LEGISLATIVE GENERAL COUNSEL
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1 **PER DIEM AND TRAVEL EXPENSE**
2 **MODIFICATIONS**
3 2010 GENERAL SESSION
4 STATE OF UTAH
5 **Chief Sponsor: Craig A. Frank**
6 Senate Sponsor: Margaret Dayton
7

8 **LONG TITLE**
9 **Committee Note:**
10 The Government Operations and Political Subdivisions Interim Committee
11 recommended this bill.
12 **General Description:**
13 This bill modifies per diem and travel expense language used for boards, commissions,
14 councils, and committees.
15 **Highlighted Provisions:**
16 This bill:
17 ▸ replaces language used to describe per diem and travel expenses for members of
18 boards, commissions, councils, and committees with standardized language
19 referencing primary provisions for per diem and travel expenses; and
20 ▸ makes technical changes.
21 **Monies Appropriated in this Bill:**
22 None
23 **Other Special Clauses:**
24 None
25 **Utah Code Sections Affected:**
26 AMENDS:
27 **4-2-7**, as last amended by Laws of Utah 2005, Chapter 175

H.B. 27

28 **4-2-8**, as last amended by Laws of Utah 1993, Chapter 212
29 **4-14-10**, as last amended by Laws of Utah 1997, Chapter 82
30 **4-17-3.5**, as last amended by Laws of Utah 1997, Chapter 82
31 **4-18-4**, as last amended by Laws of Utah 2008, Chapter 156
32 **4-20-1.5**, as last amended by Laws of Utah 2008, Chapters 360 and 382
33 **4-22-3**, as last amended by Laws of Utah 1996, Chapter 243
34 **4-23-4**, as last amended by Laws of Utah 1996, Chapter 243
35 **4-24-4**, as last amended by Laws of Utah 1996, Chapter 243
36 **4-30-2**, as last amended by Laws of Utah 1999, Chapter 298
37 **4-35-3**, as last amended by Laws of Utah 1996, Chapter 243
38 **4-37-503**, as last amended by Laws of Utah 2008, Chapter 69
39 **4-37-602**, as last amended by Laws of Utah 2008, Chapter 382
40 **4-38-3**, as last amended by Laws of Utah 1997, Chapter 82
41 **4-39-104**, as enacted by Laws of Utah 1997, Chapter 302
42 **7-1-203**, as last amended by Laws of Utah 2006, Chapter 14
43 **7-3-40**, as enacted by Laws of Utah 2000, Chapter 260
44 **7-9-43**, as last amended by Laws of Utah 1996, Chapter 243
45 **9-1-803**, as last amended by Laws of Utah 2009, Chapter 59
46 **9-3-403**, as last amended by Laws of Utah 2009, Chapter 356
47 **9-4-304**, as last amended by Laws of Utah 2005, Chapters 130 and 148
48 **9-4-503**, as last amended by Laws of Utah 2005, Chapter 170
49 **9-4-703**, as last amended by Laws of Utah 2006, Chapter 14
50 **9-4-801**, as last amended by Laws of Utah 2005, Chapter 148
51 **9-4-904**, as last amended by Laws of Utah 2006, Chapter 23
52 **9-6-204**, as last amended by Laws of Utah 2002, Chapter 176
53 **9-6-305**, as last amended by Laws of Utah 1996, Chapter 243
54 **9-6-604**, as renumbered and amended by Laws of Utah 2006, Chapter 24
55 **9-6-704**, as enacted by Laws of Utah 2006, Chapter 229
56 **9-7-204**, as last amended by Laws of Utah 1996, Chapters 194 and 243
57 **9-8-204**, as last amended by Laws of Utah 2002, Chapter 176
58 **9-9-104.5**, as last amended by Laws of Utah 2006, Chapters 14 and 118

59 **9-9-104.6**, as last amended by Laws of Utah 2006, Chapter 118
60 **9-9-405**, as last amended by Laws of Utah 2008, Chapter 114
61 **9-10-103**, as last amended by Laws of Utah 1996, Chapter 243
62 **9-11-105**, as last amended by Laws of Utah 2008, Chapters 202 and 382
63 **10-6-153**, as last amended by Laws of Utah 2003, Chapter 292
64 **11-38-201**, as last amended by Laws of Utah 2005, Chapter 138
65 **13-14-103**, as last amended by Laws of Utah 2008, Chapter 362
66 **13-35-103**, as last amended by Laws of Utah 2005, Chapter 268
67 **13-43-202**, as enacted by Laws of Utah 2006, Chapter 258
68 **17-36-5**, as last amended by Laws of Utah 1996, Chapters 212 and 243
69 **17B-1-307**, as renumbered and amended by Laws of Utah 2007, Chapter 329
70 **19-2-103**, as last amended by Laws of Utah 2009, Chapter 356
71 **19-2-109.2**, as last amended by Laws of Utah 1996, Chapter 243
72 **19-3-103**, as last amended by Laws of Utah 2002, Chapters 176 and 297
73 **19-4-103**, as last amended by Laws of Utah 2008, Chapter 250
74 **19-5-103**, as last amended by Laws of Utah 2008, Chapters 250 and 336
75 **19-6-103**, as last amended by Laws of Utah 2002, Chapter 176
76 **19-9-104**, as last amended by Laws of Utah 2005, Chapter 148
77 **20A-5-402.7**, as enacted by Laws of Utah 2005, First Special Session, Chapter 5
78 **23-14-2**, as last amended by Laws of Utah 2009, Chapter 344
79 **23-14-2.6**, as last amended by Laws of Utah 1997, Chapter 276
80 **26-1-7.5**, as last amended by Laws of Utah 2009, Chapter 75
81 **26-8a-103**, as last amended by Laws of Utah 2001, Chapter 228
82 **26-9f-103**, as last amended by Laws of Utah 2009, Chapter 75
83 **26-10-6**, as last amended by Laws of Utah 1998, Chapter 162
84 **26-18-102**, as last amended by Laws of Utah 1996, Chapter 243
85 **26-18a-2**, as last amended by Laws of Utah 2009, Chapter 75
86 **26-21-4**, as repealed and reenacted by Laws of Utah 1996, Chapter 243
87 **26-33a-103**, as last amended by Laws of Utah 2006, Chapter 14
88 **26-40-104**, as last amended by Laws of Utah 2001, Chapters 53 and 116
89 **26-46-103**, as last amended by Laws of Utah 2009, Chapter 97

90 **26-50-202**, as last amended by Laws of Utah 2009, Chapter 75
91 **31A-2-403**, as last amended by Laws of Utah 2008, Chapter 345
92 **31A-29-104**, as last amended by Laws of Utah 2007, Chapter 40
93 **31A-35-201**, as last amended by Laws of Utah 2007, Chapter 307
94 **32A-1-106**, as last amended by Laws of Utah 2007, Chapter 284
95 **34-20-3**, as last amended by Laws of Utah 2002, Chapter 176
96 **34A-2-107**, as last amended by Laws of Utah 2009, Chapter 85
97 **34A-5-105**, as last amended by Laws of Utah 2003, Chapter 65
98 **34A-6-106**, as last amended by Laws of Utah 2002, Chapter 104
99 **35A-1-205**, as last amended by Laws of Utah 2006, Chapter 139
100 **35A-1-206**, as last amended by Laws of Utah 2005, Chapter 148
101 **35A-2-103**, as last amended by Laws of Utah 2002, Chapter 58
102 **35A-3-205**, as last amended by Laws of Utah 2005, Chapters 81 and 148
103 **35A-4-502**, as last amended by Laws of Utah 2008, Chapter 382
104 **36-2-4**, as last amended by Laws of Utah 2003, Chapter 16
105 **36-23-104**, as last amended by Laws of Utah 2008, Chapter 218
106 **36-26-102**, as last amended by Laws of Utah 2007, Chapter 306
107 **39-2-1**, as last amended by Laws of Utah 1997, Chapter 10
108 **40-2-203**, as enacted by Laws of Utah 2008, Chapter 113
109 **40-2-204**, as renumbered and amended by Laws of Utah 2008, Chapter 113
110 **40-6-4**, as last amended by Laws of Utah 2009, Chapter 344
111 **41-3-106**, as last amended by Laws of Utah 1996, Chapter 243
112 **49-11-202**, as last amended by Laws of Utah 2003, Chapter 240
113 **51-7-16**, as last amended by Laws of Utah 2002, Chapter 176
114 **51-7a-301**, as enacted by Laws of Utah 2006, Chapter 277
115 **53-2-108**, as last amended by Laws of Utah 2007, Chapter 66
116 **53-3-303**, as last amended by Laws of Utah 2001, Chapter 85
117 **53-3-908**, as last amended by Laws of Utah 1996, Chapter 243
118 **53-5-703**, as last amended by Laws of Utah 1997, Chapters 10 and 280
119 **53-6-106**, as last amended by Laws of Utah 2003, Chapter 292
120 **53-7-203**, as last amended by Laws of Utah 2001, Chapter 25

121 **53-7-304**, as last amended by Laws of Utah 2001, Chapter 25
122 **53-8-203**, as last amended by Laws of Utah 2008, Chapter 251
123 **53-9-104**, as last amended by Laws of Utah 1998, Chapter 212
124 **53-11-104**, as enacted by Laws of Utah 1998, Chapter 257
125 **53A-1-202**, as last amended by Laws of Utah 1997, Chapter 314
126 **53A-1a-501.5**, as enacted by Laws of Utah 2004, Chapter 251
127 **53A-1a-602**, as last amended by Laws of Utah 2008, Chapter 382
128 **53A-6-802**, as enacted by Laws of Utah 2008, Chapter 144
129 **53A-20b-103**, as enacted by Laws of Utah 2007, Chapter 167
130 **53A-25b-203**, as enacted by Laws of Utah 2009, Chapter 294
131 **53B-1-104**, as last amended by Laws of Utah 2009, Chapter 346
132 **53B-2-104**, as last amended by Laws of Utah 2007, Chapter 356
133 **53B-2a-103**, as last amended by Laws of Utah 2009, Chapter 346
134 **53B-2a-109**, as last amended by Laws of Utah 2009, Chapter 346
135 **53B-6-105.5**, as last amended by Laws of Utah 2009, Chapter 210
136 **53B-17-102**, as last amended by Laws of Utah 2006, Chapter 150
137 **53B-17-803**, as enacted by Laws of Utah 2007, Chapter 232
138 **53C-1-203**, as last amended by Laws of Utah 2000, Chapter 237
139 **54-8a-13**, as enacted by Laws of Utah 2008, Chapter 344
140 **54-10a-202**, as renumbered and amended by Laws of Utah 2009, Chapter 237
141 **54-14-301**, as last amended by Laws of Utah 2007, Chapter 242
142 **58-1-201**, as last amended by Laws of Utah 1997, Chapter 10
143 **58-1-402**, as last amended by Laws of Utah 2008, Chapter 382
144 **58-54-3**, as last amended by Laws of Utah 1996, Chapters 232 and 243
145 **58-55-103**, as last amended by Laws of Utah 2009, Chapter 183
146 **58-56-5**, as last amended by Laws of Utah 2009, Chapter 339
147 **59-1-905**, as last amended by Laws of Utah 1996, Chapter 243
148 **61-1-18.5**, as last amended by Laws of Utah 2009, Chapter 351
149 **61-2-5.5**, as last amended by Laws of Utah 2008, Chapter 387
150 **61-2b-7**, as last amended by Laws of Utah 2007, Chapter 325
151 **61-2c-104**, as last amended by Laws of Utah 2009, Chapters 352 and 372

152 **62A-1-107**, as last amended by Laws of Utah 2009, Chapter 75
153 **62A-3-107**, as last amended by Laws of Utah 2009, Chapter 75
154 **62A-4a-311**, as last amended by Laws of Utah 2009, Chapter 75
155 **62A-5a-103**, as last amended by Laws of Utah 2002, Fifth Special Session, Chapter 8
156 **62A-7-501**, as renumbered and amended by Laws of Utah 2005, Chapter 13
157 **62A-15-605**, as last amended by Laws of Utah 2003, Chapter 171
158 **63A-3-403**, as last amended by Laws of Utah 2009, Chapter 310
159 **63A-5-101**, as last amended by Laws of Utah 2003, Chapter 16
160 **63A-9-301**, as last amended by Laws of Utah 2003, Chapter 5
161 **63B-1-201**, as last amended by Laws of Utah 1996, Chapter 243
162 **63B-1-304**, as renumbered and amended by Laws of Utah 2003, Chapter 86
163 **63C-4-101**, as last amended by Laws of Utah 2009, Chapter 121
164 **63C-6-103**, as last amended by Laws of Utah 1996, Chapter 243
165 **63C-8-103**, as enacted by Laws of Utah 1997, Chapter 202
166 **63C-9-202**, as last amended by Laws of Utah 2006, Chapter 256
167 **63C-9-702**, as last amended by Laws of Utah 2003, Chapter 66
168 **63C-10-102**, as last amended by Laws of Utah 2008, Chapter 33
169 **63C-11-201**, as repealed and reenacted by Laws of Utah 2009, Chapter 369
170 **63F-1-202**, as enacted by Laws of Utah 2005, Chapter 169
171 **63G-2-501**, as renumbered and amended by Laws of Utah 2008, Chapter 382
172 **63G-2-502**, as renumbered and amended by Laws of Utah 2008, Chapter 382
173 **63G-6-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
174 **63G-6-807**, as renumbered and amended by Laws of Utah 2008, Chapter 382
175 **63H-2-202**, as enacted by Laws of Utah 2009, Chapter 378
176 **63I-4-201**, as renumbered and amended by Laws of Utah 2008, Chapter 147
177 **63J-4-502**, as last amended by Laws of Utah 2009, Chapter 344
178 **63K-3-201**, as last amended by Laws of Utah 2009, Chapter 65
179 **63K-3-301**, as renumbered and amended by Laws of Utah 2008, Chapter 382
180 **63M-1-302**, as renumbered and amended by Laws of Utah 2008, Chapter 382
181 **63M-1-604**, as renumbered and amended by Laws of Utah 2008, Chapter 382
182 **63M-1-1205**, as last amended by Laws of Utah 2008, Chapter 18 and renumbered and

183 amended by Laws of Utah 2008, Chapter 382
184 **63M-1-1402**, as renumbered and amended by Laws of Utah 2008, Chapter 382
185 **63M-1-1503**, as renumbered and amended by Laws of Utah 2008, Chapter 382
186 **63M-1-2611**, as enacted by Laws of Utah 2008, Chapter 352
187 **63M-1-2706**, as enacted by Laws of Utah 2008, Chapter 50
188 **63M-2-301**, as last amended by Laws of Utah 2009, Chapter 242
189 **63M-2-303**, as renumbered and amended by Laws of Utah 2008, Chapter 382
190 **63M-7-302**, as renumbered and amended by Laws of Utah 2008, Chapter 382
191 **63M-7-304**, as last amended by Laws of Utah 2008, Chapter 31 and renumbered and
192 amended by Laws of Utah 2008, Chapter 382
193 **63M-7-405**, as renumbered and amended by Laws of Utah 2008, Chapter 382
194 **63M-7-504**, as last amended by Laws of Utah 2008, Chapter 339 and renumbered and
195 amended by Laws of Utah 2008, Chapter 382
196 **63M-8-202**, as renumbered and amended by Laws of Utah 2008, Chapter 382
197 **63M-9-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
198 **63M-9-202**, as renumbered and amended by Laws of Utah 2008, Chapter 382
199 **65A-1-3**, as last amended by Laws of Utah 2009, Chapter 344
200 **65A-8-306**, as renumbered and amended by Laws of Utah 2007, Chapter 136
201 **67-1-8.1**, as last amended by Laws of Utah 1996, Chapter 243
202 **67-1a-10**, as enacted by Laws of Utah 2006, Chapter 142
203 **67-5a-8**, as last amended by Laws of Utah 2008, Chapter 382
204 **67-8-4**, as last amended by Laws of Utah 2007, Chapter 34
205 **67-19a-201**, as last amended by Laws of Utah 1996, Chapters 194 and 243
206 **67-19d-202**, as enacted by Laws of Utah 2007, Chapter 99
207 **68-4-5**, as last amended by Laws of Utah 2007, Chapter 91
208 **68-4-9**, as last amended by Laws of Utah 2007, Chapter 91
209 **71-7-4**, as last amended by Laws of Utah 2007, Chapter 173
210 **71-8-4**, as last amended by Laws of Utah 2007, Chapter 173
211 **71-11-7**, as last amended by Laws of Utah 2007, Chapter 173
212 **72-1-301**, as last amended by Laws of Utah 2009, Chapter 364
213 **72-4-302**, as last amended by Laws of Utah 2009, Chapter 393

214 **72-6-115**, as last amended by Laws of Utah 2001, Chapter 27
215 **72-9-201**, as renumbered and amended by Laws of Utah 1998, Chapter 270
216 **72-11-204**, as last amended by Laws of Utah 2009, Chapter 344
217 **73-10-2**, as last amended by Laws of Utah 2009, Chapter 344
218 **73-10c-3**, as last amended by Laws of Utah 2005, Chapter 148
219 **73-16-4**, as last amended by Laws of Utah 1983, Chapter 320
220 **77-27-2**, as last amended by Laws of Utah 2002, Chapter 176
221 **77-32-401**, as last amended by Laws of Utah 2000, Chapter 1
222 **77-32-401.5**, as last amended by Laws of Utah 2004, Chapter 90
223 **78A-2-502**, as renumbered and amended by Laws of Utah 2008, Chapter 3
224 **78A-6-1208**, as renumbered and amended by Laws of Utah 2008, Chapter 3
225 **78A-12-202**, as enacted by Laws of Utah 2008, Chapter 248
226 **78B-3-416**, as renumbered and amended by Laws of Utah 2008, Chapter 3
227 **79-3-302**, as renumbered and amended by Laws of Utah 2009, Chapter 344
228 **79-4-302**, as renumbered and amended by Laws of Utah 2009, Chapter 344
229 **79-5-202**, as renumbered and amended by Laws of Utah 2009, Chapter 344
230 REPEALS AND REENACTS:
231 **26-39-202**, as enacted by Laws of Utah 2008, Chapter 111
232 **63C-12-105**, as enacted by Laws of Utah 2009, Chapter 262
233 **63I-3-206**, as renumbered and amended by Laws of Utah 2008, Chapter 382
234 **63M-7-207**, as renumbered and amended by Laws of Utah 2008, Chapter 382
235 **63M-7-604**, as renumbered and amended by Laws of Utah 2008, Chapter 382
236 **63M-11-206**, as renumbered and amended by Laws of Utah 2008, Chapter 382
237 **67-5a-3**, as repealed and reenacted by Laws of Utah 1996, Chapter 243
238 **78A-10-205**, as enacted by Laws of Utah 2008, Chapter 3
239 **78A-10-305**, as enacted by Laws of Utah 2008, Chapter 3
240 **78A-11-104**, as enacted by Laws of Utah 2008, Chapter 3
241 **78B-12-403**, as enacted by Laws of Utah 2008, Chapter 3
242
243 *Be it enacted by the Legislature of the state of Utah:*
244 Section 1. Section **4-2-7** is amended to read:

