

1 **ADVICE AND CONSENT AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Karen Mayne**

5 House Sponsor: Timothy D. Hawkes

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ modifies deadlines, and the information provided by the governor, with respect to
- 14 non-judicial gubernatorial nominees;
- 15 ▶ requires a Senate confirmation hearing, and provides an exception to a deadline
- 16 waiver provision, for certain nominees;
- 17 ▶ requires notice of anticipated vacancies in offices that require Senate consent;
- 18 ▶ provides a process for government entities and other organizations to provide input
- 19 on gubernatorial appointments;
- 20 ▶ requires a judicial nominating commission to provide the list of nominees to the
- 21 Senate at the time it provides the list to the governor;
- 22 ▶ amends provisions requiring Senate consent to also require Senate advice; and
- 23 ▶ makes technical changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 This bill provides coordination clauses.

28 **Utah Code Sections Affected:**

29 AMENDS:

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

- 58 **34-20-3**, as last amended by Laws of Utah 2016, Chapter 348
- 59 **34A-1-201**, as last amended by Laws of Utah 2011, Chapter 336
- 60 **34A-1-205**, as last amended by Laws of Utah 2013, Chapter 428
- 61 **35A-1-201**, as last amended by Laws of Utah 2018, Chapter 423
- 62 **35A-8-304**, as last amended by Laws of Utah 2019, Chapter 89
- 63 **35A-8-2103**, as renumbered and amended by Laws of Utah 2018, Chapter 182
- 64 **40-6-4**, as last amended by Laws of Utah 2013, Chapter 243
- 65 **49-11-202**, as last amended by Laws of Utah 2019, Chapter 31
- 66 **51-7-16**, as last amended by Laws of Utah 2010, Chapter 286
- 67 **51-10-206**, as last amended by Laws of Utah 2019, Chapter 163
- 68 **53-1-107**, as last amended by Laws of Utah 2002, Chapter 176
- 69 **53-2a-1103**, as last amended by Laws of Utah 2019, Chapter 161
- 70 **53B-1-104**, as last amended by Laws of Utah 2018, Chapter 382
- 71 **53B-1-105**, as last amended by Laws of Utah 2012, Chapter 78
- 72 **53B-2-104**, as last amended by Laws of Utah 2019, Chapter 357
- 73 **53B-2a-103**, as last amended by Laws of Utah 2018, Chapter 382
- 74 **53B-2a-108**, as repealed and reenacted by Laws of Utah 2018, Chapter 382
- 75 **53C-1-202**, as last amended by Laws of Utah 2011, Chapter 247
- 76 **53E-3-921**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 77 **53G-5-201**, as last amended by Laws of Utah 2019, Chapter 293
- 78 **54-1-1.5**, as last amended by Laws of Utah 2002, Chapter 176
- 79 **54-10a-201**, as renumbered and amended by Laws of Utah 2009, Chapter 237
- 80 **59-1-201**, as last amended by Laws of Utah 2014, Chapter 370
- 81 **59-1-206**, as last amended by Laws of Utah 2003, Chapter 131
- 82 **61-1-18.5**, as last amended by Laws of Utah 2011, Chapter 319
- 83 **61-2f-103**, as last amended by Laws of Utah 2016, Chapters 25 and 381
- 84 **61-2g-204**, as renumbered and amended by Laws of Utah 2011, Chapter 289
- 85 **62A-1-107**, as last amended by Laws of Utah 2019, Chapter 246

- 86 **62A-1-108**, as last amended by Laws of Utah 2002, Chapter 176
- 87 **62A-7-501**, as last amended by Laws of Utah 2019, Chapter 246
- 88 **63A-1-105**, as last amended by Laws of Utah 2002, Chapter 176
- 89 **63F-1-105**, as enacted by Laws of Utah 2005, Chapter 169
- 90 **63G-2-501**, as last amended by Laws of Utah 2019, Chapter 254
- 91 **63H-4-102**, as last amended by Laws of Utah 2011, Chapter 308 and renumbered and
- 92 amended by Laws of Utah 2011, Chapter 370
- 93 **63H-6-104**, as last amended by Laws of Utah 2018, Chapter 447
- 94 **63H-8-201**, as renumbered and amended by Laws of Utah 2015, Chapter 226
- 95 **63J-4-602**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 96 **63J-4-702**, as last amended by Laws of Utah 2019, Chapter 246
- 97 **63L-9-103**, as renumbered and amended by Laws of Utah 2017, Chapter 451
- 98 **63M-2-301**, as last amended by Laws of Utah 2019, Chapters 246 and 352
- 99 **63M-7-203**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 100 **63M-7-504**, as last amended by Laws of Utah 2011, Chapter 131
- 101 **63N-1-202**, as last amended by Laws of Utah 2015, Chapter 344 and renumbered and
- 102 amended by Laws of Utah 2015, Chapter 283
- 103 **63N-1-401**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 104 **63N-1-501**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 105 **63N-7-102**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 106 **64-13-3**, as last amended by Laws of Utah 2002, Chapter 176
- 107 **67-1-1.5**, as last amended by Laws of Utah 2010, Chapter 355
- 108 **67-1-2**, as last amended by Laws of Utah 2008, Chapter 382
- 109 **67-1-2.5**, as last amended by Laws of Utah 2019, Chapter 246
- 110 **67-1-3**, as last amended by Laws of Utah 2002, Chapter 176
- 111 **67-1-5**, Utah Code Annotated 1953
- 112 **67-1a-2**, as last amended by Laws of Utah 2019, Chapter 165
- 113 **67-19a-201**, as last amended by Laws of Utah 2010, Chapters 249, 286, 324 and last

114 amended by Coordination Clause, Laws of Utah 2010, Chapter 249
 115 **68-4-5**, as repealed and reenacted by Laws of Utah 2011, Chapter 356
 116 **68-4-6**, as repealed and reenacted by Laws of Utah 2011, Chapter 356
 117 **72-1-202**, as last amended by Laws of Utah 2019, Chapters 69 and 479
 118 **72-1-301**, as last amended by Laws of Utah 2019, Chapter 479
 119 **73-2-1**, as last amended by Laws of Utah 2017, Chapter 60
 120 **73-10-2**, as last amended by Laws of Utah 2010, Chapter 286
 121 **73-30-201**, as last amended by Laws of Utah 2011, Chapter 308
 122 **77-5-6**, as last amended by Laws of Utah 1986, Chapter 47
 123 **77-27-2**, as last amended by Laws of Utah 2011, Chapter 366
 124 **78A-11-103**, as last amended by Laws of Utah 2012, Chapter 133
 125 **78B-22-402**, as last amended by Laws of Utah 2019, Chapter 435 and renumbered and
 126 amended by Laws of Utah 2019, Chapter 326
 127 **79-2-202**, as last amended by Laws of Utah 2018, Chapter 200
 128 **79-3-302**, as last amended by Laws of Utah 2010, Chapter 286
 129 **79-4-302**, as last amended by Laws of Utah 2010, Chapter 286

Utah Code Sections Affected by Coordination Clause:

131 **53B-1-404**, Utah Code Annotated 1953
 132 **63G-24-102**, Utah Code Annotated 1953
 133 **67-1-2**, as last amended by Laws of Utah 2008, Chapter 382

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

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

4-2-104. Administration by commissioner.

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

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

(3) The governor shall establish the commissioner's compensation within the salary

142 range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

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

144 **4-18-104. Conservation Commission created -- Composition -- Appointment --**
145 **Terms -- Compensation -- Attorney general to provide legal assistance.**

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

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

149 (a) 11 voting members, including:

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

152 (ii) the executive director of the Department of Natural Resources or the executive
153 director's designee;

154 (iii) the executive director of the Department of Environmental Quality or the
155 executive director's designee;

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

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

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

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

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

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

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

170 (6) The members of the commission specified in Subsection (2)(a)(v) shall:
171 (a) be recommended by the commission to the governor; and
172 (b) be appointed by the governor with the advice and consent of the Senate.
173 (7) (a) Except as required by Subsection (7)(b), as terms of current commission
174 members expire, the governor shall appoint each new member or reappointed member to a
175 four-year term.
176 (b) Notwithstanding the requirements of Subsection (7)(a), the governor shall, at the
177 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
178 commission members are staggered so that approximately half of the commission is appointed
179 every two years.
180 (c) A commission member may not be appointed to more than two consecutive terms.
181 (8) When a vacancy occurs in the membership for any reason, the replacement shall be
182 appointed for the unexpired term.
183 (9) Attendance of six voting members of the commission at a meeting constitutes a
184 quorum.
185 (10) A member may not receive compensation or benefits for the member's service, but
186 may receive per diem and travel expenses in accordance with:
187 (a) Section 63A-3-106;
188 (b) Section 63A-3-107; and
189 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
190 63A-3-107.
191 (11) The commission shall keep a record of the commission's actions.
192 (12) The attorney general shall provide legal services to the commission upon request.
193 Section 3. Section 7-1-202 is amended to read:
194 **7-1-202. Commissioner of financial institutions as executive officer --**
195 **Appointment -- Term -- Salary -- Qualifications.**
196 The chief executive officer of the Department of Financial Institutions shall be the
197 commissioner of financial institutions who shall be appointed by the governor with the advice

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

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

208 **7-1-203. Board of Financial Institutions.**

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

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

214 (b) one representative from the consumer lending, money services business, or escrow
215 agency business;

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

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

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

221 (2) The commissioner shall act as chair.

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

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

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

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

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

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

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

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

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

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

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

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

241 (e) A meeting of the board and records of the board's proceedings are subject to Title
242 52, Chapter 4, Open and Public Meetings Act, except for discussion of confidential
243 information pertaining to a particular financial institution.

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

247 (b) The member shall:

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

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

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

- 254 (a) Section 63A-3-106;
- 255 (b) Section 63A-3-107; and
- 256 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 257 63A-3-107.
- 258 (8) The board shall advise the commissioner with respect to:
- 259 (a) the exercise of the commissioner's duties, powers, and responsibilities under this
- 260 title; and
- 261 (b) the organization and performance of the department and its employees.
- 262 (9) The board shall recommend annually to the governor and the Legislature a budget
- 263 for the requirements of the department in carrying out its duties, functions, and responsibilities
- 264 under this title.

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

266 **9-1-201.1. Executive director of department -- Appointment -- Removal --**
 267 **Compensation.**

- 268 (1) The department shall be directed, organized, and managed by an executive director
- 269 appointed by the governor with the advice and consent of the Senate.
- 270 (2) The executive director serves at the pleasure of the governor.
- 271 (3) The salary of the executive director shall be established by the governor within the
- 272 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

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

274 **9-6-204. Utah Arts Council Board of Directors.**

- 275 (1) There is created within the division the Board of Directors of the Utah Arts
- 276 Council.
- 277 (2) (a) The board shall consist of 13 members appointed by the governor to four-year
- 278 terms of office with the advice and consent of the Senate.
- 279 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
- 280 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 281 board members are staggered so that approximately half of the board is appointed every two

282 years.

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

284 (i) visual arts;

285 (ii) architecture or design;

286 (iii) literature;

287 (iv) music;

288 (v) sculpture;

289 (vi) folklore or folk arts;

290 (vii) theatre;

291 (viii) dance; and

292 (ix) media arts.

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

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

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

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

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

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

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

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

304 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
305 63A-3-107.

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

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

309 **9-6-803. Arts and Culture Business Alliance -- Creation -- Members -- Vacancies.**

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

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

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

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

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

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

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

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

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

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

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

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

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

332 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
333 63A-3-107.

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

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

337 **9-8-204. Board of State History.**

- 338 (1) There is created within the department the Board of State History.
- 339 (2) The board shall consist of 11 members appointed by the governor with the advice
340 and consent of the Senate as follows:
- 341 (a) sufficient representatives to satisfy the federal requirements for an adequately
342 qualified State Historic Preservation Review Board; and
- 343 (b) other persons with an interest in the subject matter of the division's responsibilities.
- 344 (3) (a) Except as required by Subsection (3)(b), the members shall be appointed for
345 terms of four years and shall serve until their successors are appointed and qualified.
- 346 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
347 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
348 board members are staggered so that approximately half of the board is appointed every two
349 years.
- 350 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
351 appointed for the unexpired term with the advice and consent of the Senate.
- 352 (5) A simple majority of the board constitutes a quorum for conducting board business.
- 353 (6) The governor shall select a chair and vice chair from the board members.
- 354 (7) A member may not receive compensation or benefits for the member's service, but
355 may receive per diem and travel expenses in accordance with:
- 356 (a) Section 63A-3-106;
- 357 (b) Section 63A-3-107; and
- 358 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
359 63A-3-107.
- 360 Section 9. Section 9-22-104 is amended to read:
- 361 **9-22-104. STEM Action Center Board -- Duties.**
- 362 (1) The STEM board shall:
- 363 (a) establish a STEM Action Center to:
- 364 (i) coordinate STEM activities in the state among the following stakeholders:
- 365 (A) the State Board of Education;

- 366 (B) school districts and charter schools;
- 367 (C) the State Board of Regents;
- 368 (D) institutions of higher education;
- 369 (E) parents of home-schooled students;
- 370 (F) other state agencies; and
- 371 (G) business and industry representatives;
- 372 (ii) align public education STEM activities with higher education STEM activities; and
- 373 (iii) create and coordinate best practices among public education and higher education;
- 374 (b) with the advice and consent of the Senate, appoint a director to oversee the
- 375 administration of the STEM Action Center;
- 376 (c) select a physical location for the STEM Action Center;
- 377 (d) strategically engage industry and business entities to cooperate with the STEM
- 378 board:
- 379 (i) to support high quality professional development and provide other assistance for
- 380 educators and students; and
- 381 (ii) to provide private funding and support for the STEM Action Center;
- 382 (e) give direction to the STEM Action Center and the providers selected through a
- 383 request for proposals process pursuant to this part; and
- 384 (f) work to meet the following expectations:
- 385 (i) that at least 50 educators are implementing best practice learning tools in
- 386 classrooms;
- 387 (ii) performance change in student achievement in each classroom participating in a
- 388 STEM Action Center project; and
- 389 (iii) that students from at least 50 schools in the state participate in the STEM
- 390 competitions, fairs, and camps described in Subsection [9-22-106\(2\)\(d\)](#).
- 391 (2) The STEM board may:
- 392 (a) enter into contracts for the purposes of this part;
- 393 (b) apply for, receive, and disburse funds, contributions, or grants from any source for

394 the purposes set forth in this part;

395 (c) employ, compensate, and prescribe the duties and powers of individuals necessary
396 to execute the duties and powers of the STEM board;

397 (d) prescribe the duties and powers of the STEM Action Center providers; and

398 (e) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
399 make rules to administer this part.

400 (3) The STEM board may establish a foundation to assist in:

401 (a) the development and implementation of the programs authorized under this part to
402 promote STEM education; and

403 (b) implementation of other STEM education objectives described in this part.

404 (4) A foundation established by the STEM board under Subsection (3):

405 (a) may solicit and receive contributions from a private organization for STEM
406 education objectives described in this part;

407 (b) shall comply with the requirements described in Section [9-22-105](#);

408 (c) does not have power or authority to incur contractual obligations or liabilities that
409 constitute a claim against public funds;

410 (d) may not exercise executive or administrative authority over the programs or other
411 activities described in this part, except to the extent specifically authorized by the STEM board;

412 (e) shall provide the STEM board with information detailing transactions and balances
413 associated with the foundation; and

414 (f) may not:

415 (i) engage in lobbying activities;

416 (ii) attempt to influence legislation; or

417 (iii) participate in any campaign activity for or against:

418 (A) a political candidate; or

419 (B) an initiative, referendum, proposed constitutional amendment, bond, or any other
420 ballot proposition submitted to the voters.

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

422 **11-38-201. Quality Growth Commission -- Term of office -- Vacancy --**
423 **Organization -- Expenses -- Staff.**

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

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

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

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

429 (iv) five persons from the profit and nonprofit private sector, two of whom may not be
430 residents of a county of the first or second class and no more than three of whom may be from
431 the same political party and one of whom shall be from the residential construction industry,
432 nominated by the Utah Home Builders Association, and one of whom shall be from the real
433 estate industry, nominated by the Utah Association of Realtors.

434 (b) (i) The director of the Department of Natural Resources and the commissioner of
435 the Department of Agriculture and Food may not assume their positions on the commission
436 until:

437 (A) after May 1, 2005; and

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

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

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

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

449 (c) Two of the persons appointed under Subsection (1) shall be from the agricultural

450 community from a list of names provided by Utah farm organizations.

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

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

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

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

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

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

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

465 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
466 63A-3-107.

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

468 (8) Staff services to the commission:

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

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

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

474 **13-1-3. Executive director.**

475 (1) The department shall be under the supervision, direction, and control of the
476 executive director of commerce. The executive director shall be appointed by the governor
477 with the advice and consent of the Senate. The executive director shall hold office at the

478 pleasure of the governor. The governor shall establish the executive director's salary within the
479 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

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

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

483 **17B-2a-1005. Water conservancy district board of trustees -- Selection of**
484 **members -- Number -- Qualifications -- Terms -- Vacancies -- Surety bonds -- Authority.**

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

486 (a) elected in accordance with:

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

489 (ii) Section [17B-1-306](#);

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

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

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

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

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

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

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

506 to serve as trustee.

507 (iii) (A) Except as provided in Subsection (2)(c)(iii)(B), in all other divisions, the
508 county legislative body of the county in which the division is located shall submit three
509 nominees per trustee.

510 (B) The county legislative body may submit fewer than three nominees per trustee if
511 the county legislative body certifies in writing to the governor that the county legislative body
512 is unable, after reasonably diligent effort, to identify three nominees who are willing and
513 qualified to serve as trustee.

514 (iv) If a trustee represents a division located in more than one county, the county
515 legislative bodies of those counties shall collectively compile the list of three nominees.

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

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

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

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

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

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

533 (ii) If a trustee is to be appointed by the governor and the entity charged with

534 nominating candidates has not submitted the list of nominees within 90 days after service of
535 the notice, the governor shall make the appointment from qualified candidates without
536 consultation with the county or municipal legislative body.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

562 delivery, use, and distribution of water;

563 (ii) withhold the delivery of water with respect to which there is a default or
564 delinquency of payment;

565 (iii) provide for and declare a forfeiture of the right to the use of water upon the default
566 or failure to comply with an order, contract, or agreement for the purchase, lease, or use of
567 water, and resell, lease, or otherwise dispose of water with respect to which a forfeiture has
568 been declared;

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

570 (v) provide for and grant the right, upon terms, to transfer water from lands to which
571 water has been allocated to other lands within the district;

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

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

575 (viii) subject to Subsection (8)(b), enter into a written contract for the sale, lease, or
576 other disposition of the use of water.

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

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

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

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

587 **19-1-104. Creation of department -- Appointment of executive director.**

588 (1) There is created within state government the Department of Environmental Quality.
589 The department shall be administered by an executive director.

590 (2) The executive director shall be appointed by the governor with the advice and
591 consent of the Senate and shall serve at the pleasure of the governor.

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

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

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

598 **19-2-103. Members of board -- Appointment -- Terms -- Organization -- Per diem**
599 **and expenses.**

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

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

603 (i) the executive director; or

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

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

607 (i) one representative who:

608 (A) is not connected with industry;

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

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

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

613 (iii) one representative from the mining industry;

614 (iv) one representative from the fuels industry;

615 (v) one representative from the manufacturing industry;

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

617 (A) an environmental nongovernmental organization; or

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

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

622 (2) A member of the board shall:

623 (a) be knowledgeable about air pollution matters, as evidenced by a professional
624 degree, a professional accreditation, or documented experience;

625 (b) be a resident of Utah;

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

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

630 (3) No more than five of the appointed members of the board shall belong to the same
631 political party.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

655 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
656 63A-3-107.

657 Section 15. Section 19-4-103 is amended to read:

658 **19-4-103. Drinking Water Board -- Members -- Organization -- Meetings -- Per**
659 **diem and expenses.**

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

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

663 (i) the executive director; or

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

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

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

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

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

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

- 674 (v) one representative from:
- 675 (A) the state water research community; or
- 676 (B) an institution of higher education that has comparable expertise in water research
- 677 to the state water research community;
- 678 (vi) one representative from the public who represents:
- 679 (A) an environmental nongovernmental organization; or
- 680 (B) a nongovernmental organization that represents community interests and does not
- 681 represent industry interests; and
- 682 (vii) one representative from the public who is trained and experienced in public
- 683 health.
- 684 (2) A member of the board shall:
- 685 (a) be knowledgeable about drinking water and public water systems, as evidenced by a
- 686 professional degree, a professional accreditation, or documented experience;
- 687 (b) represent different geographical areas within the state insofar as practicable;
- 688 (c) be a resident of Utah;
- 689 (d) attend board meetings in accordance with the attendance rules made by the
- 690 department under Subsection 19-1-201(1)(d)(i)(A); and
- 691 (e) comply with all applicable statutes, rules, and policies, including the conflict of
- 692 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).
- 693 (3) No more than five appointed members of the board shall be from the same political
- 694 party.
- 695 (4) (a) As terms of current board members expire, the governor shall appoint each new
- 696 member or reappointed member to a four-year term.
- 697 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
- 698 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 699 board members are staggered so that half of the appointed board is appointed every two years.
- 700 (c) (i) Notwithstanding Subsection (4)(a), the term of a board member who is
- 701 appointed before May 1, 2013, shall expire on April 30, 2013.

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

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

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

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

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

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

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

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

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

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

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

719 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
720 63A-3-107.

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

722 **19-5-103. Water Quality Board -- Members of board -- Appointment -- Terms --**
723 **Organization -- Meetings -- Per diem and expenses.**

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

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

727 (i) the executive director; or

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

729 (b) the following eight voting members, who shall be appointed by the governor with

730 the advice and consent of the Senate:

731 (i) one representative who:

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

733 (B) is a Utah-licensed physician, a Utah-licensed professional engineer, or a scientist

734 with relevant training and experience; and

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

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

737 (iii) one representative from the mineral industry;

738 (iv) one representative from the manufacturing industry;

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

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

741 (A) an environmental nongovernmental organization; or

742 (B) a nongovernmental organization that represents community interests and does not

743 represent industry interests; and

744 (vii) one representative from the public who is trained and experienced in public

745 health.

746 (2) A member of the board shall:

747 (a) be knowledgeable about water quality matters, as evidenced by a professional

748 degree, a professional accreditation, or documented experience;

749 (b) be a resident of Utah;

750 (c) attend board meetings in accordance with the attendance rules made by the

751 department under Subsection 19-1-201(1)(d)(i)(A); and

752 (d) comply with all applicable statutes, rules, and policies, including the conflict of

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

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

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

756 appointed for the unexpired term with the advice and consent of the Senate.

757 (5) (a) A member shall be appointed for a term of four years and is eligible for

758 reappointment.

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

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

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

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

768 (7) The board shall:

769 (a) organize and annually select one of its members as chair and one of its members as
770 vice chair;

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

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

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

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

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

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

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

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

783 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
784 [63A-3-107](#).

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

786 **19-6-103. Waste Management and Radiation Control Board -- Members -- Terms**
787 **-- Organization -- Meetings -- Per diem and expenses.**

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

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

791 (i) the executive director; or

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

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

795 (i) one representative who is:

796 (A) not connected with industry; and

797 (B) a Utah-licensed professional engineer;

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

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

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

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

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

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

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

805 (A) an environmental nongovernmental organization; or

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

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

810 (A) medical doctor; or

811 (B) dentist; and

812 (x) one representative who is:

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

- 814 (B) a professional employed in the field of radiation safety.
- 815 (2) A member of the board shall:
- 816 (a) be knowledgeable about solid and hazardous waste matters and radiation safety and
817 protection as evidenced by a professional degree, a professional accreditation, or documented
818 experience;
- 819 (b) be a resident of Utah;
- 820 (c) attend board meetings in accordance with the attendance rules made by the
821 department under Subsection 19-1-201(1)(d)(i)(A); and
- 822 (d) comply with all applicable statutes, rules, and policies, including the conflict of
823 interest rules made by the department in accordance with Subsection 19-1-201(1)(d)(i)(B).
- 824 (3) No more than six of the appointed members may be from the same political party.
- 825 (4) (a) Members shall be appointed for terms of four years each.
- 826 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
827 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
828 board members are staggered so that half of the appointed board is appointed every two years.
- 829 (c) (i) Notwithstanding Subsection (4)(a), the term of a board member who is
830 appointed before March 1, 2013, shall expire on February 28, 2013.
- 831 (ii) On March 1, 2013, the governor shall appoint or reappoint board members in
832 accordance with this section.
- 833 (5) Each member is eligible for reappointment.
- 834 (6) Board members shall continue in office until the expiration of their terms and until
835 their successors are appointed, but not more than 90 days after the expiration of their terms.
- 836 (7) When a vacancy occurs in the membership for any reason, the replacement shall be
837 appointed for the unexpired term by the governor, after considering recommendations of the
838 board and with the advice and consent of the Senate.
- 839 (8) The board shall elect a chair and vice chair on or before April 1 of each year from
840 its membership.
- 841 (9) A member may not receive compensation or benefits for the member's service, but

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

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

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

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

846 63A-3-107.

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

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

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

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

854 **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,
855 state auditor, State Board of Education member, and lieutenant governor.**

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

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

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

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

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

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

870 [20A-14-103](#); or

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

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

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

879 **23-14-2. Wildlife Board -- Creation -- Membership -- Terms -- Quorum --**
880 **Meetings -- Per diem and expenses.**

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

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

- 885 (i) wildlife management or biology;
886 (ii) habitat management, including range or aquatic;
887 (iii) business, including knowledge of private land issues; and
888 (iv) economics, including knowledge of recreational wildlife uses.

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

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

893 (b) No more than two members shall be from a single wildlife region described in
894 Subsection [23-14-2.6\(1\)](#).

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

897 (d) (i) If the governor fails to appoint a board member within 60 days after receipt of

898 the initial or additional list, the nominating committee shall make an interim appointment by
899 majority vote.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

930 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
931 63A-3-107.

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

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

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

937 **26-1-8. Executive director -- Appointment -- Compensation.**

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

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

944 **26-9f-103. Utah Digital Health Service Commission.**

945 (1) There is created within the department the Utah Digital Health Service
946 Commission.

