ii) The Board of Pardons and Parole shall develop rules governing employment with
3981 entities other than the board by the mental health advisor for the purpose of prohibiting a
3982 conflict of interest.

3983 (c) The mental health adviser shall:

3984 (i) act as liaison for the board with the Department of Human Services and local mental
3985 health authorities;

3986 (ii) educate the members of the board regarding the needs and special circumstances of
3987 persons with a mental illness in the criminal justice system;

3988 (iii) in cooperation with the Department of Corrections, monitor the status of persons
3989 in the prison who have been found guilty with a mental illness;

3990 (iv) monitor the progress of other persons under the board's jurisdiction who have a
3991 mental illness;

3992 (v) conduct hearings as necessary in the preparation of reports and recommendations;
3993 and

3994 (vi) perform other duties as assigned by the board.

3995 Section 92. Section **78A-11-103** is amended to read:

3996 **78A-11-103. Judicial Conduct Commission -- Members -- Terms -- Vacancies --**
3997 **Voting -- Power of chair.**

3998 (1) The membership of the commission consists of the following 11 members:

3999 (a) two members of the House of Representatives to be appointed by the speaker of the
4000 House of Representatives for a four-year term, not more than one of whom may be of the same
4001 political party as the speaker;

4002 (b) two members of the Senate to be appointed by the president of the Senate for a
4003 four-year term, not more than one of whom may be of the same political party as the president;

4004 (c) two members of, and in good standing with, the Utah State Bar, who shall be
4005 appointed by a majority of the Utah Supreme Court for a four-year term, none of whom may
4006 reside in the same judicial district;

4007 (d) three persons not members of the Utah State Bar, who shall be appointed by the
4008 governor, with the advice and consent of the Senate, for four-year terms, not more than two of
4009 whom may be of the same political party as the governor; and

4010 (e) two judges to be appointed by a majority of the Utah Supreme Court for a four-year
4011 term, neither of whom may:

4012 (i) be a member of the Utah Supreme Court;

4013 (ii) serve on the same level of court as the other; and

4014 (iii) if trial judges, serve primarily in the same judicial district as the other.

4015 (2) (a) The terms of the members shall be staggered so that approximately half of the
4016 commission expires every two years.

4017 (b) Members of the commission may not serve longer than eight years.

4018 (3) The commission shall establish guidelines and procedures for the disqualification
4019 of any member from consideration of any matter. A judge who is a member of the commission
4020 or the Supreme Court may not participate in any proceedings involving the judge's own
4021 removal or retirement.

4022 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
4023 be appointed by the appointing authority for that position for the unexpired term.

4024 (b) If the appointing authority fails to appoint a replacement, the commissioners who
4025 have been appointed may act as a commission under all the provisions of this section.

4026 (5) Six members of the commission shall constitute a quorum. Any action of a

4027 majority of the quorum constitutes the action of the commission.

4028 (6) (a) At each commission meeting, the chair and executive director shall schedule all
4029 complaints to be heard by the commission and present any information from which a
4030 reasonable inference can be drawn that a judge has committed misconduct so that the
4031 commission may determine by majority vote of a quorum whether the executive director shall
4032 draft a written complaint in accordance with Subsection 78A-11-102(2)(b).

4033 (b) The chair and executive director may not act to dismiss any complaint without a
4034 majority vote of a quorum of the commission.

4035 (7) It is the responsibility of the chair and the executive director to ensure that the
4036 commission complies with the procedures of the commission.

4037 (8) The chair shall be nonvoting except in the case of a tie vote.

4038 (9) The chair shall be allowed the actual expenses of secretarial services, the expenses
4039 of services for either a court reporter or a transcriber of electronic tape recordings, and other
4040 necessary administrative expenses incurred in the performance of the duties of the commission.

4041 (10) Upon a majority vote of the quorum, the commission may:

4042 (a) employ an executive director, legal counsel, investigators, and other staff to assist
4043 the commission; and

4044 (b) incur other reasonable and necessary expenses within the authorized budget of the
4045 commission and consistent with the duties of the commission.

4046 (11) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah
4047 Administrative Rulemaking Act, outlining its procedures and the appointment of masters.

4048 Section 93. Section **78B-22-402** is amended to read:

4049 **78B-22-402. Commission members -- Member qualifications -- Terms -- Vacancy.**

4050 (1) The commission is composed of 15 voting members and one ex officio, nonvoting
4051 member.