245 **4-2-7. Agricultural Advisory Board created -- Composition -- Responsibility --**
246 **Terms of office -- Compensation.**
247 (1) There is created the Agricultural Advisory Board composed of 13 members
248 representing each of the following:
249 (a) Utah Farm Bureau Federation;
250 (b) Utah Farmers Union;
251 (c) Utah Cattlemen's Association;
252 (d) Utah Wool Growers' Association;
253 (e) Utah Dairymen's Association;
254 (f) Utah Pork Producer's Association;
255 (g) Utah Veterinary Medical Association;
256 (h) Livestock Auction Marketing Association;
257 (i) Utah Association of Conservation Districts;
258 (j) the Utah horse industry;
259 (k) the food processing industry;
260 (l) manufacturers of food supplements; and
261 (m) a consumer affairs group.
262 (2) The Agricultural Advisory Board shall advise the commissioner regarding the
263 planning, implementation, and administration of the department's programs.
264 (3) (a) Except as required by Subsection (3)(c), members are appointed by the
265 commissioner to four-year terms of office.
266 (b) Representatives of the organizations cited in Subsections (1)(a) through [~~(1)~~] (h)
267 shall be appointed to the Agricultural Advisory Board by the commissioner from a list of
268 nominees submitted by each organization.
269 (c) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at
270 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
271 board members are staggered so that approximately half of the board is appointed every two
272 years.
273 (d) Members may be removed at the discretion of the commissioner upon the request
274 of the group they represent.
275 (e) When a vacancy occurs in the membership for any reason, the replacement shall be

276 appointed for the unexpired term.
277 (4) The board shall elect one member to serve as chair of the Agricultural Advisory
278 Board for a term of one year.
279 (5) (a) The board shall meet four times annually, but may meet more often at the
280 discretion of the chair.
281 (b) Attendance of seven members at a duly called meeting constitutes a quorum for the
282 transaction of official business.
283 [~~(6) (a) Members shall receive no compensation or benefits for their services, but may~~
284 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
285 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
286 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
287 (6) A member may not receive compensation or benefits for the member's service, but
288 may receive per diem and travel expenses in accordance with:
289 (a) Section 63A-3-106;
290 (b) Section 63A-3-107; and
291 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
292 63A-3-107.
293 Section 2. Section **4-2-8** is amended to read:
294 **4-2-8. Temporary advisory committees -- Appointment -- Compensation.**
295 (1) The commissioner may request the governor to appoint other advisory committees
296 on a temporary basis to offer technical advice to the department. [~~Members of any such~~]
297 (2) A member of a committee [~~shall serve~~] serves at the pleasure of the commissioner
298 [~~and be compensated at the rates established by the director of the Division of Finance under~~
299 ~~Sections 63A-3-106 and 63A-3-107~~].
300 (3) 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 Section 3. Section **4-14-10** is amended to read:

307 **4-14-10. Pesticide Committee created -- Composition -- Terms -- Compensation --**
308 **Duties.**
309 (1) There is created a Pesticide Committee comprising nine persons appointed by the
310 governor to four-year terms of office, one member from each of the following state agencies
311 and organizations:
312 (a) Utah State Agricultural Extension Service;
313 (b) Department of Agriculture and Food;
314 (c) Department of Health;
315 (d) Division of Wildlife Resources;
316 (e) Department of Environmental Quality;
317 (f) Utah Pest Control Association;
318 (g) agricultural chemical industry;
319 (h) Utah Farmers Union; and
320 (i) Utah Farm Bureau Federation.
321 (2) Notwithstanding the requirements of Subsection (1), the governor shall, at the time
322 of appointment or reappointment, adjust the length of terms to ensure that the terms of
323 committee members are staggered so that approximately half of the committee is appointed
324 every two years.
325 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
326 appointed for the unexpired term.
327 (4) The committee shall elect one of its members to serve as chair. The chair is
328 responsible for the call and conduct of meetings of the Pesticide Committee.
329 (5) Attendance of a simple majority of the members constitutes a quorum for the
330 transaction of official business.
331 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~
332 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
333 ~~performance of the member's official duties at the rates established by the Division of Finance~~
334 ~~under Sections 63A-3-106 and 63A-3-107.~~]
335 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
336 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
337 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~

338 ~~incurred in the performance of their official duties from the committee at the rates established~~
339 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
340 [~~(ii) State government officer and employee members may decline to receive per diem~~
341 ~~and expenses for their service.~~]
342 [~~(c) (i) Higher education members who do not receive salary, per diem, or expenses~~
343 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
344 ~~in the performance of their official duties from the committee at the rates established by the~~
345 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
346 [~~(ii) Higher education members may decline to receive per diem and expenses for their~~
347 ~~service.~~]
348 (6) A member may not receive compensation or benefits for the member's service, but
349 may receive per diem and travel expenses in accordance with:
350 (a) Section 63A-3-106;
351 (b) Section 63A-3-107; and
352 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
353 63A-3-107.
354 (7) The Pesticide Committee shall make recommendations to the commissioner
355 regarding making rules pertaining to the sale, distribution, use, and disposal of pesticides.
356 Section 4. Section **4-17-3.5** is amended to read:
357 **4-17-3.5. Creation of State Weed Committee -- Membership -- Powers and duties**
358 **-- Expenses.**
359 (1) There is created a State Weed Committee composed of five members, one member
360 representing each of the following:
361 (a) the Department of Agriculture and Food;
362 (b) the Utah State University Agricultural Experiment Station;
363 (c) the Utah State University Extension Service;
364 (d) the Utah Association of Counties; and
365 (e) private agricultural industry.
366 (2) The commissioner shall select the members of the committee from those nominated
367 by each of the respective groups or agencies following approval by the Agricultural Advisory
368 Board.

369 (3) (a) Except as required by Subsection (3)(b), as terms of current committee members
370 expire, the commissioner shall appoint each new member or reappointed member to a four-year
371 term.
372 (b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at
373 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
374 committee members are staggered so that approximately half of the committee is appointed
375 every two years.
376 (4) (a) Members may be removed by the commissioner for cause.
377 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
378 appointed for the unexpired term.
379 (5) The State Weed Committee shall:
380 (a) confer and advise on matters pertaining to the planning, implementation, and
381 administration of the state noxious weed program;
382 (b) recommend names for membership on the committee; and
383 (c) serve as members of the executive committee of the Utah Weed Control
384 Association.
385 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~
386 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
387 ~~performance of the member's official duties at the rates established by the Division of Finance~~
388 ~~under Sections 63A-3-106 and 63A-3-107.~~]
389 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
390 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
391 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
392 ~~incurred in the performance of their official duties from the committee at the rates established~~
393 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
394 [~~(ii) State government officer and employee members may decline to receive per diem~~
395 ~~and expenses for their service.~~]
396 [~~(c) (i) Higher education members who do not receive salary, per diem, or expenses~~
397 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
398 ~~in the performance of their official duties from the committee at the rates established by the~~
399 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]

400 [~~(ii) Higher education members may decline to receive per diem and expenses for their~~
401 ~~service.~~]
402 [~~(d) (i) Local government members who do not receive salary, per diem, or expenses~~
403 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
404 ~~in the performance of their official duties at the rates established by the Division of Finance~~
405 ~~under Sections 63A-3-106 and 63A-3-107.~~]
406 [~~(ii) Local government members may decline to receive per diem and expenses for~~
407 ~~their service.~~]
408 (6) A member may not receive compensation or benefits for the member's service, but
409 may receive per diem and travel expenses in accordance with:
410 (a) Section 63A-3-106;
411 (b) Section 63A-3-107; and
412 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
413 63A-3-107.
414 Section 5. Section **4-18-4** is amended to read:
415 **4-18-4. Conservation Commission created -- Composition -- Appointment --**
416 **Terms -- Compensation -- Attorney general to provide legal assistance.**
417 (1) There is created within the department the Conservation Commission to perform
418 the functions specified in this chapter.
419 (2) The Conservation Commission shall be comprised of 16 members, including:
420 (a) the director of the Extension Service at Utah State University or the director's
421 designee;
422 (b) the president of the Utah Association of Conservation Districts or the president's
423 designee;
424 (c) the commissioner or the commissioner's designee;
425 (d) the executive director of the Department of Natural Resources or the executive
426 director's designee;
427 (e) the executive director of the Department of Environmental Quality or the executive
428 director's designee;
429 (f) the chair and the vice chair of the State Grazing Advisory Board created in Section
430 4-20-1.5;

431 (g) the president of the County Weed Supervisors Association;
432 (h) seven district supervisors who provide district representation on the commission on
433 a multicounty basis; and
434 (i) the director of the School and Institutional Trust Lands Administration or the
435 director's designee.
436 (3) If a district supervisor is unable to attend a meeting, an alternate may serve in the
437 place of the district supervisor for that meeting.
438 (4) The members of the commission specified in Subsection (2)(h) shall:
439 (a) be recommended by the commission to the governor; and
440 (b) be appointed by the governor with the consent of the Senate.
441 (5) (a) Except as required by Subsection (5)(b), as terms of current commission
442 members expire, the governor shall appoint each new member or reappointed member to a
443 four-year term.
444 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
445 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
446 commission members are staggered so that approximately half of the commission is appointed
447 every two years.
448 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
449 appointed for the unexpired term.
450 (7) The commissioner is chair of the commission.
451 (8) Attendance of a majority of the commission members at a meeting constitutes a
452 quorum.
453 [~~(9) (a) (i) A member who is not a government employee may not receive~~
454 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~
455 ~~incurred in the performance of the member's official duties at the rates established by the~~
456 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
457 [~~(ii) A member may decline to receive per diem and expenses for the member's~~
458 ~~service.~~]
459 [~~(b) (i) A state government officer and employee member who does not receive salary,~~
460 ~~per diem, or expenses from the agency the member represents for the member's service may~~
461 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~

462 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
463 [~~(ii) A state government officer and employee member may decline to receive per diem~~
464 ~~and expenses for the member's service.~~]
465 [~~(c) (i) A higher education member who does not receive salary, per diem, or expenses~~
466 ~~from the entity that the member represents for the member's service may receive per diem and~~
467 ~~expenses incurred in the performance of the member's official duties from the committee at the~~
468 ~~rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
469 [~~(ii) A higher education member may decline to receive per diem and expenses for the~~
470 ~~member's service.~~]
471 [~~(d) (i) A local government member who does not receive salary, per diem, or expenses~~
472 ~~from the entity that the member represents for the member's service may receive per diem and~~
473 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
474 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
475 [~~(ii) A local government member may decline to receive per diem and expenses for the~~
476 ~~member's service.~~]
477 (9) A member may not receive compensation or benefits for the member's service, but
478 may receive per diem and travel expenses in accordance with:
479 (a) Section 63A-3-106;
480 (b) Section 63A-3-107; and
481 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
482 63A-3-107.
483 (10) The commission shall keep a record of its actions.
484 (11) The attorney general shall provide legal services to the commission upon request.
485 Section 6. Section **4-20-1.5** is amended to read:
486 **4-20-1.5. State Grazing Advisory Board -- Duties.**
487 (1) (a) There is created within the department the State Grazing Advisory Board.
488 (b) The commissioner shall appoint the following members:
489 (i) one member from each regional board;
490 (ii) one member from the Conservation Commission created in Section 4-18-4;
491 (iii) one representative of the Department of Natural Resources;
492 (iv) two livestock producers at-large; and

493 (v) one representative of the oil, gas, or mining industry.
494 (2) The term of office for a state board member is four years.
495 (3) Members of the state board shall elect a chair, who shall serve for two years.
496 [~~(4) (a) (i) A member who is not a government employee may not receive~~
497 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~
498 ~~incurred in the performance of the member's official duties at the rates established by the~~
499 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
500 [~~(ii) A member may decline to receive per diem and expenses for the member's~~
501 ~~service.~~]
502 [~~(b) (i) A state government officer and employee member who does not receive salary,~~
503 ~~per diem, or expenses from the agency the member represents for the member's service may~~
504 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
505 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
506 [~~(ii) A state government officer and employee member may decline to receive per diem~~
507 ~~and expenses for the member's service.~~]
508 [~~(c) (i) A local government member who does not receive salary, per diem, or expenses~~
509 ~~from the entity that the member represents for the member's service may receive per diem and~~
510 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
511 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
512 [~~(ii) A local government member may decline to receive per diem and expenses for the~~
513 ~~member's service.~~]
514 (4) A member may not receive compensation or benefits for the member's service, but
515 may receive per diem and travel expenses in accordance with:
516 (a) Section 63A-3-106;
517 (b) Section 63A-3-107; and
518 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
519 63A-3-107.
520 (5) The state board shall:
521 (a) receive:
522 (i) advice and recommendations from a regional board concerning:
523 (A) management plans for public lands, state lands, and school and institutional trust

524 lands as defined in Section 53C-1-103, within the regional board's region; and
525 (B) any issue that impacts grazing on private lands, public lands, state lands, or school
526 and institutional trust lands as defined in Section 53C-1-103, in its region; and
527 (ii) requests for fund monies from the entities described in Subsections (5)(c)(i)
528 through (iv);
529 (b) recommend state policy positions and cooperative agency participation in federal
530 and state land management plans to the department and to the Public Lands Policy
531 Coordinating Office created under Section 63J-4-602; and
532 (c) advise the department on the requests and recommendations of:
533 (i) regional boards;
534 (ii) county weed control boards created under Section 4-17-4;
535 (iii) cooperative weed management associations; and
536 (iv) conservation districts created under the authority of Title 17D, Chapter 3,
537 Conservation District Act.
538 Section 7. Section **4-22-3** is amended to read:
539 **4-22-3. Commission -- Organization -- Quorum to transact business -- Vacancies**
540 **-- Ineligibility to serve -- Compensation.**
541 (1) The members of the commission shall elect a chair, vice chair, and secretary from
542 among their number.
543 (2) Attendance of a simple majority of the commission members at a called meeting
544 shall constitute a quorum for the transaction of official business.
545 (3) The commission shall meet:
546 (a) at the time and place designated by the chair; and
547 (b) no less often than once every three months.
548 (4) Vacancies which occur on the commission for any reason shall be filled for the
549 unexpired term of the vacated member by appointment of a majority of the remaining
550 members.
551 (5) If a member moves from the district that he represents or ceases to act as a producer
552 during his term of office, he must resign from the commission within 30 days after moving
553 from the district or ceasing production.
554 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~

555 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
556 ~~performance of the member's official duties at the rates established by the Division of Finance~~
557 ~~under Sections 63A-3-106 and 63A-3-107.~~]
558 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
559 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
560 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
561 ~~incurred in the performance of their official duties from the commission at the rates established~~
562 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
563 [~~(ii) State government officer and employee members may decline to receive per diem~~
564 ~~and expenses for their service.~~]
565 [~~(c) (i) Higher education members who do not receive salary, per diem, or expenses~~
566 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
567 ~~in the performance of their official duties from the committee at the rates established by the~~
568 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
569 [~~(ii) Higher education members may decline to receive per diem and expenses for their~~
570 ~~service.~~]
571 (6) A member may not receive compensation or benefits for the member's service, but
572 may receive per diem and travel expenses in accordance with:
573 (a) Section 63A-3-106;
574 (b) Section 63A-3-107; and
575 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
576 63A-3-107.
577 Section 8. Section **4-23-4** is amended to read:
578 **4-23-4. Agricultural and Wildlife Damage Prevention Board created --**
579 **Composition -- Appointment -- Terms -- Vacancies -- Compensation.**
580 (1) There is created an Agricultural and Wildlife Damage Prevention Board composed
581 of the commissioner and the director of the Division of Wildlife Resources, who shall serve,
582 respectively, as the board's chair and vice chair, together with seven other members appointed
583 by the governor to four-year terms of office as follows:
584 (a) one sheep producer representing wool growers of the state;
585 (b) one cattle producer representing range cattle producers of the state;

586 (c) one person from the United States Department of Agriculture;
587 (d) one agricultural landowner representing agricultural landowners of the state;
588 (e) one person representing wildlife interests in the state;
589 (f) one person from the United States Forest Service; and
590 (g) one person from the United States Bureau of Land Management.
591 (2) Appointees' term of office shall commence June 1.
592 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
593 expire, the governor shall appoint each new member or reappointed member to a four-year
594 term.
595 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
596 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
597 board members are staggered so that approximately half of the board is appointed every two
598 years.
599 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
600 appointed for the unexpired term.
601 (5) Attendance of five members at a duly called meeting shall constitute a quorum for
602 the transaction of official business. The board shall convene at the times and places prescribed
603 by the chair or vice chair.
604 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~
605 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
606 ~~performance of the member's official duties at the rates established by the Division of Finance~~
607 ~~under Sections 63A-3-106 and 63A-3-107.~~]
608 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
609 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
610 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
611 ~~incurred in the performance of their official duties from the board at the rates established by the~~
612 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
613 [~~(ii) State government officer and employee members may decline to receive per diem~~
614 ~~and expenses for their service.~~]
615 (6) A member may not receive compensation or benefits for the member's service, but
616 may receive per diem and travel expenses in accordance with:

617 (a) Section 63A-3-106;
618 (b) Section 63A-3-107; and
619 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
620 63A-3-107.
621 Section 9. Section **4-24-4** is amended to read:
622 **4-24-4. Livestock Brand Board created -- Composition -- Terms -- Removal --**
623 **Quorum for transaction of business -- Compensation -- Duties.**
624 (1) There is created the Livestock Brand Board consisting of seven members appointed
625 by the governor as follows:
626 (a) four cattle ranchers recommended by the Utah Cattlemen's Association, one of
627 whom shall be a feeder operator;
628 (b) one dairyman recommended by the Utah Dairymen's Association;
629 (c) one livestock market operator recommended jointly by the Utah Cattlemen's
630 Association and the Utah Dairymen's Association and the Livestock Market Association; and
631 (d) one horse breeder recommended by the Utah Horse Council.
632 (2) If a nominee is rejected by the governor, the recommending association shall
633 submit another nominee.
634 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
635 expire, the governor shall appoint each new member or reappointed member to a four-year
636 term.
637 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
638 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
639 board members are staggered so that approximately half of the board is appointed every two
640 years.
641 (4) (a) A member may, at the discretion of the governor, be removed at the request of
642 the association that recommended the appointment.
643 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
644 appointed for the unexpired term.
645 (5) One member elected by the board shall serve as chair for a term of one year and be
646 responsible for the call and conduct of meetings of the Livestock Brand Board. Attendance of
647 a simple majority of the members at a duly called meeting shall constitute a quorum for the