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

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

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

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

- 954 (d) a member of the public who is not involved with digital health service;
- 955 (e) a nurse who is involved in digital health service; and
- 956 (f) eight members who fall into one or more of the following categories:
 - 957 (i) individuals who use digital health service in a public or private institution;
 - 958 (ii) individuals who use digital health service in serving medically underserved
 - 959 populations;
 - 960 (iii) nonphysician health care providers involved in digital health service;
 - 961 (iv) information technology professionals involved in digital health service;
 - 962 (v) representatives of the health insurance industry;
 - 963 (vi) telehealth digital health service consumer advocates; and
 - 964 (vii) individuals who use digital health service in serving mental or behavioral health
 - 965 populations.
- 966 (3) (a) The commission shall annually elect a chairperson from its membership. The
- 967 chairperson shall report to the executive director of the department.
- 968 (b) The commission shall hold meetings at least once every three months. Meetings
- 969 may be held from time to time on the call of the chair or a majority of the board members.
- 970 (c) Seven commission members are necessary to constitute a quorum at any meeting
- 971 and, if a quorum exists, the action of a majority of members present shall be the action of the
- 972 commission.
- 973 (4) (a) Except as provided in Subsection (4)(b), a commission member shall be
- 974 appointed for a three-year term and eligible for two reappointments.
- 975 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment
- 976 or reappointment, adjust the length of terms to ensure that the terms of commission members
- 977 are staggered so that approximately 1/3 of the commission is appointed each year.
- 978 (c) A commission member shall continue in office until the expiration of the member's
- 979 term and until a successor is appointed, which may not exceed 90 days after the formal
- 980 expiration of the term.
- 981 (d) Notwithstanding Subsection (4)(c), a commission member who fails to attend 75%

982 of the scheduled meetings in a calendar year shall be disqualified from serving.

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

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

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

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

990 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
991 63A-3-107.

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

993 (7) The funding of the commission shall be a separate line item to the department in
994 the annual appropriations act.

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

996 **26-21-3. Health Facility Committee -- Members -- Terms -- Organization --**
997 **Meetings.**

998 (1) The Health Facility Committee created by Section 26-1-7 consists of 15 members
999 appointed by the governor with the advice and consent of the Senate. The appointed members
1000 shall be knowledgeable about health care facilities and issues. The membership of the
1001 committee is:

1002 (a) one physician, licensed to practice medicine and surgery under Title 58, Chapter 67,
1003 Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act,
1004 who is a graduate of a regularly chartered medical school;

1005 (b) one hospital administrator;

1006 (c) one hospital trustee;

1007 (d) one representative of a freestanding ambulatory surgical facility;

1008 (e) one representative of an ambulatory surgical facility that is affiliated with a
1009 hospital;

- 1010 (f) two representatives of the nursing care facility industry;
- 1011 (g) one registered nurse, licensed to practice under Title 58, Chapter 31b, Nurse
1012 Practice Act;
- 1013 (h) one professional in the field of intellectual disabilities not affiliated with a nursing
1014 care facility;
- 1015 (i) one licensed architect or engineer with expertise in health care facilities;
- 1016 (j) two representatives of assisted living facilities licensed under this chapter;
- 1017 (k) two consumers, one of whom has an interest in or expertise in geriatric care; and
- 1018 (l) one representative from either a home health care provider or a hospice provider.

1019 (2) (a) Except as required by Subsection (2)(b), members shall be appointed for a term
1020 of four years.

1021 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1022 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1023 committee members are staggered so that approximately half of the committee is appointed
1024 every two years.

1025 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
1026 appointed for the unexpired term by the governor, giving consideration to recommendations
1027 made by the committee, with the advice and consent of the Senate.

1028 (d) A member may not serve more than two consecutive full terms or 10 consecutive
1029 years, whichever is less. However, a member may continue to serve as a member until [~~he~~] the
1030 member is replaced.

1031 (e) The committee shall annually elect from its membership a chair and vice chair.

1032 (f) The committee shall meet at least quarterly, or more frequently as determined by the
1033 chair or five members of the committee.

1034 (g) Eight members constitute a quorum. A vote of the majority of the members present
1035 constitutes action of the committee.

1036 Section 23. Section **26-33a-103** is amended to read:

1037 **26-33a-103. Committee membership -- Terms -- Chair -- Compensation.**

1038 (1) The Health Data Committee created by Section 26-1-7 shall be composed of 15
1039 members.

1040 (2) (a) One member shall be:

1041 (i) the commissioner of the Utah Insurance Department; or

1042 (ii) the commissioner's designee who shall have knowledge regarding the health care
1043 system and characteristics and use of health data.

1044 (b) Fourteen members shall be appointed by the governor with the advice and consent
1045 of the Senate in accordance with Subsection (3). No more than seven members of the
1046 committee appointed by the governor may be members of the same political party.

1047 (3) The members of the committee appointed under Subsection (2)(b) shall:

1048 (a) be knowledgeable regarding the health care system and the characteristics and use
1049 of health data;

1050 (b) be selected so that the committee at all times includes individuals who provide
1051 care;

1052 (c) include one person employed by or otherwise associated with a general acute
1053 hospital as defined by Section 26-21-2, who is knowledgeable about the collection, analysis,
1054 and use of health care data;

1055 (d) include two physicians, as defined in Section 58-67-102:

1056 (i) who are licensed to practice in this state;

1057 (ii) who actively practice medicine in this state;

1058 (iii) who are trained in or have experience with the collection, analysis, and use of
1059 health care data; and

1060 (iv) one of whom is selected by the Utah Medical Association;

1061 (e) include three persons:

1062 (i) who are:

1063 (A) employed by or otherwise associated with a business that supplies health care
1064 insurance to its employees; and

1065 (B) knowledgeable about the collection and use of health care data; and

- 1066 (ii) at least one of whom represents an employer employing 50 or fewer employees;
1067 (f) include three persons representing health insurers:
1068 (i) at least one of whom is employed by or associated with a third-party payor that is
1069 not licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited
1070 Health Plans;
1071 (ii) at least one of whom is employed by or associated with a third party payer that is
1072 licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health
1073 Plans; and
1074 (iii) who are trained in, or experienced with the collection, analysis, and use of health
1075 care data;
1076 (g) include two consumer representatives:
1077 (i) from organized consumer or employee associations; and
1078 (ii) knowledgeable about the collection and use of health care data;
1079 (h) include one person:
1080 (i) representative of a neutral, non-biased entity that can demonstrate that it has the
1081 broad support of health care payers and health care providers; and
1082 (ii) who is knowledgeable about the collection, analysis, and use of health care data;
1083 and
1084 (i) include two persons representing public health who are trained in, or experienced
1085 with the collection, use, and analysis of health care data.
1086 (4) (a) Except as required by Subsection (4)(b), as terms of current committee members
1087 expire, the governor shall appoint each new member or reappointed member to a four-year
1088 term.
1089 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1090 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1091 committee members are staggered so that approximately half of the committee is appointed
1092 every two years.
1093 (c) Members may serve after their terms expire until replaced.

1094 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
1095 appointed for the unexpired term.

1096 (6) Committee members shall annually elect a chair of the committee from among their
1097 membership. The chair shall report to the executive director.

1098 (7) The committee shall meet at least once during each calendar quarter. Meeting dates
1099 shall be set by the chair upon 10 working days notice to the other members, or upon written
1100 request by at least four committee members with at least 10 working days notice to other
1101 committee members.

1102 (8) Eight committee members constitute a quorum for the transaction of business.
1103 Action may not be taken except upon the affirmative vote of a majority of a quorum of the
1104 committee.

1105 (9) A member may not receive compensation or benefits for the member's service, but
1106 may receive per diem and travel expenses in accordance with:

1107 (a) Section 63A-3-106;

1108 (b) Section 63A-3-107; and

1109 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1110 63A-3-107.

1111 (10) All meetings of the committee shall be open to the public, except that the
1112 committee may hold a closed meeting if the requirements of Sections 52-4-204, 52-4-205, and
1113 52-4-206 are met.

1114 Section 24. Section 26-39-200 is amended to read:

1115 **26-39-200. Child Care Center Licensing Committee.**

1116 (1) (a) The Child Care Center Licensing Committee created in Section 26-1-7 shall be
1117 comprised of seven members appointed by the governor and approved by the Senate in
1118 accordance with this subsection.

1119 (b) The governor shall appoint three members who:

1120 (i) have at least five years of experience as an owner in or director of a for profit or
1121 not-for-profit center based child care; and

1122 (ii) hold an active license as a child care center from the department to provide center
1123 based child care.

1124 (c) (i) The governor shall appoint one member to represent each of the following:

1125 (A) a parent with a child in center based child care;

1126 (B) a child development expert from the state system of higher education;

1127 (C) except as provided in Subsection (1)(e), a pediatrician licensed in the state; and

1128 (D) an architect licensed in the state.

1129 (ii) Except as provided in Subsection (1)(c)(i)(B), a member appointed under
1130 Subsection (1)(c)(i) may not be an employee of the state or a political subdivision of the state.

1131 (d) At least one member described in Subsection (1)(b) shall at the time of appointment
1132 reside in a county that is not a county of the first class.

1133 (e) For the appointment described in Subsection (1)(c)(i)(C), the governor may appoint
1134 a health care professional who specializes in pediatric health if:

1135 (i) the health care professional is licensed under:

1136 (A) Title 58, Chapter 31b, Nurse Practice Act, as an advanced practice nurse
1137 practitioner; or

1138 (B) Title 58, Chapter 70a, Utah Physician Assistant Act; and

1139 (ii) before appointing a health care professional under this Subsection (1)(e), the
1140 governor:

1141 (A) sends a notice to a professional physician organization in the state regarding the
1142 opening for the appointment described in Subsection (1)(c)(i)(C); and

1143 (B) receives no applications from a pediatrician who is licensed in the state for the
1144 appointment described in Subsection (1)(c)(i)(C) within 90 days after the day on which the
1145 governor sends the notice described in Subsection (1)(e)(ii)(A).

1146 (2) (a) Except as required by Subsection (2)(b), as terms of current members expire, the
1147 governor shall appoint each new member or reappointed member to a four-year term ending
1148 June 30.

1149 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the

1150 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1151 members are staggered so that approximately half of the licensing committee is appointed
1152 every two years.

1153 (c) Upon the expiration of the term of a member of the licensing committee, the
1154 member shall continue to hold office until a successor is appointed and qualified.

1155 (d) A member may not serve more than two consecutive terms.

1156 (e) Members of the licensing committee shall annually select one member to serve as
1157 chair who shall establish the agenda for licensing committee meetings.

1158 (3) When a vacancy occurs in the membership for any reason, the governor, with the
1159 advice and consent of the Senate, shall appoint a replacement for the unexpired term.

1160 (4) (a) The licensing committee shall meet at least every two months.

1161 (b) The director may call additional meetings:

1162 (i) at the director's discretion;

1163 (ii) upon the request of the chair; or

1164 (iii) upon the written request of three or more members.

1165 (5) Three members of the licensing committee constitute a quorum for the transaction
1166 of business.

1167 Section 25. Section **31A-2-102** is amended to read:

1168 **31A-2-102. Appointment, general powers, and duties of commissioner -- Vacancy**
1169 **-- Compensation of commissioner.**

1170 (1) The chief officer of the department is the insurance commissioner, who may
1171 exercise all powers given to, and shall perform all duties imposed on, the Insurance
1172 Department. [~~He~~] The commissioner shall be appointed by the governor with the advice and
1173 consent of the Senate. If the commissioner dies, resigns, or is removed, a successor may be
1174 appointed as specified in this subsection. If the Legislature is not then in session, the successor
1175 may serve as acting commissioner without advice and consent of the Senate until the Senate
1176 has an opportunity to advise and consent to the successor. The commissioner is subject to
1177 removal at the pleasure of the governor.

1178 (2) When the office of the commissioner is vacant, or when the commissioner is unable
1179 to perform the duties of the office, the governor shall fill the position as provided in Section
1180 67-1-1.5.

1181 (3) The governor shall establish the commissioner's salary within the salary range
1182 approved by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1183 Section 26. Section 31A-2-403 is amended to read:

1184 **31A-2-403. Title and Escrow Commission created.**

1185 (1) (a) Subject to Subsection (1)(b), there is created within the department the Title and
1186 Escrow Commission that is comprised of five members appointed by the governor with the
1187 advice and consent of the Senate as follows:

1188 (i) except as provided in Subsection (1)(c), two members shall be employees of a title
1189 insurer;

1190 (ii) two members shall:

1191 (A) be employees of a Utah agency title insurance producer;

1192 (B) be or have been licensed under the title insurance line of authority;

1193 (C) as of the day on which the member is appointed, be or have been licensed with the
1194 title examination or escrow subline of authority for at least five years; and

1195 (D) as of the day on which the member is appointed, not be from the same county as
1196 another member appointed under this Subsection (1)(a)(ii); and

1197 (iii) one member shall be a member of the general public from any county in the state.

1198 (b) No more than one commission member may be appointed from a single company
1199 or an affiliate or subsidiary of the company.

1200 (c) If the governor is unable to identify more than one individual who is an employee
1201 of a title insurer and willing to serve as a member of the commission, the commission shall
1202 include the following members in lieu of the members described in Subsection (1)(a)(i):

1203 (i) one member who is an employee of a title insurer; and

1204 (ii) one member who is an employee of a Utah agency title insurance producer.

1205 (2) (a) Subject to Subsection (2)(c), a commission member shall file with the

1206 commissioner a disclosure of any position of employment or ownership interest that the
1207 commissioner member has with respect to a person that is subject to the jurisdiction of the
1208 commissioner.

1209 (b) The disclosure statement required by this Subsection (2) shall be:

1210 (i) filed by no later than the day on which the person begins that person's appointment;
1211 and

1212 (ii) amended when a significant change occurs in any matter required to be disclosed
1213 under this Subsection (2).

1214 (c) A commission member is not required to disclose an ownership interest that the
1215 commission member has if the ownership interest is in a publicly traded company or held as
1216 part of a mutual fund, trust, or similar investment.

1217 (3) (a) Except as required by Subsection (3)(b), as terms of current commission
1218 members expire, the governor shall appoint each new commission member to a four-year term
1219 ending on June 30.

1220 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
1221 time of appointment, adjust the length of terms to ensure that the terms of the commission
1222 members are staggered so that approximately half of the members appointed under Subsection
1223 (1)(a)(i) and half of the members appointed under Subsection (1)(a)(ii) are appointed every two
1224 years.

1225 (c) A commission member may not serve more than one consecutive term.

1226 (d) When a vacancy occurs in the membership for any reason, the governor, with the
1227 advice and consent of the Senate, shall appoint a replacement for the unexpired term.

1228 (e) Notwithstanding the other provisions of this Subsection (3), a commission member
1229 serves until a successor is appointed by the governor with the advice and consent of the Senate.

1230 (4) A commission member may not receive compensation or benefits for the
1231 commission member's service, but may receive per diem and travel expenses in accordance
1232 with:

1233 (a) Section [63A-3-106](#);

- 1234 (b) Section 63A-3-107; and
- 1235 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 1236 63A-3-107.
- 1237 (5) Members of the commission shall annually select one commission member to serve
- 1238 as chair.
- 1239 (6) (a) (i) Except as provided in Subsection (6)(b), the commission shall meet at least
- 1240 monthly.
- 1241 (ii) (A) The commissioner shall, with the concurrence of the chair of the commission,
- 1242 designate at least one monthly meeting per quarter as an in-person meeting.
- 1243 (B) Notwithstanding Section 52-4-207, a commission member shall physically attend a
- 1244 meeting designated as an in-person meeting under Subsection (6)(a)(ii)(A) and may not attend
- 1245 through electronic means. A commission member may attend any other commission meeting,
- 1246 subcommittee meeting, or emergency meeting by electronic means in accordance with Section
- 1247 52-4-207.
- 1248 (b) (i) Except as provided in Subsection (6)(b)(ii), the commissioner may, with the
- 1249 concurrence of the chair of the commission, cancel a monthly meeting of the commission if,
- 1250 due to the number or nature of pending title insurance matters, the monthly meeting is not
- 1251 necessary.
- 1252 (ii) The commissioner may not cancel a monthly meeting designated as an in-person
- 1253 meeting under Subsection (6)(a)(ii)(A).
- 1254 (c) The commissioner may call additional meetings:
- 1255 (i) at the commissioner's discretion;
- 1256 (ii) upon the request of the chair of the commission; or
- 1257 (iii) upon the written request of three or more commission members.
- 1258 (d) (i) Three commission members constitute a quorum for the transaction of business.
- 1259 (ii) The action of a majority of the commission members when a quorum is present is
- 1260 the action of the commission.
- 1261 (7) The commissioner shall staff the commission.

1262 Section 27. Section **32B-2-201** is amended to read:

1263 **32B-2-201. Alcoholic Beverage Control Commission created.**

1264 (1) There is created the "Alcoholic Beverage Control Commission." The commission is
1265 the governing board over the department.

1266 (2) (a) The commission is composed of seven part-time commissioners appointed by
1267 the governor with the advice and consent of the Senate.

1268 (b) No more than four commissioners may be of the same political party.

1269 (3) (a) Except as required by Subsection (3)(b), as terms of commissioners expire, the
1270 governor shall appoint each new commissioner or reappointed commissioner to a four-year
1271 term.

1272 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
1273 time of appointment or reappointment, adjust the length of terms to ensure that the terms of no
1274 more than three commissioners expire in a fiscal year.

1275 (4) (a) When a vacancy occurs on the commission for any reason, the governor shall
1276 appoint a replacement for the unexpired term with the advice and consent of the Senate.

1277 (b) Unless removed in accordance with Subsection (6), a commissioner shall remain on
1278 the commission after the expiration of a term until a successor is appointed by the governor,
1279 with the advice and consent of the Senate.

1280 (5) A commissioner shall take the oath of office.

1281 (6) (a) The governor may remove a commissioner from the commission for cause,
1282 neglect of duty, inefficiency, or malfeasance after a public hearing conducted by:

1283 (i) the governor; or

1284 (ii) an impartial hearing examiner appointed by the governor to conduct the hearing.

1285 (b) At least 10 days before the hearing described in Subsection (6)(a), the governor
1286 shall provide the commissioner notice of:

1287 (i) the date, time, and place of the hearing; and

1288 (ii) the alleged grounds for the removal.

1289 (c) The commissioner shall have an opportunity to:

- 1290 (i) attend the hearing;
- 1291 (ii) present witnesses and other evidence; and
- 1292 (iii) confront and cross examine witnesses.
- 1293 (d) After a hearing under this Subsection (6):
- 1294 (i) the person conducting the hearing shall prepare written findings of fact and
- 1295 conclusions of law; and
- 1296 (ii) the governor shall serve a copy of the prepared findings and conclusions upon the
- 1297 commissioner.
- 1298 (e) If a hearing under this Subsection (6) is held before a hearing examiner, the hearing
- 1299 examiner shall issue a written recommendation to the governor in addition to complying with
- 1300 Subsection (6)(d).
- 1301 (f) A commissioner has five days from the day on which the commissioner receives the
- 1302 findings and conclusions described in Subsection (6)(d) to file written objections to the
- 1303 recommendation before the governor issues a final order.
- 1304 (g) The governor shall:
- 1305 (i) issue the final order under this Subsection (6) in writing; and
- 1306 (ii) serve the final order upon the commissioner.
- 1307 (7) A commissioner may not receive compensation or benefits for the commissioner's
- 1308 service, but may receive per diem and travel expenses in accordance with:
- 1309 (a) Section [63A-3-106](#);
- 1310 (b) Section [63A-3-107](#); and
- 1311 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 1312 [63A-3-107](#).
- 1313 (8) (a) The governor shall annually appoint the chair of the commission. A
- 1314 commissioner serves as chair to the commission at the pleasure of the governor. If removed as
- 1315 chair, the commissioner continues to serve as a commissioner unless removed as a
- 1316 commissioner under Subsection (6).
- 1317 (b) The commission shall elect:

1318 (i) another commissioner to serve as vice chair; and
1319 (ii) other commission officers as the commission considers advisable.

1320 (c) A commissioner elected under Subsection (8)(b) shall serve in the office to which
1321 the commissioner is elected at the pleasure of the commission.

1322 (9) (a) Each commissioner has equal voting rights on a commission matter when in
1323 attendance at a commission meeting.

1324 (b) Four commissioners is a quorum for conducting commission business.

1325 (c) A majority vote of the quorum present at a meeting is required for the commission
1326 to act.

1327 (10) (a) The commission shall meet at least monthly, but may hold other meetings at
1328 times and places as scheduled by:

1329 (i) the commission;

1330 (ii) the chair; or

1331 (iii) three commissioners upon filing a written request for a meeting with the chair.

1332 (b) Notice of the time and place of a commission meeting shall be given to each
1333 commissioner, and to the public in compliance with Title 52, Chapter 4, Open and Public
1334 Meetings Act. A commission meeting is open to the public, except for a commission meeting
1335 or portion of a commission meeting that is closed by the commission as authorized by Sections
1336 [52-4-204](#) and [52-4-205](#).

1337 Section 28. Section **32B-2-205** is amended to read:

1338 **32B-2-205. Director of alcoholic beverage control.**

1339 (1) (a) In accordance with Subsection (1)(b), the governor, with the advice and consent
1340 of the Senate, shall appoint a director of alcoholic beverage control to a four-year term. The
1341 director may be appointed to more than one four-year term. The director is the administrative
1342 head of the department.

1343 (b) (i) The governor shall appoint the director from nominations made by the
1344 commission.

1345 (ii) The commission shall submit the nomination of three individuals to the governor

1346 for appointment of the director.

1347 (iii) By no later than 30 calendar days from the day on which the governor receives the
1348 three nominations submitted by the commission, the governor may:

1349 (A) appoint the director; or

1350 (B) reject the three nominations.

1351 (iv) If the governor rejects the nominations or fails to take action within the 30-day
1352 period, the commission shall nominate three different individuals from which the governor may
1353 appoint the director or reject the nominations until such time as the governor appoints the
1354 director.

1355 (v) The governor may reappoint the director without seeking nominations from the
1356 commission. Reappointment of a director is subject to the advice and consent of the Senate.

1357 (c) If there is a vacancy in the position of director, during the nomination process
1358 described in Subsection (1)(b), the governor may appoint an interim director for a period of up
1359 to 30 calendar days. If a director is not appointed within the 30-day period, the interim director
1360 may continue to serve beyond the 30-day period subject to the advice and consent of the Senate
1361 at the next scheduled time for the Senate giving consent to appointments of the governor.

1362 Except that if the Senate does not act on the consent to the appointment of the interim director
1363 within 60 days of the end of the initial 30-day period, the interim director may continue as the
1364 interim director.

1365 (d) The director may be terminated by:

1366 (i) the commission by a vote of four commissioners; or

1367 (ii) the governor after consultation with the commission.

1368 (e) The director may not be a commissioner.

1369 (f) The director shall:

1370 (i) be qualified in administration;

1371 (ii) be knowledgeable by experience and training in the field of business management;

1372 and

1373 (iii) possess any other qualification prescribed by the commission.

1374 (2) The governor shall establish the director's compensation within the salary range
1375 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1376 (3) The director shall:

1377 (a) carry out the policies of the commission;

1378 (b) carry out the policies of the department;

1379 (c) fully inform the commission of the operations and administrative activities of the
1380 department; and

1381 (d) assist the commission in the proper discharge of the commission's duties.

1382 Section 29. Section **34-20-3** is amended to read:

1383 **34-20-3. Labor relations board.**

1384 (1) (a) There is created the Labor Relations Board consisting of the following:

1385 (i) the commissioner of the Labor Commission;

1386 (ii) two members appointed by the governor with the advice and consent of the Senate
1387 consisting of:

1388 (A) a representative of employers, in the appointment of whom the governor shall
1389 consider nominations from employer organizations; and

1390 (B) a representative of employees, in the appointment of whom the governor shall
1391 consider nominations from employee organizations.

1392 (b) (i) Except as provided in Subsection (1)(b)(ii), as terms of members appointed
1393 under Subsection (1)(a)(ii) expire, the governor shall appoint each new member or reappointed
1394 member to a four-year term.

1395 (ii) Notwithstanding the requirements of Subsection (1)(b)(i), the governor shall, at the
1396 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1397 members appointed under Subsection (1)(a)(ii) are staggered so one member is appointed every
1398 two years.

1399 (c) The commissioner shall serve as chair of the board.

1400 (d) A vacancy occurring on the board for any cause of the members appointed under
1401 Subsection (1)(a)(ii) shall be filled by the governor with the advice and consent of the Senate

1402 pursuant to this section for the unexpired term of the vacating member.

1403 (e) The governor may at any time remove a member appointed under Subsection
1404 (1)(a)(ii) but only for inefficiency, neglect of duty, malfeasance or malfeasance in office, or for
1405 cause upon a hearing.

1406 (f) A member of the board appointed under Subsection (1)(a)(ii) may not hold any
1407 other office in the government of the United States, this state or any other state, or of any
1408 county government or municipal corporation within a state.

1409 (g) A member appointed under Subsection (1)(a)(ii) may not receive compensation or
1410 benefits for the member's service, but may receive per diem and travel expenses in accordance
1411 with:

1412 (i) Section 63A-3-106;

1413 (ii) Section 63A-3-107; and

1414 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1415 63A-3-107.

1416 (2) A meeting of the board may be called:

1417 (a) by the chair; or

1418 (b) jointly by the members appointed under Subsection (1)(a)(ii).

1419 (3) The chair may provide staff and administrative support as necessary from the Labor
1420 Commission.

1421 (4) A vacancy in the board does not impair the right of the remaining members to
1422 exercise all the powers of the board, and two members of the board shall at all times constitute
1423 a quorum.

1424 (5) The board shall have an official seal which shall be judicially noticed.

1425 Section 30. Section 34A-1-201 is amended to read:

1426 **34A-1-201. Commissioner -- Appointment -- Removal -- Compensation --**

1427 **Qualifications -- Responsibilities -- Reports.**

1428 (1) (a) The chief administrative officer of the commission is the commissioner, who
1429 shall be appointed by the governor with the advice and consent of the Senate.

- 1430 (b) The commissioner shall serve at the pleasure of the governor.
- 1431 (c) The commissioner shall receive a salary established by the governor within the
1432 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
- 1433 (d) The commissioner shall be experienced in administration, management, and
1434 coordination of complex organizations.
- 1435 (2) (a) The commissioner shall serve full-time.
- 1436 (b) (i) Except as provided in Subsection (2)(b)(ii), the commissioner may not:
- 1437 (A) hold any other office of this state, another state, or the federal government except
1438 in an ex officio capacity; or
- 1439 (B) serve on any committee of any political party.
- 1440 (ii) Notwithstanding Subsection (2)(b)(i), the commissioner may:
- 1441 (A) hold a nominal position or title if it is required by law as a condition for the state
1442 participating in an appropriation or allotment of any money, property, or service that may be
1443 made or allotted for the commission; or
- 1444 (B) serve as the chief administrative officer of any division, office, or bureau that is
1445 established within the commission.
- 1446 (iii) If the commissioner holds a position as permitted under Subsection (2)(b)(ii), the
1447 commissioner may not be paid any additional compensation for holding the position.
- 1448 (3) Before beginning the duties as a commissioner, an appointed commissioner shall
1449 take and subscribe the constitutional oath of office and file the oath with the Division of
1450 Archives.
- 1451 (4) The commissioner shall:
- 1452 (a) administer and supervise the commission in compliance with Title 67, Chapter 19,
1453 Utah State Personnel Management Act;
- 1454 (b) approve the proposed budget of each division and the Appeals Board;
- 1455 (c) approve all applications for federal grants or assistance in support of any
1456 commission program; and
- 1457 (d) fulfill such other duties as assigned by the Legislature or as assigned by the

1458 governor that are not inconsistent with this title or Title 34, Labor in General.

