

**58-1-201 Boards -- Appointment -- Membership -- Terms -- Vacancies -- Quorum -- Per diem and expenses -- Chair -- Financial interest or faculty position in professional school that teaches continuing education prohibited.**

- (1)
  - (a)
    - (i) The executive director shall appoint the members of the boards established under this title.
    - (ii) In appointing these members the executive director shall give consideration to recommendations by members of the respective occupations and professions and by their organizations.
  - (b) Each board shall be composed of five members, four of whom shall be licensed or certified practitioners in good standing of the occupation or profession the board represents, and one of whom shall be a member of the general public, unless otherwise provided under the specific licensing chapter.
  - (c)
    - (i) The name of each person appointed to a board shall be submitted to the governor for confirmation or rejection.
    - (ii) If an appointee is rejected by the governor, the executive director shall appoint another person in the same manner as set forth in Subsection (1)(a).
- (2)
  - (a)
    - (i) Except as required by Subsection (2)(b), as terms of current board members expire, the executive director shall appoint each new member or reappointed member to a four-year term.
    - (ii) Upon the expiration of the term of a board member, the board member shall continue to serve until a successor is appointed, but for a period not to exceed six months from the expiration date of the member's term.
  - (b) Notwithstanding the requirements of Subsection (2)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
  - (c) A board member may not serve more than two consecutive terms, and a board member who ceases to serve on a board may not serve again on that board until after the expiration of a two-year period beginning from that cessation of service.
  - (d)
    - (i) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
    - (ii) After filling that term, the replacement member may be appointed for only one additional full term.
  - (e) The director, with the approval of the executive director, may remove a board member and replace the member in accordance with this section for the following reasons:
    - (i) the member fails or refuses to fulfill the responsibilities and duties of a board member, including attendance at board meetings;
    - (ii) the member engages in unlawful or unprofessional conduct; or
    - (iii) if appointed to the board position as a licensed member of the board, the member fails to maintain a license that is active and in good standing.
- (3) A majority of the board members constitutes a quorum. A quorum is sufficient authority for the board to act.

- (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (5) Each board shall annually designate one of its members to serve as chair for a one-year period.
- (6) A board member may not be a member of the faculty of, or have a financial interest in, a vocational or professional college or school that provides continuing education to any licensee if that continuing education is required by statute or rule.

Amended by Chapter 262, 2013 General Session