648 transaction of official business.
649 [~~(6) (a) Members shall receive no compensation or benefits for their services, but may~~
650 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
651 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
652 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
653 (6) A member may not receive compensation or benefits for the member's service, but
654 may receive per diem and travel expenses in accordance with:
655 (a) Section 63A-3-106;
656 (b) Section 63A-3-107; and
657 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
658 63A-3-107.
659 (7) The Livestock Brand Board with the cooperation of the department shall direct the
660 procedures and policies to be followed in administering and enforcing this chapter.
661 Section 10. Section **4-30-2** is amended to read:
662 **4-30-2. Livestock Market Committee created -- Composition -- Terms -- Removal**
663 **-- Compensation -- Duties.**
664 (1) There is created a Livestock Market Committee which consists of the following
665 seven members appointed to a four-year term of office by the commissioner:
666 (a) one member recommended by the livestock market operators in the state;
667 (b) one member recommended by the Utah Cattlemen's Association;
668 (c) one member recommended by the Utah Dairymen's Association;
669 (d) one member recommended by the Utah Woolgrowers' Association;
670 (e) one member recommended by the horse industry;
671 (f) one member recommended by the Utah Farm Bureau Federation; and
672 (g) one member recommended by the Utah Farmers Union.
673 (2) Notwithstanding the requirements of Subsection (1), the commissioner shall, at the
674 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
675 committee members are staggered so that approximately half of the committee is appointed
676 every two years.
677 (3) No more than four members shall be members of the same political party.
678 (4) (a) The commissioner may remove a member of the committee at the request of the

679 association or group which recommended the member's appointment.
680 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
681 appointed for the unexpired term.
682 (5) The Livestock Market Committee shall elect a chair from its membership, who
683 shall serve for a term of office of two years, but may be reelected for subsequent terms.
684 (6) (a) The chair is responsible for the call and conduct of meetings.
685 (b) Four members constitute a quorum for the transaction of official business.
686 [~~(7) (a) (i) Members who are not government employees shall receive no compensation~~
687 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
688 ~~performance of the member's official duties at the rates established by the Division of Finance~~
689 ~~under Sections 63A-3-106 and 63A-3-107.~~]
690 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
691 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
692 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
693 ~~incurred in the performance of their official duties from the committee at the rates established~~
694 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
695 [~~(ii) State government officer and employee members may decline to receive per diem~~
696 ~~and expenses for their service.~~]
697 (7) A member may not receive compensation or benefits for the member's service, but
698 may receive per diem and travel expenses in accordance with:
699 (a) Section 63A-3-106;
700 (b) Section 63A-3-107; and
701 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
702 63A-3-107.
703 (8) The Livestock Market Committee acts as advisor to the department with respect to
704 the administration and enforcement of this chapter and makes recommendations necessary to
705 carry out the intent of this chapter to the commissioner.
706 Section 11. Section **4-35-3** is amended to read:
707 **4-35-3. Decision and Action Committee created -- Members -- How appointed --**
708 **Duties of committee -- Per diem and expenses allowed.**
709 (1) (a) There is created the Decision and Action Committee which consists of not

710 fewer than six members.
711 (b) One member is the commissioner and one member is appointed to represent the
712 department.
713 (c) The remaining members of the committee are appointed by the commissioner on an
714 ad hoc basis as necessary from persons directly affected by and involved in the current insect
715 infestation emergency.
716 (d) The committee is dissolved when the commissioner declares that the insect
717 infestation emergency is over.
718 (2) The committee shall:
719 (a) establish a system of priorities for any insect infestation emergency; and
720 (b) certify to the commissioner any area which requires the establishment of an insect
721 control district in areas of infestation and in which a simple majority of the landowners and
722 lessees whose total production exceeds 50% of the production in that area has agreed to pay
723 proportionate shares of the costs of controlling the insects infesting the area.
724 [~~(3) (a) (i) Members who are not government employees shall receive no compensation~~
725 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
726 ~~performance of the member's official duties at the rates established by the Division of Finance~~
727 ~~under Sections 63A-3-106 and 63A-3-107.~~]
728 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
729 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
730 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
731 ~~incurred in the performance of their official duties from the committee at the rates established~~
732 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
733 [~~(ii) State government officer and employee members may decline to receive per diem~~
734 ~~and expenses for their service.~~]
735 (3) A member may not receive compensation or benefits for the member's service, but
736 may receive per diem and travel expenses in accordance with:
737 (a) Section 63A-3-106;
738 (b) Section 63A-3-107; and
739 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
740 63A-3-107.

741 Section 12. Section **4-37-503** is amended to read:
742 **4-37-503. Fish Health Policy Board.**
743 (1) There is created within the department the Fish Health Policy Board which shall
744 establish policies designed to prevent the outbreak of, control the spread of, and eradicate
745 pathogens that cause disease in aquatic animals.
746 (2) The Fish Health Policy Board shall:
747 (a) in accordance with Subsection (6)(b), determine procedures and requirements for
748 certifying a source of aquatic animals as health approved, including:
749 (i) the pathogens for which inspection is required to receive health approval;
750 (ii) the pathogens that may not be present to receive health approval; and
751 (iii) standards and procedures required for the inspection of aquatic animals;
752 (b) establish procedures for the timely reporting of the presence of a pathogen and
753 disease threat;
754 (c) create policies and procedures for, and appoint, an emergency response team to:
755 (i) investigate a serious disease threat;
756 (ii) develop and monitor a plan of action; and
757 (iii) report to:
758 (A) the commissioner of agriculture and food;
759 (B) the director of the Division of Wildlife Resources; and
760 (C) the chair of the Fish Health Policy Board; and
761 (d) develop a unified statewide aquaculture disease control plan.
762 (3) The Fish Health Policy Board shall advise the commissioner of agriculture and
763 food and the executive director of the Department of Natural Resources regarding:
764 (a) educational programs and information systems to educate and inform the public
765 about practices that the public may employ to prevent the spread of disease; and
766 (b) communication and interaction between the department and the Division of
767 Wildlife Resources regarding fish health policies and procedures.
768 (4) (a) (i) The governor shall appoint the following seven members to the Fish Health
769 Policy Board:
770 (A) one member from names submitted by the Department of Natural Resources;
771 (B) one member from names submitted by the Department of Agriculture and Food;

772 (C) one member from names submitted by a nonprofit corporation that promotes sport
773 fishing;
774 (D) one member from names submitted by a nonprofit corporation that promotes the
775 aquaculture industry;
776 (E) one member from names submitted by the Department of Natural Resources and
777 the Department of Agriculture and Food;
778 (F) one member from names submitted by a nonprofit corporation that promotes sport
779 fishing; and
780 (G) one member from names submitted by a nonprofit corporation that promotes the
781 aquaculture industry.
782 (ii) The members appointed under Subsections (4)(a)(i)(E) through (G) shall be:
783 (A) (I) faculty members of an institution of higher education; or
784 (II) qualified professionals; and
785 (B) have education and knowledge in:
786 (I) fish pathology;
787 (II) business;
788 (III) ecology; or
789 (IV) parasitology.
790 (iii) At least one member appointed under Subsections (4)(a)(i)(E) through (G) shall
791 have education and knowledge about fish pathology.
792 (iv) (A) A nominating person shall submit at least three names to the governor.
793 (B) If the governor rejects all the names submitted for a member, the recommending
794 person shall submit additional names.
795 (b) Except as required by Subsection (4)(c), the term of office of board members shall
796 be four years.
797 (c) Notwithstanding the requirements of Subsection (4)(b), the governor shall, at the
798 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
799 board members are staggered so that approximately half of the board is appointed every two
800 years.
801 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
802 appointed for the unexpired term.

803 (e) The board members shall elect a chair of the board from the board's membership.
804 (f) The board shall meet upon the call of the chair or a majority of the board members.
805 (g) An action of the board shall be adopted upon approval of the majority of voting
806 members.
807 [~~(5) (a) (i) A member who is not a government employee may not receive~~
808 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~
809 ~~incurred in the performance of the member's official duties at the rates established by the~~
810 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
811 [~~(ii) A member may decline to receive per diem and expenses for the member's~~
812 ~~service.~~]
813 [~~(b) (i) A state government officer and employee member who does not receive salary,~~
814 ~~per diem, or expenses from the agency the member represents for the member's service may~~
815 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
816 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
817 [~~(ii) A state government officer and employee member may decline to receive per diem~~
818 ~~and expenses for the member's service.~~]
819 [~~(c) (i) A higher education member who does not receive salary, per diem, or expenses~~
820 ~~from the entity that the member represents for the member's service may receive per diem and~~
821 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
822 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
823 [~~(ii) A higher education member may decline to receive per diem and expenses for the~~
824 ~~member's service.~~]
825 (5) A member may not receive compensation or benefits for the member's service, but
826 may receive per diem and travel expenses in accordance with:
827 (a) Section 63A-3-106;
828 (b) Section 63A-3-107; and
829 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
830 63A-3-107.
831 (6) (a) The board shall make rules consistent with its responsibilities and duties
832 specified in this section.
833 (b) Except as provided by this chapter, all rules adopted by the Fish Health Policy

834 Board must be consistent with the suggested procedures for the detection and identification of
835 pathogens published by the American Fisheries Society's Fish Health Section.
836 (c) (i) Rules of the department and Fish Health Policy Board pertaining to the control
837 of disease shall remain in effect until the Fish Health Policy Board enacts rules to replace those
838 provisions.
839 (ii) The Fish Health Policy Board shall promptly amend rules that are inconsistent with
840 the current suggested procedures published by the American Fisheries Society.
841 (d) The Fish Health Policy Board may waive a requirement established by the Fish
842 Health Policy Board's rules if:
843 (i) the rule specifies the waiver criteria and procedures; and
844 (ii) the waiver will not threaten other aquaculture facilities or wild aquatic animal
845 populations.
846 Section 13. Section **4-37-602** is amended to read:
847 **4-37-602. Adjudicative proceedings -- Presiding officer.**
848 (1) Adjudicative proceedings under this chapter shall be conducted in accordance with
849 Title 63G, Chapter 4, Administrative Procedures Act.
850 (2) The revocation of an aquaculture facility's certificate of registration, the denial of
851 an aquaculture facility's future certificate of registration, and a denial or cancellation of an
852 aquaculture facility's health approval number is a state agency action governed by Title 63G,
853 Chapter 4, Administrative Procedures Act.
854 (3) (a) An owner or operator of an aquaculture facility may ask for an agency review,
855 as provided by Section 63G-4-301, of an agency action specified in Subsection (2).
856 (b) The presiding officer, as defined in Section 63G-4-103, conducting the agency
857 review shall consist of three members as follows:
858 (i) the person representing sport fishermen, appointed under Subsection
859 4-37-503(4)(a)(i)(C);
860 (ii) one person representing the aquaculture industry, appointed by the governor from
861 names submitted by a nonprofit corporation, as defined in Section 16-6a-102, that promotes the
862 efficient production, distribution, and marketing of aquaculture products and the welfare of all
863 persons engaged in aquaculture; and
864 (iii) one person, appointed by the governor, who is knowledgeable about aquatic

865 diseases and is employed by an institution of higher education.
866 (c) If the governor rejects all the names submitted under Subsection (3)(b)(ii), the
867 recommending nonprofit corporation shall submit additional names.
868 (d) The final decision of the presiding officer shall be adopted upon approval of at least
869 two of the members.
870 (e) The term [~~and compensation~~] for the member listed in Subsection (3)(b)(i) shall be
871 the same as provided in Section 4-37-503.
872 (f) The term for the members appointed under Subsections (3)(b)(ii) and (iii) shall be
873 four years.
874 [~~(g) (i) (A) A higher education member who does not receive salary, per diem, or~~
875 ~~expenses from the entity that the member represents for the member's service may receive per~~
876 ~~diem and expenses incurred in the performance of the member's official duties at the rates~~
877 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
878 [~~(B) A higher education member may decline to receive per diem and expenses for the~~
879 ~~member's service.~~]
880 [~~(ii) (A) A member who is not a government employee may not receive compensation~~
881 ~~or benefits for the member's service, but may receive per diem and expenses incurred in~~
882 ~~performance of the member's official duties at rates established by the Division of Finance~~
883 ~~under Sections 63A-3-106 and 63A-3-107.~~]
884 [~~(B) A member may decline to receive per diem and expenses for the member's~~
885 ~~service.~~]
886 (4) A member may not receive compensation or benefits for the member's service, but
887 may receive per diem and travel expenses in accordance with:
888 (a) Section 63A-3-106;
889 (b) Section 63A-3-107; and
890 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
891 63A-3-107.
892 Section 14. Section **4-38-3** is amended to read:
893 **4-38-3. Utah Horse Racing Commission.**
894 (1) (a) There is created within the Department the Utah Horse Racing Commission.
895 (b) (i) The commission shall consist of five members who shall be U.S. citizens, Utah

896 residents, and qualified voters of Utah.
897 (ii) Each member shall have an interest in horse racing.
898 (c) (i) The members of the commission shall be appointed by the governor with the
899 consent of the Senate.
900 (ii) The governor shall appoint commission members from a list of nominees submitted
901 by the commissioner of agriculture and food.
902 (d) (i) The members of the commission shall be appointed to four-year terms, except
903 that the original members shall be appointed within 30 days after the effective date of this
904 chapter, two of whom shall be appointed for terms expiring December 31, 1992, two for terms
905 expiring December 31, 1994, and one for a term expiring December 31, 1996.
906 (ii) A commission member may not serve more than two consecutive terms.
907 (e) The governor shall make the appointments so that a resident of each of Utah's three
908 congressional districts is a member of the commission at all times.
909 (f) Each member shall hold office until his or her successor is appointed and qualified.
910 (g) Vacancies on the commission shall be filled by appointment by the governor with
911 the consent of the Senate for the unexpired term.
912 (h) Any member may be removed from office by the governor for cause after a public
913 hearing. Notice of the hearing shall fix the time and place of the hearing and shall specify the
914 charges. Copies of the notice of the hearing shall be served on the member by mailing it to the
915 member at his last known address at least 10 days before the date fixed for the hearing. The
916 governor may designate a hearing officer to preside over the hearing and report his findings to
917 the governor.
918 (2) (a) The members of the commission shall annually elect a chairperson.
919 (b) Three members of the commission shall constitute a quorum for the transaction of
920 any business of the commission.
921 [~~(c) Members of the commission shall receive per diem and expenses as established by~~
922 ~~the Division of Finance.~~]
923 (3) A member may not receive compensation or benefits for the member's service, but
924 may receive per diem and travel expenses in accordance with:
925 (a) Section 63A-3-106;
926 (b) Section 63A-3-107; and

927 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
928 63A-3-107.
929 [~~(3)~~] (4) All claims and expenditures made under this chapter shall be first audited and
930 passed upon by the commission and when approved shall be paid in the manner provided by
931 law for payment of claims against the state.
932 [~~(4)~~] (5) Any member of the commission who has a personal or private interest in any
933 matter proposed or pending before the commission shall publicly disclose this fact to the
934 commission and may not vote on the matter.
935 [~~(5)~~] (6) Any member of the commission who owns or who has any interest or whose
936 spouse or member of his immediate family has any interest in a horse participating in a race
937 shall disclose that interest and may not participate in any commission decision involving that
938 race.
939 Section 15. Section **4-39-104** is amended to read:
940 **4-39-104. Advisory council.**
941 (1) The department shall establish an advisory council to give advice and make
942 recommendations on policies and rules adopted pursuant to this chapter.
943 (2) The advisory council shall consist of eight members appointed by the commissioner
944 of agriculture to four-year terms as follows:
945 (a) two members, recommended by the executive director of the Department of Natural
946 Resources, shall represent the Department of Natural Resources;
947 (b) two members shall represent the Department of Agriculture, one of whom shall be
948 the state veterinarian;
949 (c) two members shall represent the livestock industry, one of whom shall represent the
950 domesticated elk industry; and
951 (d) two members, recommended by the executive director of the Department of Natural
952 Resources from a list of candidates submitted by the Division of Wildlife Resources, shall
953 represent wildlife interests.
954 (3) Notwithstanding the requirements of Subsection (2), the commissioner shall, at the
955 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
956 council members are staggered so that approximately half of the council is appointed every two
957 years.

958 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
959 appointed for the unexpired term.
960 (5) A majority of the advisory council constitutes a quorum. A quorum is necessary for
961 the council to act.
962 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~
963 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
964 ~~performance of the member's official duties at the rates established by the Division of Finance~~
965 ~~under Sections 63A-3-106 and 63A-3-107.~~]
966 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
967 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
968 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
969 ~~incurred in the performance of their official duties from the department at the rates established~~
970 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
971 [~~(ii) State government officer and employee members may decline to receive per diem~~
972 ~~and expenses for their service.~~]
973 (6) A member may not receive compensation or benefits for the member's service, but
974 may receive per diem and travel expenses in accordance with:
975 (a) Section 63A-3-106;
976 (b) Section 63A-3-107; and
977 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
978 63A-3-107.
979 Section 16. Section **7-1-203** is amended to read:
980 **7-1-203. Board of Financial Institutions.**
981 (1) There is created a Board of Financial Institutions consisting of the commissioner
982 and the following five members, who shall be qualified by training and experience in their
983 respective fields and shall be appointed by the governor with the consent of the Senate:
984 (a) one representative from the commercial banking business;
985 (b) one representative from the savings and loan, consumer lending, mortgage
986 brokerage, or escrow agency business;
987 (c) one representative from the industrial bank business;
988 (d) one representative from the credit union business; and

989 (e) one representative of the general public who, as a result of education, training,
990 experience, or interest, is well qualified to consider economic and financial issues and data as
991 they may affect the public interest in the soundness of the financial systems of this state.
992 (2) The commissioner shall act as chair.
993 (3) (a) All members of the board shall be residents of this state.
994 (b) No more than three members of the board may be from the same political party.
995 (c) No more than two members of the board may be connected with the same financial
996 institution or its holding company.
997 (d) A member may not participate in any matter involving any institution with which
998 the member has a conflict of interest.
999 (4) (a) Except as required by Subsection (4)(b), the terms of office shall be four years
1000 each expiring on July 1.
1001 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1002 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1003 board members are staggered so that approximately half of the board is appointed every two
1004 years.
1005 (c) All members serve until their respective successors are appointed and qualified.
1006 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
1007 appointed for the unexpired term.
1008 (5) (a) The board shall meet at least quarterly on a date it sets.
1009 (b) The commissioner or any two members of the board may call additional meetings.
1010 (c) Four members constitute a quorum for the transaction of business.
1011 (d) Actions of the board require a vote of a majority of those present.
1012 (e) Meetings of the board and records of its proceedings are subject to Title 52, Chapter
1013 4, Open and Public Meetings Act, except for discussion of confidential information pertaining
1014 to a particular financial institution.
1015 (6) (a) Each member of the board shall, by sworn or written statement filed with the
1016 commissioner, disclose any position of employment or ownership interest that the member has
1017 with respect to any institution subject to the jurisdiction of the department.
1018 (b) The member shall:
1019 (i) file the statement required by this Subsection (6) when first appointed to the board;