1459 (5) (a) The commissioner shall report annually to the Legislature and the governor
1460 concerning the operations of the commission and the programs that the commission
1461 administers.

1462 (b) If federal law requires that a report to the governor or Legislature be given
1463 concerning the commission or a program administered by the commission, the commissioner or
1464 the commissioner's designee shall make that report.

1465 Section 31. Section **34A-1-205** is amended to read:

1466 **34A-1-205. Appeals Board -- Chair -- Appointment -- Compensation --**
1467 **Qualifications.**

1468 (1) There is created the Appeals Board within the commission consisting of three
1469 members. The board may call and preside at adjudicative proceedings to review an order or
1470 decision that is subject to review by the Appeals Board under this title.

1471 (2) (a) The governor shall appoint the members with the advice and consent of the
1472 Senate and in accordance with this section.

1473 (b) One member of the board shall be appointed to represent employers, in making this
1474 appointment, the governor shall consider nominations from employer organizations.

1475 (c) One member of the board shall be appointed to represent employees, in making this
1476 appointment, the governor shall consider nominations from employee organizations.

1477 (d) No more than two members may belong to the same political party.

1478 (e) The governor shall, at the time of appointment or reappointment, make
1479 appointments to the board so that at least two of the members of the board are members of the
1480 Utah State Bar in good standing or resigned from the Utah State Bar in good standing.

1481 (3) (a) The term of a member shall be six years beginning on March 1 of the year the
1482 member is appointed, except that the governor shall, at the time of appointment or
1483 reappointment, adjust the length of terms to ensure that the terms of members are staggered so
1484 that one member is appointed every two years.

1485 (b) The governor may remove a member only for inefficiency, neglect of duty,

1486 malfeasance or misfeasance in office, or other good and sufficient cause.

1487 (c) A member shall hold office until a successor is appointed and has qualified.

1488 (4) A member shall be part-time and receive compensation as provided by Title 67,
1489 Chapter 19, Utah State Personnel Management Act.

1490 (5) (a) The chief officer of the board shall be the chair, who shall serve as the executive
1491 and administrative head of the board.

1492 (b) The governor shall appoint and may remove at will the chair from the position of
1493 chair.

1494 (6) A majority of the board shall constitute a quorum to transact business.

1495 (7) (a) The commission shall provide the Appeals Board necessary staff support,
1496 except as provided in Subsection (7)(b).

1497 (b) At the request of the Appeals Board, the attorney general shall act as an impartial
1498 aid to the Appeals Board in outlining the facts and the issues.

1499 Section 32. Section **35A-1-201** is amended to read:

1500 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**
1501 **Qualifications -- Responsibilities -- Deputy directors.**

1502 (1) (a) The chief administrative officer of the department is the executive director, who
1503 is appointed by the governor with the advice and consent of the Senate.

1504 (b) The executive director serves at the pleasure of the governor.

1505 (c) The executive director shall receive a salary established by the governor within the
1506 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1507 (d) The executive director shall be experienced in administration, management, and
1508 coordination of complex organizations.

1509 (2) The executive director shall:

1510 (a) administer and supervise the department in compliance with Title 67, Chapter 19,
1511 Utah State Personnel Management Act;

1512 (b) supervise and coordinate between the economic service areas and directors created
1513 under Chapter 2, Economic Service Areas;

1514 (c) coordinate policies and program activities conducted through the divisions and
1515 economic service areas of the department;

1516 (d) approve the proposed budget of each division, the Workforce Appeals Board, and
1517 each economic service area within the department;

1518 (e) approve all applications for federal grants or assistance in support of any
1519 department program;

1520 (f) coordinate with the executive directors of the Governor's Office of Economic
1521 Development and the Governor's Office of Management and Budget to review data and metrics
1522 to be reported to the Legislature as described in Subsection 35A-1-109(2)(b); and

1523 (g) fulfill such other duties as assigned by the Legislature or as assigned by the
1524 governor that are not inconsistent with this title.

1525 (3) The executive director may appoint deputy or assistant directors to assist the
1526 executive director in carrying out the department's responsibilities.

1527 (4) The executive director shall at least annually provide for the sharing of information
1528 between the advisory councils established under this title.

1529 Section 33. Section 35A-8-304 is amended to read:

1530 **35A-8-304. Permanent Community Impact Fund Board created -- Members --**
1531 **Terms -- Chair -- Expenses.**

1532 (1) There is created within the department the Permanent Community Impact Fund
1533 Board composed of 11 members as follows:

1534 (a) the chair of the Board of Water Resources or the chair's designee;

1535 (b) the chair of the Water Quality Board or the chair's designee;

1536 (c) the director of the department or the director's designee;

1537 (d) the state treasurer;

1538 (e) the chair of the Transportation Commission or the chair's designee;

1539 (f) a locally elected official who resides in Carbon, Emery, Grand, or San Juan County;

1540 (g) a locally elected official who resides in Juab, Millard, Sanpete, Sevier, Piute, or
1541 Wayne County;

1542 (h) a locally elected official who resides in Duchesne, Daggett, or Uintah County;

1543 (i) a locally elected official who resides in Beaver, Iron, Washington, Garfield, or Kane
1544 County; and

1545 (j) a locally elected official from each of the two counties that produced the most
1546 mineral lease money during the previous four-year period, prior to the term of appointment, as
1547 determined by the department.

1548 (2) (a) The members specified under Subsections (1)(f) through (j) may not reside in
1549 the same county and shall be:

1550 (i) nominated by the Board of Directors of the Southeastern Association of Local
1551 Governments, the Six County Association of Governments, the Uintah Basin Association of
1552 Governments, and the Five County Association of Governments, respectively, except that a
1553 member under Subsection (1)(j) shall be nominated by the Board of Directors of the
1554 Association of Governments from the region of the state in which the county is located; and

1555 (ii) appointed by the governor with the advice and consent of the Senate.

1556 (b) Except as required by Subsection (2)(c), as terms of current board members expire,
1557 the governor shall appoint each new member or reappointed member to a four-year term.

1558 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the
1559 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1560 board members are staggered so that approximately half of the board is appointed every two
1561 years.

1562 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
1563 appointed for the unexpired term.

1564 (3) The terms of office for the members of the impact board specified under
1565 Subsections (1)(a) through (1)(e) shall run concurrently with the terms of office for the
1566 councils, boards, committees, commission, departments, or offices from which the members
1567 come.

1568 (4) The executive director of the department, or the executive director's designee, is the
1569 chair of the impact board.

1570 (5) A member may not receive compensation or benefits for the member's service, but
1571 may receive per diem and travel expenses in accordance with:

1572 (a) Section 63A-3-106;

1573 (b) Section 63A-3-107; and

1574 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1575 63A-3-107.

1576 Section 34. Section 35A-8-2103 is amended to read:

1577 **35A-8-2103. Private Activity Bond Review Board.**

1578 (1) There is created within the department the Private Activity Bond Review Board,
1579 composed of the following 11 members:

1580 (a) (i) the executive director of the department or the executive director's designee;

1581 (ii) the executive director of the Governor's Office of Economic Development or the
1582 executive director's designee;

1583 (iii) the state treasurer or the state treasurer's designee;

1584 (iv) the chair of the Board of Regents or the chair's designee; and

1585 (v) the chair of the Utah Housing Corporation or the chair's designee; and

1586 (b) six local government members who are:

1587 (i) three elected or appointed county officials, nominated by the Utah Association of
1588 Counties and appointed by the governor with the advice and consent of the Senate; and

1589 (ii) three elected or appointed municipal officials, nominated by the Utah League of
1590 Cities and Towns and appointed by the governor with the advice and consent of the Senate.

1591 (2) (a) Except as required by Subsection (2)(b), the terms of office for the local
1592 government members of the board of review shall be four-year terms.

1593 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1594 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1595 board of review members are staggered so that approximately half of the board of review is
1596 appointed every two years.

1597 (c) Members may be reappointed only once.

1598 (3) (a) If a local government member ceases to be an elected or appointed official of
1599 the city or county the member is appointed to represent, that membership on the board of
1600 review terminates immediately and there shall be a vacancy in the membership.

1601 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
1602 appointed within 30 days in the manner of the regular appointment for the unexpired term.

1603 (4) (a) The chair of the board of review is the executive director of the department or
1604 the executive director's designee.

1605 (b) The chair is nonvoting except in the case of a tie vote.

1606 (5) Six members of the board of review constitute a quorum.

1607 (6) Formal action by the board of review requires a majority vote of a quorum.

1608 (7) A member may not receive compensation or benefits for the member's service, but
1609 may receive per diem and travel expenses in accordance with:

1610 (a) Section 63A-3-106;

1611 (b) Section 63A-3-107; and

1612 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

1613 (8) The chair of the board of review serves as the state official designated under state
1614 law to make certifications required to be made under Section 146 of the code including the
1615 certification required by Section 149(e)(2)(F) of the code.

1616 Section 35. Section 40-6-4 is amended to read:

1617 **40-6-4. Board of Oil, Gas, and Mining created -- Functions -- Appointment of**
1618 **members -- Terms -- Chair -- Quorum -- Expenses.**

1619 (1) (a) There is created within the Department of Natural Resources the Board of Oil,
1620 Gas, and Mining.

1621 (b) The board shall be the policy making body for the Division of Oil, Gas, and
1622 Mining.

1623 (2) (a) The board shall consist of seven members appointed by the governor with the
1624 advice and consent of the Senate.

1625 (b) No more than four members shall be from the same political party.

1626 (c) In accordance with the requirements of Section 79-2-203, the members appointed
1627 under Subsection (2)(a) shall include the following:

- 1628 (i) two members who are knowledgeable in mining matters;
- 1629 (ii) two members who are knowledgeable in oil and gas matters;
- 1630 (iii) one member who is knowledgeable in ecological and environmental matters;
- 1631 (iv) one member who:
 - 1632 (A) is a private land owner;
 - 1633 (B) owns a mineral or royalty interest; and
 - 1634 (C) is knowledgeable in mineral or royalty interests; and
- 1635 (v) one member who is knowledgeable in geological matters.

1636 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
1637 expire, the governor shall appoint each new member or reappointed member to a four-year
1638 term.

1639 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
1640 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1641 board members are staggered so that approximately half of the board is appointed every two
1642 years.

1643 (c) A member shall hold office until the expiration of the member's term and until the
1644 member's successor is appointed, but not more than 90 days after the expiration of the
1645 member's term.

1646 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
1647 be appointed for the unexpired term by the governor with the advice and consent of the Senate.

1648 (b) The person appointed shall have the same qualifications as the person's
1649 predecessor.

1650 (5) (a) The board shall appoint its chair from the membership.

1651 (b) Four members of the board shall constitute a quorum for the transaction of business
1652 and the holding of hearings.

1653 (6) A member may not receive compensation or benefits for the member's service, but

1654 may receive per diem and travel expenses in accordance with:

1655 (a) Section 63A-3-106;

1656 (b) Section 63A-3-107; and

1657 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

1658 63A-3-107.

1659 Section 36. Section 49-11-202 is amended to read:

1660 **49-11-202. Establishment of Utah State Retirement Board -- Quorum -- Terms --**

1661 **Officers -- Expenses and per diem.**

1662 (1) There is established the Utah State Retirement Board composed of seven board
1663 members determined as follows:

1664 (a) Four board members, with experience in investments or banking, shall be appointed
1665 by the governor from the general public.

1666 (b) One board member shall be a school employee appointed by the governor from at
1667 least three nominations submitted by the governing board of the school employees' association
1668 that is representative of a majority of the school employees who are members of a system
1669 administered by the board.

1670 (c) One board member shall be a public employee appointed by the governor from at
1671 least three nominations submitted by the governing board of the public employee association
1672 that is representative of a majority of the public employees who are members of a system
1673 administered by the board.

1674 (d) One board member shall be the state treasurer.

1675 (2) Four board members constitute a quorum for the transaction of business.

1676 (3) (a) All appointments to the board shall be made on a nonpartisan basis, with the
1677 advice and consent of the Senate.

1678 (b) Board members shall serve until their successors are appointed and take the
1679 constitutional oath of office.

1680 (c) When a vacancy occurs on the board for any reason, the replacement shall be
1681 appointed for the unexpired term.

1682 (4) (a) Except as required by Subsection (4)(b), all appointed board members shall
1683 serve for four-year terms.

1684 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1685 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1686 board members are staggered so that:

1687 (i) approximately half of the board is appointed every two years; and

1688 (ii) no more than two of the board members appointed under Subsection (1)(a) are
1689 appointed every two years.

1690 (c) A board member who is appointed as a school employee or as a public employee
1691 who retires or who is no longer employed with a participating employer shall immediately
1692 resign from the board.

1693 (5) (a) Each year the board shall elect a president and vice president from its
1694 membership.

1695 (b) A board member may not receive compensation or benefits for the board member's
1696 service, but may receive per diem and travel expenses in accordance with:

1697 (i) Section 63A-3-106;

1698 (ii) Section 63A-3-107; and

1699 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1700 63A-3-107.

1701 Section 37. Section 51-7-16 is amended to read:

1702 **51-7-16. State Money Management Council -- Members -- Terms -- Vacancies --**
1703 **Chair and vice chair-- Executive secretary -- Meetings -- Quorum -- Members' disclosure**
1704 **of interests -- Per diem and expenses.**

1705 (1) (a) There is created a State Money Management Council composed of five
1706 members appointed by the governor after consultation with the state treasurer and with the
1707 advice and consent of the Senate.

1708 (b) The members of the council shall be qualified by training and experience in the
1709 field of investment or finance as follows:

1710 (i) at least one member, but not more than two members, shall be experienced in the
1711 banking business;

1712 (ii) at least one member, but not more than two members, shall be an elected treasurer;

1713 (iii) at least one member, but not more than two members, shall be an appointed public
1714 treasurer; and

1715 (iv) two members, but not more than two members, shall be experienced in the field of
1716 investment.

1717 (c) No more than three members of the council may be from the same political party.

1718 (2) (a) Except as required by Subsection (2)(b), the council members shall be appointed
1719 for terms of four years.

1720 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1721 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1722 council members are staggered so that approximately half of the council is appointed every two
1723 years.

1724 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
1725 appointed for the unexpired term.

1726 (d) All members shall serve until their successors are appointed and qualified.

1727 (3) (a) The council members shall elect a chair and vice chair.

1728 (b) The state treasurer shall serve as executive secretary of the council without vote.

1729 (4) (a) The council shall meet at least once per quarter at a regular date to be fixed by
1730 the council and at other times at the call of the chair, the state treasurer, or any two members of
1731 the council.

1732 (b) Three members are a quorum for the transaction of business.

1733 (c) Actions of the council require a vote of a majority of those present.

1734 (d) All meetings of the council and records of its proceedings are open for inspection
1735 by the public at the state treasurer's office during regular business hours except for:

1736 (i) reports of the commissioner of financial institutions concerning the identity,
1737 liquidity, or financial condition of qualified depositories and the amount of public funds each is

1738 eligible to hold; and

1739 (ii) reports of the director concerning the identity, liquidity, or financial condition of
1740 certified dealers.

1741 (5) (a) Each member of the council shall file a sworn or written statement with the
1742 lieutenant governor that discloses any position or employment or ownership interest that [~~he~~]
1743 the member has in any financial institution or investment organization.

1744 (b) Each member shall file the statement required by this Subsection (5) when [~~he~~] the
1745 member becomes a member of the council and when substantial changes in [~~his~~] the member's
1746 position, employment, or ownership interests occur.

1747 (6) A member may not receive compensation or benefits for the member's service, but
1748 may receive per diem and travel expenses in accordance with:

1749 (a) Section 63A-3-106;

1750 (b) Section 63A-3-107; and

1751 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1752 63A-3-107.

1753 Section 38. Section 51-10-206 is amended to read:

1754 **51-10-206. Diné Advisory Committee.**

1755 (1) There is created the Diné Advisory Committee.

1756 (2) (a) The governor, with the advice and consent of the Senate, shall appoint nine
1757 members to the Diné Advisory Committee.

1758 (b) In making an appointment under Subsection (2)(a), the governor shall ensure that
1759 the Diné Advisory Committee includes:

1760 (i) two registered members of the Aneth Chapter of the Navajo Nation who reside in
1761 San Juan County, Utah;

1762 (ii) one registered member of the Blue Mountain Diné who resides in San Juan County,
1763 Utah;

1764 (iii) one registered member of the Mexican Water Chapter of the Navajo Nation who
1765 resides in San Juan County, Utah;

1766 (iv) one registered member of the Naatsis'áán Chapter of the Navajo Nation who
1767 resides in San Juan County, Utah;

1768 (v) subject to Subsection (4), two members who reside in San Juan County, Utah, one
1769 of whom is a registered member of the Oljato Chapter of the Navajo Nation, and one of whom
1770 is a registered member of either the Oljato Chapter or the Dennehotso Chapter of the Navajo
1771 Nation;

1772 (vi) one registered member of the Red Mesa Chapter of the Navajo Nation who resides
1773 in San Juan County, Utah; and

1774 (vii) one registered member of the Teec Nos Pos Chapter of the Navajo Nation who
1775 resides in San Juan County, Utah.

1776 (3) (a) (i) Each chapter of the Utah Navajo Chapter, except the Aneth, Oljato, and
1777 Dennehotso chapters, shall submit to the governor the names of two nominees to the Diné
1778 Advisory Committee chosen by the chapter.

1779 (ii) The governor shall appoint one of the two persons whose names are submitted
1780 under Subsection (3)(a)(i) as that chapter's representative on the Diné Advisory Committee.

1781 (b) (i) The Blue Mountain Diné shall submit to the governor the names of two
1782 nominees to the Diné Advisory Committee.

1783 (ii) The governor shall appoint one of the two persons whose names are submitted
1784 under Subsection (3)(b)(i) as the Blue Mountain Diné representative on the Diné Advisory
1785 Committee.

1786 (c) (i) The Aneth Chapter shall submit to the governor the names of two nominees for
1787 each of the two positions to the Diné Advisory Committee representing the Aneth chapter.

1788 (ii) The governor shall appoint two of the persons whose names are submitted under
1789 Subsection (3)(c)(i) to be the Aneth Chapter's representatives on the Diné Advisory Committee.

1790 (d) (i) Subject to Subsection (3)(d)(ii), the Oljato Chapter shall submit to the governor
1791 the names of two nominees for each of the two positions to the Diné Advisory Committee
1792 representing the Oljato Chapter and the Dennehotso Chapter.

1793 (ii) The Dennehotso Chapter may submit one nominee for purposes of the governor

1794 appointing a representative of the Oljato Chapter and the Dennehotso Chapter.

1795 (iii) The governor shall appoint two of the persons whose names are submitted under
1796 Subsection (3)(d)(i) or (ii) to be the representatives on the Diné Advisory Committee of the
1797 Oljato Chapter and the Dennehotso Chapter.

1798 (e) Before submitting a name to the governor, a Utah Navajo Chapter and the Blue
1799 Mountain Diné shall ensure that the individual's whose name is submitted:

1800 (i) is an enrolled member of the Navajo Nation;

1801 (ii) resides in San Juan County, Utah;

1802 (iii) is 21 years of age or older;

1803 (iv) is not an officer of the chapter;

1804 (v) has not been convicted of a felony; and

1805 (vi) is not currently, or within the last 12 months has not been, an officer, director,
1806 employee, or contractor of a service provider that solicits, accepts, or receives a benefit from an
1807 expenditure of:

1808 (A) the Division of Indian Affairs; or

1809 (B) the fund.

1810 (4) If both members appointed under Subsection (2)(b)(v) are registered members of
1811 the Oljato Chapter, the two members shall attend Dennehotso Chapter meetings as practicable.

1812 (5) (a) Except as provided in Subsection (5)(b) and other than the amount authorized
1813 by this section for Diné Advisory Committee member expenses, a person appointed to the Diné
1814 Advisory Committee may not solicit, accept, or receive any benefit from an expenditure of:

1815 (i) the Division of Indian Affairs;

1816 (ii) the fund; or

1817 (iii) the Division of Indian Affairs or fund as an officer, director, employee, or
1818 contractor of a service provider that solicits, accepts, or receives a benefit from the expenditure
1819 of:

1820 (A) the Division of Indian Affairs; or

1821 (B) the fund.

1822 (b) A member of the Diné Advisory Committee may receive a benefit from an
1823 expenditure of the fund if:

1824 (i) when the benefit is discussed by the Diné Advisory Committee:

1825 (A) the member discloses that the member may receive the benefit;

1826 (B) the member physically leaves the room in which the Diné Advisory Committee is
1827 discussing the benefit; and

1828 (C) the Diné Advisory Committee approves the member receiving the benefit by a
1829 unanimous vote of the members present at the meeting discussing the benefit;

1830 (ii) a Utah Navajo Chapter requests that the benefit be received by the member;

1831 (iii) the member is in compliance with the ethics and conflict of interest policy required
1832 under Subsection [51-10-204\(2\)\(c\)](#);

1833 (iv) (A) the expenditure from the fund is made in accordance with this chapter; and

1834 (B) the benefit is no greater than the benefit available to members of the Navajo Nation
1835 residing in San Juan County, Utah; and

1836 (v) the member is not receiving the benefit as an officer, director, employee, or
1837 contractor of a service provider.

1838 (6) (a) (i) Except as required in Subsection (6)(a)(ii), as terms of current committee
1839 members expire, the governor shall appoint each new member or reappointed member to a
1840 four-year term.

1841 (ii) The governor shall, at the time of appointment or reappointment, adjust the length
1842 of terms to ensure that the terms of committee members are staggered so that approximately
1843 half of the Diné Advisory Committee is appointed every two years.

1844 (iii) The terms of the Aneth Chapter's representatives appointed under Subsection
1845 (3)(c)(ii) shall be staggered in accordance with this Subsection (6) so that only one position is
1846 appointed by the governor in a year.

1847 (iv) The terms of the Oljato Chapter's and the Dennehotso Chapter's representatives
1848 appointed under Subsection (3)(d) shall be staggered in accordance with this Subsection (6) so
1849 that only one position is appointed by the governor in a year.

1850 (b) Except as provided in Subsection (6)(c), a committee member shall serve until the
1851 committee member's successor is appointed and qualified.

1852 (c) If a committee member is absent from three consecutive committee meetings, or if
1853 the committee member violates the ethical or conflict of interest policies established by statute
1854 or the Diné Advisory Committee:

1855 (i) the committee member's appointment is terminated;

1856 (ii) the position is vacant; and

1857 (iii) the governor shall appoint a replacement.

1858 (d) When a vacancy occurs in the membership for any reason, the governor shall
1859 appoint a replacement for the unexpired term according to the procedures of this section.

1860 (e) The governor may appoint an individual to more than one term on the Diné
1861 Advisory Committee.

1862 (7) (a) The committee members shall select a chair and vice chair from committee
1863 membership each two years subsequent to the appointment of new committee members.

1864 (b) Five members of the Diné Advisory Committee is a quorum for the transaction of
1865 business.

1866 (c) The Diné Advisory Committee shall:

1867 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act;

1868 (ii) ensure that its meetings are held at or near:

1869 (A) a chapter house or meeting hall of a Utah Navajo Chapter; or

1870 (B) other places in Utah that the Diné Advisory Committee considers practical and
1871 appropriate; and

1872 (iii) ensure that its meetings are public hearings at which a resident of San Juan
1873 County, Utah, may appear and speak.

1874 (8) A committee member may not receive compensation or benefits for the committee
1875 member's service, but may receive per diem and travel expenses in accordance with policy
1876 adopted by the board.

1877 (9) The trust administrator shall staff the Diné Advisory Committee.

1878 (10) The Diné Advisory Committee shall advise the trust administrator about the
1879 expenditure of fund money.

1880 Section 39. Section **53-1-107** is amended to read:

1881 **53-1-107. Commissioner of public safety -- Appointment -- Qualifications --**
1882 **Salary.**

1883 (1) The chief executive officer of the department is the commissioner.

1884 (2) (a) Every fourth year after the year 1989, the governor shall appoint a commissioner
1885 with the advice and consent of the Senate.

1886 (b) The commissioner shall serve for a period of four years from July 1 of the year of
1887 [~~his~~] the commissioner's appointment.

1888 (3) The commissioner shall:

1889 (a) be an individual of recognized executive and administrative capacity;

1890 (b) be selected solely with regard to [~~his~~] the commissioner's qualifications and fitness
1891 to discharge the duties of the commissioner's office;

1892 (c) be of high moral character;

1893 (d) be of good standing in the community in which [~~he~~] the commissioner lives; and

1894 (e) have been a resident of this state for a period of at least five years immediately prior
1895 to [~~his~~] appointment.

1896 (4) The commissioner shall devote full time to the duties of the office.

1897 (5) The governor shall establish the commissioner's salary within the salary range fixed
1898 by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1899 Section 40. Section **53-2a-1103** is amended to read:

1900 **53-2a-1103. Search and Rescue Advisory Board -- Members -- Compensation.**

1901 (1) There is created the Search and Rescue Advisory Board consisting of seven
1902 members appointed as follows:

1903 (a) two representatives designated by the Utah Sheriff's Association, who are members
1904 of a voluntary search and rescue unit operating in the state, one of whom is from a county
1905 having a population of 75,000 or more; and one from a county having a population of less than

1906 75,000;

1907 (b) three sheriffs designated by the Utah Sheriff's Association, at least one of whom
1908 shall be from a county having a population of 75,000 or more, and at least one of whom shall
1909 be from a county having a population of less than 75,000;

1910 (c) one representative of the Division of Emergency Management designated by the
1911 director; and

1912 (d) one private citizen appointed by the governor with the advice and consent of the
1913 Senate.

1914 (2) (a) The term of each member of the board is four years.

1915 (b) A member may be reappointed to successive terms.

1916 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
1917 appointed for the unexpired term.

1918 (d) In order to stagger the terms of membership, the members appointed or reappointed
1919 to represent the Utah Sheriff's Association on or after May 2, 2005, shall serve a term of two
1920 years, and all subsequent terms shall be four years.

1921 (3) A member may not receive compensation or benefits for the member's service, but
1922 may receive per diem and travel expenses in accordance with:

1923 (a) Section 63A-3-106;

1924 (b) Section 63A-3-107; and

1925 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1926 63A-3-107.