4052 (a) The governor, with the advice and consent of the Senate, shall appoint the
4053 following 13 voting members:

4054 (i) two practicing criminal defense attorneys recommended by the Utah Association of
4055 Criminal Defense Lawyers;

4056 (ii) one attorney practicing in juvenile delinquency defense recommended by the Utah
4057 Association of Criminal Defense Lawyers;

4058 (iii) an attorney representing minority interests recommended by the Utah Minority Bar
4059 Association;

4060 (iv) one member recommended by the Utah Association of Counties from a county of
4061 the first or second class;

4062 (v) one member recommended by the Utah Association of Counties from a county of
4063 the third through sixth class;

4064 (vi) a director of a county public defender organization recommended by the Utah
4065 Association of Criminal Defense Lawyers;

4066 (vii) two members recommended by the Utah League of Cities and Towns from its
4067 membership;

4068 (viii) a retired judge recommended by the Judicial Council;

4069 (ix) one attorney practicing in the area of parental defense, recommended by an entity
4070 funded under the Child Welfare Parental Defense Program created in Section [63M-7-211](#); and

4071 (x) two members of the Utah Legislature, one from the House of Representatives and
4072 one from the Senate, selected jointly by the Speaker of the House and President of the Senate.

4073 (b) The Judicial Council shall appoint a voting member from the Administrative Office
4074 of the Courts.

4075 (c) The executive director of the State Commission on Criminal and Juvenile Justice or
4076 the executive director's designee is a voting member of the commission.

4077 (d) The director of the commission, appointed under Section [78B-22-403](#), is an ex
4078 officio, nonvoting member of the commission.

4079 (2) A member appointed by the governor shall serve a four-year term, except as
4080 provided in Subsection (3).

4081 (3) The governor shall stagger the initial terms of appointees so that approximately half
4082 of the members appointed by the governor are appointed every two years.

4083 (4) A member appointed to the commission shall have significant experience in
4084 indigent criminal defense, parental defense, or juvenile defense in delinquency proceedings or
4085 have otherwise demonstrated a strong commitment to providing effective representation in
4086 indigent defense services.

4087 (5) A person who is currently employed solely as a criminal prosecuting attorney may
4088 not serve as a member of the commission.

4089 (6) A commission member shall hold office until the member's successor is appointed.

4090 (7) The commission may remove a member for incompetence, dereliction of duty,
4091 malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.

4092 (8) If a vacancy occurs in the membership for any reason, a replacement shall be
4093 appointed for the remaining unexpired term in the same manner as the original appointment.

4094 (9) The commission shall annually elect a chair from the commission's membership to
4095 serve a one-year term. A commission member may not serve as chair of the commission for
4096 more than three consecutive terms.

4097 (10) A member may not receive compensation or benefits for the member's service, but
4098 may receive per diem and travel expenses in accordance with:

4099 (a) Section [63A-3-106](#);

4100 (b) Section [63A-3-107](#); and

4101 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
4102 [63A-3-107](#).

4103 (11) (a) A majority of the members of the commission constitutes a quorum.

4104 (b) If a quorum is present, the action of a majority of the voting members present
4105 constitutes the action of the commission.

4106 Section 94. Section **79-2-202** is amended to read:

4107 **79-2-202. Executive director -- Appointment -- Removal -- Compensation --**
4108 **Responsibilities.**

4109 (1) (a) The chief administrative officer of the department is an executive director
4110 appointed by the governor with the advice and consent of the Senate.

4111 (b) The executive director may be removed at the will of the governor.

4112 (c) The executive director shall receive a salary established by the governor within the
4113 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

4114 (2) The executive director shall:

4115 (a) administer and supervise the department and provide for coordination and
4116 cooperation among the boards, divisions, councils, and committees of the department;

4117 (b) approve the budget of each board and division;

4118 (c) participate in regulatory proceedings as appropriate for the functions and duties of
4119 the department;

4120 (d) report at the end of each fiscal year to the governor on department, board, and
4121 division activities;

4122 (e) ensure that any training or certification required of a public official or public
4123 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
4124 22, State Training and Certification Requirements, if the training or certification is required:

4125 (i) under this title;

4126 (ii) by the department; or

4127 (iii) by an agency or division within the department; and

4128 (f) perform other duties as provided by statute.