1020 and
1021 (ii) subsequently file amendments to the statement if there is any material change in the
1022 matters covered by the statement.
1023 [~~(7) (a) (i) Members who are not government employees shall receive no compensation~~
1024 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
1025 ~~performance of the member's official duties at the rates established by the Division of Finance~~
1026 ~~under Sections 63A-3-106 and 63A-3-107.~~]
1027 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
1028 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
1029 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
1030 ~~incurred in the performance of their official duties from the board at the rates established by the~~
1031 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1032 [~~(ii) State government officer and employee members may decline to receive per diem~~
1033 ~~and expenses for their service.~~]
1034 (7) A member may not receive compensation or benefits for the member's service, but
1035 may receive per diem and travel expenses in accordance with:
1036 (a) Section 63A-3-106;
1037 (b) Section 63A-3-107; and
1038 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1039 63A-3-107.
1040 (8) The board shall advise the commissioner with respect to:
1041 (a) the exercise of the commissioner's duties, powers, and responsibilities under this
1042 title; and
1043 (b) the organization and performance of the department and its employees.
1044 (9) The board shall recommend annually to the governor and the Legislature a budget
1045 for the requirements of the department in carrying out its duties, functions, and responsibilities
1046 under this title.
1047 Section 17. Section **7-3-40** is amended to read:
1048 **7-3-40. Board of Bank Advisors.**
1049 (1) There is created a Board of Bank Advisors consisting of five members to be
1050 appointed by the governor as follows:

1051 (a) each member of the board shall be an individual who is familiar with and associated
1052 with banks organized under this chapter; and
1053 (b) at least three of the members of the board shall be individuals who:
1054 (i) have had three or more years experience as a bank executive officer; and
1055 (ii) are selected from a list submitted to the governor by an association in this state
1056 representing commercial banks.
1057 (2) (a) The board shall meet quarterly.
1058 (b) Subject to Subsection (2)(a), meetings of the board shall be held on the call of the
1059 chair.
1060 (3) The members of the board shall elect the chair of the board each year from the
1061 membership of the advisory board by a majority of the members present at the board's first
1062 meeting each year.
1063 (4) (a) Except as required by Subsection (4)(b), as terms of current board members
1064 expire, the governor shall appoint each new member or reappointed member to a four-year
1065 term.
1066 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1067 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1068 board members are staggered so that approximately half of the board is appointed every two
1069 years.
1070 (5) When a vacancy occurs in the membership of the board for any reason, the
1071 replacement shall be appointed for the unexpired term.
1072 (6) All members shall serve until their successors are appointed and qualified.
1073 [~~(7) (a) Members shall receive no compensation or benefits for their services, but may~~
1074 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
1075 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1076 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
1077 (7) A member may not receive compensation or benefits for the member's service, but
1078 may receive per diem and travel expenses in accordance with:
1079 (a) Section 63A-3-106;
1080 (b) Section 63A-3-107; and
1081 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

1082 63A-3-107.
1083 (8) A majority of the members of the board shall constitute a quorum.
1084 (9) The board has the duty to advise the governor and commissioner on problems
1085 relating to banks organized under this chapter and to foster the interest and cooperation of
1086 banks in the improvement of their services to the people of the state.
1087 Section 18. Section **7-9-43** is amended to read:
1088 **7-9-43. Board of Credit Union Advisors.**
1089 There is created a Board of Credit Union Advisors of five members to be appointed by
1090 the governor.
1091 (1) Members of the board shall be individuals who are familiar with and associated in
1092 the field of credit unions.
1093 (2) At least three of the members shall be persons who have had three or more years of
1094 experience as a credit union officer and shall be selected from a list submitted to the governor
1095 by the Utah League of Credit Unions.
1096 (3) The board shall meet quarterly.
1097 (4) A chair of the advisory board shall be chosen each year from the membership of the
1098 advisory board by a majority of the members present at the board's first meeting each year.
1099 (5) (a) Except as required by Subsection (5)(b), as terms of current board members
1100 expire, the governor shall appoint each new member or reappointed member to a four-year
1101 term.
1102 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
1103 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1104 board members are staggered so that approximately half of the board is appointed every two
1105 years.
1106 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
1107 appointed for the unexpired term.
1108 (7) All members shall serve until their successors are appointed and qualified.
1109 [~~(8) (a) Members shall receive no compensation or benefits for their services, but may~~
1110 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
1111 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1112 [~~(b) Members may decline to receive per diem and expenses for their service.~~]

1113 (8) A member may not receive compensation or benefits for the member's service, but
1114 may receive per diem and travel expenses in accordance with:
1115 (a) Section 63A-3-106;
1116 (b) Section 63A-3-107; and
1117 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1118 63A-3-107.
1119 (9) Meetings of the advisory board shall be held on the call of the chair. A majority of
1120 the members of the board shall constitute a quorum.
1121 (10) The Board of Credit Union Advisors has the duty to advise the governor and
1122 commissioner on problems relating to credit unions and to foster the interest and cooperation of
1123 credit unions in the improvement of their services to the people of the state [~~of Utah~~].
1124 Section 19. Section **9-1-803** is amended to read:
1125 **9-1-803. Creation -- Members -- Appointment -- Terms -- Vacancies -- Per diem**
1126 **and expenses.**
1127 (1) There is created the Utah Commission on Volunteers consisting of the following 25
1128 members:
1129 (a) the lieutenant governor;
1130 (b) the commissioner of higher education or the commissioner's designee;
1131 (c) the superintendent of public instruction or the superintendent's designee;
1132 (d) nine members appointed by the governor as follows:
1133 (i) an individual with expertise in the educational, training, and developmental needs of
1134 youth, particularly disadvantaged youth;
1135 (ii) an individual with experience in promoting the involvement of older adults in
1136 service and volunteerism;
1137 (iii) a representative of community-based agencies or community-based organizations
1138 within the state;
1139 (iv) a representative of local governments in the state;
1140 (v) a representative of local labor organizations in the state;
1141 (vi) a representative of business;
1142 (vii) an individual between the ages of 16 and 25 who is a participant or supervisor in a
1143 volunteer or service program;

1144 (viii) a representative of a National Service Program; and
1145 (ix) a representative of the corporation as a nonvoting, ex officio member; and
1146 (e) 13 members appointed by the governor from the following groups:
1147 (i) local educators;
1148 (ii) experts in the delivery of human, educational, cultural, environmental, or public
1149 safety services to communities and individuals;
1150 (iii) representatives of Native American tribes;
1151 (iv) out-of-school youth or other at-risk youth; and
1152 (v) representatives of entities that receive assistance under the Domestic Volunteer
1153 Service Act of 1973, 42 U.S.C. 4950 et seq.
1154 (2) (a) In appointing persons to serve on the commission, the governor shall ensure
1155 that:
1156 (i) no more than 13 members of the commission are members of the same political
1157 party; and
1158 (ii) no more than six members of the commission are state government employees.
1159 (b) In appointing persons to serve on the commission, the governor shall strive for
1160 balance on the commission according to race, ethnicity, age, gender, and disability
1161 characteristics.
1162 (3) (a) Except as required by Subsection (3)(b), as terms of current commission
1163 members expire, the governor shall appoint each new member or reappointed member to a
1164 three-year term.
1165 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
1166 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1167 commission members are staggered so that approximately one-third of the commission is
1168 appointed every year.
1169 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
1170 appointed for the unexpired term.
1171 (5) A member appointed by the governor may not serve more than two consecutive
1172 terms.
1173 [~~(6) (a) A member may not receive compensation or benefits for the member's service,~~
1174 ~~but may receive per diem and expenses incurred in the performance of the member's official~~

1175 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
1176 ~~63A-3-107.~~]
1177 [~~(b) A member may decline to receive per diem and expenses for the member's service.~~]
1178 (6) A member may not receive compensation or benefits for the member's service, but
1179 may receive per diem and travel expenses in accordance with:
1180 (a) Section 63A-3-106;
1181 (b) Section 63A-3-107; and
1182 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1183 63A-3-107.
1184 (7) (a) The lieutenant governor is the chair of the commission.
1185 (b) The commission shall select a vice chair from among its members.
1186 Section 20. Section **9-3-403** is amended to read:
1187 **9-3-403. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and**
1188 **expenses.**
1189 (1) There is created an independent state agency and a body politic and corporate
1190 known as the "Utah Science Center Authority."
1191 (2) (a) The authority shall be composed of 13 members.
1192 (b) The governor shall appoint:
1193 (i) three members representing the informal science and arts community that could
1194 include members from the board of directors of the Hansen Planetarium, the Hogle Zoo, the
1195 Children's Museum of Utah, the Utah Museum of Natural History, and other related museums,
1196 centers, and agencies;
1197 (ii) one member of the State Board of Education;
1198 (iii) one member of the Division of Housing and Community Development of the
1199 Department of Community and Culture;
1200 (iv) one member of the Board of Tourism Development;
1201 (v) one member of the State Board of Regents; and
1202 (vi) three public members representing Utah industry, the diverse regions of the state,
1203 and the public at large.
1204 (c) The county legislative body of Salt Lake County shall appoint one member to
1205 represent Salt Lake County.

1206 (d) The mayor of Salt Lake City shall appoint one member to represent Salt Lake City
1207 Corporation.
1208 (e) The State Science Advisor or the advisor's designee is also a member of the
1209 authority.
1210 (f) In appointing the three public members, the governor shall ensure that there is
1211 representation from the science, technology, and business communities.
1212 (3) All members shall be residents of Utah.
1213 (4) Each member shall be appointed for four-year terms beginning July 1 of the year
1214 appointed.
1215 (5) (a) Except as required by Subsection (5)(b), as terms of current authority members
1216 expire, the governor shall appoint each new member or reappointed member to a four-year
1217 term.
1218 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
1219 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1220 authority members are staggered so that approximately half of the authority is appointed every
1221 two years.
1222 (6) A member may be removed from office by the governor or for cause by an
1223 affirmative vote of nine members of the authority.
1224 (7) When a vacancy occurs in the membership for any reason, the replacement shall be
1225 appointed by the governor for the unexpired term.
1226 (8) Each public member shall hold office for the term of his appointment and until the
1227 member's successor has been appointed and qualified.
1228 (9) A public member is eligible for reappointment, but may not serve more than two
1229 full consecutive terms.
1230 (10) The governor shall appoint the chair of the authority from among its members.
1231 (11) The members shall elect from among their number a vice chair and other officers
1232 they may determine.
1233 (12) The chair and vice chair shall be elected for two-year terms.
1234 (13) The powers of the authority shall be vested in its members.
1235 (14) Seven members constitute a quorum for transaction of authority business.
1236 [~~(15) (a) (i) Members who are not government employees shall receive no~~

1237 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
1238 ~~the performance of the member's official duties at the rates established by the Division of~~
1239 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
1240 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
1241 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
1242 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
1243 ~~incurred in the performance of their official duties from the authority at the rates established by~~
1244 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1245 [~~(ii) State government officer and employee members may decline to receive per diem~~
1246 ~~and expenses for their service.~~]
1247 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
1248 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
1249 ~~in the performance of their official duties at the rates established by the Division of Finance~~
1250 ~~under Sections 63A-3-106 and 63A-3-107.~~]
1251 [~~(ii) Local government members may decline to receive per diem and expenses for~~
1252 ~~their service.~~]
1253 [~~(d) (i) Higher education members who do not receive salary, per diem, or expenses~~
1254 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
1255 ~~in the performance of their official duties from the committee at the rates established by the~~
1256 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1257 [~~(ii) Higher education members may decline to receive per diem and expenses for their~~
1258 ~~service.~~]
1259 (15) A member may not receive compensation or benefits for the member's service, but
1260 may receive per diem and travel expenses in accordance with:
1261 (a) Section 63A-3-106;
1262 (b) Section 63A-3-107; and
1263 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1264 63A-3-107.
1265 Section 21. Section **9-4-304** is amended to read:
1266 **9-4-304. Permanent Community Impact Fund Board created -- Members --**
1267 **Terms -- Chair -- Expenses.**

1268 (1) There is created within the Department of Community and Culture the Permanent
1269 Community Impact Fund Board composed of 11 members as follows:
1270 (a) the chair of the Board of Water Resources or the chair's designee;
1271 (b) the chair of the Water Quality Board or the chair's designee;
1272 (c) the director of the department or the director's designee;
1273 (d) the state treasurer;
1274 (e) the chair of the Transportation Commission or the chair's designee;
1275 (f) a locally elected official who resides in Carbon, Emery, Grand, or San Juan County;
1276 (g) a locally elected official who resides in Juab, Millard, Sanpete, Sevier, Piute, or
1277 Wayne County;
1278 (h) a locally elected official who resides in Duchesne, Daggett, or Uintah County;
1279 (i) a locally elected official who resides in Beaver, Iron, Washington, Garfield, or Kane
1280 County; and
1281 (j) a locally elected official from each of the two counties that produced the most
1282 mineral lease monies during the previous four-year period, prior to the term of appointment, as
1283 determined by the Department of Community and Culture.
1284 (2) (a) The members specified under Subsections (1)(f) through (j) may not reside in
1285 the same county and shall be:
1286 (i) nominated by the Board of Directors of the Southeastern Association of
1287 Governments, Central Utah Association of Governments, Uintah Basin Association of
1288 Governments, and Southwestern Association of Governments, respectively, except that a
1289 member under Subsection (1)(j) shall be nominated by the Board of Directors of the
1290 Association of Governments from the region of the state in which the county is located; and
1291 (ii) appointed by the governor with the consent of the Senate.
1292 (b) Except as required by Subsection (2)(c), as terms of current board members expire,
1293 the governor shall appoint each new member or reappointed member to a four-year term.
1294 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the
1295 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1296 board members are staggered so that approximately half of the board is appointed every two
1297 years.
1298 (d) When a vacancy occurs in the membership for any reason, the replacement shall be

1299 appointed for the unexpired term.
1300 (3) The terms of office for the members of the impact board specified under
1301 Subsections (1)(a) through (1)(e) shall run concurrently with the terms of office for the
1302 councils, boards, committees, commission, departments, or offices from which the members
1303 come.
1304 (4) The executive director of the department, or the executive director's designee, shall
1305 be the chair of the impact board.
1306 [~~(5) (a) (i) Members who are not government employees shall receive no compensation~~
1307 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
1308 ~~performance of the member's official duties at the rates established by the Division of Finance~~
1309 ~~under Sections 63A-3-106 and 63A-3-107.~~]
1310 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
1311 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
1312 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
1313 ~~incurred in the performance of their official duties from the board at the rates established by the~~
1314 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1315 [~~(ii) State government officer and employee members may decline to receive per diem~~
1316 ~~and expenses for their service.~~]
1317 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
1318 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
1319 ~~in the performance of their official duties at the rates established by the Division of Finance~~
1320 ~~under Sections 63A-3-106 and 63A-3-107.~~]
1321 [~~(ii) Local government members may decline to receive per diem and expenses for~~
1322 ~~their service.~~]
1323 (5) A member may not receive compensation or benefits for the member's service, but
1324 may receive per diem and travel expenses in accordance with:
1325 (a) Section 63A-3-106;
1326 (b) Section 63A-3-107; and
1327 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1328 63A-3-107.
1329 Section 22. Section **9-4-503** is amended to read:

1330 **9-4-503. Private Activity Bond Review Board.**
1331 (1) There is created within the department the Private Activity Bond Review Board,
1332 composed of 11 members as follows:
1333 (a) five ex officio members who shall be:
1334 (i) the executive director of the department or the executive director's designee;
1335 (ii) the director of the Division of Business and Economic Development or the
1336 director's designee;
1337 (iii) the state treasurer or the treasurer's designee;
1338 (iv) the chair of the Board of Regents or the chair's designee; and
1339 (v) the chair of the Utah Housing Corporation or the chair's designee; and
1340 (b) six local government members who shall be:
1341 (i) three elected or appointed county officials, nominated by the Utah Association of
1342 Counties and appointed by the governor with the consent of the Senate; and
1343 (ii) three elected or appointed municipal officials, nominated by the Utah League of
1344 Cities and Towns and appointed by the governor with the consent of the Senate.
1345 (2) (a) Except as required by Subsection (2)(b), the terms of office for the local
1346 government members of the board of review shall be four-year terms.
1347 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1348 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1349 board members are staggered so that approximately half of the board is appointed every two
1350 years.
1351 (c) Members may be reappointed only once.
1352 (3) (a) If a local government member ceases to be an elected or appointed official of
1353 the city or county the member is appointed to represent, that membership on the board of
1354 review terminates immediately and there shall be a vacancy in the membership.
1355 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
1356 appointed within 30 days in the manner of the regular appointment for the unexpired term, and
1357 until his successor is appointed and qualified.
1358 (4) (a) The chair of the board of review shall be the executive director of the
1359 department or the executive director's designee.
1360 (b) The chair is nonvoting except in the case of a tie vote.