1927 Section 41. Section 53B-1-104 is amended to read:

1928 **53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath --**

1929 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.**

1930 (1) Except as provided in Subsection (2), the board consists of 17 residents of the state
1931 appointed by the governor with the advice and consent of the Senate, as follows:

1932 (a) eight at-large members;

1933 (b) eight members, each of whom is:

- 1934 (i) selected from three nominees presented to the governor by a higher education
1935 institution board of trustees; and
- 1936 (ii) a current or former member of the institution of higher education board of trustees
1937 that nominates the member; and
- 1938 (c) one member, selected from three nominees presented to the governor by the student
1939 body presidents of the institutions of higher education, who:
- 1940 (i) is a fully matriculated student enrolled in an institution of higher education; and
1941 (ii) is not serving as a student body president at the time of the nomination.
- 1942 (2) (a) (i) An individual appointed to the board on or before May 8, 2017, may serve on
1943 the board, even if the individual does not fulfill a requirement for the composition of the board
1944 described in Subsection (1).
- 1945 (ii) The governor may reappoint a member described in Subsection (2)(a)(i) when the
1946 member's term expires.
- 1947 (b) An individual appointed to the board on or before May 8, 2017, who is a current or
1948 former member of an institution of higher education board of trustees is the board member for
1949 the institution of higher education described in Subsection (1)(b).
- 1950 (c) (i) Subject to Subsection (2)(c)(ii), as positions on the board become vacant, the
1951 governor shall ensure that newly appointed members move the board toward the composition
1952 described in Subsection (1).
- 1953 (ii) In appointing a new member to the board, the governor shall first appoint a member
1954 described in Subsection (1)(b) until the eight positions described in Subsection (1)(b) are filled.
- 1955 (3) (a) All appointments to the board shall be made on a nonpartisan basis.
- 1956 (b) In making appointments to the board, the governor shall consider:
- 1957 (i) geographic representation of members;
1958 (ii) diversity;
1959 (iii) experience in higher education governance;
1960 (iv) experience in economic development; and
1961 (v) exposure to institutions of higher education.

1962 (c) An individual may not serve simultaneously on the State Board of Regents and an
1963 institution of higher education board of trustees.

1964 (4) (a) Except as provided in Subsection (4)(b), members of the board shall be
1965 appointed to six-year staggered terms, which begin on July 1 of the year of appointment.

1966 (b) A student member described in Subsection (1)(c) shall be appointed to a one-year
1967 term.

1968 (c) (i) The governor may remove a member of the board for cause.

1969 (ii) The governor shall consult with the president of the Senate before removing a
1970 member of the board.

1971 (5) (a) A member of the board shall take the official oath of office before entering upon
1972 the duties of office.

1973 (b) The oath shall be filed with the Division of Archives and Records Services.

1974 (6) The board shall elect a chair and vice chair from among the board's members who
1975 shall serve terms of two years and until their successors are chosen and qualified.

1976 (7) (a) The board shall appoint a secretary from the staff of the board's chief executive
1977 to serve at the board's discretion.

1978 (b) The secretary is a full-time employee who receives a salary set by the board.

1979 (c) The secretary shall record and maintain a record of all board meetings and perform
1980 other duties as the board directs.

1981 (8) (a) The board may establish advisory committees.

1982 (b) The powers and authority of the board are nondelegable, except as specifically
1983 provided for in this title.

1984 (c) All matters requiring board determination shall be addressed in a properly convened
1985 meeting of the board or the board's executive committee.

1986 (9) The board shall enact bylaws for the board's own government not inconsistent with
1987 the constitution or the laws of this state.

1988 (10) (a) The board shall meet regularly upon the board's own determination.

1989 (b) The board may also meet, in full or executive session, at the request of the chair,

1990 the executive officer, or five members of the board.

1991 (11) A quorum of the voting members of the board is required to conduct the board's
1992 business and consists of nine members.

1993 (12) (a) A vacancy in the board occurring before the expiration of a voting member's
1994 full term shall be immediately filled by appointment by the governor with the advice and
1995 consent of the Senate.

1996 (b) An individual appointed under Subsection (12)(a) serves for the remainder of the
1997 unexpired term.

1998 (13) A board member may not receive compensation or benefits for the member's
1999 service, but may receive per diem and travel expenses in accordance with:

2000 (a) Section [63A-3-106](#);

2001 (b) Section [63A-3-107](#); and

2002 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2003 [63A-3-107](#).

2004 Section 42. Section **53B-1-105** is amended to read:

2005 **53B-1-105. Appointment of commissioner of higher education -- Qualifications --**
2006 **Duties.**

2007 (1) (a) The board, upon approval from the governor and with the advice and consent of
2008 the Senate for each appointee nominated on or after May 8, 2012, shall appoint a commissioner
2009 of higher education to serve at its pleasure as its chief executive officer.

2010 (b) The commissioner may be terminated by:

2011 (i) the board; or

2012 (ii) the governor, after consultation with the board.

2013 (c) The board shall:

2014 (i) set the salary of the commissioner;

2015 (ii) prescribe the duties and functions of the commissioner; and

2016 (iii) select a commissioner on the basis of outstanding professional qualifications.

2017 (2) The commissioner is responsible to the board to:

- 2018 (a) ensure that the policies and programs of the board are properly executed;
- 2019 (b) furnish information about the state system of higher education and make
- 2020 recommendations regarding that information to the board;
- 2021 (c) provide state-level leadership in any activity affecting an institution in the state
- 2022 system of higher education; and
- 2023 (d) perform other duties assigned by the board in carrying out its duties and
- 2024 responsibilities.

2025 Section 43. Section **53B-2-104** is amended to read:

2026 **53B-2-104. Institution of higher education board of trustees -- Membership --**
2027 **Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees --**
2028 **Compensation.**

2029 (1) (a) Except as provided in Subsection (10), the board of trustees of an institution of
2030 higher education consists of the following:

2031 (i) except as provided in Subsection (1)(c), eight individuals appointed by the governor
2032 with the advice and consent of the Senate; and

2033 (ii) two ex officio members who are the president of the institution's alumni
2034 association, and the president of the associated students of the institution.

2035 (b) The appointed members of the boards of trustees for Utah Valley University and
2036 Salt Lake Community College shall be representative of the interests of business, industry, and
2037 labor.

2038 (c) (i) The board of trustees of Utah State University has nine individuals appointed by
2039 the governor with the advice and consent of the Senate.

2040 (ii) One of the nine individuals described in Subsection (1)(c)(i) shall reside in the
2041 Utah State University Eastern service region or the Utah State University Blanding service
2042 region.

2043 (2) (a) The governor shall appoint four members of each board of trustees during each
2044 odd-numbered year to four-year terms commencing on July 1 of the year of appointment.

2045 (b) Except as provided in Subsection (2)(d), a member appointed under Subsection

2046 (1)(a)(i) or (1)(c)(i) holds office until a successor is appointed and qualified.

2047 (c) The ex officio members serve for the same period as they serve as presidents and
2048 until their successors have qualified.

2049 (d) (i) The governor may remove a member appointed under Subsection (1)(a)(i) or
2050 (1)(c)(i) for cause.

2051 (ii) The governor shall consult with the president of the Senate before removing a
2052 member appointed under Subsection (1)(a)(i) or (1)(c)(i).

2053 (3) When a vacancy occurs in the membership of a board of trustees for any reason, the
2054 replacement shall be appointed for the unexpired term.

2055 (4) (a) Each member of a board of trustees shall take the official oath of office prior to
2056 assuming the office.

2057 (b) The oath shall be filed with the Division of Archives and Records Services.

2058 (5) A board of trustees shall elect a chair and vice chair, who serve for two years and
2059 until their successors are elected and qualified.

2060 (6) (a) A board of trustees may enact bylaws for the board of trustees' own government,
2061 including provisions for regular meetings.

2062 (b) (i) A board of trustees may provide for an executive committee in the board of
2063 trustees' bylaws.

2064 (ii) If established, an executive committee shall have full authority of the board of
2065 trustees to act upon routine matters during the interim between board of trustees meetings.

2066 (iii) An executive committee may act on nonroutine matters only under extraordinary
2067 and emergency circumstances.

2068 (iv) An executive committee shall report the executive committee's activities to the
2069 board of trustees at the board of trustees' next regular meeting following the action.

2070 (c) Copies of a board of trustees' bylaws shall be filed with the board.

2071 (7) A quorum is required to conduct business and consists of six members.

2072 (8) A board of trustees may establish advisory committees.

2073 (9) A member may not receive compensation or benefits for the member's service, but

2074 may receive per diem and travel expenses in accordance with:

2075 (a) Section 63A-3-106;

2076 (b) Section 63A-3-107; and

2077 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

2078 63A-3-107.

2079 (10) This section does not apply to a technical college board of directors described in

2080 Section 53B-2a-108.

2081 Section 44. Section 53B-2a-103 is amended to read:

2082 **53B-2a-103. UTech Board of Trustees -- Membership -- Terms -- Vacancies --**

2083 **Oath -- Officers -- Quorum -- Committees -- Compensation.**

2084 (1) There is created the UTech Board of Trustees.

2085 (2) (a) Beginning on July 1, 2019, the board of trustees is composed of 15 members
2086 appointed by the governor with the advice and consent of the Senate, as follows:

2087 (i) one member selected from at least two nominees presented to the governor by the
2088 board of directors of each technical college, for a total of eight members; and

2089 (ii) one member who is employed in and represents each of the following sectors:

2090 (A) information technology;

2091 (B) manufacturing;

2092 (C) life sciences;

2093 (D) health care;

2094 (E) transportation;

2095 (F) union craft, trade, or apprenticeship; and

2096 (G) non-union craft, trade, or apprenticeship.

2097 (b) The seven members described in Subsection (2)(a)(ii) shall be selected from the
2098 state at large, subject to the following conditions:

2099 (i) at least four members shall reside in a geographic area served by a technical college;

2100 and

2101 (ii) no more than two members may reside in a single geographic area served by a

2102 technical college.

2103 (c) The governor shall make appointments to the board of trustees on a nonpartisan
2104 basis.

2105 (d) An individual may not serve on the board of trustees and a technical college board
2106 of directors simultaneously.

2107 (3) (a) (i) Except as provided under Subsection (3)(a)(ii), a member shall be appointed
2108 commencing on July 1 of each odd-numbered year to a four-year term.

2109 (ii) The governor shall ensure that member terms are staggered so that approximately
2110 one-half of the members' terms expire in any odd-numbered year.

2111 (b) A member may not hold office for more than two consecutive full terms.

2112 (c) (i) The governor may remove a member of the board of trustees for cause.

2113 (ii) The governor shall consult with the president of the Senate before removing a
2114 member of the board of trustees.

2115 (4) When a vacancy occurs on the board of trustees for any reason, the governor shall
2116 appoint a replacement for the unexpired term.

2117 (5) (a) Each member shall take the official oath of office prior to assuming the office.

2118 (b) The oath shall be filed with the Division of Archives and Records Services.

2119 (6) (a) The board of trustees shall elect a chair and vice chair, who serve for two years
2120 and until their successors are elected and qualified.

2121 (b) A member may not serve more than two consecutive terms as the chair or vice
2122 chair.

2123 (7) (a) The board of trustees shall enact bylaws for the board of trustees' own
2124 government, including provisions for regular meetings.

2125 (b) (i) The board of trustees shall provide for an executive committee in the board of
2126 trustees' bylaws.

2127 (ii) The executive committee shall have full authority of the board of trustees to act
2128 upon routine matters during the interim between board of trustees meetings.

2129 (iii) The executive committee may act on nonroutine matters only under extraordinary

2130 and emergency circumstances.

2131 (iv) The executive committee shall report the executive committee's activities to the
2132 board of trustees at the board of trustees' next regular meeting following the executive
2133 committee's activities.

2134 (8) A quorum shall be required to conduct business which shall consist of a majority of
2135 board of trustee members.

2136 (9) The board of trustees may establish advisory committees.

2137 (10) A member may not receive compensation or benefits for the member's service, but
2138 may receive per diem and travel expenses in accordance with:

2139 (a) Section 63A-3-106;

2140 (b) Section 63A-3-107; and

2141 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2142 63A-3-107.

2143 Section 45. Section 53B-2a-108 is amended to read:

2144 **53B-2a-108. Technical college boards of directors -- Membership --**
2145 **Appointments.**

2146 (1) As used in this section:

2147 (a) "Higher education institution" means the same as that term is defined in Section
2148 53B-2a-112.

2149 (b) "Technical college service area" means the geographic area served by each
2150 technical college as described in Section 53B-2a-105.

2151 (2) A technical college board of directors consists of:

2152 (a) one member of the local school board for each school district in the technical
2153 college service area, appointed by the local school board to which the member belongs;

2154 (b) except as provided in Subsection (3)(b), one individual who is a member of the
2155 higher education institution board of trustees, appointed by the higher education institution
2156 board of trustees; and

2157 (c) a number of individuals, appointed by the governor with the advice and consent of

2158 the Senate, that is:

2159 (i) seven for:

2160 (A) Tooele Technical College;

2161 (B) Uintah Basin Technical College; and

2162 (C) Dixie Technical College;

2163 (ii) eight for:

2164 (A) Bridgerland Technical College;

2165 (B) Ogden-Weber Technical College;

2166 (C) Davis Technical College; and

2167 (D) Southwest Technical College; or

2168 (iii) nine for Mountainland Technical College.

2169 (3) (a) In appointing the members described in Subsection (2)(c), the governor shall
2170 appoint individuals who represent the interests of business, industry, or labor in the technical
2171 college service area.

2172 (b) If no member of the institution of higher education board of trustees lives within
2173 the technical college service area, the institution of higher education board of trustees may
2174 nominate an individual to be appointed by the governor with the advice and consent of the
2175 Senate instead of appointing a member described in Subsection (2)(b).

2176 (4) (a) The governor may remove a member appointed under Subsection (2)(c) or
2177 (3)(b) for cause.

2178 (b) The governor shall consult with the president of the Senate before removing a
2179 member appointed under Subsection (2)(c) or (3)(b).

2180 (5) (a) Notwithstanding Subsection (2) or [53B-2a-109\(2\)](#), an individual appointed to a
2181 technical college board of directors on or before May 7, 2018, may continue to serve on the
2182 technical college board of directors until the end of the individual's current term, even if the
2183 total number of members on the technical college board of directors exceeds the number of
2184 members for the technical college board of directors described in Subsection (2).

2185 (b) Notwithstanding Subsection (2), the governor may only make an appointment

2186 described in Subsection (2)(c) if the number of members on the technical college board of
2187 directors following the appointment will be less than or equal to the number of members for the
2188 technical college board of directors described in Subsection (2).

2189 Section 46. Section **53C-1-202** is amended to read:

2190 **53C-1-202. Board of trustees membership -- Nomination list -- Qualifications --**
2191 **Terms -- Replacement -- Chair -- Quorum.**

2192 (1) There is established the School and Institutional Trust Lands Board of Trustees.

2193 (2) The board shall consist of seven members appointed on a nonpartisan basis by the
2194 governor with the advice and consent of the Senate.

2195 (3) (a) Except for the appointment made pursuant to Subsection (5), all appointments
2196 to the board shall be for a nonconsecutive term of six years, or until a replacement has been
2197 appointed and confirmed pursuant to this section.

2198 (b) If a vacancy occurs, the governor shall appoint a replacement, following the
2199 procedures set forth in Subsections (2), (4), (5), and (6), to fill the unexpired term.

2200 (c) Any member of the board who has served less than six years upon the expiration of
2201 that member's term is eligible for a consecutive reappointment.

2202 (4) (a) The governor shall select six of the seven appointees to the board from a
2203 nomination list of at least two candidates for each position or vacancy submitted pursuant to
2204 Section **53C-1-203**.

2205 (b) The governor may request an additional nomination list of at least two candidates
2206 from the nominating committee if the initial list of candidates for a given position is
2207 unacceptable.

2208 (c) (i) If the governor fails to select an appointee within 60 days after receipt of the
2209 initial list or within 60 days after the receipt of an additional list, the nominating committee
2210 shall make an interim appointment by majority vote.

2211 (ii) The interim appointee shall serve until the matter is resolved by the committee and
2212 the governor or until replaced pursuant to this chapter.

2213 (5) (a) The governor may appoint one member without requiring a nomination list.

2214 (b) The member appointed under Subsection (5)(a) serves at the pleasure of the
2215 governor.

2216 (6) (a) Each board candidate shall possess outstanding professional qualifications
2217 pertinent to the purposes and activities of the trust.

2218 (b) The board shall represent the following areas of expertise:

2219 (i) nonrenewable resource management or development;

2220 (ii) renewable resource management or development; and

2221 (iii) real estate.

2222 (c) Other qualifications which are pertinent for membership to the board are expertise
2223 in any of the following areas:

2224 (i) business;

2225 (ii) investment banking;

2226 (iii) finance;

2227 (iv) trust administration;

2228 (v) asset management; and

2229 (vi) the practice of law in any of the areas referred to in Subsections (6)(b) and (6)(c)(i)
2230 through (v).

2231 (7) The board of trustees shall select a chair and vice chair from its membership.

2232 (8) Before assuming a position on the board, each member shall take an oath of office.

2233 (9) Four members of the board constitute a quorum for the transaction of business.

2234 (10) The governor or five board members may, for cause, remove a member of the
2235 board.

2236 Section 47. Section **53E-3-921** is amended to read:

2237 **53E-3-921. Appointment of compact commissioner.**

2238 The governor, with the advice and consent of the Senate, shall appoint a compact
2239 commissioner to carry out the duties described in this part.

2240 Section 48. Section **53G-5-201** is amended to read:

2241 **53G-5-201. State Charter School Board created.**

2242 (1) As used in this section, "organization that represents Utah's charter schools" means
2243 an organization, except a governmental entity, that advocates for charter schools, charter school
2244 parents, or charter school students.

2245 (2) (a) The State Charter School Board is created consisting of the following members
2246 appointed by the governor with the advice and consent of the Senate:

2247 (i) one member who has expertise in finance or small business management;

2248 (ii) three members who:

2249 (A) are nominated by an organization that represents Utah's charter schools; and

2250 (B) have expertise or experience in developing or administering a charter school;

2251 (iii) two members who are nominated by the state board; and

2252 (iv) one member who:

2253 (A) has expertise in personalized learning, including digital teaching and learning or
2254 deliberate practice; and

2255 (B) supports innovation in education.

2256 (b) Each appointee shall have demonstrated dedication to the purposes of charter
2257 schools as outlined in Section [53G-5-104](#).

2258 (c) At least two candidates shall be nominated for each appointment made under
2259 Subsection (2)(a)(ii) or (iii).

2260 (d) The governor may seek nominations for a prospective appointment under
2261 Subsection (2)(a)(ii) from one or more organizations that represent Utah's charter schools.

2262 (3) (a) State Charter School Board members shall serve four-year terms.

2263 (b) If a vacancy occurs, the governor shall, with the advice and consent of the Senate,
2264 appoint a replacement for the unexpired term.

2265 (4) The governor may remove a member at any time for official misconduct, habitual
2266 or willful neglect of duty, or for other good and sufficient cause.

2267 (5) (a) The State Charter School Board shall annually elect a chair from its
2268 membership.

2269 (b) Four members of the State Charter School Board shall constitute a quorum.

2270 (c) Meetings may be called by the chair or upon request of three members of the State
2271 Charter School Board.

2272 (6) A member may not receive compensation or benefits for the member's service, but
2273 may receive per diem and travel expenses in accordance with:

2274 (a) Section 63A-3-106;

2275 (b) Section 63A-3-107; and

2276 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2277 63A-3-107.

2278 Section 49. Section 54-1-1.5 is amended to read:

2279 **54-1-1.5. Appointment of members -- Terms -- Qualifications -- Chairman --**
2280 **Quorum -- Removal -- Vacancies -- Compensation.**

2281 The commission shall be composed of three members appointed by the governor with
2282 the advice and consent of the Senate. The terms of the members shall be staggered so that one
2283 commissioner is appointed for a term of six years on March 1 of each odd-numbered year. Not
2284 more than two members of the commission shall belong to the same political party. One
2285 member of the commission shall be designated by the governor as chairman of the commission.
2286 Any two commissioners constitute a quorum. Any member of the commission may be
2287 removed for cause by the governor. Vacancies in the commission shall be filled for unexpired
2288 terms by appointment of the governor. Commissioners shall receive compensation as
2289 established by the governor within the salary range fixed by the Legislature in Title 67, Chapter
2290 22, State Officer Compensation, and all actual and necessary expenses incurred in attending to
2291 official business. Each commissioner at the time of appointment and qualification shall be a
2292 resident citizen of the United States and of the state of Utah and shall be not less than 30 years
2293 of age. Except as provided by law, no commissioner may hold any other office either under the
2294 government of the United States or of this state or of any municipal corporation within this
2295 state.

2296 Section 50. Section 54-10a-201 is amended to read:

2297 **54-10a-201. Office of Consumer Services -- Director.**

2298 (1) There is created within the Department of Commerce the "Office of Consumer
2299 Services."

2300 (2) (a) The governor shall appoint, with the concurrence of the Committee of
2301 Consumer Services and the advice and consent of the Senate, a qualified person in the field of
2302 public utilities to be the director of the office.

2303 (b) The director shall serve for a term of six years.

2304 (c) For purposes of the individual who is the director on May 12, 2009, that
2305 individual's six-year term is considered to begin on July 1, 2009.

2306 (d) The governor may remove the director for cause.

2307 (3) In accordance with this chapter, the director shall on behalf of the office:

2308 (a) represent residential consumers and small commercial consumers of an applicable
2309 public utility; and

2310 (b) represent the interests of:

2311 (i) residential consumers; and

2312 (ii) small commercial consumers.

2313 Section 51. Section **59-1-201** is amended to read:

2314 **59-1-201. Composition of commission -- Terms -- Removal from office --**
2315 **Appointment.**

2316 (1) The commission shall be composed of four members appointed by the governor
2317 with the advice and consent of the Senate.

2318 (2) Subject to Subsection (3), the term of office of each commissioner shall be for four
2319 years and expire on June 30 of the year the term ends.

2320 (3) The governor shall stagger a term described in Subsection (2) so that the term of
2321 one commissioner expires each year.

2322 (4) A commissioner shall hold office until a successor is appointed and qualified.

2323 (5) (a) The governor may remove a commissioner from office for neglect of duty,
2324 inefficiency, or malfeasance, after notice and a hearing.

2325 (b) If the governor removes a commissioner from office and appoints another person to

2326 replace the commissioner, the person the governor appoints to replace the commissioner:
2327 (i) shall serve for the remainder of the unexpired term; and
2328 (ii) may be reappointed as the governor determines.
2329 (6) (a) Before appointing a commissioner, the governor shall request a list of names of
2330 potential appointees from:
2331 (i) the Utah State Bar;
2332 (ii) one or more organizations that represent certified public accountants who are
2333 licensed to practice in the state;
2334 (iii) one or more organizations that represent persons who assess or appraise property
2335 in the state; and
2336 (iv) one or more national organizations that:
2337 (A) offer a professional certification in the areas of property tax, sales and use tax, and
2338 state income tax;
2339 (B) require experience, education, and testing to obtain the certification; and
2340 (C) require additional education to maintain the certification.
2341 (b) In appointing a commissioner, the governor shall consider:
2342 (i) to the extent names of potential appointees are submitted, the names of potential
2343 appointees submitted in accordance with Subsection (6)(a); and
2344 (ii) any other potential appointee of the governor's own choosing.
2345 Section 52. Section **59-1-206** is amended to read:
2346 **59-1-206. Appointment of staff -- Executive director -- Compensation --**
2347 **Administrative secretary -- Internal audit unit -- Appeals office staff -- Division directors**
2348 **-- Criminal tax investigators.**
2349 (1) The commission shall appoint the following persons who are qualified,
2350 knowledgeable, and experienced in matters relating to their respective positions, exempt under
2351 Title 67, Chapter 19, Utah State Personnel Management Act, to serve at the pleasure of, and
2352 who are directly accountable to, the commission:
2353 (a) in consultation with the governor and with the advice and consent of the Senate, an

2354 executive director;

2355 (b) an administrative secretary;

2356 (c) an internal audit unit; and

2357 (d) an appeals staff.

2358 (2) The governor shall establish the executive director's salary within the salary range
2359 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

2360 (3) Division directors shall be appointed by the executive director subject to the
2361 approval of the commission. The division directors are exempt employees under Title 67,
2362 Chapter 19, Utah State Personnel Management Act.

2363 (4) (a) The executive director may with the approval of the commission employ
2364 additional staff necessary to perform the duties and responsibilities of the commission. These
2365 employees are subject to Title 67, Chapter 19, Utah State Personnel Management Act.

2366 (b) (i) The executive director may under Subsection (4)(a) employ criminal tax
2367 investigators to help the commission carry out its duties and responsibilities regarding criminal
2368 provisions of the state tax laws. The executive director may not employ more than eight
2369 criminal tax investigators at one time.

2370 (ii) The executive director may designate investigators hired under this Subsection
2371 (4)(b) as special function officers, as defined in Section [53-13-105](#), to enforce the criminal
2372 provisions of the state tax laws.

2373 (iii) Notwithstanding Section [49-15-201](#), any special function officer designated under
2374 this Subsection (4)(b) may not become or be designated as a member of the Public Safety
2375 Retirement Systems.

2376 (5) The internal audit unit shall provide the following:

2377 (a) an examination to determine the honesty and integrity of fiscal affairs, the accuracy
2378 and reliability of financial statements and reports, and the adequacy and effectiveness of
2379 financial controls to properly record and safeguard the acquisition, custody, and use of public
2380 funds;

2381 (b) an examination to determine whether commission administrators have faithfully

2382 adhered to commission policies and legislative intent;

2383 (c) an examination to determine whether the operations of the divisions and other units
2384 of the commission have been conducted in an efficient and effective manner;

2385 (d) an examination to determine whether the programs administered by the divisions
2386 and other units of the commission have been effective in accomplishing intended objectives;
2387 and

2388 (e) an examination to determine whether management control and information systems
2389 are adequate and effective in assuring that commission programs are administered faithfully,
2390 efficiently, and effectively.

2391 (6) The appeals office shall receive and hear appeals to the commission and shall
2392 conduct the hearings in compliance with formal written rules approved by the commission.
2393 The commission has final review authority over the appeals.

2394 Section 53. Section **61-1-18.5** is amended to read:

2395 **61-1-18.5. Securities Commission -- Transition.**

2396 (1) (a) There is created a Securities Commission.

2397 (b) The division shall provide staffing to the commission.

2398 (2) (a) The commission shall:

2399 (i) formulate and make recommendations to the director regarding policy and
2400 budgetary matters;

2401 (ii) submit recommendations regarding registration requirements;

2402 (iii) formulate and make recommendations to the director regarding the establishment
2403 of reasonable fees;

2404 (iv) act in an advisory capacity to the director with respect to the exercise of the
2405 director's duties, powers, and responsibilities;

2406 (v) conduct an administrative hearing under this chapter that is not:

2407 (A) delegated by the commission to an administrative law judge or the division relating
2408 to a violation of this chapter; or

2409 (B) expressly delegated to the division under this chapter;

2410 (vi) except as provided in Subsection (2)(b), and consistent with Section 61-1-20,
2411 impose a sanction as provided in this chapter;

2412 (vii) review rules made by the division for purposes of concurrence in accordance with
2413 Section 61-1-24; and

2414 (viii) perform other duties as this chapter provides.

2415 (b) (i) The commission may delegate to the division the authority to impose a sanction
2416 under this chapter.

2417 (ii) If under Subsection (2)(b)(i) the commission delegates to the division the authority
2418 to impose a sanction, a person who is subject to the sanction may petition the commission for
2419 review of the sanction.

2420 (iii) A person who is sanctioned by the division in accordance with this Subsection
2421 (2)(b) may seek agency review by the executive director only after the commission reviews the
2422 division's action.