4129 (3) By following the procedures and requirements of Title 63J, Chapter 5, Federal
4130 Funds Procedures Act, the executive director, may accept an executive or legislative provision
4131 that is enacted by the federal government, whereby the state may participate in the distribution,
4132 disbursement, or administration of a fund or service from the federal government for purposes
4133 consistent with the powers and duties of the department.

4134 (4) (a) The executive director, in cooperation with the governmental entities having
4135 policymaking authority regarding natural resources, may engage in studies and comprehensive
4136 planning for the development and conservation of the state's natural resources.

4137 (b) The executive director shall submit any plan to the governor for review and
4138 approval.

4139 Section 95. Section 79-3-302 is amended to read:

4140 **79-3-302. Members of board -- Qualifications and appointment -- Vacancies --**
4141 **Organization -- Meetings -- Financial gain prohibited -- Expenses.**

4142 (1) The board consists of seven members appointed by the governor, with the advice
4143 and consent of the Senate.

4144 (2) In addition to the requirements of Section 79-2-203, the members shall have the
4145 following qualifications:

4146 (a) one member knowledgeable in the field of geology as applied to the practice of civil
4147 engineering;

4148 (b) four members knowledgeable and representative of various segments of the mineral
4149 industry throughout the state, such as hydrocarbons, solid fuels, metals, and industrial minerals;

4150 (c) one member knowledgeable of the economic or scientific interests of the mineral

4151 industry in the state; and

4152 (d) one member who is interested in the goals of the survey and from the public at
4153 large.

4154 (3) The director of the School and Institutional Trust Lands Administration is an ex
4155 officio member of the board but without any voting privileges.

4156 (4) (a) Except as required by Subsection (4)(b), members are appointed for terms of
4157 four years.

4158 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
4159 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4160 board members are staggered so that approximately half of the board is appointed every two
4161 years.

4162 (c) No more than four members may be of the same political party.

4163 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
4164 appointed for the unexpired term by the governor with the advice and consent of the Senate.

4165 (5) The board shall select from its members a chair and such officers and committees
4166 as it considers necessary.

4167 (6) (a) The board shall hold meetings at least quarterly on such dates as may be set by
4168 its chair.

4169 (b) Special meetings may be held upon notice of the chair or by a majority of its
4170 members.

4171 (c) A majority of the members of the board present at a meeting constitutes a quorum
4172 for the transaction of business.

4173 (7) Members of the board may not obtain financial gain by reason of information
4174 obtained during the course of their official duties.

4175 (8) A member may not receive compensation or benefits for the member's service, but
4176 may receive per diem and travel expenses in accordance with:

4177 (a) Section [63A-3-106](#);

4178 (b) Section [63A-3-107](#); and

4179 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
4180 [63A-3-107](#).

4181 Section 96. Section **79-4-302** is amended to read:

4182 **79-4-302. Board appointment and terms of members -- Expenses.**

4183 (1) (a) The board is composed of nine members appointed by the governor, with the
4184 advice and consent of the Senate, to four-year terms.

4185 (b) In addition to the requirements of Section 79-2-203, the governor shall:

4186 (i) appoint one member from each judicial district and one member from the public at
4187 large;

4188 (ii) ensure that not more than five members are from the same political party; and

4189 (iii) appoint persons who have an understanding of and demonstrated interest in parks
4190 and recreation.

4191 (c) Notwithstanding the term requirements of Subsection (1)(a), the governor may
4192 adjust the length of terms to ensure that the terms of board members are staggered so that
4193 approximately half of the board is appointed every two years.

4194 (2) When vacancies occur because of death, resignation, or other cause, the governor,
4195 with the advice and consent of the Senate, shall:

4196 (a) appoint a person to complete the unexpired term of the person whose office was
4197 vacated; and

4198 (b) if the person was appointed from a judicial district, appoint the replacement from
4199 the judicial district from which the person whose office has become vacant was appointed.

4200 (3) The board shall appoint its chair from its membership.

4201 (4) A member may not receive compensation or benefits for the member's service, but
4202 may receive per diem and travel expenses in accordance with:

4203 (a) Section 63A-3-106;

4204 (b) Section 63A-3-107; and

4205 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4206 63A-3-107.