1361 (5) Six members of the board of review constitute a quorum.
1362 (6) Formal action by the board of review requires a majority vote of a quorum.
1363 [~~(7) (a) Members who are not government employees may not receive compensation or~~
1364 ~~benefits for their services, but may receive per diem and expenses incurred in the performance~~
1365 ~~of the member's official duties at the rates established by the Division of Finance under~~
1366 ~~Sections 63A-3-106 and 63A-3-107.~~]
1367 [~~(b) State government officer and employee members who do not receive salary, per~~
1368 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
1369 ~~incurred in the performance of their official duties from the board at the rates established by the~~
1370 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1371 [~~(c) Local government members who do not receive salary, per diem, or expenses from~~
1372 ~~the entity that they represent for their service may receive per diem and expenses incurred in~~
1373 ~~the performance of their official duties at the rates established by the Division of Finance under~~
1374 ~~Sections 63A-3-106 and 63A-3-107.~~]
1375 [~~(d) Higher education members who do not receive salary, per diem, or expenses from~~
1376 ~~the entity that they represent for their service may receive per diem and expenses incurred in~~
1377 ~~the performance of their official duties from the committee at the rates established by the~~
1378 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1379 [~~(e) Members identified in Subsections (7)(a) through (d) may decline to receive per~~
1380 ~~diem and expenses for their service.~~]
1381 (7) A member may not receive compensation or benefits for the member's service, but
1382 may receive per diem and travel expenses in accordance with:
1383 (a) Section 63A-3-106;
1384 (b) Section 63A-3-107; and
1385 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1386 63A-3-107.
1387 (8) The chair of the board of review serves as the state official designated under state
1388 law to make certifications required to be made under Section 146 of the code including the
1389 certification required by Section 149(e)(2)(F) of the code.
1390 Section 23. Section **9-4-703** is amended to read:
1391 **9-4-703. Housing loan fund board -- Duties -- Expenses.**

1392 (1) There is created the Olene Walker Housing Loan Fund Board.
1393 (2) The board shall be composed of 11 voting members.
1394 (a) The governor shall appoint the following members to four-year terms:
1395 (i) two members from local governments;
1396 (ii) two members from the mortgage lending community;
1397 (iii) one member from real estate sales interests;
1398 (iv) one member from home builders interests;
1399 (v) one member from rental housing interests;
1400 (vi) one member from housing advocacy interests;
1401 (vii) one member of the manufactured housing interest; and
1402 (viii) two members of the general public.
1403 (b) The director or his designee shall serve as the secretary of the committee.
1404 (c) The members of the board shall annually elect a chair from among the voting
1405 membership of the board.
1406 (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the
1407 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1408 board members are staggered so that approximately half of the board is appointed every two
1409 years.
1410 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
1411 appointed for the unexpired term.
1412 (4) (a) The board shall:
1413 (i) meet regularly, at least quarterly, on dates fixed by the board;
1414 (ii) keep minutes of its meetings; and
1415 (iii) comply with the procedures and requirements of Title 52, Chapter 4, Open and
1416 Public Meetings Act.
1417 (b) Seven members of the board constitute a quorum, and the governor, the chair, or a
1418 majority of the board may call a meeting of the board.
1419 (5) The board shall:
1420 (a) review the housing needs in the state;
1421 (b) determine the relevant operational aspects of any grant, loan, or revenue collection
1422 program established under the authority of this chapter;

1423 (c) determine the means to implement the policies and goals of this chapter;
1424 (d) determine specific projects that the board considers should receive grant or loan
1425 moneys; and
1426 (e) determine how fund moneys shall be allocated and distributed.
1427 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~
1428 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
1429 ~~performance of the member's official duties at the rates established by the Division of Finance~~
1430 ~~under Sections 63A-3-106 and 63A-3-107.~~]
1431 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
1432 [~~(b) (i) State government employee members who do not receive salary, per diem, or~~
1433 ~~expenses from their agency for their service may receive per diem and expenses incurred in the~~
1434 ~~performance of their official duties from the board at the rates established by the Division of~~
1435 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
1436 [~~(ii) State government employee members may decline to receive per diem and~~
1437 ~~expenses for their service.~~]
1438 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
1439 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
1440 ~~in the performance of their official duties at the rates established by the Division of Finance~~
1441 ~~under Sections 63A-3-106 and 63A-3-107.~~]
1442 [~~(ii) Local government members may decline to receive per diem and expenses for~~
1443 ~~their service.~~]
1444 (6) A member may not receive compensation or benefits for the member's service, but
1445 may receive per diem and travel expenses in accordance with:
1446 (a) Section 63A-3-106;
1447 (b) Section 63A-3-107; and
1448 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1449 63A-3-107.
1450 Section 24. Section **9-4-801** is amended to read:
1451 **9-4-801. Creation.**
1452 (1) There is created the Homeless Coordinating Committee.
1453 (2) (a) The committee shall consist of the state planning coordinator, the state

1454 superintendent of public instruction, the chair of the board of trustees of the Utah Housing
1455 Corporation, and the executive directors of the Department of Human Services, the Department
1456 of Corrections, the Department of Community and Culture, the Department of Workforce
1457 Services, and the Department of Health, or their designees.
1458 (b) The governor shall appoint the chair from among these members.
1459 (3) The governor may also appoint as members of the committee representatives of
1460 local governments, local housing authorities, local law enforcement agencies, and of federal
1461 and private agencies and organizations concerned with the homeless, mentally ill, elderly,
1462 single-parent families, substance abusers, and persons with a disability.
1463 (4) (a) Except as required by Subsection (4)(b), as terms of current committee members
1464 expire, the governor shall appoint each new member or reappointed member to a four-year
1465 term.
1466 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1467 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1468 committee members are staggered so that approximately half of the committee is appointed
1469 every two years.
1470 (c) A person appointed under this Subsection (4) may not be appointed to serve more
1471 than three consecutive terms.
1472 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
1473 appointed for the unexpired term.
1474 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~
1475 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
1476 ~~performance of the member's official duties at the rates established by the Division of Finance~~
1477 ~~under Sections 63A-3-106 and 63A-3-107.~~]
1478 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
1479 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
1480 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
1481 ~~incurred in the performance of their official duties from the committee at the rates established~~
1482 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1483 [~~(ii) State government officer and employee members may decline to receive per diem~~
1484 ~~and expenses for their service.~~]

1485 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
1486 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
1487 ~~in the performance of their official duties at the rates established by the Division of Finance~~
1488 ~~under Sections 63A-3-106 and 63A-3-107.~~]
1489 [~~(ii) Local government members may decline to receive per diem and expenses for~~
1490 ~~their service.~~]
1491 (6) A member may not receive compensation or benefits for the member's service, but
1492 may receive per diem and travel expenses in accordance with:
1493 (a) Section 63A-3-106;
1494 (b) Section 63A-3-107; and
1495 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1496 63A-3-107.
1497 Section 25. Section **9-4-904** is amended to read:
1498 **9-4-904. Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers -- Quorum**
1499 **-- Per diem and expenses.**
1500 (1) (a) There is created an independent body politic and corporate, constituting a public
1501 corporation, known as the "Utah Housing Corporation."
1502 (b) The corporation may also be known and do business as the:
1503 (i) Utah Housing Finance Association; and
1504 (ii) Utah Housing Finance Agency in connection with any contract entered into when
1505 that was the corporation's legal name.
1506 (c) Any other entity may not use the names described in Subsections (1)(a) and (b)
1507 without the express approval of the corporation.
1508 (2) The corporation shall be governed by a board of trustees composed of the following
1509 nine trustees:
1510 (a) three ex officio trustees who shall be:
1511 (i) the executive director of the Department of Community and Culture or the
1512 executive director's designee;
1513 (ii) the commissioner of the Department of Financial Institutions or the commissioner's
1514 designee; and
1515 (iii) the state treasurer or the treasurer's designee; and

1516 (b) six public trustees, being private citizens of the state, as follows:
1517 (i) two people representing the mortgage lending industry;
1518 (ii) two people representing the home building and real estate industry; and
1519 (iii) two people representing the public at large.
1520 (3) The governor shall:
1521 (a) appoint the six public trustees of the corporation with the consent of the Senate; and
1522 (b) ensure that:
1523 (i) the six public trustees are from different counties and are residents of Utah; and
1524 (ii) not more than three of the public trustees belong to the same political party.
1525 (4) (a) Except as required by Subsection (4)(b), the six public trustees shall be
1526 appointed to terms of office of four years each.
1527 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1528 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1529 corporation trustees are staggered so that approximately half of the board is appointed every
1530 two years.
1531 (5) (a) Any of the six public trustees of the corporation may be removed from office for
1532 cause either by the governor or by an affirmative vote of any six trustees of the corporation.
1533 (b) When a vacancy occurs in the board of trustees for any reason, the replacement
1534 shall be appointed for the unexpired term.
1535 (c) Each public trustee shall hold office for the term of appointment and until the
1536 trustee's successor has been appointed and qualified.
1537 (d) Any public trustee is eligible for reappointment but may not serve more than two
1538 full consecutive terms.
1539 (6) (a) The governor shall select the chair of the corporation.
1540 (b) The trustees shall elect from among their number a vice chair and other officers
1541 they may determine.
1542 (7) (a) Five trustees of the corporation constitute a quorum for transaction of business.
1543 (b) An affirmative vote of at least five trustees is necessary for any action to be taken
1544 by the corporation.
1545 (c) A vacancy in the board of trustees may not impair the right of a quorum to exercise
1546 all rights and perform all duties of the corporation.

1547 [~~(8) (a) (i) Trustees who are not government employees may not receive compensation~~
1548 ~~or benefits for their services, but may receive a reasonable per diem and reimbursement~~
1549 ~~expenses incurred in the performance of the trustee's official duties at the rates established by~~
1550 ~~the board of trustees.~~]
1551 [~~(ii) Trustees may decline to receive per diem and expenses for their service.~~]
1552 [~~(b) (i) State government officer and employee trustees who do not receive salary, per~~
1553 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
1554 ~~incurred in the performance of their official duties from the corporation at the rates established~~
1555 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1556 [~~(ii) State government officer and employee trustees may decline to receive per diem~~
1557 ~~and expenses for their service.~~]
1558 (8) A trustee may not receive compensation or benefits for the trustee's service, but
1559 may receive per diem and travel expenses in accordance with:
1560 (a) Section 63A-3-106;
1561 (b) Section 63A-3-107; and
1562 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1563 63A-3-107.
1564 Section 26. Section **9-6-204** is amended to read:
1565 **9-6-204. Utah Arts Council Board of Directors.**
1566 (1) There is created within the department the Board of Directors of the Utah Arts
1567 Council.
1568 (2) (a) The board shall consist of 13 members appointed by the governor to four-year
1569 terms of office with the consent of the Senate.
1570 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1571 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1572 board members are staggered so that approximately half of the board is appointed every two
1573 years.
1574 (c) Nine board members shall be working artists in the following areas:
1575 (i) visual arts;
1576 (ii) architecture or design;
1577 (iii) literature;

1578 (iv) music;
1579 (v) sculpture;
1580 (vi) folklore or folk arts;
1581 (vii) theatre;
1582 (viii) dance; and
1583 (ix) media arts.
1584 (d) Four board members shall be citizens knowledgeable in the arts.
1585 (3) The members shall be appointed from the state at large with due consideration for
1586 geographical representation.
1587 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
1588 appointed for the unexpired term by the governor within one month from the time of vacancy.
1589 (5) Seven members of the board constitute a quorum for the transaction of business.
1590 (6) The governor shall annually select one of the board members as chair.
1591 [~~(7) (a) Members shall receive no compensation or benefits for their services, but may~~
1592 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
1593 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1594 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
1595 (7) A member may not receive compensation or benefits for the member's service, but
1596 may receive per diem and travel expenses in accordance with:
1597 (a) Section 63A-3-106;
1598 (b) Section 63A-3-107; and
1599 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1600 63A-3-107.
1601 [~~(c) Members~~] (8) A member may not receive gifts, prizes, or awards of money from
1602 the purchasing fund of the division during [~~their terms~~] the member's term of office.
1603 Section 27. Section **9-6-305** is amended to read:
1604 **9-6-305. Art collection committee.**
1605 (1) The division shall appoint a committee of artists or judges of art to take charge of
1606 all works of art acquired under this chapter. This collection shall be known as the Utah State
1607 Alice Art Collection.
1608 (2) (a) Except as required by Subsection (2)(b), as terms of current board members

1609 expire, the division shall appoint each new member or reappointed member to a four-year term.
1610 (b) Notwithstanding the requirements of Subsection (2)(a), the division shall, at the
1611 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1612 board members are staggered so that approximately half of the board is appointed every two
1613 years.
1614 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
1615 appointed for the unexpired term.
1616 [~~(4) (a) Members shall receive no compensation or benefits for their services, but may~~
1617 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
1618 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1619 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
1620 (4) A member may not receive compensation or benefits for the member's service, but
1621 may receive per diem and travel expenses in accordance with:
1622 (a) Section 63A-3-106;
1623 (b) Section 63A-3-107; and
1624 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1625 63A-3-107.
1626 Section 28. Section **9-6-604** is amended to read:
1627 **9-6-604. Museum Services Advisory Board -- Membership.**
1628 (1) There is created the Museum Services Advisory Board.
1629 (2) The board shall consist of 11 members appointed by the governor.
1630 (3) The governor shall ensure that the board includes:
1631 (a) at least six members who are qualified, trained, and experienced museum
1632 professionals, three of whom shall have a minimum of five years continuous paid work
1633 experience in a museum and be drawn from a list proposed by the Utah Museums Association;
1634 (b) other persons with an interest in Utah's museums; and
1635 (c) representation from throughout Utah.
1636 (4) (a) Advisory board members shall be appointed for terms of four years except that
1637 three shall initially be appointed for two years, four for three years, and four for four years.
1638 (b) They serve until their successors are appointed and qualified.
1639 (5) (a) The governor shall appoint the chair of the board.

1640 (b) The board shall choose a vice chair from its own members.
1641 (c) Members may be reappointed for one additional term only, unless the governor
1642 determines that unusual circumstances warrant a further term.
1643 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
1644 appointed for the unexpired term.
1645 (7) Six members of the board constitute a quorum for the transaction of business.
1646 (8) The advisory board shall meet at least once a year.
1647 [~~(9) (a) Members shall receive no compensation or benefits for their services, but may~~
1648 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
1649 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1650 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
1651 (9) A member may not receive compensation or benefits for the member's service, but
1652 may receive per diem and travel expenses in accordance with:
1653 (a) Section 63A-3-106;
1654 (b) Section 63A-3-107; and
1655 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1656 63A-3-107.
1657 (10) The department shall pay those expenses on warrant to the Division of Finance
1658 from money in the budget appropriated for that purpose.
1659 Section 29. Section **9-6-704** is amended to read:
1660 **9-6-704. State-Owned Art Collections Inventory Program Committee --**
1661 **Membership -- Chair -- Expenses -- Duties.**
1662 (1) There is created within the division the State-Owned Art Collections Inventory
1663 Committee.
1664 (2) The committee consists of seven members who shall be experts in one or more
1665 aspect of the program as follows:
1666 (a) the director of the Utah Museum of Fine Arts, or a designee;
1667 (b) the director of the Utah Arts Council, or a designee;
1668 (c) the director of the Division of Risk Management, or a designee;
1669 (d) the director of the Utah Academic Library Consortium, or a designee;
1670 (e) the director of the Utah State Archives and Records Service, or a designee;

1671 (f) the director of the Division of Facilities Construction and Management; and
1672 (g) a member of the public with expertise in the area of web site or database design and
1673 administration appointed by the other members of the committee to serve at the pleasure of the
1674 committee.
1675 (3) (a) The committee shall annually elect a chairperson from its membership.
1676 (b) (i) The committee shall hold meetings as needed to carry out its duties.
1677 (ii) A meeting may be held on the call of the chair or a majority of the committee
1678 members.
1679 (c) Four committee members are necessary to constitute a quorum at any meeting and,
1680 if a quorum exists, the action of a majority of members present shall be the action of the
1681 committee.
1682 [~~(4) (a) Committee members who are not government employees may not receive~~
1683 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
1684 ~~the performance of their official duties at rates established by the Division of Finance under~~
1685 ~~Sections 63A-3-106 and 63A-3-107.~~]
1686 [~~(b) A committee member may decline to receive per diem and expenses for service to~~
1687 ~~the committee.~~]
1688 (4) A committee member may not receive compensation or benefits for the member's
1689 service, but may receive per diem and travel expenses in accordance with:
1690 (a) Section 63A-3-106;
1691 (b) Section 63A-3-107; and
1692 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1693 63A-3-107.
1694 (5) The division shall provide staff support to the committee.
1695 (6) The funding of the committee shall be a separate line item to the division in the
1696 annual appropriations act.
1697 (7) The committee shall:
1698 (a) advise the division on the design and implementation of the inventory study
1699 program;
1700 (b) monitor, advise, and make recommendations to the division to promote and ensure
1701 the efficient and effective plan for the inventory study program; and

1702 (c) study promoting collaborative efforts to develop public awareness, public school
1703 curriculum, and teacher training materials on the provisions of the program.
1704 Section 30. Section **9-7-204** is amended to read:
1705 **9-7-204. State Library Board -- Members -- Meetings -- Expenses.**
1706 (1) There is created within the department the State Library Board.
1707 (2) (a) The board shall consist of nine members appointed by the governor.
1708 (b) One member shall be appointed on recommendation from each of the following
1709 agencies:
1710 (i) the State Office of Education;
1711 (ii) the Board of Control of the State Law Library;
1712 (iii) the Office of Legislative Research and General Counsel; and
1713 (iv) the Utah System of Higher Education.
1714 (c) Of the five remaining members at least two shall be appointed from rural areas.
1715 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
1716 expire, the governor shall appoint each new member or reappointed member to a four-year
1717 term.
1718 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
1719 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1720 board members are staggered so that approximately half of the board is appointed every two
1721 years.
1722 (4) The members may not serve more than two full consecutive terms.
1723 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
1724 appointed for the unexpired term in the same manner as originally appointed.
1725 (6) Five members of the board constitute a quorum for conducting board business.
1726 (7) The governor shall select one of the board members as chair who shall serve for a
1727 period of two years.
1728 (8) The director of the State Library Division shall be executive officer of the board.
1729 [~~(9) (a) (i) Members who are not government employees shall receive no compensation~~
1730 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
1731 ~~performance of the member's official duties at the rates established by the Division of Finance~~
1732 ~~under Sections 63A-3-106 and 63A-3-107.~~]

1733 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
1734 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
1735 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
1736 ~~incurred in the performance of their official duties from the board at the rates established by the~~
1737 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1738 [~~(ii) State government officer and employee members may decline to receive per diem~~
1739 ~~and expenses for their service.~~]
1740 [~~(c) (i) Higher education members who do not receive salary, per diem, or expenses~~
1741 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
1742 ~~in the performance of their official duties from the committee at the rates established by the~~
1743 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1744 [~~(ii) Higher education members may decline to receive per diem and expenses for their~~
1745 ~~service.~~]
1746 (9) A member may not receive compensation or benefits for the member's service, but
1747 may receive per diem and travel expenses in accordance with:
1748 (a) Section 63A-3-106;
1749 (b) Section 63A-3-107; and
1750 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1751 63A-3-107.
1752 Section 31. Section **9-8-204** is amended to read:
1753 **9-8-204. Board of State History.**
1754 (1) There is created within the department the Board of State History.
1755 (2) The board shall consist of 11 members appointed by the governor with the consent
1756 of the Senate as follows:
1757 (a) sufficient representatives to satisfy the federal requirements for an adequately
1758 qualified State Historic Preservation Review Board; and
1759 (b) other persons with an interest in the subject matter of the division's responsibilities.
1760 (3) (a) Except as required by Subsection (3)(b), the members shall be appointed for
1761 terms of four years and shall serve until their successors are appointed and qualified.
1762 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
1763 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

1764 board members are staggered so that approximately half of the board is appointed every two
1765 years.
1766 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
1767 appointed for the unexpired term with the consent of the Senate.
1768 (5) Six members of the board are a quorum for the transaction of business.
1769 (6) The governor shall select a chair and vice chair from the board members.
1770 [~~(7) (a) Members shall receive no compensation or benefits for their services, but may~~
1771 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
1772 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1773 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
1774 (7) A member may not receive compensation or benefits for the member's service, but
1775 may receive per diem and travel expenses in accordance with:
1776 (a) Section 63A-3-106;
1777 (b) Section 63A-3-107; and
1778 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1779 63A-3-107.
1780 Section 32. Section **9-9-104.5** is amended to read:
1781 **9-9-104.5. Meetings with tribal leaders and Indian groups.**
1782 (1) The division shall meet regularly with:
1783 (a) elected officials of Indian tribes located in whole or in part in the state; or
1784 (b) individuals designated by elected officials of the tribes described in Subsection
1785 (1)(a).
1786 (2) (a) Subject to Section 9-9-104.6, at least five times each year, the division shall
1787 coordinate and attend a joint meeting of the representatives of tribal governments listed in
1788 Subsection (2)(b) for the purpose of coordinating the efforts of state and tribal governments in
1789 meeting the needs of the Native Americans residing in the state.
1790 (b) (i) The representatives to be included in the meeting described in Subsection (2)(a)
1791 shall be selected as follows:
1792 (A) an elected official of the Navajo Nation that resides in San Juan County selected by
1793 the Navajo Nation government;
1794 (B) an elected official of the Ute Indian Tribe of the Uintah and Ouray Reservation

1795 selected by the Uintah and Ouray Tribal Business Committee;
1796 (C) an elected official of the Paiute Indian Tribe of Utah selected by the Paiute Indian
1797 Tribe of Utah Tribal Council;
1798 (D) an elected official of the Northwestern Band of the Shoshoni Nation that resides in
1799 Northern Utah selected by the Northwestern Band of the Shoshoni Nation Tribal Council;
1800 (E) an elected official of the Confederate Tribes of Goshute Reservation that resides in
1801 Ibapah selected by the Goshute Business Council;
1802 (F) an elected official of the Skull Valley Band of Goshute Indians selected by the
1803 Goshute Indian Tribal Executive Committee;
1804 (G) an elected official of the Ute Mountain Ute Tribe that resides in Utah selected by
1805 the Ute Mountain Ute Tribal Council; and
1806 (H) an elected official of the San Juan Southern Paiute Tribe selected by the San Juan
1807 Southern Paiute Tribal Council.
1808 (ii) Notwithstanding Subsection (2)(b)(i), if an elected official of an Indian tribe
1809 provides notice to the division, the Indian tribe may designate an individual other than the
1810 elected official selected under Subsection (2)(b)(i) to represent the Indian tribe at a meeting
1811 held under Subsection (2)(a).
1812 (c) (i) A meeting held in accordance with Subsection (2)(a) is subject to Title 52,
1813 Chapter 4, Open and Public Meetings Act.
1814 (ii) A meeting of representatives listed in Subsection (2)(b) is not subject to the
1815 requirements of Title 52, Chapter 4, Open and Public Meetings Act, notwithstanding whether it
1816 is held on the same day as a meeting held in accordance with Subsection (2)(a) if:
1817 (A) the division does not coordinate the meeting described in this Subsection (2)(c)(ii);
1818 (B) no state agency participates in the meeting described in this Subsection (2)(c)(ii);
1819 (C) a representative receives no per diem or expenses under this section for attending
1820 the meeting described in this Subsection (2)(c)(ii) that is in addition to any per diem or
1821 expenses the representative receives under Subsection (2)(d) for attending a meeting described
1822 in Subsection (2)(a); and
1823 (D) the meeting described in this Subsection (2)(c)(ii) is not held:
1824 (I) after a meeting described in Subsection (2)(a) begins; and
1825 (II) before the meeting described in Subsection (2)(c)(ii)(D)(I) adjourns.