2423 (3) (a) The governor shall appoint five members to the commission with the advice and
2424 consent of the Senate as follows:

2425 (i) two members from the securities brokerage community:

2426 (A) who are not from the same broker-dealer or affiliate; and

2427 (B) who have at least five years prior experience in securities matters;

2428 (ii) one member from the securities section of the Utah State Bar:

2429 (A) whose practice primarily involves:

2430 (I) corporate securities; or

2431 (II) representation of plaintiffs in securities cases;

2432 (B) who does not routinely represent clients involved in:

2433 (I) civil or administrative litigation with the division; or

2434 (II) criminal cases brought under this chapter; and

2435 (C) who has at least five years prior experience in securities matters;

2436 (iii) one member who is an officer or director of a business entity not subject to the
2437 reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934; and

2438 (iv) one member from the public at large who has no active participation in the
2439 securities business.

2440 (b) A member may not serve more than two consecutive terms.

2441 (4) (a) Except as required by Subsection (4)(b) and subject to Subsection (4)(c), as
2442 terms of current members expire, the governor shall appoint a new member or reappointed
2443 member to a four-year term.

2444 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment
2445 or reappointment, adjust the length of terms to ensure that the terms of commission members
2446 are staggered so that approximately half of the commission is appointed every two years.

2447 (c) For purposes of making an appointment to the commission, the governor:

2448 (i) shall as of May 12, 2009:

2449 (A) appoint all five members of the commission; and

2450 (B) stagger the terms of the five members of the commission to comply with
2451 Subsection (4)(b); and

2452 (ii) may not consider the commission an extension of the previous Securities Advisory
2453 Board.

2454 (d) When a vacancy occurs in the membership for any reason, the governor shall
2455 appoint a replacement member for the unexpired term.

2456 (e) A member shall serve until the member's respective successor is appointed and
2457 qualified.

2458 (f) The commission shall annually select one member to serve as chair of the
2459 commission.

2460 (5) (a) The commission shall meet:

2461 (i) at least quarterly on a regular date to be fixed by the commission; and

2462 (ii) at such other times at the call of:

2463 (A) the director; or

2464 (B) any two members of the commission.

2465 (b) A majority of the commission shall constitute a quorum for the transaction of

2466 business.

2467 (c) An action of the commission requires a vote of a majority of members present.

2468 (6) A member of the commission shall, by sworn and written statement filed with the
2469 Department of Commerce and the lieutenant governor, disclose any position of employment or
2470 ownership interest that the member has with respect to an entity or business subject to the
2471 jurisdiction of the division or commission. This statement shall be filed upon appointment and
2472 must be appropriately amended whenever significant changes occur in matters covered by the
2473 statement.

2474 (7) A member may not receive compensation or benefits for the member's service, but
2475 may receive per diem and travel expenses in accordance with:

2476 (a) Section 63A-3-106;

2477 (b) Section 63A-3-107; and

2478 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2479 63A-3-107.

2480 (8) (a) A rule or form made by the division under this section that is in effect on May
2481 11, 2009, is considered to have been concurred with by the commission as of May 12, 2009,
2482 until the commission acts on the rule or form.

2483 (b) For a civil or administrative action pending under this chapter as of May 12, 2009,
2484 brought under the authority of division under this chapter as in effect May 11, 2009, that may
2485 be brought only by the commission under this chapter as in effect on May 12, 2009:

2486 (i) the action shall be considered brought by the commission; and

2487 (ii) the commission may take any act authorized under this chapter regarding that
2488 action.

2489 Section 54. Section 61-2f-103 is amended to read:

2490 **61-2f-103. Real Estate Commission.**

2491 (1) There is created within the division a Real Estate Commission. The commission
2492 shall:

2493 (a) subject to concurrence by the division and in accordance with Title 63G, Chapter 3,

2494 Utah Administrative Rulemaking Act, make rules for the administration of this chapter that are
2495 not inconsistent with this chapter, including:

2496 (i) licensing of:

2497 (A) a principal broker;

2498 (B) an associate broker; and

2499 (C) a sales agent;

2500 (ii) registration of:

2501 (A) an entity; and

2502 (B) a branch office;

2503 (iii) prelicensing and postlicensing education curricula;

2504 (iv) examination procedures;

2505 (v) the certification and conduct of:

2506 (A) a real estate school;

2507 (B) a course provider; or

2508 (C) an instructor;

2509 (vi) proper handling of money received by a licensee under this chapter;

2510 (vii) brokerage office procedures and recordkeeping requirements;

2511 (viii) property management;

2512 (ix) standards of conduct for a licensee under this chapter; and

2513 (x) if the commission, with the concurrence of the division, determines necessary, a
2514 rule as provided in Subsection [61-2f-306\(3\)](#) regarding a legal form;

2515 (b) establish, with the concurrence of the division, a fee provided for in this chapter,
2516 except a fee imposed under Part 5, Real Estate Education, Research, and Recovery Fund Act;

2517 (c) conduct an administrative hearing not delegated by the commission to an
2518 administrative law judge or the division relating to the:

2519 (i) licensing of an applicant;

2520 (ii) conduct of a licensee;

2521 (iii) the certification or conduct of a real estate school, course provider, or instructor

2522 regulated under this chapter; or

2523 (iv) violation of this chapter by any person;

2524 (d) with the concurrence of the director, impose a sanction as provided in Section

2525 [61-2f-404](#);

2526 (e) advise the director on the administration and enforcement of a matter affecting the

2527 division and the real estate sales and property management industries;

2528 (f) advise the director on matters affecting the division budget;

2529 (g) advise and assist the director in conducting real estate seminars; and

2530 (h) perform other duties as provided by this chapter.

2531 (2) (a) Except as provided in Subsection (2)(b), a state entity may not, without the

2532 concurrence of the commission, make a rule that changes the rights, duties, or obligations of

2533 buyers, sellers, or persons licensed under this chapter in relation to a real estate transaction

2534 between private parties.

2535 (b) Subsection (2)(a) does not apply to a rule made:

2536 (i) under Title 31A, Insurance Code, or Title 7, Financial Institutions Act; or

2537 (ii) by the Department of Commerce or any division or other rulemaking body within

2538 the Department of Commerce.

2539 (3) (a) The commission shall be comprised of five members appointed by the governor

2540 and approved by the Senate.

2541 (b) Four of the commission members shall:

2542 (i) have at least five years' experience in the real estate business; and

2543 (ii) hold an active principal broker, associate broker, or sales agent license.

2544 (c) One commission member shall be a member of the general public.

2545 (d) The governor may not appoint a commission member described in Subsection

2546 (3)(b) who, at the time of appointment, resides in the same county in the state as another

2547 commission member.

2548 (e) At least one commission member described in Subsection (3)(b) shall at the time of

2549 an appointment reside in a county that is not a county of the first or second class.

2550 (4) (a) Except as required by Subsection (4)(b), as terms of current commission
2551 members expire, the governor shall appoint each new member or reappointed member to a
2552 four-year term ending June 30.

2553 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
2554 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2555 commission members are staggered so that approximately half of the commission is appointed
2556 every two years.

2557 (c) Upon the expiration of the term of a member of the commission, the member of the
2558 commission shall continue to hold office until a successor is appointed and qualified.

2559 (d) A commission member may not serve more than two consecutive terms.

2560 (e) Members of the commission shall annually select one member to serve as chair.

2561 (5) When a vacancy occurs in the membership for any reason, the governor, with the
2562 advice and consent of the Senate, shall appoint a replacement for the unexpired term.

2563 (6) A member may not receive compensation or benefits for the member's service, but
2564 may receive per diem and travel expenses in accordance with:

2565 (a) Section 63A-3-106;

2566 (b) Section 63A-3-107; and

2567 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2568 63A-3-107.

2569 (7) (a) The commission shall meet at least monthly.

2570 (b) The director may call additional meetings:

2571 (i) at the director's discretion;

2572 (ii) upon the request of the chair; or

2573 (iii) upon the written request of three or more commission members.

2574 (8) Three members of the commission constitute a quorum for the transaction of
2575 business.

2576 Section 55. Section 61-2g-204 is amended to read:

2577 **61-2g-204. Real Estate Appraiser Licensing and Certification Board.**

2578 (1) (a) There is established a Real Estate Appraiser Licensing and Certification Board
2579 that consists of five regular members as follows:

2580 (i) one state-licensed or state-certified appraiser who may be either a residential or
2581 general licensee or certificate holder;

2582 (ii) one state-certified residential appraiser;

2583 (iii) one state-certified general appraiser;

2584 (iv) one member who is certified as either a state-certified residential appraiser or a
2585 state-certified general appraiser; and

2586 (v) one member of the general public.

2587 (b) A state-licensed or state-certified appraiser may be appointed as an alternate
2588 member of the board.

2589 (c) The governor shall appoint all members of the board with the advice and consent of
2590 the Senate.

2591 (2) (a) Except as required by Subsection (2)(b), as terms of current board members
2592 expire, the governor shall appoint each new member or reappointed member to a four-year
2593 term beginning on July 1.

2594 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
2595 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2596 board members are staggered so that approximately half of the board is appointed every two
2597 years.

2598 (c) Upon the expiration of a member's term, a member of the board shall continue to
2599 hold office until the appointment and qualification of the member's successor.

2600 (d) A person may not serve as a member of the board for more than two consecutive
2601 terms.

2602 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall
2603 be appointed for the unexpired term.

2604 (b) The governor may remove a member for cause.

2605 (4) The public member of the board may not be licensed or certified under this chapter.

2606 (5) The board shall meet at least quarterly to conduct its business. The division shall
2607 give public notice of a board meeting.

2608 (6) The members of the board shall elect a chair annually from among the members to
2609 preside at board meetings.

2610 (7) A member may not receive compensation or benefits for the member's service, but
2611 may receive per diem and travel expenses in accordance with:

2612 (a) Section 63A-3-106;

2613 (b) Section 63A-3-107; and

2614 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2615 63A-3-107.

2616 (8) (a) Three members of the board shall constitute a quorum for the transaction of
2617 business.

2618 (b) If a quorum of members is unavailable for any meeting, the alternate member of the
2619 board, if any, shall serve as a regular member of the board for that meeting if with the presence
2620 of the alternate member a quorum is present at the meeting.

2621 Section 56. Section 62A-1-107 is amended to read:

2622 **62A-1-107. Board of Aging and Adult Services -- Members, appointment, terms,**
2623 **vacancies, chairperson, compensation, meetings, quorum.**

2624 (1) The Board of Aging and Adult Services described in Subsection 62A-1-105(1)(a)
2625 shall have seven members who are appointed by the governor with the advice and consent of
2626 the Senate.

2627 (2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a
2628 term of four years, and is eligible for one reappointment.

2629 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
2630 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2631 board members are staggered so that approximately half of the board is appointed every two
2632 years.

2633 (c) Board members shall continue in office until the expiration of their terms and until

2634 their successors are appointed, which may not exceed 90 days after the formal expiration of a
2635 term.

2636 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
2637 appointed for the unexpired term.

2638 (3) No more than four members of the board may be from the same political party.
2639 The board shall have diversity of gender, ethnicity, and culture; and members shall be chosen
2640 on the basis of their active interest, experience, and demonstrated ability to deal with issues
2641 related to the Board of Aging and Adult Services.

2642 (4) The board shall annually elect a chairperson from the board's membership. The
2643 board shall hold meetings at least once every three months. Within budgetary constraints,
2644 meetings may be held from time to time on the call of the chairperson or of the majority of the
2645 members of the board. Four members of the board are necessary to constitute a quorum at any
2646 meeting, and, if a quorum exists, the action of the majority of members present shall be the
2647 action of the board.

2648 (5) A member may not receive compensation or benefits for the member's service, but,
2649 at the executive director's discretion, may receive per diem and travel expenses in accordance
2650 with:

2651 (a) Section 63A-3-106;

2652 (b) Section 63A-3-107; and

2653 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2654 63A-3-107.

2655 (6) The board shall adopt bylaws governing its activities. Bylaws shall include
2656 procedures for removal of a board member who is unable or unwilling to fulfill the
2657 requirements of the board member's appointment.

2658 (7) The board has program policymaking authority for the division over which the
2659 board presides.

2660 Section 57. Section 62A-1-108 is amended to read:

2661 **62A-1-108. Executive director -- Appointment -- Compensation -- Qualifications**

2662 -- **Responsibilities.**

2663 (1) The chief administrative officer of the department is the executive director, who
2664 shall be appointed by the governor with the advice and consent of the Senate. The executive
2665 director may be removed at the will of the governor. The executive director shall receive a
2666 salary established by the governor within the salary range fixed by the Legislature in Title 67,
2667 Chapter 22, State Officer Compensation. The executive director shall be experienced in
2668 administration, management, and coordination of complex organizations.

2669 (2) The executive director is responsible for:

2670 (a) administration and supervision of the department;

2671 (b) coordination of policies and program activities conducted through the boards,
2672 divisions, and offices of the department;

2673 (c) approval of the proposed budget of each board, division, and office within the
2674 department; and

2675 (d) such other duties as the Legislature or governor shall assign to him.

2676 (3) The executive director may appoint deputy or assistant directors to assist him in
2677 carrying out the department's responsibilities.

2678 Section 58. Section **62A-7-501** is amended to read:

2679 **62A-7-501. Youth Parole Authority -- Expenses -- Responsibilities -- Procedures.**

2680 (1) There is created within the division a Youth Parole Authority.

2681 (2) (a) The authority is composed of 10 part-time members and five pro tempore
2682 members who are residents of this state. No more than three pro tempore members may serve
2683 on the authority at any one time.

2684 (b) Throughout this section, the term "member" refers to both part-time and pro
2685 tempore members of the Youth Parole Authority.

2686 (3) (a) Except as required by Subsection (3)(b), members shall be appointed to
2687 four-year terms by the governor with the advice and consent of the Senate.

2688 (b) The governor shall, at the time of appointment or reappointment, adjust the length
2689 of terms to ensure that the terms of authority members are staggered so that approximately half

2690 of the authority is appointed every two years.

2691 (4) Each member shall have training or experience in social work, law, juvenile or
2692 criminal justice, or related behavioral sciences.

2693 (5) When a vacancy occurs in the membership for any reason, the replacement member
2694 shall be appointed for the unexpired term.

2695 (6) During the tenure of the member's appointment, a member may not:

2696 (a) be an employee of the department, other than in the member's capacity as a member
2697 of the authority;

2698 (b) hold any public office;

2699 (c) hold any position in the state's juvenile justice system; or

2700 (d) be an employee, officer, advisor, policy board member, or subcontractor of any
2701 juvenile justice agency or its contractor.

2702 (7) In extraordinary circumstances or when a regular member is absent or otherwise
2703 unavailable, the chair may assign a pro tempore member to act in the absent member's place.

2704 (8) A member may not receive compensation or benefits for the member's service, but
2705 may receive per diem and travel expenses in accordance with:

2706 (a) Section 63A-3-106;

2707 (b) Section 63A-3-107; and

2708 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2709 63A-3-107.

2710 (9) The authority shall determine appropriate parole dates for youth offenders in
2711 accordance with Section 62A-7-404.

2712 (10) Youth offenders may be paroled to their own homes, to an independent living
2713 program contracted or operated by the division, to an approved independent living setting, or to
2714 other appropriate residences of qualifying relatives or guardians, but shall remain on parole
2715 until parole is terminated by the authority in accordance with Section 62A-7-404.

2716 (11) The division's case management staff shall implement parole release plans and
2717 shall supervise youth offenders while on parole.

2718 (12) The division shall permit the authority to have reasonable access to youth
2719 offenders in secure facilities and shall furnish all pertinent data requested by the authority in
2720 matters of parole, revocation, and termination.

2721 Section 59. Section **63A-1-105** is amended to read:

2722 **63A-1-105. Appointment of executive director -- Compensation.**

2723 (1) The governor shall:

2724 (a) appoint the executive director with the advice and consent of the Senate; and

2725 (b) establish the executive director's salary within the salary range fixed by the

2726 Legislature in Title 67, Chapter 22, State Officer Compensation.

2727 (2) The executive director shall serve at the pleasure of the governor.

2728 Section 60. Section **63F-1-105** is amended to read:

2729 **63F-1-105. Appointment of executive director -- Compensation -- Authority.**

2730 (1) The governor shall:

2731 (a) appoint the executive director with the advice and consent of the Senate; and

2732 (b) establish the executive director's salary within the salary range fixed by the

2733 Legislature in Title 67, Chapter 22, State Officer Compensation.

2734 (2) The executive director shall:

2735 (a) serve at the pleasure of the governor; and

2736 (b) exercise all powers given to and perform all duties imposed on the department.

2737 Section 61. Section **63G-2-501** is amended to read:

2738 **63G-2-501. State Records Committee created -- Membership -- Terms --**

2739 **Vacancies -- Expenses.**

2740 (1) There is created the State Records Committee within the Department of

2741 Administrative Services consisting of the following seven individuals:

2742 (a) an individual in the private sector whose profession requires the individual to create
2743 or manage records that, if created by a governmental entity, would be private or controlled;

2744 (b) an individual with experience with electronic records and databases, as

2745 recommended by a statewide technology advocacy organization that represents the public,

2746 private, and nonprofit sectors;

2747 (c) the director of the Division of Archives and Records Services or the director's
2748 designee;

2749 (d) two citizen members;

2750 (e) one person representing political subdivisions, as recommended by the Utah League
2751 of Cities and Towns; and

2752 (f) one individual representing the news media.

2753 (2) The governor shall appoint the members described in Subsections (1)(a), (b), (d),
2754 (e), and (f) with the advice and consent of the Senate.

2755 (3) (a) Except as provided in Subsection (3)(b), the governor shall appoint each
2756 member to a four-year term.

2757 (b) Notwithstanding Subsection (3)(a), the governor shall, at the time of appointment
2758 or reappointment, adjust the length of terms to ensure that the terms of committee members are
2759 staggered so that approximately half of the committee is appointed every two years.

2760 (c) Each appointed member is eligible for reappointment for one additional term.

2761 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
2762 appointed for the unexpired term.

2763 (5) A member of the State Records Committee may not receive compensation or
2764 benefits for the member's service on the committee, but may receive per diem and travel
2765 expenses in accordance with:

2766 (a) Section [63A-3-106](#);

2767 (b) Section [63A-3-107](#); and

2768 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

2769 Section 62. Section **63H-4-102** is amended to read:

2770 **63H-4-102. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and**
2771 **expenses.**

2772 (1) There is created an independent state agency and a body politic and corporate
2773 known as the "Heber Valley Historic Railroad Authority."

- 2774 (2) The authority is composed of eight members as follows:
- 2775 (a) one member of the county legislative body of Wasatch County;
- 2776 (b) the mayor of Heber City;
- 2777 (c) the mayor of Midway;
- 2778 (d) the executive director of the Department of Transportation or the executive
- 2779 director's designee;
- 2780 (e) the executive director of Parks and Recreation, or the executive director's designee;
- 2781 and
- 2782 (f) three public members appointed by the governor with the advice and consent of the
- 2783 Senate, being private citizens of the state, as follows:
- 2784 (i) two people representing the tourism industry, one each from Wasatch and Utah
- 2785 counties; and
- 2786 (ii) one person representing the public at large.
- 2787 (3) All members shall be residents of the state.
- 2788 (4) (a) Except as required by Subsection (4)(b), the three public members are appointed
- 2789 for four-year terms beginning July 1, 2010.
- 2790 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
- 2791 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 2792 authority members are staggered so that approximately half of the authority is appointed every
- 2793 two years.
- 2794 (5) Any of the three public members may be removed from office by the governor or
- 2795 for cause by an affirmative vote of any four members of the authority.
- 2796 (6) When a vacancy occurs in the membership for any reason, the replacement is
- 2797 appointed for the unexpired term by the governor with advice and consent of the Senate for the
- 2798 unexpired term.
- 2799 (7) Each public member shall hold office for the term of appointment and until a
- 2800 successor has been appointed and qualified.
- 2801 (8) A public member is eligible for reappointment, but may not serve more than two

2802 full consecutive terms.

2803 (9) The governor shall appoint the chair of the authority from among its members.

2804 (10) The members shall elect from among their number a vice chair and other officers
2805 they may determine.

2806 (11) The powers of the authority are vested in its members.

2807 (12) (a) Four members constitute a quorum for transaction of authority business.

2808 (b) An affirmative vote of at least four members is necessary for any action taken by
2809 the authority.

2810 (13) A member may not receive compensation or benefits for the member's service, but
2811 may receive per diem and travel expenses in accordance with:

2812 (a) Section [63A-3-106](#);

2813 (b) Section [63A-3-107](#); and

2814 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2815 [63A-3-107](#).

2816 Section 63. Section **63H-6-104** is amended to read:

2817 **63H-6-104. Board of directors -- Membership -- Term -- Quorum -- Vacancies --**
2818 **Duties.**

2819 (1) The corporation is governed by a board of directors.

2820 (2) The board is composed of members as follows:

2821 (a) the director of the Division of Facilities Construction and Management or the
2822 director's designee;

2823 (b) the commissioner of agriculture and food or the commissioner's designee;

2824 (c) two members, appointed by the president of the Senate:

2825 (i) who have business related experience; and

2826 (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);

2827 (d) two members, appointed by the speaker of the House:

2828 (i) who have business related experience; and

2829 (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);

2830 (e) five members, of whom only one may be a legislator, in accordance with
2831 Subsection (3)(e), appointed by the governor with the advice and consent of the Senate as
2832 follows:

- 2833 (i) two members who represent agricultural interests;
- 2834 (ii) two members who have business related experience; and
- 2835 (iii) one member who is recommended by the Utah Farm Bureau Federation;
- 2836 (f) one member, appointed by the mayor of Salt Lake City with the advice and consent
2837 of the Senate, who is a resident of the neighborhood located adjacent to the state fair park;
- 2838 (g) a representative of Salt Lake County, if Salt Lake County is party to an executed
2839 lease agreement with the corporation; and
- 2840 (h) a representative of the Days of '47 Rodeo.

2841 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), a board member appointed under
2842 Subsection (2)(c), (d), (e), or (f) shall serve a term that expires on the December 1 four years
2843 after the year that the board member was appointed.

2844 (ii) In making appointments to the board, the president of the Senate, the speaker of the
2845 House, the governor, and the mayor of Salt Lake City shall ensure that the terms of
2846 approximately 1/4 of the appointed board members expire each year.

2847 (b) Except as provided in Subsection (3)(c), appointed board members serve until their
2848 successors are appointed and qualified.

2849 (c) (i) If an appointed board member is absent from three consecutive board meetings
2850 without excuse, that member's appointment is terminated, the position is vacant, and the
2851 individual who appointed the board member shall appoint a replacement.

2852 (ii) The president of the Senate, the speaker of the House, the governor, or the mayor of
2853 Salt Lake City, as applicable, may remove an appointed member of the board at will.

2854 (d) The president of the Senate, the speaker of the House, the governor, or the mayor of
2855 Salt Lake City, as appropriate, shall fill any vacancy that occurs on the board for any reason by
2856 appointing an individual in accordance with the procedures described in this section for the
2857 unexpired term of the vacated member.

2858 (e) No more than a combined total of two legislators may be appointed under
2859 Subsections (2)(c), (d), and (e).

2860 (4) The governor shall select the board's chair.

2861 (5) A majority of the members of the board is a quorum for the transaction of business.

2862 (6) The board may elect a vice chair and any other board offices.

2863 (7) The board may create one or more subcommittees to advise the board on any issue
2864 related to the state fair park.

2865 (8) In carrying out the board's duties under this chapter, the board shall cooperate with
2866 and, upon request, appear before the State Fair Park Committee.

2867 (9) No later than November 30 of each year, the board shall provide the following to
2868 the State Fair Park Committee:

2869 (a) a report on the general state of the financial and business affairs of the corporation;

2870 (b) a report on that year's annual exhibition described in Subsection 63H-6-103(4)(j),
2871 including the exhibition's attendance, operations, and revenue;

2872 (c) any appropriation request that the board plans to submit to the Legislature; and

2873 (d) any other report that the State Fair Park Committee requests.

2874 Section 64. Section 63H-8-201 is amended to read:

2875 **63H-8-201. Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers --**
2876 **Quorum -- Per diem and expenses.**

2877 (1) (a) There is created an independent body politic and corporate, constituting a public
2878 corporation, known as the "Utah Housing Corporation."

2879 (b) The corporation may also be known and do business as the:

2880 (i) Utah Housing Finance Association; and

2881 (ii) Utah Housing Finance Agency in connection with a contract entered into when that
2882 was the corporation's legal name.

2883 (c) No other entity may use the names described in Subsections (1)(a) and (b) without
2884 the express approval of the corporation.

2885 (2) The corporation is governed by a board of trustees composed of the following nine

2886 trustees:

2887 (a) the executive director of the Department of Workforce Services or the executive
2888 director's designee;

2889 (b) the commissioner of the Department of Financial Institutions or the commissioner's
2890 designee;

2891 (c) the state treasurer or the treasurer's designee; and

2892 (d) six public trustees, who are private citizens of the state, as follows:

2893 (i) two people who represent the mortgage lending industry;

2894 (ii) two people who represent the home building and real estate industry; and

2895 (iii) two people who represent the public at large.

2896 (3) The governor shall:

2897 (a) appoint the six public trustees of the corporation with the advice and consent of the
2898 Senate; and

2899 (b) ensure that:

2900 (i) the six public trustees are from different counties and are residents of the state; and

2901 (ii) not more than three of the public trustees are members of the same political party.

2902 (4) (a) Except as required by Subsection (4)(b), the governor shall appoint the six
2903 public trustees to terms of office of four years each.

2904 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
2905 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2906 corporation trustees are staggered so that approximately half of the board is appointed every
2907 two years.

2908 (5) (a) A public trustee of the corporation may be removed from office for cause either
2909 by the governor or by an affirmative vote of six trustees of the corporation.

2910 (b) When a vacancy occurs in the board of trustees for any reason, the replacement
2911 shall be appointed for the unexpired term.

2912 (c) A public trustee shall hold office for the term of appointment and until the trustee's
2913 successor has been appointed and qualified.

2914 (d) A public trustee is eligible for reappointment but may not serve more than two full
2915 consecutive terms.

2916 (6) (a) The governor shall select the chair of the corporation.

2917 (b) The trustees shall elect from among their number a vice chair and other officers
2918 they may determine.

2919 (7) (a) Five trustees of the corporation constitute a quorum for transaction of business.

2920 (b) An affirmative vote of at least five trustees is necessary for any action to be taken
2921 by the corporation.

2922 (c) A vacancy in the board of trustees does not impair the right of a quorum to exercise
2923 all rights and perform all duties of the corporation.

2924 (8) A trustee may not receive compensation or benefits for the trustee's service, but
2925 may receive per diem and travel expenses in accordance with:

2926 (a) Section 63A-3-106;

2927 (b) Section 63A-3-107; and

2928 (c) rules made by the Division of Finance according to Sections 63A-3-106 and
2929 63A-3-107.

2930 Section 65. Section 63J-4-602 is amended to read:

2931 **63J-4-602. Public Lands Policy Coordinating Office -- Coordinator --**

2932 **Appointment -- Qualifications -- Compensation.**

2933 (1) There is created within state government the Public Lands Policy Coordinating
2934 Office. The office shall be administered by a public lands policy coordinator.

2935 (2) The coordinator shall be appointed by the governor with the advice and consent of
2936 the Senate and shall serve at the pleasure of the governor.

2937 (3) The coordinator shall have demonstrated the necessary administrative and
2938 professional ability through education and experience to efficiently and effectively manage the
2939 office's affairs.

2940 (4) The coordinator and employees of the office shall receive compensation as
2941 provided in Title 67, Chapter 19, Utah State Personnel Management Act.

2942 Section 66. Section **63J-4-702** is amended to read:

2943 **63J-4-702. Employability to Careers Program Board.**

2944 (1) There is created within the office the Employability to Careers Program Board
2945 composed of the following members:

2946 (a) the executive director of the Department of Workforce Services or the executive
2947 director's designee;

2948 (b) the executive director of the Department of Human Services or the executive
2949 director's designee; and

2950 (c) three members appointed by the governor with the advice and consent of the Senate
2951 as follows:

2952 (i) one member from the private or nonprofit sector with expertise in finance;

2953 (ii) one member who is not a legislator from the private or nonprofit sector chosen
2954 from among two individuals recommended by the president of the Senate; and

2955 (iii) one member who is not a legislator from the private or nonprofit sector chosen
2956 from among two individuals recommended by the speaker of the House of Representatives.

2957 (2) (a) An appointed member of the board shall serve for a term of three years, but may
2958 be reappointed for one additional term.

2959 (b) If a vacancy occurs in the board for any reason, the governor with the advice and
2960 consent of the Senate shall appoint a replacement to serve the remainder of the board member's
2961 term.

2962 (3) The board shall elect a chair from among the board's membership.

2963 (4) The board shall meet at least quarterly upon the call of the chair.

2964 (5) Four members of the board constitute a quorum.

2965 (6) Action by a majority present constitutes the action of the board.

2966 (7) A board member may not receive compensation or benefits for the member's
2967 service, but a member may receive per diem and travel expenses in accordance with:

2968 (a) Section [63A-3-106](#);

2969 (b) Section [63A-3-107](#); and

2970 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2971 63A-3-107.

2972 (8) The office shall provide staff support to the board.

2973 Section 67. Section 63L-9-103 is amended to read:

2974 **63L-9-103. Director.**

2975 (1) Upon the requirements described in Subsection 63L-9-102(2) being fulfilled, the
2976 governor shall, with the advice and consent of the Senate, appoint a director of the Department
2977 of Land Management.

2978 (2) The director shall:

2979 (a) be the executive and administrative head of the Department of Land Management;

2980 (b) have demonstrated ability and experience in the administration and management of
2981 state or federal lands;

2982 (c) not hold any other public office or be involved in a political party or organization;

2983 and

2984 (d) hire personnel to staff the department.

2985 (3) The director shall have:

2986 (a) executive authority and control of the Department of Land Management; and

2987 (b) authority over all personnel matters.

2988 Section 68. Section 63M-2-301 is amended to read:

2989 **63M-2-301. The Utah Science Technology and Research Initiative -- Governing**
2990 **authority -- Program director.**

2991 (1) There is created the Utah Science Technology and Research Initiative.

2992 (2) Subject to Subsection (10), to oversee USTAR, there is created the Utah Science
2993 Technology and Research Governing Authority consisting of:

2994 (a) the state treasurer or the state treasurer's designee;

2995 (b) the executive director of the Governor's Office of Economic Development;

2996 (c) three members appointed by the governor, with the advice and consent of the
2997 Senate;

2998 (d) two members who are not legislators appointed by the president of the Senate;

2999 (e) two members who are not legislators appointed by the speaker of the House of
3000 Representatives; and

3001 (f) one member appointed by the commissioner of higher education.

3002 (3) (a) The eight appointed members under Subsections (2)(c) through (f) shall serve
3003 four-year staggered terms.

3004 (b) An appointed member under Subsection (2)(c), (d), (e), or (f):

3005 (i) may not serve more than two full consecutive terms; and

3006 (ii) may be removed from the governing authority for any reason before the member's
3007 term is completed:

3008 (A) at the discretion of the original appointing authority; and

3009 (B) after the original appointing authority consults with the governing authority.

3010 (4) A vacancy on the governing authority in an appointed position under Subsection
3011 (2)(c), (d), (e), or (f) shall be filled for the unexpired term by the appointing authority in the
3012 same manner as the original appointment.

3013 (5) (a) Except as provided in Subsection (5)(b), the governor, with the advice and
3014 consent of the Senate, shall select the chair of the governing authority to serve a one-year term.

3015 (b) The governor may extend the term of a sitting chair of the governing authority
3016 without the advice and consent of the Senate.

3017 (c) The executive director of the Governor's Office of Economic Development shall
3018 serve as the vice chair of the governing authority.

3019 (6) The governing authority shall meet at least six times each year and may meet more
3020 frequently at the request of a majority of the members of the governing authority.

3021 (7) Five members of the governing authority are a quorum.

3022 (8) A member of the governing authority may not receive compensation or benefits for
3023 the member's service, but may receive per diem and travel expenses as allowed in:

3024 (a) Section [63A-3-106](#);

3025 (b) Section [63A-3-107](#); and

3026 (c) rules made by the Division of Finance:
3027 (i) pursuant to Sections 63A-3-106 and 63A-3-107; and
3028 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
3029 (9) (a) The governor, with the advice and consent of the Senate, may appoint a program
3030 director to oversee USTAR.

3031 (b) The program director is an at-will employee who may be terminated with or
3032 without cause by the governor or the executive director of the Governor's Office of Economic
3033 Development.

3034 (10) On July 1, 2019, the governing authority is dissolved and the program director is
3035 under the supervision of the executive director of the Governor's Office of Economic
3036 Development.

3037 Section 69. Section 63M-7-203 is amended to read:

3038 **63M-7-203. Executive director -- Qualifications -- Compensation -- Appointment**
3039 **-- Functions.**

3040 (1) The governor, with the advice and consent of the Senate, shall appoint a person
3041 experienced in the field of criminal justice and in administration as the executive director of the
3042 Commission on Criminal and Juvenile Justice. The governor shall establish the executive
3043 director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State
3044 Officer Compensation.

3045 (2) (a) The executive director, under the direction of the commission, shall administer
3046 the duties of the commission and act as the governor's advisor on national, state, regional,
3047 metropolitan, and local government planning as it relates to criminal justice.

3048 (b) This chapter does not derogate the planning authority conferred on state, regional,
3049 metropolitan, and local governments by existing law.

3050 Section 70. Section 63M-7-504 is amended to read:

3051 **63M-7-504. Crime Victim Reparations and Assistance Board -- Members.**

3052 (1) (a) A Crime Victim Reparations and Assistance Board is created, consisting of
3053 seven members appointed by the governor with the advice and consent of the Senate.

3054 (b) The membership of the board shall consist of:

3055 (i) a member of the bar of this state;

3056 (ii) a victim of criminally injurious conduct;

3057 (iii) a licensed physician;

3058 (iv) a representative of law enforcement;

3059 (v) a mental health care provider;

3060 (vi) a victim advocate; and

3061 (vii) a private citizen.

3062 (c) The governor may appoint a chair of the board who shall serve for a period of time
3063 prescribed by the governor, not to exceed the length of the chair's term. The board may elect a
3064 vice chair to serve in the absence of the chair.

3065 (d) The board may hear appeals from administrative decisions as provided in rules
3066 adopted pursuant to Section [63M-7-515](#).

3067 (2) (a) Except as required by Subsection (2)(b), as terms of current board members
3068 expire, the governor shall appoint each new member or reappointed member to a four-year
3069 term.

3070 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
3071 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3072 board members are staggered so that approximately half of the board is appointed every two
3073 years.

3074 (c) A member may be reappointed to one successive term in addition to a member's
3075 initial full-term appointment.

3076 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall
3077 be appointed for the unexpired term.

3078 (b) A member resigning from the board shall serve until the member's successor is
3079 appointed and qualified.

3080 (4) A member may not receive compensation or benefits for the member's service, but
3081 may receive per diem and travel expenses in accordance with:

- 3082 (a) Section 63A-3-106;
- 3083 (b) Section 63A-3-107; and
- 3084 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 3085 63A-3-107.
- 3086 (5) The board shall meet at least once quarterly but may meet more frequently as
- 3087 necessary.

3088 Section 71. Section 63N-1-202 is amended to read:

3089 **63N-1-202. Executive director of office -- Appointment -- Removal --**
3090 **Compensation.**

- 3091 (1) The office shall be administered, organized, and managed by an executive director
- 3092 appointed by the governor, with the advice and consent of the Senate.
- 3093 (2) The executive director serves at the pleasure of the governor.
- 3094 (3) The salary of the executive director shall be established by the governor within the
- 3095 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

3096 Section 72. Section 63N-1-401 is amended to read:

3097 **63N-1-401. Board of Business and Economic Development -- Membership --**
3098 **Expenses.**

- 3099 (1) (a) There is created within the office the Board of Business and Economic
- 3100 Development, consisting of 15 members appointed by the governor to four-year terms of office
- 3101 with the advice and consent of the Senate.
- 3102 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the
- 3103 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 3104 board members are staggered so that approximately half of the board is appointed every two
- 3105 years.
- 3106 (c) The members may not serve more than two full consecutive terms except where the
- 3107 governor determines that an additional term is in the best interest of the state.
- 3108 (2) In appointing members of the committee, the governor shall ensure that:
- 3109 (a) no more than eight members of the board are from one political party; and

3110 (b) members represent a variety of geographic areas and economic interests of the state.

3111 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
3112 appointed for the unexpired term.

3113 (4) Eight members of the board constitute a quorum for conducting board business and
3114 exercising board power.

3115 (5) The governor shall select one board member as the board's chair.

3116 (6) A member may not receive compensation or benefits for the member's service, but
3117 may receive per diem and travel expenses in accordance with:

3118 (a) Section 63A-3-106;

3119 (b) Section 63A-3-107; and

3120 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

3121 Section 73. Section 63N-1-501 is amended to read:

3122 **63N-1-501. Governor's Economic Development Coordinating Council --**

3123 **Membership -- Expenses.**

3124 (1) There is created in the office the Governor's Economic Development Coordinating
3125 Council, consisting of the following 11 members:

3126 (a) the executive director, who shall serve as chair of the council;

3127 (b) the chair of the board or the chair's designee;

3128 (c) the chair of the Utah Science Technology and Research Governing Authority
3129 created in Section 63M-2-301 or the chair's designee;

3130 (d) the chair of the Governor's Rural Partnership Board created in Section 63C-10-102
3131 or the chair's designee;

3132 (e) the chair of the board of directors of the Utah Capital Investment Corporation
3133 created in Section 63N-6-301 or the chair's designee;

3134 (f) the chair of the Economic Development Corporation of Utah or its successor
3135 organization or the chair's designee;

3136 (g) the chair of the World Trade Center Utah or its successor organization or the chair's
3137 designee; and

3138 (h) four members appointed by the governor, with the advice and consent of the
3139 Senate, who have expertise in business, economic development, entrepreneurship, or the
3140 raising of venture or seed capital for research and business growth.

3141 (2) (a) The four members appointed by the governor may serve for no more than two
3142 consecutive two-year terms.

3143 (b) The governor shall appoint a replacement if a vacancy occurs from the membership
3144 appointed under Subsection (1)(h).

3145 (3) Six members of the council constitute a quorum for the purpose of conducting
3146 council business and the action of a majority of a quorum constitutes the action of the council.

3147 (4) A member may not receive compensation or benefits for the member's service on
3148 the council, but may receive per diem and travel expenses in accordance with:

3149 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

3150 (b) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

3151 (5) The office shall provide office space and administrative staff support for the
3152 council.

3153 (6) The council, as a governmental entity, has all the rights, privileges, and immunities
3154 of a governmental entity of the state and its meetings are subject to Title 52, Chapter 4, Open
3155 and Public Meetings Act.

3156 Section 74. Section **63N-7-102** is amended to read:

3157 **63N-7-102. Members -- Meetings -- Expenses.**

3158 (1) (a) The board shall consist of 13 members appointed by the governor to four-year
3159 terms with the advice and consent of the Senate.

3160 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the
3161 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3162 board members are staggered so that approximately half of the board is appointed every two
3163 years.

3164 (2) The members may not serve more than two full consecutive terms unless the
3165 governor determines that an additional term is in the best interest of the state.

3166 (3) Not more than seven members of the board may be of the same political party.

3167 (4) (a) The members shall be representative of:

3168 (i) all areas of the state with six being appointed from separate geographical areas as
3169 provided in Subsection (4)(b); and

3170 (ii) a diverse mix of business ownership or executive management of tourism related
3171 industries.

3172 (b) The geographical representatives shall be appointed as follows:

3173 (i) one member from Salt Lake, Tooele, or Morgan County;

3174 (ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;

3175 (iii) one member from Utah, Summit, Juab, or Wasatch County;

3176 (iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;

3177 (v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and

3178 (vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.

3179 (c) The tourism industry representatives of ownership or executive management shall
3180 be appointed as follows:

3181 (i) one member from ownership or executive management of the lodging industry, as
3182 recommended by the lodging industry for the governor's consideration;

3183 (ii) one member from ownership or executive management of the restaurant industry,
3184 as recommended by the restaurant industry for the governor's consideration;

3185 (iii) one member from ownership or executive management of the ski industry, as
3186 recommended by the ski industry for the governor's consideration; and

3187 (iv) one member from ownership or executive management of the motor vehicle rental
3188 industry, as recommended by the motor vehicle rental industry for the governor's consideration.

3189 (d) One member shall be appointed at large from ownership or executive management
3190 of business, finance, economic policy, or the academic media marketing community.

3191 (e) One member shall be appointed from the Utah Tourism Industry Coalition as
3192 recommended by the coalition for the governor's consideration.

3193 (f) One member shall be appointed to represent the state's counties as recommended by

3194 the Utah Association of Counties for the governor's consideration.

3195 (g) (i) The governor may choose to disregard a recommendation made for a board
3196 member under Subsections (4)(c), (e), and (f).

3197 (ii) The governor shall request additional recommendations if recommendations are
3198 disregarded under Subsection (4)(g)(i).

3199 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
3200 appointed for the unexpired term from the same geographic area or industry representation as
3201 the member whose office was vacated.

3202 (6) Seven members of the board constitute a quorum for conducting board business and
3203 exercising board powers.

3204 (7) The governor shall select one of the board members as chair and one of the board
3205 members as vice chair, each for a four-year term as recommended by the board for the
3206 governor's consideration.

3207 (8) A member may not receive compensation or benefits for the member's service, but
3208 may receive per diem and travel expenses in accordance with:

3209 (a) Section [63A-3-106](#);

3210 (b) Section [63A-3-107](#); and

3211 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

3212 (9) The board shall meet monthly or as often as the board determines to be necessary at
3213 various locations throughout the state.

3214 (10) Members who may have a potential conflict of interest in consideration of fund
3215 allocation decisions shall identify the potential conflict prior to voting on the issue.

3216 (11) (a) The board shall determine attendance requirements for maintaining a
3217 designated board seat.

3218 (b) If a board member fails to attend according to the requirements established
3219 pursuant to Subsection (11)(a), the board member shall be replaced upon written certification
3220 from the board chair or vice chair to the governor.

3221 (c) A replacement appointed by the governor under Subsection (11)(b) shall serve for

3222 the remainder of the board member's unexpired term.

3223 (12) The board's office shall be in Salt Lake City.

3224 Section 75. Section **64-13-3** is amended to read:

3225 **64-13-3. Executive director.**

3226 (1) The executive director shall be appointed by the governor with the advice and
3227 consent of the Senate.

3228 (2) The executive director shall be experienced and knowledgeable in the field of
3229 corrections and shall have training in criminology and penology.

3230 (3) The governor shall establish the executive director's salary within the salary range
3231 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

3232 Section 76. Section **67-1-1.5** is amended to read:

3233 **67-1-1.5. Gubernatorial appointment powers.**

3234 (1) As used in this section:

3235 (a) "Board member" means each gubernatorial appointee to any state board, committee,
3236 commission, council, or authority.

3237 (b) "Executive branch management position" includes department executive directors,
3238 division directors, and any other administrative position in state government where the person
3239 filling the position:

3240 (i) works full-time performing managerial and administrative functions;

3241 (ii) is appointed by the governor with the advice and consent of the Senate.

3242 (c) (i) "Executive branch policy position" means any person other than a person filling
3243 an executive branch management position, who is appointed by the governor with the advice
3244 and consent of the Senate.

3245 (ii) "Executive branch policy position" includes each member of any state board and
3246 commission appointed by the governor with the advice and consent of the Senate.

3247 (2) (a) Whenever a vacancy occurs in any executive branch policy position or in any
3248 executive branch management position, the governor shall submit the name of a nominee to the
3249 Senate for advice and consent no later than three months after the day on which the vacancy

3250 occurs.

3251 (b) If the Senate fails to consent to that person within 90 days after the day on which
3252 the governor submits the nominee's name to the Senate for consent:

3253 (i) the nomination is considered rejected; and

3254 (ii) the governor shall resubmit the name of the nominee described in Subsection (2)(a)
3255 or submit the name of a different nominee to the Senate for consent no later than 60 days after
3256 the date on which the nomination was rejected by the Senate.

3257 (3) (a) Whenever a vacancy occurs in any executive branch management position, the
3258 governor may either:

3259 (i) appoint an interim manager who meets the qualifications of the vacant position to
3260 exercise the powers and duties of the vacant position for three months, pending consent of a
3261 person to permanently fill that position by the Senate; or

3262 (ii) appoint an interim manager who does not meet the qualifications of the vacant
3263 position and submit that person's name to the Senate for consent as interim manager within one
3264 month of the appointment.

3265 (b) If the Senate fails to consent to the interim manager appointed under Subsection
3266 (3)(a)(ii) within 30 days after the day on which the governor submits the nominee's name to the
3267 Senate for consent:

3268 (i) the nomination is considered rejected; and

3269 (ii) the governor may:

3270 (A) (I) reappoint the interim manager to whom the Senate failed to consent within 30
3271 days; and

3272 (II) resubmit the name of the person described in Subsection (3)(b)(ii)(A)(I) to the
3273 Senate for consent as interim manager; or

3274 (B) appoint a different interim manager under Subsection (3)(a).

3275 (c) If, after an interim manager has served three months, no one has been appointed and
3276 received Senate consent to permanently fill the position, the governor shall:

3277 (i) appoint a new interim manager who meets the qualifications of the vacant position

3278 to exercise the powers and duties of the vacant position for three months; or

3279 (ii) submit the name of the first interim manager to the Senate for consent as an interim
3280 manager for a three-month term.

3281 (d) If the Senate fails to consent to a nominee whose name is submitted under
3282 Subsection (3)(c)(ii) within 30 days after the day on which the governor submits the name to
3283 the Senate:

3284 (i) the nomination is considered rejected; and

3285 (ii) the governor shall:

3286 (A) (I) reappoint the person described in Subsection (3)(d); and

3287 (II) resubmit the name of the person described in Subsection (3)(d) to the Senate for
3288 consent as interim manager; or

3289 (B) appoint a different interim manager in the manner required by Subsection (3)(a).

3290 (4) The governor may not make a temporary appointment to fill a vacant executive
3291 branch policy position.

3292 (5) (a) Before appointing any person to serve as a board member, the governor shall
3293 ask the person whether or not the person wishes to receive per diem, expenses, or both for
3294 serving as a board member.

3295 (b) If the person declines to receive per diem, expenses, or both, the governor shall
3296 notify the agency administering the board, commission, committee, council, or authority and
3297 direct the agency to implement the board member's request.

3298 (6) A gubernatorial nomination upon which the Senate has not acted to give consent or
3299 refuse to give consent is void when a vacancy in the office of governor occurs.

3300 Section 77. Section **67-1-2** is amended to read:

3301 **67-1-2. Senate confirmation of gubernatorial nominees -- Verification of**
3302 **nomination requirements -- Consultation on appointments -- Notification of anticipated**
3303 **vacancies.**

3304 (1) [~~Unless~~] Until October 1, 2020, unless waived by a majority of the president of the
3305 Senate, the Senate majority leader, and the Senate minority leader, 15 days before any Senate

3306 session to confirm any gubernatorial nominee, except a judicial appointment, the governor
3307 shall send to each member of the Senate and to the Office of Legislative Research and General
3308 Counsel:

3309 (a) a list of each nominee for an office or position made by the governor in accordance
3310 with the Utah Constitution and state law; and

3311 (b) any information that may support or provide biographical information about the
3312 nominee, including resumes and curriculum vitae.

3313 (2) Except as provided in Subsection (3), beginning October 1, 2020, at least 30 days
3314 before the day of an extraordinary session of the Senate to confirm a gubernatorial nominee,
3315 the governor shall send to each member of the Senate and to the Office of Legislative Research
3316 and General Counsel the following information for each nominee:

3317 (a) the nominee's name and biographical information, including a resume and
3318 curriculum vitae;

3319 (b) a detailed list, with citations, of the legal requirements for the appointed position;

3320 (c) a detailed list with supporting documents explaining how, and verifying that, the
3321 nominee meets each statutory and constitutional requirement for the appointed position; and

3322 (d) a written certification by the governor that the nominee satisfies all requirements
3323 for the appointment.

3324 (3) (a) Subsection (2) does not apply to a judicial nominee.

3325 (b) Beginning October 1, 2020, a majority of the president of the Senate, the Senate
3326 majority leader, and the Senate minority leader may waive the 30-day requirement described in
3327 Subsection (2) for a gubernatorial nominee other than a nominee for the following:

3328 (i) the executive director of a department;

3329 (ii) the executive director of the Governor's Office of Economic Development;

3330 (iii) the executive director of the Labor Commission;

3331 (iv) a member of the State Tax Commission;

3332 (v) a member of the State Board of Education;

3333 (vi) a member of the State Board of Regents;

3334 (vii) a member of the Utah System of Technical Colleges Board of Trustees; or
3335 (viii) an individual:
3336 (A) whose appointment requires the advice and consent of the Senate; and
3337 (B) whom the governor designates as a member of the governor's cabinet.
3338 (4) Beginning October 1, 2020, the Senate shall hold a confirmation hearing for a
3339 nominee for an individual described in Subsection (3)(b)(i) through (viii).
3340 (5) Beginning on October 1, 2020, the governor shall:
3341 (a) if the governor is aware of an upcoming vacancy in a position that requires Senate
3342 confirmation, provide notice of the upcoming vacancy to the president of the Senate, the Senate
3343 minority leader, and the Office of Legislative Research and General Counsel at least 30 days
3344 before the day on which the vacancy occurs; and
3345 (b) establish a process for government entities and other relevant organizations to
3346 provide input on gubernatorial appointments.
3347 ~~[(2)]~~ (6) When the governor makes a judicial appointment, the governor shall
3348 immediately provide to the president of the Senate and the Office of Legislative Research and
3349 General Counsel:
3350 (a) the name of the judicial appointee; and
3351 (b) the judicial appointee's:
3352 (i) resume;
3353 (ii) complete file of all the application materials the governor received from the
3354 Judicial Nominating Commission; and
3355 (iii) any other related documents, including any letters received by the governor about
3356 the appointee, unless the letter specifically directs that it may not be shared.
3357 ~~[(3)]~~ (7) The governor shall inform the president of the Senate and the Office of
3358 Legislative Research and General Counsel of the number of letters withheld pursuant to
3359 Subsection ~~[(2)]~~ (6)(b)(iii).
3360 ~~[(4)]~~ (8) (a) Letters of inquiry submitted by any judge at the request of any judicial
3361 nominating commission shall be classified as private in accordance with Section [63G-2-302](#).

3362 (b) All other records received from the governor pursuant to this Subsection [~~(4)~~] (8)
3363 may be classified as private in accordance with Section 63G-2-302.

3364 [~~(5)~~] (9) The Senate shall consent or refuse to give its consent to the nomination or
3365 judicial appointment.

3366 (10) A judicial nominating commission shall, at the time the judicial nominating
3367 commission certifies a list of the most qualified judicial applicants to the governor under
3368 Section 78A-10-104, submit the same list to the president of the Senate, the Senate minority
3369 leader, and the Office of Legislative Research and General Counsel.

3370 Section 78. Section 67-1-2.5 is amended to read:

3371 **67-1-2.5. Executive boards -- Database -- Governor's review of new boards.**

3372 (1) As used in this section:

3373 (a) "Administrator" means the boards and commissions administrator designated under
3374 Subsection (2).

3375 (b) "Executive board" means any executive branch board, commission, council,
3376 committee, working group, task force, study group, advisory group, or other body with a
3377 defined limited membership that is created to operate for more than six months by the
3378 constitution, by statute, by executive order, by the governor, lieutenant governor, attorney
3379 general, state auditor, or state treasurer or by the head of a department, division, or other
3380 administrative subunit of the executive branch of state government.

3381 (2) (a) Before September 1 of the calendar year following the year in which the
3382 Legislature creates a new executive board, the governor shall:

3383 (i) review the executive board to evaluate:

3384 (A) whether the executive board accomplishes a substantial governmental interest; and

3385 (B) whether it is necessary for the executive board to remain in statute;

3386 (ii) in the governor's review under Subsection (2)(a)(i), consider:

3387 (A) the funding required for the executive board;

3388 (B) the staffing resources required for the executive board;

3389 (C) the time members of the executive board are required to commit to serve on the

3390 executive board; and

3391 (D) whether the responsibilities of the executive board could reasonably be
3392 accomplished through an existing entity or without statutory direction; and

3393 (iii) submit a report to the Government Operations Interim Committee recommending
3394 that the Legislature:

3395 (A) repeal the executive board;

3396 (B) add a sunset provision or future repeal date to the executive board;

3397 (C) make other changes to make the executive board more efficient; or

3398 (D) make no changes to the executive board.

3399 (b) In conducting the evaluation and making the report described in Subsection (2)(a),
3400 the governor shall give deference to:

3401 (i) reducing the size of government; and

3402 (ii) making governmental programs more efficient and effective.

3403 (c) Upon receipt of a report from the governor under Subsection (2)(a)(iii), the
3404 Government Operations Interim Committee shall vote on whether to address the
3405 recommendations made by the governor in the report and prepare legislation accordingly.

3406 (3) (a) The governor shall designate a board and commissions administrator from the
3407 governor's staff to maintain a computerized database containing information about all
3408 executive boards.

3409 (b) The administrator shall ensure that the database contains:

3410 (i) the name of each executive board;

3411 (ii) the statutory or constitutional authority for the creation of the executive board;

3412 (iii) the sunset date on which each executive board's statutory authority expires;

3413 (iv) the state officer or department and division of state government under whose
3414 jurisdiction the executive board operates or with which the executive board is affiliated, if any;

3415 (v) the name, address, gender, telephone number, and county of each individual
3416 currently serving on the executive board, along with a notation of all vacant or unfilled
3417 positions;

3418 (vi) the title of the position held by the person who appointed each member of the
3419 executive board;

3420 (vii) the length of the term to which each member of the executive board was
3421 appointed and the month and year that each executive board member's term expires;

3422 (viii) whether [~~or not~~] members appointed to the executive board require the advice
3423 and consent of the Senate;

3424 (ix) the organization, interest group, profession, local government entity, or geographic
3425 area that an individual appointed to an executive board represents, if any;

3426 (x) the party affiliation of an individual appointed to an executive board, if the statute
3427 or executive order creating the position requires representation from political parties;

3428 (xi) whether each executive board is a policy board or an advisory board;

3429 (xii) whether the executive board has or exercises rulemaking authority; and

3430 (xiii) any compensation and expense reimbursement that members of the executive
3431 board are authorized to receive.