1826 [~~(d) (i) The representative selected under Subsection (2)(b) that attends a meeting held~~
1827 ~~in accordance with Subsection (2)(a) who does not receive compensation, per diem, or~~
1828 ~~expenses from the tribal government specifically for the representative's attendance at that~~
1829 ~~meeting may receive per diem and expenses incurred in attending the meeting at the rates~~
1830 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1831 [~~(ii) A representative of a tribal government that attends a meeting held in accordance~~
1832 ~~with Subsection (2)(a) may decline to receive per diem and expenses for the representative's~~
1833 ~~attendance.~~]
1834 (d) A representative of a tribal government that attends a meeting held in accordance
1835 with Subsection (2)(a) may not receive compensation or benefits for the representative's
1836 service, but may receive per diem and travel expenses in accordance with:
1837 (i) Section 63A-3-106;
1838 (ii) Section 63A-3-107; and
1839 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1840 63A-3-107.
1841 [~~(iii)~~] (e) For each meeting, only one individual from each tribe may receive per diem
1842 and expenses, as provided in this Subsection (2)(d).
1843 (3) The division may meet as necessary with Indian groups other than tribal
1844 governments representing the interests of Native Americans who are citizens of the state
1845 residing on or off reservation land.
1846 Section 33. Section **9-9-104.6** is amended to read:
1847 **9-9-104.6. Participation of state agencies in meetings with tribal leaders --**
1848 **Contact information.**
1849 (1) For at least three of the joint meetings described in Subsection 9-9-104.5(2)(a), the
1850 division shall coordinate with representatives of tribal governments and the entities listed in
1851 Subsection (2) to provide for the broadest participation possible in the joint meetings.
1852 (2) The following may participate in all meetings described in Subsection (1):
1853 (a) the chairs of the Native American Legislative Liaison Committee created in Section
1854 36-22-1;
1855 (b) the governor or the governor's designee; and
1856 (c) a representative appointed by the chief administrative officer of the following:

1857 (i) the Department of Health;
1858 (ii) the Department of Human Services;
1859 (iii) the Department of Natural Resources;
1860 (iv) the Department of Workforce Services;
1861 (v) the Governor's Office of Economic Development;
1862 (vi) the State Office of Education; and
1863 (vii) the State Board of Regents.
1864 (3) (a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:
1865 (i) designate the name of a contact person for that agency that can assist in coordinating
1866 the efforts of state and tribal governments in meeting the needs of the Native Americans
1867 residing in the state; and
1868 (ii) notify the division:
1869 (A) who is the designated contact person described in Subsection (3)(a)(i); and
1870 (B) of any change in who is the designated contact person described in Subsection
1871 (3)(a)(i).
1872 (b) This Subsection (3) applies to:
1873 (i) the Department of Agriculture and Food;
1874 (ii) the Department of Community and Culture;
1875 (iii) the Department of Corrections;
1876 (iv) the Department of Environmental Quality;
1877 (v) the Department of Public Safety;
1878 (vi) the Department of Transportation;
1879 (vii) the Office of the Attorney General;
1880 (viii) the State Tax Commission; and
1881 (ix) any agency described in Subsection (2)(c).
1882 (c) At the request of the division, a contact person listed in Subsection (3)(b) may
1883 participate in a meeting described in Subsection (1).
1884 [~~(4) (a) Salaries and expenses of a legislator participating in accordance with this~~
1885 ~~section in a meeting described in Subsection (1) shall be paid in accordance with Section~~
1886 ~~36-2-2 and Joint Rule 15.03.~~]
1887 [~~(b) A state government officer or employee may receive per diem and expenses at the~~

1888 ~~rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107 for~~
1889 ~~participating in a meeting described in Subsection (1) if the officer or employee:~~]
1890 [~~(i) participates in the meeting in accordance with this section; and~~]
1891 [~~(ii) does not receive salary, per diem, or expenses from the officer's or employee's~~
1892 ~~agency for participating in the meeting.~~]
1893 [~~(c) A state government officer or employee that participates in a meeting described in~~
1894 ~~Subsection (1) may decline to receive per diem and expenses for participating in the meeting.~~]
1895 (4) A participant under this section who is not a legislator may not receive
1896 compensation or benefits for the participant's service, but may receive per diem and travel
1897 expenses in accordance with:
1898 (a) Section 63A-3-106;
1899 (b) Section 63A-3-107; and
1900 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1901 63A-3-107.
1902 Section 34. Section **9-9-405** is amended to read:
1903 **9-9-405. Review committee.**
1904 (1) There is created a Native American Remains Review Committee.
1905 (2) (a) The review committee shall be composed of seven members as follows:
1906 (i) four shall be appointed by the director from nominations submitted by Indian tribes;
1907 and
1908 (ii) three shall be appointed by the director from nominations submitted by
1909 representatives of repositories.
1910 (b) Except as required by Subsection (2)(c), as terms of current committee members
1911 expire, the director shall appoint each new member or reappointed member to a four-year term.
1912 (c) Notwithstanding the requirements of Subsection (2)(b), the director shall, at the
1913 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1914 committee members are staggered so that approximately half of the review committee is
1915 appointed every two years.
1916 (d) When a vacancy occurs in the membership for any reason, the director shall appoint
1917 a replacement for the unexpired term.
1918 [~~(e) (i) A member may not receive compensation or benefits for the member's services,~~

1919 ~~but may receive per diem and expenses incurred in the performance of the member's official~~
1920 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
1921 ~~63A-3-107.~~]
1922 [~~(ii) A member may decline to receive per diem and expenses for the member's service.~~]
1923 (e) A member may not receive compensation or benefits for the member's service, but
1924 may receive per diem and travel expenses in accordance with:
1925 (i) Section 63A-3-106;
1926 (ii) Section 63A-3-107; and
1927 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1928 63A-3-107.
1929 (f) The review committee shall designate one of its members as chair.
1930 (3) The review committee shall:
1931 (a) monitor the identification process conducted under Section 9-9-403 to ensure a fair
1932 and objective consideration and assessment of all available relevant information and evidence;
1933 (b) review a finding relating to the following, subject to the rules made by the division
1934 under Subsection 9-9-403(6):
1935 (i) the identity or cultural affiliation of Native American remains; or
1936 (ii) the return of Native American remains;
1937 (c) facilitate the resolution of a dispute among Indian tribes or lineal descendants and
1938 state agencies relating to the return of Native American remains, including convening the
1939 parties to the dispute if considered desirable;
1940 (d) consult with Indian tribes on matters within the scope of the work of the review
1941 committee affecting these tribes;
1942 (e) consult with the division in the development of rules to carry out this part;
1943 (f) perform other related functions as the division may assign to the review committee;
1944 and
1945 (g) make recommendations, if appropriate, regarding care of Native American remains
1946 that are to be repatriated.
1947 (4) A record or finding made by the review committee relating to the identity of or
1948 cultural affiliation of Native American remains and the return of Native American remains may
1949 be admissible in any action brought under this part.

1950 (5) The appropriate state agency having primary authority over the lands as provided in
1951 Chapter 8, Part 3, Antiquities, shall ensure that the review committee has reasonable access to:
1952 (a) Native American remains under review; and
1953 (b) associated scientific and historical documents.
1954 (6) The division shall provide reasonable administrative and staff support necessary for
1955 the deliberations of the review committee.
1956 (7) The review committee shall submit an annual report to the Native American
1957 Legislative Liaison Committee, created in Section 36-22-1, on the progress made, and any
1958 barriers encountered, in implementing this section during the previous year.
1959 Section 35. Section **9-10-103** is amended to read:
1960 **9-10-103. Uintah Basin Revitalization Fund Board created -- Members -- Terms**
1961 **-- Chair -- Quorum -- Expenses.**
1962 (1) There is created within the division the Revitalization Board composed of five
1963 members as follows:
1964 (a) the governor or his designee;
1965 (b) a Uintah County commissioner;
1966 (c) a Duchesne County commissioner; and
1967 (d) two representatives of the Business Committee of the Tribe.
1968 (2) The terms of office for the members of the board shall run concurrently with the
1969 terms of office for the governor, commissioners, and Business Committee of the Tribe.
1970 (3) The governor, or his designee, shall be the chair of the board.
1971 (4) Four board members are a quorum.
1972 (5) All decisions of the board require four affirmative votes.
1973 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~
1974 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
1975 ~~performance of the member's official duties at the rates established by the Division of Finance~~
1976 ~~under Sections 63A-3-106 and 63A-3-107.~~]
1977 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
1978 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
1979 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
1980 ~~incurred in the performance of their official duties from the board at the rates established by the~~

1981 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
1982 [~~(ii) State government officer and employee members may decline to receive per diem~~
1983 ~~and expenses for their service.~~]
1984 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
1985 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
1986 ~~in the performance of their official duties at the rates established by the Division of Finance~~
1987 ~~under Sections 63A-3-106 and 63A-3-107.~~]
1988 [~~(ii) Local government members may decline to receive per diem and expenses for~~
1989 ~~their service.~~]
1990 (6) A member may not receive compensation or benefits for the member's service, but
1991 may receive per diem and travel expenses in accordance with:
1992 (a) Section 63A-3-106;
1993 (b) Section 63A-3-107; and
1994 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1995 63A-3-107.
1996 Section 36. Section **9-11-105** is amended to read:
1997 **9-11-105. Navajo Revitalization Fund Board.**
1998 (1) There is created within the division the Navajo Revitalization Board composed of
1999 five members as follows:
2000 (a) the governor or the governor's designee;
2001 (b) the two members of the San Juan County commission whose districts include
2002 portions of the Navajo Reservation;
2003 (c) the chair of the Navajo Utah Commission or a member of the commission
2004 designated by the chair of the Navajo Utah Commission; and
2005 (d) (i) ending June 30, 2008, the chair of the Utah Dineh Committee, as created in
2006 Section 63-88-107, or a member of the committee designated by the chair; and
2007 (ii) beginning July 1, 2008, a president of a Utah Navajo Chapter or an individual
2008 designated by the president under an annual rotation system of Utah Navajo Chapters as
2009 follows:
2010 (A) the president of a Utah Navajo Chapter shall serve for one year;
2011 (B) the Utah Navajo Chapter is rotated in alphabetical order as provided in Subsection

2012 9-11-102(7), except that the rotation will begin on July 1, 2008 with the Dennehotso Chapter;
2013 (C) if the president of a Utah Navajo Chapter under Subsection (1)(d)(ii)(B) is the
2014 same individual as the individual listed in Subsection (1)(c):
2015 (I) that Utah Navajo Chapter is skipped as part of that rotation; and
2016 (II) the president of the next Utah Navajo Chapter in the alphabetical rotation shall
2017 serve on the board.
2018 (2) The term of office for a member of the board described in Subsections (1)(a)
2019 through (c) runs concurrently with the term of office for the governor, county commissioner, or
2020 member of the Navajo Utah Commission.
2021 (3) (a) The governor, or the governor's designee, is the chair of the board.
2022 (b) The chair shall call necessary meetings.
2023 [~~(4) (a) (i) A member who is not a government employee of the state or local~~
2024 ~~government may not receive compensation or benefits for the member's services, but may~~
2025 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
2026 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2027 [~~(ii) A member who is not a government employee of the state or local government may~~
2028 ~~decline to receive per diem and expenses for the member's service.~~]
2029 [~~(b) (i) A state government officer or employee member who does not receive salary,~~
2030 ~~per diem, or expenses from the member's agency for the member's service may receive per~~
2031 ~~diem and expenses incurred in the performance of the member's official duties from the board~~
2032 ~~at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2033 [~~(ii) A state government officer or employee member may decline to receive per diem~~
2034 ~~and expenses for the member's service.~~]
2035 [~~(c) (i) A local government member who does not receive salary, per diem, or expenses~~
2036 ~~from the entity that the member represents for the member's service may receive per diem and~~
2037 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
2038 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2039 [~~(ii) A local government member may decline to receive per diem and expenses for the~~
2040 ~~member's service.~~]
2041 (4) A member may not receive compensation or benefits for the member's service, but
2042 may receive per diem and travel expenses in accordance with:

2043 (a) Section 63A-3-106;
2044 (b) Section 63A-3-107; and
2045 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2046 63A-3-107.
2047 [~~(d)~~] (5) The per diem and travel expenses permitted under [~~this~~] Subsection (4) may
2048 be included as costs of administration of the revitalization fund.
2049 [~~(5)~~] (6) Four board members are a quorum.
2050 [~~(6)~~] (7) An affirmative vote of each member of the board present at a meeting when a
2051 quorum is present is required for a board decision related to monies in or disbursed from the
2052 revitalization fund.
2053 Section 37. Section **10-6-153** is amended to read:
2054 **10-6-153. Municipal government fiscal committee created -- Members -- Terms --**
2055 **Vacancies -- Recommendations.**
2056 (1) There is hereby created a municipal government fiscal committee, the members of
2057 which shall be:
2058 (a) all auditors of cities of the first class and two auditors from cities of the second
2059 class appointed by the state auditor;
2060 (b) four elected or appointed municipal officials, two of whom shall be from larger
2061 cities of the third class, one of whom shall be from cities of the fourth class, and one of whom
2062 shall be from cities of the fifth class, appointed by the state auditor from a list recommended by
2063 the Utah League of Cities and Towns; and
2064 (c) two additional members who are knowledgeable in the area of municipal fiscal
2065 affairs appointed by the state auditor.
2066 (2) (a) Members shall be appointed to four-year terms on the committee, provided that
2067 the term of an elected or appointed official shall terminate upon ceasing to be an elected
2068 official or an employee of the city for which such person worked when appointed.
2069 (b) Notwithstanding the requirements of Subsection (2)(a), the auditor shall, at the time
2070 of appointment or reappointment, adjust the length of terms to ensure that the terms of
2071 committee members are staggered so that approximately half of the committee is appointed
2072 every two years.
2073 (3) Any vacancy shall be filled by the state auditor from the same class as the original

2074 appointment as described in Subsection (1). Members may be reappointed.
2075 (4) The advisory committee shall assist, advise, and make recommendations to the
2076 state auditor in the preparation of uniform accounting and reporting procedures and program
2077 and performance accounting, budgeting, and reporting for cities.
2078 [~~(5) (a) Members shall receive no compensation or benefits for their services, but may~~
2079 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
2080 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2081 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
2082 [~~(c) Local government members who do not receive salary, per diem, or expenses from~~
2083 ~~the entity that they represent for their service may receive per diem and expenses incurred in~~
2084 ~~the performance of their official duties at the rates established by the Division of Finance under~~
2085 ~~Sections 63A-3-106 and 63A-3-107.~~]
2086 [~~(d) Local government members may decline to receive per diem and expenses for their~~
2087 ~~service.~~]
2088 (5) A member may not receive compensation or benefits for the member's service, but
2089 may receive per diem and travel expenses in accordance with:
2090 (a) Section 63A-3-106;
2091 (b) Section 63A-3-107; and
2092 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2093 63A-3-107.
2094 Section 38. Section **11-38-201** is amended to read:
2095 **11-38-201. Quality Growth Commission -- Term of office -- Vacancy --**
2096 **Organization -- Expenses -- Staff.**
2097 (1) (a) There is created a Quality Growth Commission consisting of:
2098 (i) the director of the Department of Natural Resources;
2099 (ii) the commissioner of the Department of Agriculture and Food;
2100 (iii) six elected officials at the local government level, three of whom may not be
2101 residents of a county of the first or second class; and
2102 (iv) five persons from the profit and nonprofit private sector, two of whom may not be
2103 residents of a county of the first or second class and no more than three of whom may be from
2104 the same political party and one of whom shall be from the residential construction industry,

2105 nominated by the Utah Home Builders Association, and one of whom shall be from the real
2106 estate industry, nominated by the Utah Association of Realtors.
2107 (b) (i) The director of the Department of Natural Resources and the commissioner of
2108 the Department of Agriculture and Food may not assume their positions on the commission
2109 until:
2110 (A) after May 1, 2005; and
2111 (B) the term of the respective predecessor in office, who is a state government level
2112 appointee, expires.
2113 (ii) The term of a commission member serving on May 1, 2005 as one of the six
2114 elected local officials or five private sector appointees may not be shortened because of
2115 application of the restriction under Subsections (1)(a)(iii) and (iv) on the number of appointees
2116 from counties of the first or second class.
2117 (2) (a) Each commission member appointed under Subsection (1)(a)(iii) or (iv) shall be
2118 appointed by the governor with the consent of the Senate.
2119 (b) The governor shall select three of the six members under Subsection (1)(a)(iii) from
2120 a list of names provided by the Utah League of Cities and Towns, and shall select the
2121 remaining three from a list of names provided by the Utah Association of Counties.
2122 (c) Two of the persons appointed under Subsection (1) shall be from the agricultural
2123 community from a list of names provided by Utah farm organizations.
2124 (3) (a) The term of office of each member is four years, except that the governor shall
2125 appoint one of the persons at the state government level, three of the persons at the local
2126 government level, and two of the persons under Subsection (1)(a)(iv) to an initial two-year
2127 term.
2128 (b) No member of the commission may serve more than two consecutive four-year
2129 terms.
2130 (4) Each mid-term vacancy shall be filled for the unexpired term in the same manner as
2131 an appointment under Subsection (2).
2132 (5) Commission members shall elect a chair from their number and establish rules for
2133 the organization and operation of the commission.
2134 [~~(6) (a) No member may receive compensation or benefits for the member's service on~~
2135 ~~the commission.~~]

2136 [~~(b) (i) A member who is not a government officer or employee may be reimbursed for~~
2137 ~~reasonable expenses incurred in the performance of the member's official duties at the rates~~
2138 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2139 [~~(ii) A member who is a government officer or employee and who does not receive~~
2140 ~~expenses from the member's agency may be reimbursed for reasonable expenses incurred in the~~
2141 ~~performance of the member's official duties at the rates established by the Division of Finance~~
2142 ~~under Sections 63A-3-106 and 63A-3-107.~~]
2143 [~~(c) A member may decline to be reimbursed for reasonable expenses incurred in the~~
2144 ~~performance of the member's official duties.~~]
2145 (6) A member may not receive compensation or benefits for the member's service, but
2146 may receive per diem and travel expenses in accordance with:
2147 (a) Section 63A-3-106;
2148 (b) Section 63A-3-107; and
2149 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2150 63A-3-107.
2151 [~~(d)~~] (7) A member is not required to give bond for the performance of official duties.
2152 [~~(7)~~] (8) Staff services to the commission:
2153 (a) shall be provided by OPB; and
2154 (b) may be provided by local entities through the Utah Association of Counties and the
2155 Utah League of Cities and Towns, with funds approved by the commission from those
2156 identified as available to local entities under Subsection 11-38-203(1)(a).
2157 Section 39. Section **13-14-103** is amended to read:
2158 **13-14-103. Utah Motor Vehicle Franchise Advisory Board -- Creation --**
2159 **Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of interest.**
2160 (1) There is created within the department the Utah Motor Vehicle Franchise Advisory
2161 Board that consists of:
2162 (a) the executive director or the executive director's designee; and
2163 (b) seven members appointed by the executive director, with the concurrence of the
2164 governor as follows:
2165 (i) one recreational motor vehicle franchisee;
2166 (ii) three new motor vehicle franchisees from different congressional districts in the

2167 state; and
2168 (iii) (A) three members representing motor vehicle franchisors registered by the
2169 department pursuant to Section 13-14-105;
2170 (B) three members of the general public, none of whom shall be related to any
2171 franchisee; or
2172 (C) three members consisting of any combination of these representatives under this
2173 Subsection (1)(b)(iii).
2174 (2) (a) The executive director shall appoint, with the concurrence of the governor, three
2175 alternate members, with one alternate from each of the designations set forth in Subsections
2176 (1)(b)(i), (1)(b)(ii), and (1)(b)(iii), except that the new motor vehicle franchisee alternate or
2177 alternates for the designation under Subsection (1)(b)(ii) may be from any congressional
2178 district.
2179 (b) An alternate shall take the place of a regular advisory board member from the same
2180 designation at a meeting of the advisory board where that regular advisory board member is
2181 absent or otherwise disqualified from participating in the advisory board meeting.
2182 (3) (a) (i) Members of the advisory board appointed under Subsections (1)(b) and (2)
2183 are appointed for a term of four years.
2184 (ii) No specific term applies to the executive director or the executive director's
2185 designee.
2186 (b) The executive director may adjust the term of members who were appointed to the
2187 advisory board prior to July 1, 2001, by extending the unexpired term of a member for up to
2188 two additional years in order to insure that approximately half of the members are appointed
2189 every two years.
2190 (c) In the event of a vacancy on the advisory board of a member appointed under
2191 Subsection (1)(b) or (2), the executive director with the concurrence of the governor, shall
2192 appoint an individual to complete the unexpired term of the member whose office is vacant.
2193 (d) A member may not be appointed to more than two consecutive terms.
2194 (4) (a) The executive director or the executive director's designee is the chair of the
2195 advisory board.
2196 (b) The department shall keep a record of all hearings, proceedings, transactions,
2197 communications, and recommendations of the advisory board.

2198 (5) (a) Four or more members of the advisory board constitute a quorum for the
2199 transaction of business.
2200 (b) The action of a majority of a quorum present is considered the action of the
2201 advisory board.
2202 (6) (a) A member of the advisory board may not participate as a board member in a
2203 proceeding or hearing:
2204 (i) involving the member's licensed business or employer; or
2205 (ii) when a member, a member's business or family, or employer has a pecuniary
2206 interest in the outcome or other conflict of interest concerning an issue before the advisory
2207 board.
2208 (b) If a member of the advisory board is disqualified under Subsection (6)(a), the
2209 executive director shall select the appropriate alternate member to act on the issue before the
2210 advisory board as provided in Subsection (2).
2211 (7) Except for the executive director or the executive director's designee, an individual
2212 may not be appointed or serve on the advisory board while holding any other elective or
2213 appointive state or federal office.
2214 [~~(8) (a) (i) A member of the advisory board who is not a government employee shall~~
2215 ~~receive no compensation or benefits for the member's services, but may receive per diem and~~
2216 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
2217 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2218 [~~(ii) A member may decline to receive per diem and expenses for the member's~~
2219 ~~services.~~]
2220 [~~(b) (i) A state government officer and employee member who does not receive salary,~~
2221 ~~per diem, or expenses from the member's agency for the member's service may receive per~~
2222 ~~diem and expenses incurred in the performance of the member's official duties at the rates~~
2223 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2224 [~~(ii) A state government officer and employee member may decline to receive per diem~~
2225 ~~and expenses for the member's service.~~]
2226 (8) A member may not receive compensation or benefits for the member's service, but
2227 may receive per diem and travel expenses in accordance with:
2228 (a) Section 63A-3-106;

2229 (b) Section 63A-3-107; and
2230 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2231 63A-3-107.
2232 (9) The department shall provide necessary staff support to the advisory board.
2233 Section 40. Section **13-35-103** is amended to read:
2234 **13-35-103. Utah Powersport Vehicle Franchise Advisory Board -- Creation --**
2235 **Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of interest.**
2236 (1) There is created within the department the Utah Powersport Vehicle Franchise
2237 Advisory Board that consists of:
2238 (a) the executive director or the executive director's designee; and
2239 (b) six members appointed by the executive director, with the concurrence of the
2240 governor, as follows:
2241 (i) three new powersport vehicle franchisees, one from each of the three congressional
2242 districts in the state; and
2243 (ii) (A) three members representing powersport vehicle franchisors registered by the
2244 department pursuant to Section 13-35-105;
2245 (B) three members of the general public, none of whom shall be related to any
2246 franchisee; or
2247 (C) three members consisting of any combination of these representatives under this
2248 Subsection (1)(b)(ii).
2249 (2) (a) The executive director shall also appoint, with the concurrence of the governor,
2250 three alternate members, with at least one alternate from each of the designations set forth in
2251 Subsections (1)(b)(i) and (1)(b)(ii), except that the new powersport vehicle franchisee alternate
2252 or alternates for the designation under Subsection (1)(b)(i) may be from any congressional
2253 district.
2254 (b) An alternate shall take the place of a regular advisory board member from the same
2255 designation at a meeting of the advisory board where that regular advisory board member is
2256 absent or otherwise disqualified from participating in the advisory board meeting.
2257 (3) (a) (i) Members of the advisory board appointed under Subsections (1)(b) and (2)
2258 shall be appointed for a term of four years.
2259 (ii) No specific term shall apply to the executive director or the executive director's

2260 designee.
2261 (b) The executive director may adjust the term of members who were appointed to the
2262 advisory board prior to July 1, 2002, by extending the unexpired term of a member for up to
2263 two additional years in order to insure that approximately half of the members are appointed
2264 every two years.
2265 (c) In the event of a vacancy on the advisory board of a member appointed under
2266 Subsection (1)(b) or (2), the executive director with the concurrence of the governor, shall
2267 appoint an individual to complete the unexpired term of the member whose office is vacant.
2268 (d) A member may not be appointed to more than two consecutive terms.
2269 (4) (a) The executive director or the executive director's designee shall be the chair of
2270 the advisory board.
2271 (b) The department shall keep a record of all hearings, proceedings, transactions,
2272 communications, and recommendations of the advisory board.
2273 (5) (a) Four or more members of the advisory board constitute a quorum for the
2274 transaction of business.
2275 (b) The action of a majority of a quorum present is considered the action of the
2276 advisory board.
2277 (6) (a) A member of the advisory board may not participate as a board member in a
2278 proceeding or hearing:
2279 (i) involving the member's business or employer; or
2280 (ii) when a member, a member's business, family, or employer has a pecuniary interest
2281 in the outcome or other conflict of interest concerning an issue before the advisory board.
2282 (b) If a member of the advisory board is disqualified under Subsection (6)(a), the
2283 executive director shall select the appropriate alternate member to act on the issue before the
2284 advisory board as provided in Subsection (2).
2285 (7) Except for the executive director or the executive director's designee, an individual
2286 may not be appointed or serve on the advisory board while holding any other elective or
2287 appointive state or federal office.
2288 [~~(8) (a) (i) A member of the advisory board who is not a government employee shall~~
2289 ~~receive no compensation or benefits for the member's services, but may receive per diem and~~
2290 ~~expenses incurred in the performance of the member's official duties at the rates established by~~

2291 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2292 [~~(ii) A member may decline to receive per diem and expenses for the member's~~
2293 ~~services.~~]
2294 [~~(b) (i) A state government officer or employee member who does not receive salary,~~
2295 ~~per diem, or expenses from the member's agency for the member's service may receive per~~
2296 ~~diem and expenses incurred in the performance of the member's official duties at the rates~~
2297 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2298 [~~(ii) A state government officer or employee member may decline to receive per diem~~
2299 ~~and expenses for the member's service.~~]
2300 (8) A member may not receive compensation or benefits for the member's service, but
2301 may receive per diem and travel expenses in accordance with:
2302 (a) Section 63A-3-106;
2303 (b) Section 63A-3-107; and
2304 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2305 63A-3-107.
2306 (9) The department shall provide necessary staff support to the advisory board.
2307 Section 41. Section **13-43-202** is amended to read:
2308 **13-43-202. Land Use and Eminent Domain Advisory Board -- Appointment --**
2309 **Compensation -- Duties.**
2310 (1) There is created the Land Use and Eminent Domain Advisory Board, within the
2311 Office of the Property Rights Ombudsman, consisting of the following seven members:
2312 (a) one individual representing special service districts, nominated by the Utah
2313 Association of Special Districts;
2314 (b) one individual representing municipal government, nominated by the Utah League
2315 of Cities and Towns;
2316 (c) one individual representing county government, nominated by the Utah Association
2317 of Counties;
2318 (d) one individual representing the residential construction industry, nominated by the
2319 Utah Home Builders Association;
2320 (e) one individual representing the real estate industry, nominated by the Utah
2321 Association of Realtors;

2322 (f) one individual representing the land development community, jointly nominated by
2323 the Utah Association of Realtors and the Home Builders Association of Utah; and
2324 (g) one individual who:
2325 (i) is a citizen with experience in land use issues;
2326 (ii) does not hold public office; and
2327 (iii) is not currently employed, nor has been employed in the previous 12 months, by
2328 any of the entities or industries listed in Subsections (1)(a) through (f).
2329 (2) After receiving nominations, the governor shall appoint members to the board.
2330 (3) The term of office of each member is four years, except that the governor shall
2331 appoint three of the members of the board to an initial two-year term.
2332 (4) Each mid-term vacancy shall be filled for the unexpired term in the same manner as
2333 an appointment under Subsections (1) and (2).
2334 (5) (a) Board members shall elect a chair from their number and establish rules for the
2335 organization and operation of the board.
2336 (b) Five members of the board constitute a quorum for the conduct of the board's
2337 business.
2338 (c) The affirmative vote of five members is required to constitute the decision of the
2339 board on any matter.
2340 [~~(6) (a) No member may receive compensation or benefits for the member's service on~~
2341 ~~the board.~~]
2342 [~~(b) (i) A member who is not a government officer or employee may be reimbursed for~~
2343 ~~reasonable expenses incurred in the performance of the member's official duties at the rates~~
2344 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2345 [~~(ii) A member who is a government officer or employee and who does not receive~~
2346 ~~expenses from the member's agency may be reimbursed for reasonable expenses incurred in the~~
2347 ~~performance of the member's official duties at the rates established by the Division of Finance~~
2348 ~~under Sections 63A-3-106 and 63A-3-107.~~]
2349 [~~(c) A member may decline to be reimbursed for reasonable expenses incurred in the~~
2350 ~~performance of the member's official duties.~~]
2351 (6) A member may not receive compensation or benefits for the member's service, but
2352 may receive per diem and travel expenses in accordance with:

2353 (a) Section 63A-3-106;
2354 (b) Section 63A-3-107; and
2355 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2356 63A-3-107.
2357 [~~(d)~~] (7) A member need not give a bond for the performance of official duties.
2358 [~~(7)~~] (8) The Office of the Property Rights Ombudsman shall provide staff to the
2359 board.
2360 [~~(8)~~] (9) The board shall:
2361 (a) receive reports from the Office of the Property Rights Ombudsman that are
2362 requested by the board;
2363 (b) establish rules of conduct and performance for the Office of the Property Rights
2364 Ombudsman;
2365 (c) receive donations or contributions from any source for the Office of the Property
2366 Rights Ombudsman's benefit;
2367 (d) subject to any restriction placed on a donation or contribution received under
2368 Subsection [~~(8)~~] (9)(c), authorize the expenditure of donations or contributions for the Office
2369 of the Property Rights Ombudsman's benefit;
2370 (e) receive budget recommendations from the Office of the Property Rights
2371 Ombudsman; and
2372 (f) revise budget recommendations received under Subsection [~~(8)~~] (9)(e).
2373 [~~(9)~~] (10) The board shall maintain a resource list of qualified arbitrators and mediators
2374 who may be appointed under Section 13-43-204 and qualified persons who may be appointed
2375 to render advisory opinions under Section 13-43-205.
2376 Section 42. Section **17-36-5** is amended to read:
2377 **17-36-5. Creation of Citizens and County Officials Advisory Committee.**
2378 (1) For the purpose of this act there is created a Citizens and County Officials Advisory
2379 Committee appointed by the state auditor composed of the following persons:
2380 (a) five county auditors elected to that specific and exclusive position;
2381 (b) five county treasurers elected to that specific and exclusive position;
2382 (c) two citizens with expertise in the area of local government and the needs and
2383 problems of such government;

2384 (d) four additional elected county officers, one of whom shall be from the five largest
2385 counties in the state and one of whom shall be from the five smallest counties in the state; and
2386 (e) such other members as the auditor considers appropriate.
2387 (2) (a) Except as required by Subsection (2)(b), the terms of committee members shall
2388 be four years each.
2389 (b) Notwithstanding the requirements of Subsection (2)(a), the state auditor shall, at the
2390 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2391 committee members are staggered so that approximately half of the committee is appointed
2392 every two years.
2393 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
2394 appointed for the unexpired term.
2395 [~~(4) (a) (i) Members who are not government employees shall receive no compensation~~
2396 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
2397 ~~performance of the member's official duties at the rates established by the Division of Finance~~
2398 ~~under Sections 63A-3-106 and 63A-3-107.~~]
2399 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
2400 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
2401 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
2402 ~~incurred in the performance of their official duties from the committee at the rates established~~
2403 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2404 [~~(ii) State government officer and employee members may decline to receive per diem~~
2405 ~~and expenses for their service.~~]
2406 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
2407 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
2408 ~~in the performance of their official duties at the rates established by the Division of Finance~~
2409 ~~under Sections 63A-3-106 and 63A-3-107.~~]
2410 [~~(ii) Local government members may decline to receive per diem and expenses for~~
2411 ~~their service.~~]
2412 (4) A member may not receive compensation or benefits for the member's service, but
2413 may receive per diem and travel expenses in accordance with:
2414 (a) Section 63A-3-106;

2415 (b) Section 63A-3-107; and
2416 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2417 63A-3-107.
2418 (5) The advisory committee shall assist, advise, and make recommendations to the
2419 state auditor in the preparation of a uniform system of county budgeting, accounting, and
2420 reporting.
2421 Section 43. Section **17B-1-307** is amended to read:
2422 **17B-1-307. Annual compensation -- Per diem compensation -- Participation in**
2423 **group insurance plan -- Reimbursement of expenses.**
2424 (1) (a) Except as provided in Subsection 17B-1-308(1)(e), a member of a board of
2425 trustees may receive compensation for service on the board, as determined by the board of
2426 trustees.
2427 (b) The amount of compensation under this Subsection (1) may not exceed $5,000 per
2428 year.
2429 (c) (i) As determined by the board of trustees, a member of the board of trustees may
2430 participate in a group insurance plan provided to employees of the local district on the same
2431 basis as employees of the local district.
2432 (ii) The amount that the local district pays to provide a member with coverage under a
2433 group insurance plan shall be included as part of the member's compensation for purposes of
2434 Subsection (1)(b).
2435 [~~(2) (a) As determined by the board of trustees, a member of a board of trustees may~~
2436 ~~receive per diem compensation, in addition to the compensation provided in Subsection (1), for~~
2437 ~~attendance at up to 12 meetings or activities per year related to any district business.~~]
2438 [~~(b) The amount of per diem compensation under Subsection (2)(a) shall be as~~
2439 ~~established by the Division of Finance for policy boards, advisory boards, councils, or~~
2440 ~~committees within state government.~~]
2441 [~~(3) In addition to any compensation a member receives under this section, each~~
2442 ~~member of a board of trustees shall be reimbursed by the local district for all actual and~~
2443 ~~necessary expenses incurred in attending board meetings and in performing the member's~~
2444 ~~official duties.~~]
2445 (2) In addition to the compensation provided under Subsection (1), the board of

2446 trustees may elect to allow a member to receive per diem and travel expenses for up to 12
2447 meetings or activities per year in accordance with:
2448 (a) Section 63A-3-106;
2449 (b) Section 63A-3-107; and
2450 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2451 63A-3-107.
2452 Section 44. Section **19-2-103** is amended to read:
2453 **19-2-103. Members of board -- Appointment -- Terms -- Organization -- Per diem**
2454 **and expenses.**
2455 (1) The board comprises 11 members, one of whom shall be the executive director and
2456 10 of whom shall be appointed by the governor with the consent of the Senate.
2457 (2) The members shall be knowledgeable of air pollution matters and shall be:
2458 (a) a practicing physician and surgeon licensed in the state not connected with industry;
2459 (b) a registered professional engineer who is not from industry;
2460 (c) a representative from municipal government;
2461 (d) a representative from county government;
2462 (e) a representative from agriculture;
2463 (f) a representative from the mining industry;
2464 (g) a representative from manufacturing;
2465 (h) a representative from the fuel industry; and
2466 (i) two representatives of the public not representing or connected with industry, at
2467 least one of whom represents organized environmental interests.
2468 (3) No more than five of the appointed members shall belong to the same political
2469 party.
2470 (4) The majority of the members may not derive any significant portion of their income
2471 from persons subject to permits or orders under this chapter. Any potential conflict of interest
2472 of any member or the executive secretary, relevant to the interests of the board, shall be
2473 adequately disclosed.
2474 (5) Members serving on the Air Conservation Committee created by Laws of Utah
2475 1981, Chapter 126, as amended, shall serve as members of the board throughout the terms for
2476 which they were appointed.