3432 (4) The administrator shall place the following on the governor's website:

3433 (a) the information contained in the database;

3434 (b) each report the administrator receives under Subsection (5); and

3435 (c) the summary report described in Subsection (6).

3436 (5) (a) Before August 1 of each year, each executive board shall prepare and submit to
3437 the administrator an annual report that includes:

3438 (i) the name of the executive board;

3439 (ii) a description of the executive board's official function and purpose;

3440 (iii) a description of the actual work performed by the executive board since the last
3441 report the executive board submitted to the administrator under this Subsection (5);

3442 (iv) a description of actions taken by the executive board since the last report the
3443 executive board submitted to the administrator under this Subsection (5);

3444 (v) recommendations on whether any statutory, rule, or other changes are needed to
3445 make the executive board more effective; and

- 3446 (vi) an indication of whether the executive board should continue to exist.
- 3447 (b) The administrator shall compile and post the reports described in Subsection (5)(a)
3448 to the governor's website before September 1 of each year.
- 3449 (c) An executive board is not required to submit a report under this Subsection (5) if
3450 the executive board:
- 3451 (i) is also a legislative board under Section 36-12-22; and
3452 (ii) submits a report under Section 36-12-22.
- 3453 (6) (a) The administrator shall prepare, publish, and distribute an annual report by
3454 September 1 of each year that includes:
- 3455 (i) as of August 1 of that year:
- 3456 (A) the total number of executive boards;
3457 (B) the name of each of those executive boards and the state officer or department and
3458 division of state government under whose jurisdiction the executive board operates or with
3459 which the executive board is affiliated, if any;
- 3460 (C) for each state officer and each department and division, the total number of
3461 executive boards under the jurisdiction of or affiliated with that officer, department, and
3462 division;
- 3463 (D) the total number of members for each of those executive boards;
3464 (E) whether or not some or all of the members of each of those executive boards are
3465 approved by the Senate;
- 3466 (F) whether each board is a policymaking board or an advisory board and the total
3467 number of policy boards and the total number of advisory boards; and
- 3468 (G) the compensation, if any, paid to the members of each of those executive boards;
3469 and
- 3470 (ii) a summary of the reports submitted to the administrator under Subsection (5),
3471 including:
- 3472 (A) a list of each executive board that submitted a report under Subsection (5);
3473 (B) a list of each executive board that did not submit a report under Subsection (5);

3474 (C) an indication of any recommendations made under Subsection (5)(a)(v); and

3475 (D) a list of any executive boards that indicated under Subsection (5)(a)(vi) that the
3476 executive board should no longer exist.

3477 (b) The administrator shall distribute copies of the report described in Subsection (6)(a)
3478 to:

3479 (i) the governor;

3480 (ii) the president of the Senate;

3481 (iii) the speaker of the House;

3482 (iv) the Office of Legislative Research and General Counsel;

3483 (v) the Government Operations Interim Committee; and

3484 (vi) any other persons who request a copy of the annual report.

3485 (c) Each year, the Government Operations Interim Committee shall prepare legislation
3486 making any changes the committee determines are suitable with respect to the report the
3487 committee receives under Subsection (6)(b), including:

3488 (i) repealing an executive board that is no longer functional or necessary; and

3489 (ii) making appropriate changes to make an executive board more effective.

3490 Section 79. Section **67-1-3** is amended to read:

3491 **67-1-3. Removal of gubernatorial appointee.**

3492 (1) Any time during a recess of the Legislature, the governor may remove any
3493 gubernatorial appointee for official misconduct, habitual or willful neglect of duty, or for other
3494 good and sufficient cause.

3495 (2) If the appointment required the advice and consent of the Senate, the governor may
3496 fill the vacancy created by the removal by following the procedures and requirements of
3497 Section **67-1-1.5**.

3498 Section 80. Section **67-1-5** is amended to read:

3499 **67-1-5. Commissioning officers.**

3500 The governor must commission all officers of the militia, and all officers appointed by
3501 the governor or by the governor with the advice and consent of the Senate.

3502 Section 81. Section **67-1a-2** is amended to read:

3503 **67-1a-2. Duties enumerated.**

3504 (1) The lieutenant governor shall:

3505 (a) perform duties delegated by the governor, including assignments to serve in any of
3506 the following capacities:

3507 (i) as the head of any one department, if so qualified, with the advice and consent of
3508 the Senate, and, upon appointment at the pleasure of the governor and without additional
3509 compensation;

3510 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
3511 law for the purpose of advising the governor or coordinating intergovernmental or
3512 interdepartmental policies or programs;

3513 (iii) as liaison between the governor and the state Legislature to coordinate and
3514 facilitate the governor's programs and budget requests;

3515 (iv) as liaison between the governor and other officials of local, state, federal, and
3516 international governments or any other political entities to coordinate, facilitate, and protect the
3517 interests of the state;

3518 (v) as personal advisor to the governor, including advice on policies, programs,
3519 administrative and personnel matters, and fiscal or budgetary matters; and

3520 (vi) as chairperson or member of any temporary or permanent boards, councils,
3521 commissions, committees, task forces, or other group appointed by the governor;

3522 (b) serve on all boards and commissions in lieu of the governor, whenever so
3523 designated by the governor;

3524 (c) serve as the chief election officer of the state as required by Subsection (2);

3525 (d) keep custody of the Great Seal of Utah;

3526 (e) keep a register of, and attest, the official acts of the governor;

3527 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
3528 which the official signature of the governor is required; and

3529 (g) furnish a certified copy of all or any part of any law, record, or other instrument

3530 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
3531 it and pays the fee.

3532 (2) (a) As the chief election officer, the lieutenant governor shall:

3533 (i) exercise general supervisory authority over all elections;

3534 (ii) exercise direct authority over the conduct of elections for federal, state, and
3535 multicounty officers and statewide or multicounty ballot propositions and any recounts
3536 involving those races;

3537 (iii) assist county clerks in unifying the election ballot;

3538 (iv) (A) prepare election information for the public as required by statute and as
3539 determined appropriate by the lieutenant governor; and

3540 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to
3541 news media on the Internet and in other forms as required by statute or as determined
3542 appropriate by the lieutenant governor;

3543 (v) receive and answer election questions and maintain an election file on opinions
3544 received from the attorney general;

3545 (vi) maintain a current list of registered political parties as defined in Section
3546 [20A-8-101](#);

3547 (vii) maintain election returns and statistics;

3548 (viii) certify to the governor the names of those persons who have received the highest
3549 number of votes for any office;

3550 (ix) ensure that all voting equipment purchased by the state complies with the
3551 requirements of Subsection [20A-5-302\(2\)](#) and Sections [20A-5-802](#) and [20A-5-803](#);

3552 (x) conduct the study described in Section [67-1a-14](#);

3553 (xi) during a declared emergency, to the extent that the lieutenant governor determines
3554 it warranted, designate, as provided in Section [20A-1-308](#), a different method, time, or location
3555 relating to:

3556 (A) voting on election day;

3557 (B) early voting;

- 3558 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
- 3559 (D) the counting of an absentee ballot or military-overseas ballot; or
- 3560 (E) the canvassing of election returns; and
- 3561 (xii) perform other election duties as provided in Title 20A, Election Code.
- 3562 (b) As chief election officer, the lieutenant governor may not assume the
- 3563 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election
- 3564 officials by Title 20A, Election Code.
- 3565 (3) (a) The lieutenant governor shall:
- 3566 (i) determine a new municipality's classification under Section 10-2-301 upon the city's
- 3567 incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the
- 3568 municipality's population using the population estimate from the Utah Population Committee;
- 3569 and
- 3570 (ii) (A) prepare a certificate indicating the class in which the new municipality belongs
- 3571 based on the municipality's population; and
- 3572 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
- 3573 municipality's legislative body.
- 3574 (b) The lieutenant governor shall:
- 3575 (i) determine the classification under Section 10-2-301 of a consolidated municipality
- 3576 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,
- 3577 Consolidation of Municipalities, using population information from:
- 3578 (A) each official census or census estimate of the United States Bureau of the Census;
- 3579 or
- 3580 (B) the population estimate from the Utah Population Committee, if the population of a
- 3581 municipality is not available from the United States Bureau of the Census; and
- 3582 (ii) (A) prepare a certificate indicating the class in which the consolidated municipality
- 3583 belongs based on the municipality's population; and
- 3584 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
- 3585 consolidated municipality's legislative body.

3586 (c) The lieutenant governor shall:

3587 (i) determine a new metro township's classification under Section 10-2-301.5 upon the

3588 metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro

3589 Townships and Unincorporated Islands in a County of the First Class on and after May 12,

3590 2015, based on the metro township's population using the population estimates from the Utah

3591 Population Committee; and

3592 (ii) prepare a certificate indicating the class in which the new metro township belongs

3593 based on the metro township's population and, within 10 days after preparing the certificate,

3594 deliver a copy of the certificate to the metro township's legislative body.

3595 (d) The lieutenant governor shall monitor the population of each municipality using

3596 population information from:

3597 (i) each official census or census estimate of the United States Bureau of the Census; or

3598 (ii) the population estimate from the Utah Population Committee, if the population of a

3599 municipality is not available from the United States Bureau of the Census.

3600 (e) If the applicable population figure under Subsection (3)(b) or (d) indicates that a

3601 municipality's population has increased beyond the population for its current class, the

3602 lieutenant governor shall:

3603 (i) prepare a certificate indicating the class in which the municipality belongs based on

3604 the increased population figure; and

3605 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the

3606 legislative body of the municipality whose class has changed.

3607 (f) (i) If the applicable population figure under Subsection (3)(b) or (d) indicates that a

3608 municipality's population has decreased below the population for its current class, the

3609 lieutenant governor shall send written notification of that fact to the municipality's legislative

3610 body.

3611 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose

3612 population has decreased below the population for its current class, the lieutenant governor

3613 shall:

3614 (A) prepare a certificate indicating the class in which the municipality belongs based
3615 on the decreased population figure; and

3616 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
3617 legislative body of the municipality whose class has changed.

3618 Section 82. Section **67-19a-201** is amended to read:

3619 **67-19a-201. Career Service Review Office created -- Appointment of an**
3620 **administrator -- Reporting -- Qualifications.**

3621 (1) There is created a Career Service Review Office.

3622 (2) (a) The governor shall appoint, with the advice and consent of the Senate, an
3623 administrator of the office.

3624 (b) The administrator shall have demonstrated an ability to administer personnel
3625 policies in performing the duties specified in this chapter.

3626 Section 83. Section **68-4-5** is amended to read:

3627 **68-4-5. Creation -- Members -- Terms.**

3628 (1) There is established the "Utah Commission on Uniform State Laws," which
3629 consists of members of the Utah State Bar who are appointed as commissioners to the National
3630 Conference of Commissioners on Uniform State Laws as follows:

3631 (a) one commissioner, appointed by the governor with the advice and consent of the
3632 Senate, who shall be a member of the Senate at the time of appointment;

3633 (b) one commissioner, appointed by the governor with the advice and consent of the
3634 Senate, who shall be a member of the House of Representatives at the time of appointment;

3635 (c) two commissioners, appointed by the governor with the advice and consent of the
3636 Senate, who shall be active members of the Utah State Bar;

3637 (d) one commissioner who is the Legislature's general counsel or, alternatively, an
3638 attorney from the Office of Legislative Research and General Counsel who is appointed by the
3639 general counsel;

3640 (e) any commissioner that has previously served as a member of the commission and
3641 has been elected as a life member of the National Conference of Commissioners on Uniform

3642 State Laws according to the conference's constitution, bylaws, and rules of procedure; and

3643 (f) up to one associate commissioner, appointed by the Legislature's general counsel,
3644 who is an attorney from the Office of Legislative Research and General Counsel.

3645 (2) Commissioners appointed by the governor shall be appointed for four-year terms
3646 commencing on the date of their confirmation by the Senate.

3647 (3) A commissioner continues to serve:

3648 (a) unless the commissioner dies or resigns;

3649 (b) unless the commissioner ceases to be a member of the Utah State Bar in good
3650 standing; or

3651 (c) (i) for a commissioner appointed by the governor and notwithstanding expiration of
3652 the commissioner's term under Subsection (2), until the governor:

3653 (A) reappoints the commissioner to a new term; or

3654 (B) appoints a successor commissioner;

3655 (ii) for the general counsel, until the general counsel ceases to serve as general counsel
3656 or appoints an attorney to serve in the general counsel's place;

3657 (iii) for a commissioner appointed to serve in the place of the general counsel, until the
3658 general counsel chooses to serve as a commissioner or appoints a successor commissioner; or

3659 (iv) for an associate commissioner, until the general counsel appoints a successor
3660 commissioner or elects not to fill the position of associate commissioner.

3661 Section 84. Section **68-4-6** is amended to read:

3662 **68-4-6. Vacancies.**

3663 (1) For a commissioner who serves in a governor-appointed position described in
3664 Subsection **68-4-5**(1)(a), (b), or (c):

3665 (a) the office of a commissioner becomes vacant and the governor, with the advice and
3666 consent of the Senate, shall immediately appoint a new commissioner upon the
3667 commissioner's:

3668 (i) death;

3669 (ii) resignation; or

3670 (iii) failure to be a member of the Utah State Bar in good standing; and
3671 (b) the governor may, with the advice and consent of the Senate, appoint a new
3672 commissioner or, as applicable, reappoint the current commissioner, provided that the current
3673 commissioner meets the requirements for appointment, after any of the following events:

3674 (i) the commissioner's failure to actively serve as commissioner;
3675 (ii) the commissioner's refusal to serve as commissioner;
3676 (iii) expiration of the commissioner's term;
3677 (iv) the commissioner's appointment to another position on the commission; or
3678 (v) the commissioner's election as a life member of the National Conference of
3679 Commissioners on Uniform State Laws.

3680 (2) (a) The commissioner who is the Legislature's general counsel shall serve only
3681 while acting as the Legislature's general counsel.

3682 (b) A commissioner who is serving as an appointee of the Legislature's general counsel
3683 shall serve at the will of the general counsel.

3684 Section 85. Section **72-1-202** is amended to read:

3685 **72-1-202. Executive director of department -- Appointment -- Qualifications --**
3686 **Term -- Responsibility -- Power to bring suits -- Salary.**

3687 (1) (a) The governor, with the advice and consent of the Senate, shall appoint an
3688 executive director to be the chief executive officer of the department.

3689 (b) The executive director shall be a registered professional engineer and qualified
3690 executive with technical and administrative experience and training appropriate for the
3691 position.

3692 (c) The executive director shall remain in office until a successor is appointed.

3693 (d) The executive director may be removed by the governor.

3694 (2) In addition to the other functions, powers, duties, rights, and responsibilities
3695 prescribed in this chapter, the executive director shall:

3696 (a) have responsibility for the administrative supervision of the state transportation
3697 systems and the various operations of the department;

3698 (b) have the responsibility for the implementation of rules, priorities, and policies
3699 established by the department and the commission;

3700 (c) have the responsibility for the oversight and supervision of any transportation
3701 project for which state funds are expended;

3702 (d) have full power to bring suit in courts of competent jurisdiction in the name of the
3703 department as the executive director considers reasonable and necessary for the proper
3704 attainment of the goals of this chapter;

3705 (e) receive a salary, to be established by the governor within the salary range fixed by
3706 the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual
3707 traveling expenses while away from the executive director's office on official business;

3708 (f) purchase all equipment, services, and supplies necessary to achieve the department's
3709 functions, powers, duties, rights, and responsibilities delegated under Section 72-1-201;

3710 (g) have the responsibility to determine whether a purchase from, contribution to, or
3711 other participation with a public entity or association of public entities in a pooled fund
3712 program to acquire, develop, or share information, data, reports, or other services related to the
3713 department's mission are procurement items under Title 63G, Chapter 6a, Utah Procurement
3714 Code;

3715 (h) have responsibility for administrative supervision of the Comptroller Division, the
3716 Internal Audit Division, and the Communications Division; and

3717 (i) appoint assistants, to serve at the discretion of the executive director, to administer
3718 the divisions of the department.

3719 (3) The executive director may employ other assistants and advisers as the executive
3720 director finds necessary and fix salaries in accordance with the salary standards adopted by the
3721 Department of Human Resource Management.

3722 Section 86. Section 72-1-301 is amended to read:

3723 **72-1-301. Transportation Commission created -- Members, appointment, terms --**
3724 **Qualifications -- Pay and expenses -- Chair -- Quorum.**

3725 (1) (a) There is created the Transportation Commission which shall consist of seven

3726 members.

3727 (b) The members of the commission shall be residents of Utah.

3728 (c) The members of the commission shall be selected on a nonpartisan basis.

3729 (d) (i) The commissioners shall be appointed by the governor, with the advice and
3730 consent of the Senate, for a term of six years, beginning on April 1 of odd-numbered years,
3731 except as provided under Subsection (1)(d)(ii).

3732 (ii) The first two additional commissioners serving on the seven member commission
3733 shall be appointed for terms of two years nine months and four years nine months, respectively,
3734 initially commencing on July 1, 1996, and subsequently commencing as specified under
3735 Subsection (1)(d)(i).

3736 (e) The commissioners serve on a part-time basis.

3737 (f) Each commissioner shall remain in office until a successor is appointed and
3738 qualified.

3739 (2) (a) Except as provided in Subsection (2)(b), the selection of the commissioners
3740 shall be as follows:

3741 (i) one commissioner from Box Elder, Cache, or Rich county;

3742 (ii) one commissioner from Salt Lake or Tooele county;

3743 (iii) one commissioner from Carbon, Emery, Grand, or San Juan county;

3744 (iv) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete,
3745 Sevier, Washington, or Wayne county;

3746 (v) one commissioner from Weber, Davis, or Morgan county;

3747 (vi) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or
3748 Daggett county; and

3749 (vii) one commissioner selected from the state at large.

3750 (b) Beginning with the appointment of commissioners on or after July 1, 2009 and
3751 subject to the restriction in Subsection (2)(d), the selection of commissioners shall be as
3752 follows:

3753 (i) four commissioners with one commissioner selected from each of the four regions

3754 established by the department; and

3755 (ii) subject to the restriction in Subsection (2)(c), three commissioners selected from
3756 the state at large.

3757 (c) (i) At least one of the three commissioners appointed under Subsection (2)(b)(ii)
3758 shall be selected from a rural county.

3759 (ii) For purposes of this Subsection (2)(c), a rural county includes a county of the third,
3760 fourth, fifth, or sixth class.

3761 (d) No more than two commissioners appointed under Subsection (2)(b) may be
3762 selected from any one of the four regions established by the department.

3763 (3) A member may not receive compensation or benefits for the member's service, but
3764 may receive per diem and travel expenses in accordance with:

3765 (a) Section 63A-3-106;

3766 (b) Section 63A-3-107; and

3767 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3768 63A-3-107.

3769 (4) (a) One member of the commission shall be designated by the governor as chair.

3770 (b) The commission shall select one member as vice chair to act in the chair's absence.

3771 (5) Any four commissioners constitute a quorum.

3772 (6) Each member of the commission shall qualify by taking the constitutional oath of
3773 office.

3774 (7) For the purposes of Section 63J-1-504, the commission is not considered an
3775 agency.

3776 Section 87. Section 73-2-1 is amended to read:

3777 **73-2-1. State engineer -- Term -- Powers and duties -- Qualification for duties.**

3778 (1) There shall be a state engineer.

3779 (2) The state engineer shall:

3780 (a) be appointed by the governor with the advice and consent of the Senate;

3781 (b) hold office for the term of four years and until a successor is appointed; and

3782 (c) have five years experience as a practical engineer or the theoretical knowledge,
3783 practical experience, and skill necessary for the position.

3784 (3) (a) The state engineer shall be responsible for the general administrative
3785 supervision of the waters of the state and the measurement, appropriation, apportionment, and
3786 distribution of those waters.

3787 (b) The state engineer may secure the equitable apportionment and distribution of the
3788 water according to the respective rights of appropriators.

3789 (4) The state engineer shall make rules, in accordance with Title 63G, Chapter 3, Utah
3790 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
3791 regarding:

3792 (a) reports of water right conveyances;

3793 (b) the construction of water wells and the licensing of water well drillers;

3794 (c) dam construction and safety;

3795 (d) the alteration of natural streams;

3796 (e) geothermal resource conservation;

3797 (f) enforcement orders and the imposition of fines and penalties; and

3798 (g) the duty of water.

3799 (5) The state engineer may make rules, in accordance with Title 63G, Chapter 3, Utah
3800 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,
3801 governing:

3802 (a) water distribution systems and water commissioners;

3803 (b) water measurement and reporting;

3804 (c) groundwater recharge and recovery;

3805 (d) wastewater reuse;

3806 (e) the form, content, and processing procedure for a claim under Section 73-5-13 to
3807 surface or underground water that is not represented by a certificate of appropriation;

3808 (f) the form and content of a proof submitted to the state engineer under Section
3809 73-3-16;

- 3810 (g) the determination of water rights; or
- 3811 (h) the form and content of applications and related documents, maps, and reports.
- 3812 (6) The state engineer may bring suit in courts of competent jurisdiction to:
- 3813 (a) enjoin the unlawful appropriation, diversion, and use of surface and underground
- 3814 water without first seeking redress through the administrative process;
- 3815 (b) prevent theft, waste, loss, or pollution of those waters;
- 3816 (c) enable him to carry out the duties of the state engineer's office; and
- 3817 (d) enforce administrative orders and collect fines and penalties.
- 3818 (7) The state engineer may:
- 3819 (a) upon request from the board of trustees of an irrigation district under Title 17B,
- 3820 Chapter 2a, Part 5, Irrigation District Act, or another local district under Title 17B, Limited
- 3821 Purpose Local Government Entities - Local Districts, or a special service district under Title
- 3822 17D, Chapter 1, Special Service District Act, that operates an irrigation water system, cause a
- 3823 water survey to be made of all lands proposed to be annexed to the district in order to
- 3824 determine and allot the maximum amount of water that could be beneficially used on the land,
- 3825 with a separate survey and allotment being made for each 40-acre or smaller tract in separate
- 3826 ownership; and
- 3827 (b) upon completion of the survey and allotment under Subsection (7)(a), file with the
- 3828 district board a return of the survey and report of the allotment.
- 3829 (8) (a) The state engineer may establish water distribution systems and define their
- 3830 boundaries.
- 3831 (b) The water distribution systems shall be formed in a manner that:
- 3832 (i) secures the best protection to the water claimants; and
- 3833 (ii) is the most economical for the state to supervise.
- 3834 Section 88. Section **73-10-2** is amended to read:
- 3835 **73-10-2. Board of Water Resources -- Members -- Appointment -- Terms --**
- 3836 **Vacancies.**
- 3837 (1) (a) The Board of Water Resources shall be comprised of eight members to be

3838 appointed by the governor with the advice and consent of the Senate.

3839 (b) In addition to the requirements of Section 79-2-203, not more than four members
3840 shall be from the same political party.

3841 (2) One member of the board shall be appointed from each of the following districts:

3842 (a) Bear River District, comprising the counties of Box Elder, Cache, and Rich;

3843 (b) Weber District, comprising the counties of Weber, Davis, Morgan, and Summit;

3844 (c) Salt Lake District, comprising the counties of Salt Lake and Tooele;

3845 (d) Provo River District, comprising the counties of Juab, Utah, and Wasatch;

3846 (e) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute,
3847 and Wayne;

3848 (f) Green River District, comprising the counties of Daggett, Duchesne, and Uintah;

3849 (g) Upper Colorado River District, comprising the counties of Carbon, Emery, Grand,
3850 and San Juan; and

3851 (h) Lower Colorado River District, comprising the counties of Beaver, Garfield, Iron,
3852 Washington, and Kane.

3853 (3) (a) Except as required by Subsection (3)(b), all appointments shall be for terms of
3854 four years.

3855 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
3856 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3857 board members are staggered so that approximately half of the board is appointed every two
3858 years.

3859 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
3860 appointed for the unexpired term with the advice and consent of the Senate and shall be from
3861 the same district as such person.

3862 (4) A member may not receive compensation or benefits for the member's service, but
3863 may receive per diem and travel expenses in accordance with:

3864 (a) Section 63A-3-106;

3865 (b) Section 63A-3-107; and

3866 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3867 63A-3-107.

3868 Section 89. Section 73-30-201 is amended to read:

3869 **73-30-201. Advisory council created -- Staffing -- Per diem and travel expenses.**

3870 (1) There is created an advisory council known as the "Great Salt Lake Advisory
3871 Council" consisting of 11 members listed in Subsection (2).

3872 (2) (a) The governor shall appoint the following members, with the advice and consent
3873 of the Senate:

3874 (i) one representative of industry representing the extractive industry;

3875 (ii) one representative of industry representing aquaculture;

3876 (iii) one representative of conservation interests;

3877 (iv) one representative of a migratory bird protection area as defined in Section
3878 23-28-102;

3879 (v) one representative who is an elected official from municipal government, or the
3880 elected official's designee;

3881 (vi) five representatives who are elected officials from county government, or the
3882 elected official's designee, one each representing:

3883 (A) Box Elder County;

3884 (B) Davis County;

3885 (C) Salt Lake County;

3886 (D) Tooele County; and

3887 (E) Weber County; and

3888 (vii) one representative of a publicly owned treatment works.

3889 (3) (a) Except as required by Subsection (3)(b), each member shall serve a four-year
3890 term.

3891 (b) Notwithstanding Subsection (3)(a), at the time of appointment or reappointment,
3892 the governor shall adjust the length of terms of voting members to ensure that the terms of
3893 council members are staggered so that approximately half of the council is appointed every two

3894 years.

3895 (c) When a vacancy occurs in the membership for any reason, the governor shall
3896 appoint a replacement for the unexpired term with the advice and consent of the Senate.

3897 (d) A member shall hold office until the member's successor is appointed and qualified.

3898 (4) The council shall determine:

3899 (a) the time and place of meetings; and

3900 (b) any other procedural matter not specified in this chapter.

3901 (5) (a) Attendance of six members at a meeting of the council constitutes a quorum.

3902 (b) A vote of the majority of the members present at a meeting when a quorum is
3903 present constitutes an action of the council.

3904 (6) A member may not receive compensation or benefits for the member's service, but
3905 may receive per diem and travel expenses in accordance with:

3906 (a) Section 63A-3-106;

3907 (b) Section 63A-3-107; and

3908 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3909 63A-3-107.

3910 (7) The Department of Natural Resources and the Department of Environmental
3911 Quality shall coordinate and provide necessary staff assistance to the council.

3912 Section 90. Section 77-5-6 is amended to read:

3913 **77-5-6. Suspension on filing articles -- Vacancy, how filled.**

3914 When articles of impeachment are presented to the Senate, and the officer has been
3915 served with a copy of the articles, [~~he~~] the officer shall be temporarily suspended from [~~his~~]

3916 office and may not exercise [~~his~~] the duties of the office until [~~he~~] the officer is acquitted.

3917 Upon the suspension of any officer, other than the governor, or a justice or judge of a court of

3918 record, [~~his~~] the office shall be temporarily filled by an appointment made by the governor,

3919 with the advice and consent of the Senate, until the acquittal of the party impeached, or, in the

3920 case of [~~his~~] the officer's removal, until the vacancy is filled at the next election as provided by

3921 law.

3922 Section 91. Section **77-27-2** is amended to read:

3923 **77-27-2. Board of Pardons and Parole -- Creation -- Compensation -- Functions.**

3924 (1) There is created the Board of Pardons and Parole. The board shall consist of five
3925 full-time members and not more than five pro tempore members to be appointed by the
3926 governor with the advice and consent of the Senate as provided in this section. The members
3927 of the board shall be resident citizens of the state. The governor shall establish salaries for the
3928 members of the board within the salary range fixed by the Legislature in Title 67, Chapter 22,
3929 State Officer Compensation.

3930 (2) (a) (i) The full-time board members shall serve terms of five years. The terms of
3931 the full-time members shall be staggered so one board member is appointed for a term of five
3932 years on March 1 of each year.

3933 (ii) The pro tempore members shall serve terms of five years, beginning on March 1 of
3934 the year of appointment, with no more than one pro tempore member term beginning or
3935 expiring in the same calendar year. If a pro tempore member vacancy occurs, the board may
3936 submit the names of not fewer than three or more than five persons to the governor for
3937 appointment to fill the vacancy.

3938 (b) All vacancies occurring on the board for any cause shall be filled by the governor
3939 with the advice and consent of the Senate pursuant to this section for the unexpired term of the
3940 vacating member.

3941 (c) The governor may at any time remove any member of the board for inefficiency,
3942 neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing.

3943 (d) A member of the board may not hold any other office in the government of the
3944 United States, this state or any other state, or of any county government or municipal
3945 corporation within a state. A member may not engage in any occupation or business
3946 inconsistent with the member's duties.

3947 (e) A majority of the board constitutes a quorum for the transaction of business,
3948 including the holding of hearings at any time or any location within or without the state, or for
3949 the purpose of exercising any duty or authority of the board. Action taken by a majority of the

3950 board regarding whether parole, pardon, commutation, termination of sentence, or remission of
3951 fines or forfeitures may be granted or restitution ordered in individual cases is deemed the
3952 action of the board. A majority vote of the five full-time members of the board is required for
3953 adoption of rules or policies of general applicability as provided by statute. However, a
3954 vacancy on the board does not impair the right of the remaining board members to exercise any
3955 duty or authority of the board as long as a majority of the board remains.

3956 (f) Any investigation, inquiry, or hearing that the board has authority to undertake or
3957 hold may be conducted by any board member or an examiner appointed by the board. When
3958 any of these actions are approved and confirmed by the board and filed in its office, they are
3959 considered to be the action of the board and have the same effect as if originally made by the
3960 board.

3961 (g) When a full-time board member is absent or in other extraordinary circumstances
3962 the chair may, as dictated by public interest and efficient administration of the board, assign a
3963 pro tempore member to act in the place of a full-time member. Pro tempore members shall
3964 receive a per diem rate of compensation as established by the Division of Finance and all actual
3965 and necessary expenses incurred in attending to official business.

3966 (h) The chair may request staff and administrative support as necessary from the
3967 Department of Corrections.

3968 (3) (a) Except as provided in Subsection (3)(b), the Commission on Criminal and
3969 Juvenile Justice shall:

3970 (i) recommend five applicants to the governor for a full-time member appointment to
3971 the Board of Pardons and Parole; and

3972 (ii) consider applicants' knowledge of the criminal justice system, state and federal
3973 criminal law, judicial procedure, corrections policies and procedures, and behavioral sciences.

3974 (b) The procedures and requirements of Subsection (3)(a) do not apply if the governor
3975 appoints a sitting board member to a new term of office.

3976 (4) (a) The board shall appoint an individual to serve as its mental health adviser and
3977 may appoint other staff necessary to aid it in fulfilling its responsibilities under Title 77,

3978 Chapter 16a, Commitment and Treatment of Persons with a Mental Illness. The adviser shall
3979 prepare reports and recommendations to the board on all persons adjudicated as guilty with a
3980 mental illness, in accordance with Title 77, Chapter 16a, Commitment and Treatment of
3981 Persons with a Mental Illness.

3982 (b) The mental health adviser shall possess the qualifications necessary to carry out the
3983 duties imposed by the board and may not be employed by the Department of Corrections or the
3984 Utah State Hospital.

3985 (i) The Board of Pardons and Parole may review outside employment by the mental
3986 health advisor.

3987 (ii) The Board of Pardons and Parole shall develop rules governing employment with
3988 entities other than the board by the mental health advisor for the purpose of prohibiting a
3989 conflict of interest.

3990 (c) The mental health adviser shall:

3991 (i) act as liaison for the board with the Department of Human Services and local mental
3992 health authorities;

3993 (ii) educate the members of the board regarding the needs and special circumstances of
3994 persons with a mental illness in the criminal justice system;

3995 (iii) in cooperation with the Department of Corrections, monitor the status of persons
3996 in the prison who have been found guilty with a mental illness;

3997 (iv) monitor the progress of other persons under the board's jurisdiction who have a
3998 mental illness;

3999 (v) conduct hearings as necessary in the preparation of reports and recommendations;
4000 and

4001 (vi) perform other duties as assigned by the board.

4002 Section 92. Section **78A-11-103** is amended to read:

4003 **78A-11-103. Judicial Conduct Commission -- Members -- Terms -- Vacancies --**
4004 **Voting -- Power of chair.**

4005 (1) The membership of the commission consists of the following 11 members:

4006 (a) two members of the House of Representatives to be appointed by the speaker of the
4007 House of Representatives for a four-year term, not more than one of whom may be of the same
4008 political party as the speaker;

4009 (b) two members of the Senate to be appointed by the president of the Senate for a
4010 four-year term, not more than one of whom may be of the same political party as the president;

4011 (c) two members of, and in good standing with, the Utah State Bar, who shall be
4012 appointed by a majority of the Utah Supreme Court for a four-year term, none of whom may
4013 reside in the same judicial district;

4014 (d) three persons not members of the Utah State Bar, who shall be appointed by the
4015 governor, with the advice and consent of the Senate, for four-year terms, not more than two of
4016 whom may be of the same political party as the governor; and

4017 (e) two judges to be appointed by a majority of the Utah Supreme Court for a four-year
4018 term, neither of whom may:

4019 (i) be a member of the Utah Supreme Court;

4020 (ii) serve on the same level of court as the other; and

4021 (iii) if trial judges, serve primarily in the same judicial district as the other.

4022 (2) (a) The terms of the members shall be staggered so that approximately half of the
4023 commission expires every two years.

4024 (b) Members of the commission may not serve longer than eight years.

4025 (3) The commission shall establish guidelines and procedures for the disqualification
4026 of any member from consideration of any matter. A judge who is a member of the commission
4027 or the Supreme Court may not participate in any proceedings involving the judge's own
4028 removal or retirement.

4029 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
4030 be appointed by the appointing authority for that position for the unexpired term.

4031 (b) If the appointing authority fails to appoint a replacement, the commissioners who
4032 have been appointed may act as a commission under all the provisions of this section.

4033 (5) Six members of the commission shall constitute a quorum. Any action of a

4034 majority of the quorum constitutes the action of the commission.

4035 (6) (a) At each commission meeting, the chair and executive director shall schedule all
4036 complaints to be heard by the commission and present any information from which a
4037 reasonable inference can be drawn that a judge has committed misconduct so that the
4038 commission may determine by majority vote of a quorum whether the executive director shall
4039 draft a written complaint in accordance with Subsection 78A-11-102(2)(b).

4040 (b) The chair and executive director may not act to dismiss any complaint without a
4041 majority vote of a quorum of the commission.

4042 (7) It is the responsibility of the chair and the executive director to ensure that the
4043 commission complies with the procedures of the commission.

4044 (8) The chair shall be nonvoting except in the case of a tie vote.

4045 (9) The chair shall be allowed the actual expenses of secretarial services, the expenses
4046 of services for either a court reporter or a transcriber of electronic tape recordings, and other
4047 necessary administrative expenses incurred in the performance of the duties of the commission.

4048 (10) Upon a majority vote of the quorum, the commission may:

4049 (a) employ an executive director, legal counsel, investigators, and other staff to assist
4050 the commission; and

4051 (b) incur other reasonable and necessary expenses within the authorized budget of the
4052 commission and consistent with the duties of the commission.

4053 (11) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah
4054 Administrative Rulemaking Act, outlining its procedures and the appointment of masters.

4055 Section 93. Section **78B-22-402** is amended to read:

4056 **78B-22-402. Commission members -- Member qualifications -- Terms -- Vacancy.**

4057 (1) The commission is composed of 15 voting members and one ex officio, nonvoting
4058 member.

4059 (a) The governor, with the advice and consent of the Senate, shall appoint the
4060 following 13 voting members:

4061 (i) two practicing criminal defense attorneys recommended by the Utah Association of

4062 Criminal Defense Lawyers;

4063 (ii) one attorney practicing in juvenile delinquency defense recommended by the Utah
4064 Association of Criminal Defense Lawyers;

4065 (iii) an attorney representing minority interests recommended by the Utah Minority Bar
4066 Association;

4067 (iv) one member recommended by the Utah Association of Counties from a county of
4068 the first or second class;

4069 (v) one member recommended by the Utah Association of Counties from a county of
4070 the third through sixth class;

4071 (vi) a director of a county public defender organization recommended by the Utah
4072 Association of Criminal Defense Lawyers;

4073 (vii) two members recommended by the Utah League of Cities and Towns from its
4074 membership;

4075 (viii) a retired judge recommended by the Judicial Council;

4076 (ix) one attorney practicing in the area of parental defense, recommended by an entity
4077 funded under the Child Welfare Parental Defense Program created in Section [63M-7-211](#); and

4078 (x) two members of the Utah Legislature, one from the House of Representatives and
4079 one from the Senate, selected jointly by the Speaker of the House and President of the Senate.

4080 (b) The Judicial Council shall appoint a voting member from the Administrative Office
4081 of the Courts.

4082 (c) The executive director of the State Commission on Criminal and Juvenile Justice or
4083 the executive director's designee is a voting member of the commission.

4084 (d) The director of the commission, appointed under Section [78B-22-403](#), is an ex
4085 officio, nonvoting member of the commission.

4086 (2) A member appointed by the governor shall serve a four-year term, except as
4087 provided in Subsection (3).

4088 (3) The governor shall stagger the initial terms of appointees so that approximately half
4089 of the members appointed by the governor are appointed every two years.

4090 (4) A member appointed to the commission shall have significant experience in
4091 indigent criminal defense, parental defense, or juvenile defense in delinquency proceedings or
4092 have otherwise demonstrated a strong commitment to providing effective representation in
4093 indigent defense services.

4094 (5) A person who is currently employed solely as a criminal prosecuting attorney may
4095 not serve as a member of the commission.

4096 (6) A commission member shall hold office until the member's successor is appointed.

4097 (7) The commission may remove a member for incompetence, dereliction of duty,
4098 malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.

4099 (8) If a vacancy occurs in the membership for any reason, a replacement shall be
4100 appointed for the remaining unexpired term in the same manner as the original appointment.

4101 (9) The commission shall annually elect a chair from the commission's membership to
4102 serve a one-year term. A commission member may not serve as chair of the commission for
4103 more than three consecutive terms.

4104 (10) A member may not receive compensation or benefits for the member's service, but
4105 may receive per diem and travel expenses in accordance with:

4106 (a) Section [63A-3-106](#);

4107 (b) Section [63A-3-107](#); and

4108 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
4109 [63A-3-107](#).

4110 (11) (a) A majority of the members of the commission constitutes a quorum.

4111 (b) If a quorum is present, the action of a majority of the voting members present
4112 constitutes the action of the commission.

4113 Section 94. Section **79-2-202** is amended to read:

4114 **79-2-202. Executive director -- Appointment -- Removal -- Compensation --**
4115 **Responsibilities.**

4116 (1) (a) The chief administrative officer of the department is an executive director
4117 appointed by the governor with the advice and consent of the Senate.

- 4118 (b) The executive director may be removed at the will of the governor.
- 4119 (c) The executive director shall receive a salary established by the governor within the
4120 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
- 4121 (2) The executive director shall:
- 4122 (a) administer and supervise the department and provide for coordination and
4123 cooperation among the boards, divisions, councils, and committees of the department;
- 4124 (b) approve the budget of each board and division;
- 4125 (c) participate in regulatory proceedings as appropriate for the functions and duties of
4126 the department;
- 4127 (d) report at the end of each fiscal year to the governor on department, board, and
4128 division activities;
- 4129 (e) ensure that any training or certification required of a public official or public
4130 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
4131 22, State Training and Certification Requirements, if the training or certification is required:
- 4132 (i) under this title;
- 4133 (ii) by the department; or
- 4134 (iii) by an agency or division within the department; and
- 4135 (f) perform other duties as provided by statute.
- 4136 (3) By following the procedures and requirements of Title 63J, Chapter 5, Federal
4137 Funds Procedures Act, the executive director, may accept an executive or legislative provision
4138 that is enacted by the federal government, whereby the state may participate in the distribution,
4139 disbursement, or administration of a fund or service from the federal government for purposes
4140 consistent with the powers and duties of the department.
- 4141 (4) (a) The executive director, in cooperation with the governmental entities having
4142 policymaking authority regarding natural resources, may engage in studies and comprehensive
4143 planning for the development and conservation of the state's natural resources.
- 4144 (b) The executive director shall submit any plan to the governor for review and
4145 approval.

4146 Section 95. Section 79-3-302 is amended to read:

4147 **79-3-302. Members of board -- Qualifications and appointment -- Vacancies --**
4148 **Organization -- Meetings -- Financial gain prohibited -- Expenses.**

4149 (1) The board consists of seven members appointed by the governor, with the advice
4150 and consent of the Senate.

4151 (2) In addition to the requirements of Section 79-2-203, the members shall have the
4152 following qualifications:

4153 (a) one member knowledgeable in the field of geology as applied to the practice of civil
4154 engineering;

4155 (b) four members knowledgeable and representative of various segments of the mineral
4156 industry throughout the state, such as hydrocarbons, solid fuels, metals, and industrial minerals;

4157 (c) one member knowledgeable of the economic or scientific interests of the mineral
4158 industry in the state; and

4159 (d) one member who is interested in the goals of the survey and from the public at
4160 large.

4161 (3) The director of the School and Institutional Trust Lands Administration is an ex
4162 officio member of the board but without any voting privileges.

4163 (4) (a) Except as required by Subsection (4)(b), members are appointed for terms of
4164 four years.

4165 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
4166 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4167 board members are staggered so that approximately half of the board is appointed every two
4168 years.

4169 (c) No more than four members may be of the same political party.

4170 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
4171 appointed for the unexpired term by the governor with the advice and consent of the Senate.

4172 (5) The board shall select from its members a chair and such officers and committees
4173 as it considers necessary.

4174 (6) (a) The board shall hold meetings at least quarterly on such dates as may be set by
4175 its chair.

4176 (b) Special meetings may be held upon notice of the chair or by a majority of its
4177 members.

4178 (c) A majority of the members of the board present at a meeting constitutes a quorum
4179 for the transaction of business.

4180 (7) Members of the board may not obtain financial gain by reason of information
4181 obtained during the course of their official duties.

4182 (8) A member may not receive compensation or benefits for the member's service, but
4183 may receive per diem and travel expenses in accordance with:

4184 (a) Section 63A-3-106;

4185 (b) Section 63A-3-107; and

4186 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4187 63A-3-107.

4188 Section 96. Section 79-4-302 is amended to read:

4189 **79-4-302. Board appointment and terms of members -- Expenses.**

4190 (1) (a) The board is composed of nine members appointed by the governor, with the
4191 advice and consent of the Senate, to four-year terms.

4192 (b) In addition to the requirements of Section 79-2-203, the governor shall:

4193 (i) appoint one member from each judicial district and one member from the public at
4194 large;

4195 (ii) ensure that not more than five members are from the same political party; and

4196 (iii) appoint persons who have an understanding of and demonstrated interest in parks
4197 and recreation.

4198 (c) Notwithstanding the term requirements of Subsection (1)(a), the governor may
4199 adjust the length of terms to ensure that the terms of board members are staggered so that
4200 approximately half of the board is appointed every two years.

4201 (2) When vacancies occur because of death, resignation, or other cause, the governor,

4202 with the advice and consent of the Senate, shall:

4203 (a) appoint a person to complete the unexpired term of the person whose office was
4204 vacated; and

4205 (b) if the person was appointed from a judicial district, appoint the replacement from
4206 the judicial district from which the person whose office has become vacant was appointed.

4207 (3) The board shall appoint its chair from its membership.

4208 (4) A member may not receive compensation or benefits for the member's service, but
4209 may receive per diem and travel expenses in accordance with:

4210 (a) Section 63A-3-106;

4211 (b) Section 63A-3-107; and

4212 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4213 63A-3-107.

4214 Section 97. **Coordinating S.B. 60 with S.B. 146 -- Superseding and technical**
4215 **amendments.**

4216 If this S.B. 60 and S.B. 146, Boards and Commissions Modifications, both pass and
4217 become law, and S.B. 111, Higher Education Amendments, does not pass, it is the intent of the
4218 Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code
4219 database for publication by:

4220 (1) modifying Subsections 67-1-2(1) and (2) to read:

4221 "(1) [~~Unless~~] Until October 1, 2020, unless waived by a majority of the president of the
4222 Senate, the Senate majority leader, and the Senate minority leader, 15 days before any Senate
4223 session to confirm any gubernatorial nominee, except a judicial appointment, the governor
4224 shall send to each member of the Senate and to the Office of Legislative Research and General
4225 Counsel:

4226 (a) a list of each nominee for an office or position made by the governor in accordance
4227 with the Utah Constitution and state law; and

4228 (b) any information that may support or provide biographical information about the
4229 nominee, including resumes and curriculum vitae.

4230 (2) Except as provided in Subsection (3), beginning October 1, 2020, at least 30 days
4231 before the day of an extraordinary session of the Senate to confirm a gubernatorial nominee,
4232 the governor shall send to each member of the Senate and to the Office of Legislative Research
4233 and General Counsel the following information for each nominee:

4234 (a) the nominee's name and biographical information, including a resume and
4235 curriculum vitae with personal contact information, including home address, email address, and
4236 telephone number, redacted, except that the governor shall send to the Office of Legislative
4237 Research and General Counsel the contact information for the nominee;

4238 (b) a detailed list, with citations, of the legal requirements for the appointed position;

4239 (c) a detailed list with supporting documents explaining how, and verifying that, the
4240 nominee meets each statutory and constitutional requirement for the appointed position;

4241 (d) a written certification by the governor that the nominee satisfies all requirements
4242 for the appointment; and

4243 (e) public comment information collected in accordance with Section [63G-24-204](#);
4244 and

4245 (2) renumbering the remaining subsections, and references to those subsections,
4246 accordingly.

4247 Section 98. **Coordinating S.B. 60 with S.B. 111 -- Superseding technical and**
4248 **substantive amendments.**

4249 If this S.B. 60 and S.B. 146, Higher Education Amendments, both pass and become
4250 law, and S.B. 146, Boards and Commissions Modifications, does not pass, it is the intent of the
4251 Legislature that the amendments in this coordination clause supersede the coordination clause
4252 in Section 202 in S.B. 111, and that the Office of Legislative Research and General Counsel
4253 prepare the Utah Code database for publication by modifying Subsections [67-1-2\(3\)\(b\)](#) and (4)
4254 to read:

4255 "(b) Beginning October 1, 2020, a majority of the president of the Senate, the Senate
4256 majority leader, and the Senate minority leader may waive the 30-day requirement described in
4257 Subsection (2) for a gubernatorial nominee other than a nominee for the following:

- 4258 (i) the executive director of a department;
- 4259 (ii) the executive director of the Governor's Office of Economic Development;
- 4260 (iii) the executive director of the Labor Commission;
- 4261 (iv) a member of the State Tax Commission;
- 4262 (v) a member of the State Board of Education;
- 4263 (vi) a member of the Utah Board of Higher Education; or
- 4264 (vii) an individual:
- 4265 (A) whose appointment requires the advice and consent of the Senate; and
- 4266 (B) whom the governor designates as a member of the governor's cabinet.
- 4267 (4) Beginning October 1, 2020, the Senate shall hold a confirmation hearing for a
- 4268 nominee for an individual described in Subsection (3)(b)(i) through (vii)."

4269 Section 99. **Coordinating S.B. 60 with S.B. 146 and S.B. 111 -- Superseding**
 4270 **technical and substantive amendments.**

4271 If this S.B. 60, S.B. 146, Boards and Commissions Modifications, and S.B. 111, Higher
 4272 Education Amendments, all pass and become law, it is the intent of the Legislature that the
 4273 amendments in this coordination clause supersede the coordination clause in Section 60 in S.B.
 4274 146, and that the Office of Legislative Research and General Counsel prepare the Utah Code
 4275 database for publication by:

4276 (1) modifying Subsection 53B-1-404(1) as renumbered and amended by S.B. 111 to
 4277 read:

4278 "(1) [Except as provided in Subsection (2), the] The board consists of [17] 18 residents
 4279 of the state appointed by the governor with the advice and consent of the Senate in accordance
 4280 with Title 63G, Chapter 24, Part 2, Vacancies, as follows:

4281 [(a) eight at-large members;]

4282 [(b) eight members, each of whom is:]

4283 [(i) selected from three nominees presented to the governor by a higher education
 4284 institution board of trustees; and]

4285 [(ii) a current or former member of the institution of higher education board of trustees

4286 that nominates the member; and]

4287 ~~[(c) one member, selected from three nominees presented to the governor by the~~
4288 ~~student body presidents of the institutions of higher education, who:]~~

4289 ~~[(i) is a fully matriculated student enrolled in an institution of higher education; and]~~

4290 ~~[(ii) is not serving as a student body president at the time of the nomination.]~~

4291 ~~[(2) (a) (i) An individual appointed to the board on or before May 8, 2017, may serve~~
4292 ~~on the board, even if the individual does not fulfill a requirement for the composition of the~~
4293 ~~board described in Subsection (1).]~~

4294 ~~[(ii) The governor may reappoint a member described in Subsection (2)(a)(i) when the~~
4295 ~~member's term expires.]~~

4296 ~~[(b) An individual appointed to the board on or before May 8, 2017, who is a current or~~
4297 ~~former member of an institution of higher education board of trustees is the board member for~~
4298 ~~the institution of higher education described in Subsection (1)(b).]~~

4299 ~~[(c) (i) Subject to Subsection (2)(c)(ii), as positions on the board become vacant, the~~
4300 ~~governor shall ensure that newly appointed members move the board toward the composition~~
4301 ~~described in Subsection (1).]~~

4302 ~~[(ii) In appointing a new member to the board, the governor shall first appoint a~~
4303 ~~member described in Subsection (1)(b) until the eight positions described in Subsection (1)(b)~~
4304 ~~are filled.]~~

4305 (a) subject to Subsections (2)(a), (3), and (6)(b)(ii), 16 members appointed from among
4306 candidates presented to the governor by a nominating committee; and

4307 (b) two student members appointed as described in Subsection (4).";

4308 (2) creating a newly enacted Subsection 53B-1-404(4)(c) to read:

4309 "(c) An appointee described in Subsection (4)(a) is not subject to the public comment
4310 process described in Section 63G-24-204.";

4311 (3) modifying Subsections 63G-24-102(4) and (5)(a) to read:

4312 "(4) "Nominee" means a person selected by the governor to fill a rulemaking board
4313 vacancy subject to the advice and consent of the Senate.

- 4314 (5) (a) "Rulemaking board" means a board, committee, commission, or council:
4315 (i) that has rulemaking authority; and
4316 (ii) at least part of whose membership is appointed by the governor subject to the
4317 advice and consent of the Senate.";
- 4318 (4) modifying Subsections 67-1-2(1) through (4) to read:
4319 "(1) [~~Unless~~] ~~Until~~ October 1, 2020, unless waived by a majority of the president of the
4320 Senate, the Senate majority leader, and the Senate minority leader, 15 days before any Senate
4321 session to confirm any gubernatorial nominee, except a judicial appointment, the governor
4322 shall send to each member of the Senate and to the Office of Legislative Research and General
4323 Counsel:
- 4324 (a) a list of each nominee for an office or position made by the governor in accordance
4325 with the Utah Constitution and state law; and
- 4326 (b) any information that may support or provide biographical information about the
4327 nominee, including resumes and curriculum vitae.
- 4328 (2) Except as provided in Subsection (3), beginning October 1, 2020, at least 30 days
4329 before the day of an extraordinary session of the Senate to confirm a gubernatorial nominee,
4330 the governor shall send to each member of the Senate and to the Office of Legislative Research
4331 and General Counsel the following information for each nominee:
- 4332 (a) the nominee's name and biographical information, including a resume and
4333 curriculum vitae with personal contact information, including home address, email address, and
4334 telephone number, redacted, except that the governor shall send to the Office of Legislative
4335 Research and General Counsel the contact information for the nominee;
- 4336 (b) a detailed list, with citations, of the legal requirements for the appointed position;
4337 (c) a detailed list with supporting documents explaining how, and verifying that, the
4338 nominee meets each statutory and constitutional requirement for the appointed position;
- 4339 (d) a written certification by the governor that the nominee satisfies all requirements
4340 for the appointment; and
- 4341 (e) public comment information collected in accordance with Section 63G-24-204.

4342 (3) (a) Subsection (2) does not apply to a judicial nominee.
4343 (b) Beginning October 1, 2020, a majority of the president of the Senate, the Senate
4344 majority leader, and the Senate minority leader may waive the 30-day requirement described in
4345 Subsection (2) for a gubernatorial nominee other than a nominee for the following:
4346 (i) the executive director of a department;
4347 (ii) the executive director of the Governor's Office of Economic Development;
4348 (iii) the executive director of the Labor Commission;
4349 (iv) a member of the State Tax Commission;
4350 (v) a member of the State Board of Education;
4351 (vi) a member of the Utah Board of Higher Education; or
4352 (vii) an individual:
4353 (A) whose appointment requires the advice and consent of the Senate; and
4354 (B) whom the governor designates as a member of the governor's cabinet.
4355 (4) Beginning October 1, 2020, the Senate shall hold a confirmation hearing for a
4356 nominee for an individual described in Subsection (3)(b)(i) through (vii)."; and
4357 (5) renumbering the remaining subsections, and references to those subsections, of
4358 Section [67-1-2](#) accordingly.