2477 (6) (a) Except as required by Subsection (6)(b), members shall be appointed for a term
2478 of four years.
2479 (b) Notwithstanding the requirements of Subsection (6)(a), the governor shall, at the
2480 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2481 board members are staggered so that approximately half of the board is appointed every two
2482 years.
2483 (7) A member may serve more than one term.
2484 (8) A member shall hold office until the expiration of the member's term and until the
2485 member's successor is appointed, but not more than 90 days after the expiration of the
2486 member's term.
2487 (9) When a vacancy occurs in the membership for any reason, the replacement shall be
2488 appointed for the unexpired term.
2489 (10) The board shall elect annually a chair and a vice chair from its members.
2490 (11) (a) The board shall meet at least quarterly, and special meetings may be called by
2491 the chair upon his own initiative, upon the request of the executive secretary, or upon the
2492 request of three members of the board.
2493 (b) Three days' notice shall be given to each member of the board prior to any meeting.
2494 (12) Six members constitute a quorum at any meeting, and the action of a majority of
2495 members present is the action of the board.
2496 [~~(13) (a) (i) A member who is not a government employee shall receive no~~
2497 ~~compensation or benefits for the member's services, but may receive per diem and expenses~~
2498 ~~incurred in the performance of the member's official duties at the rates established by the~~
2499 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2500 [~~(ii) A member may decline to receive per diem and expenses for the member's~~
2501 ~~service.~~]
2502 [~~(b) (i) A state government officer and employee member who does not receive salary,~~
2503 ~~per diem, or expenses from the agency the member represents for the member's service may~~
2504 ~~receive per diem and expenses incurred in the performance of the member's official duties from~~
2505 ~~the board at the rates established by the Division of Finance under Sections 63A-3-106 and~~
2506 ~~63A-3-107.~~]
2507 [~~(ii) A state government officer and employee member may decline to receive per diem~~

2508 ~~and expenses for the member's service.~~]
2509 [~~(c) (i) A local government member who does not receive salary, per diem, or expenses~~
2510 ~~from the entity that the member represents for the member's service may receive per diem and~~
2511 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
2512 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2513 [~~(ii) A local government member may decline to receive per diem and expenses for the~~
2514 ~~member's service.~~]
2515 (13) A member may not receive compensation or benefits for the member's service, but
2516 may receive per diem and travel expenses in accordance with:
2517 (a) Section 63A-3-106;
2518 (b) Section 63A-3-107; and
2519 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2520 63A-3-107.
2521 Section 45. Section **19-2-109.2** is amended to read:
2522 **19-2-109.2. Small business assistance program.**
2523 (1) The board shall establish a small business stationary source technical and
2524 environmental compliance assistance program that conforms with Title V of the 1990 Clean
2525 Air Act to assist small businesses to comply with state and federal air pollution laws.
2526 (2) There is created the Compliance Advisory Panel to advise and monitor the program
2527 created in Subsection (1). The seven panel members are:
2528 (a) two members who are not owners or representatives of owners of small business
2529 stationary air pollution sources, selected by the governor to represent the general public;
2530 (b) four members who are owners or who represent owners of small business stationary
2531 sources selected by leadership of the Utah Legislature as follows:
2532 (i) one member selected by the majority leader of the Senate;
2533 (ii) one member selected by the minority leader of the Senate;
2534 (iii) one member selected by the majority leader of the House of Representatives; and
2535 (iv) one member selected by the minority leader of the House of Representatives; and
2536 (c) one member selected by the executive director to represent the Division of Air
2537 Quality, Department of Environmental Quality.
2538 (3) (a) Except as required by Subsection (3)(b), as terms of current panel members

2539 expire, the department shall appoint each new member or reappointed member to a four-year
2540 term.
2541 (b) Notwithstanding the requirements of Subsection (3)(a), the department shall, at the
2542 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2543 panel members are staggered so that approximately half of the panel is appointed every two
2544 years.
2545 (4) Members may serve more than one term.
2546 (5) Members shall hold office until the expiration of their terms and until their
2547 successors are appointed, but not more than 90 days after the expiration of their terms.
2548 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
2549 appointed for the unexpired term.
2550 (7) Every two years, the panel shall elect a chair from its members.
2551 (8) (a) The panel shall meet as necessary to carry out its duties. Meetings may be called
2552 by the chair, the executive secretary, or upon written request of three of the members of the
2553 panel.
2554 (b) Three days' notice shall be given to each member of the panel prior to a meeting.
2555 (9) Four members constitute a quorum at any meeting, and the action of the majority of
2556 members present is the action of the panel.
2557 [~~(10) (a) (i) Members who are not government employees shall receive no~~
2558 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
2559 ~~the performance of the member's official duties at the rates established by the Division of~~
2560 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
2561 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
2562 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
2563 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
2564 ~~incurred in the performance of their official duties from the panel at the rates established by the~~
2565 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2566 [~~(ii) State government officer and employee members may decline to receive per diem~~
2567 ~~and expenses for their service.~~]
2568 [~~(c) Legislators on the committee shall receive compensation and expenses as provided~~
2569 ~~by law and legislative rule.~~]

2570 (10) A member may not receive compensation or benefits for the member's service, but
2571 may receive per diem and travel expenses in accordance with:
2572 (a) Section 63A-3-106;
2573 (b) Section 63A-3-107; and
2574 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2575 63A-3-107.
2576 Section 46. Section **19-3-103** is amended to read:
2577 **19-3-103. Radiation Control Board -- Members -- Organization -- Meetings -- Per**
2578 **diem and expenses.**
2579 (1) The board created under Section 19-1-106 comprises 13 members, one of whom
2580 shall be the executive director, or his designee, and the remainder of whom shall be appointed
2581 by the governor with the consent of the Senate.
2582 (2) No more than six appointed members shall be from the same political party.
2583 (3) The appointed members shall be knowledgeable about radiation protection and
2584 shall be as follows:
2585 (a) one physician;
2586 (b) one dentist;
2587 (c) one health physicist or other professional employed in the field of radiation safety;
2588 (d) three representatives of regulated industry, at least one of whom represents the
2589 radioactive waste management industry, and at least one of whom represents the uranium
2590 milling industry;
2591 (e) one registrant or licensee representative from academia;
2592 (f) one representative of a local health department;
2593 (g) one elected county official; and
2594 (h) three members of the general public, at least one of whom represents organized
2595 environmental interests.
2596 (4) (a) Except as required by Subsection (4)(b), as terms of current board members
2597 expire, the governor shall appoint each new member or reappointed member to a four-year
2598 term.
2599 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
2600 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

2601 board members are staggered so that approximately half of the board is appointed every two
2602 years.
2603 (5) Each board member is eligible for reappointment to more than one term.
2604 (6) Each board member shall continue in office until the expiration of his term and
2605 until a successor is appointed, but not more than 90 days after the expiration of his term.
2606 (7) When a vacancy occurs in the membership for any reason, the replacement shall be
2607 appointed for the unexpired term by the governor, after considering recommendations by the
2608 department and with the consent of the Senate.
2609 (8) The board shall annually elect a chair and vice chair from its members.
2610 (9) The board shall meet at least quarterly. Other meetings may be called by the chair,
2611 by the executive secretary, or upon the request of three members of the board.
2612 (10) Reasonable notice shall be given each member of the board prior to any meeting.
2613 (11) Seven members constitute a quorum. The action of a majority of the members
2614 present is the action of the board.
2615 [~~(12) (a) (i) Members who are not government employees receive no compensation or~~
2616 ~~benefits for their services, but may receive per diem and expenses incurred in the performance~~
2617 ~~of the member's official duties at the rates established by the Division of Finance under~~
2618 ~~Sections 63A-3-106 and 63A-3-107.~~]
2619 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
2620 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
2621 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
2622 ~~incurred in the performance of their official duties from the board at the rates established by the~~
2623 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2624 [~~(ii) State government officer and employee members may decline to receive per diem~~
2625 ~~and expenses for their service.~~]
2626 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
2627 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
2628 ~~in the performance of their official duties at the rates established by the Division of Finance~~
2629 ~~under Sections 63A-3-106 and 63A-3-107.~~]
2630 [~~(ii) Local government members may decline to receive per diem and expenses for~~
2631 ~~their service.~~]

2632 (12) A member may not receive compensation or benefits for the member's service, but
2633 may receive per diem and travel expenses in accordance with:
2634 (a) Section 63A-3-106;
2635 (b) Section 63A-3-107; and
2636 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2637 63A-3-107.
2638 Section 47. Section **19-4-103** is amended to read:
2639 **19-4-103. Drinking Water Board -- Members -- Organization -- Meetings -- Per**
2640 **diem and expenses.**
2641 (1) The board created under Section 19-1-106 comprises 11 members, one of whom is
2642 the executive director and the remainder of whom shall be appointed by the governor with the
2643 consent of the Senate.
2644 (2) No more than five appointed members shall be from the same political party.
2645 (3) The appointed members shall be knowledgeable about drinking water and public
2646 water systems and shall represent different geographical areas within the state insofar as
2647 practicable.
2648 (4) The 10 appointed members shall be appointed from the following areas:
2649 (a) two elected officials of municipal government or their representatives involved in
2650 management or operation of public water systems;
2651 (b) two representatives of improvement districts, water conservancy districts, or
2652 metropolitan water districts;
2653 (c) one representative from an industry which manages or operates a public water
2654 system;
2655 (d) one registered professional engineer with expertise in civil or sanitary engineering;
2656 (e) one representative from the state water research community or from an institution
2657 of higher education which has comparable expertise in water research;
2658 (f) two representatives of the public who do not represent other interests named in this
2659 section and who do not receive, and have not received during the past two years, a significant
2660 portion of their income, directly or indirectly, from suppliers; and
2661 (g) one representative from a local health department.
2662 (5) (a) Members of the Utah Safe Drinking Water Committee created by Laws of Utah

2663 1981, Chapter 126, shall serve as members of the board throughout the terms for which they
2664 were appointed.
2665 (b) Except as required by Subsection (5)(c), as terms of current board members expire,
2666 the governor shall appoint each new member or reappointed member to a four-year term.
2667 (c) Notwithstanding the requirements of Subsection (5)(b), the governor shall, at the
2668 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2669 board members are staggered so that approximately half of the board is appointed every two
2670 years.
2671 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
2672 appointed for the unexpired term.
2673 (7) Each member holds office until the expiration of the member's term, and until a
2674 successor is appointed, but not for more than 90 days after the expiration of the term.
2675 (8) The board shall elect annually a chair and a vice chair from its members.
2676 (9) (a) The board shall meet at least quarterly.
2677 (b) Special meetings may be called by the chair upon his own initiative, upon the
2678 request of the executive secretary, or upon the request of three members of the board.
2679 (c) Reasonable notice shall be given each member of the board prior to any meeting.
2680 (10) Six members constitute a quorum at any meeting and the action of the majority of
2681 the members present is the action of the board.
2682 [~~(11) (a) (i) A member who is not a government employee shall receive no~~
2683 ~~compensation or benefits for the member's services, but may receive per diem and expenses~~
2684 ~~incurred in the performance of the member's official duties at the rates established by the~~
2685 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2686 [~~(ii) A member may decline to receive per diem and expenses for the member's~~
2687 ~~service.~~]
2688 [~~(b) (i) A state government officer and employee member who does not receive salary,~~
2689 ~~per diem, or expenses from the agency the member represents for the member's service may~~
2690 ~~receive per diem and expenses incurred in the performance of the member's official duties from~~
2691 ~~the board at the rates established by the Division of Finance under Sections 63A-3-106 and~~
2692 ~~63A-3-107.~~]
2693 [~~(ii) A state government officer and employee member may decline to receive per diem~~

2694 ~~and expenses for the member's service.~~]
2695 [~~(c) (i) A local government member who does not receive salary, per diem, or expenses~~
2696 ~~from the entity that the member represents for the member's service may receive per diem and~~
2697 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
2698 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2699 [~~(ii) A local government member may decline to receive per diem and expenses for the~~
2700 ~~member's service.~~]
2701 (11) A member may not receive compensation or benefits for the member's service, but
2702 may receive per diem and travel expenses in accordance with:
2703 (a) Section 63A-3-106;
2704 (b) Section 63A-3-107; and
2705 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2706 63A-3-107.
2707 Section 48. Section **19-5-103** is amended to read:
2708 **19-5-103. Water Quality Board -- Members of board -- Appointment -- Terms --**
2709 **Organization -- Meetings -- Per diem and expenses.**
2710 (1) The board comprises the executive director and 11 members appointed by the
2711 governor with the consent of the Senate.
2712 (2) No more than six of the appointed members may be from the same political party.
2713 (3) The appointed members, insofar as practicable, shall include the following:
2714 (a) one member representing the mineral industry;
2715 (b) one member representing the food processing industry;
2716 (c) one member representing another manufacturing industry;
2717 (d) two members who are officials of a municipal government or the officials'
2718 representative involved in the management or operation of a wastewater treatment facility;
2719 (e) one member representing agricultural and livestock interests;
2720 (f) one member representing fish, wildlife, and recreation interests;
2721 (g) one member representing an improvement or special service district;
2722 (h) two members at large, one of whom represents organized environmental interests,
2723 selected with due consideration of the areas of the state affected by water pollution and not
2724 representing other interests named in this Subsection (3); and

2725 (i) one member representing a local health department.
2726 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
2727 appointed for the unexpired term with the consent of the Senate.
2728 (5) (a) Except as required by Subsection (5)(b), a member shall be appointed for a term
2729 of four years and is eligible for reappointment.
2730 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
2731 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2732 board members are staggered so that approximately half of the board is appointed every two
2733 years.
2734 (6) A member shall hold office until the expiration of the member's term and until the
2735 member's successor is appointed, not to exceed 90 days after the formal expiration of the term.
2736 (7) The board shall:
2737 (a) organize and annually select one of its members as chair and one of its members as
2738 vice chair;
2739 (b) hold at least four regular meetings each calendar year; and
2740 (c) keep minutes of its proceedings which are open to the public for inspection.
2741 (8) The chair may call a special meeting upon the request of three or more members of
2742 the board.
2743 (9) Each member of the board and the executive secretary shall be notified of the time
2744 and place of each meeting.
2745 (10) Seven members of the board constitute a quorum for the transaction of business,
2746 and the action of a majority of members present is the action of the board.
2747 [~~(11) (a) A member who is not a government employee may not receive compensation~~
2748 ~~or benefits for the member's service, but may receive per diem and expenses incurred in the~~
2749 ~~performance of the member's official duties at the rates established by the Division of Finance~~
2750 ~~under Sections 63A-3-106 and 63A-3-107.~~]
2751 [~~(b) A member may decline to receive per diem and expenses for the member's service.~~]
2752 [~~(c) A local government member who does not receive salary, per diem, or expenses~~
2753 ~~from the entity that the member represents for the member's service may receive per diem and~~
2754 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
2755 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]

2756 [~~(d) A local government member may decline to receive per diem and expenses for the~~
2757 ~~member's service.~~]
2758 (11) A member may not receive compensation or benefits for the member's service, but
2759 may receive per diem and travel expenses in accordance with:
2760 (a) Section 63A-3-106;
2761 (b) Section 63A-3-107; and
2762 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2763 63A-3-107.
2764 Section 49. Section **19-6-103** is amended to read:
2765 **19-6-103. Solid and Hazardous Waste Control Board -- Members -- Terms --**
2766 **Organization -- Meetings -- Per diem and expenses.**
2767 (1) The Solid and Hazardous Waste Control Board created by Section 19-1-106
2768 comprises the executive director and 12 members appointed by the governor with the consent
2769 of the Senate.
2770 (2) The appointed members shall be knowledgeable about solid and hazardous waste
2771 matters and consist of:
2772 (a) one representative of municipal government;
2773 (b) one representative of county government;
2774 (c) one representative of the manufacturing or fuel industry;
2775 (d) one representative of the mining industry;
2776 (e) one representative of the private solid waste disposal or solid waste recovery
2777 industry;
2778 (f) one registered professional engineer;
2779 (g) one representative of a local health department;
2780 (h) one representative of the hazardous waste disposal industry; and
2781 (i) four representatives of the public, at least one of whom is a representative of
2782 organized environmental interests.
2783 (3) Not more than six of the appointed members may be from the same political party.
2784 (4) (a) Except as required by Subsection (4)(b), members shall be appointed for terms
2785 of four years each.
2786 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the

2787 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2788 board members are staggered so that approximately half of the board is appointed every two
2789 years.
2790 (5) Each member is eligible for reappointment.
2791 (6) Board members shall continue in office until the expiration of their terms and until
2792 their successors are appointed, but not more than 90 days after the expiration of their terms.
2793 (7) When a vacancy occurs in the membership for any reason, the replacement shall be
2794 appointed for the unexpired term by the governor, after considering recommendations of the
2795 board and with the consent of the Senate.
2796 (8) The board shall elect a chair and vice chair on or before April 1 of each year from
2797 its membership.
2798 [~~(9) (a) (i) Members who are not government employees shall receive no compensation~~
2799 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
2800 ~~performance of the member's official duties at the rates established by the Division of Finance~~
2801 ~~under Sections 63A-3-106 and 63A-3-107.~~]
2802 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
2803 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
2804 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
2805 ~~incurred in the performance of their official duties from the board at the rates established by the~~
2806 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2807 [~~(ii) State government officer and employee members may decline to receive per diem~~
2808 ~~and expenses for their service.~~]
2809 [~~(c) Legislators on the committee shall receive compensation and expenses as provided~~
2810 ~~by law and legislative rule.~~]
2811 (9) A member may not receive compensation or benefits for the member's service, but
2812 may receive per diem and travel expenses in accordance with:
2813 (a) Section 63A-3-106;
2814 (b) Section 63A-3-107; and
2815 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2816 63A-3-107.
2817 (10) (a) The board shall hold a meeting at least once every three months including one

2818 meeting during each annual general session of the Legislature.
2819 (b) Meetings shall be held on the call of the chair, the executive secretary, or any three
2820 of the members.
2821 (11) Seven members constitute a quorum at any meeting, and the action of the majority
2822 of members present is the action of the board.
2823 Section 50. Section **19-9-104** is amended to read:
2824 **19-9-104. Creation of authority -- Members.**
2825 (1) (a) The authority comprises 10 members. If the requirements of Section 19-9-103
2826 are met, the governor shall, with the consent of the Senate, appoint six members of the
2827 authority from the public-at-large.
2828 (b) The remaining four members of the authority are:
2829 (i) the executive director of the Department of Environmental Quality;
2830 (ii) the director of the Governor's Office of Economic Development or the director's
2831 designee;
2832 (iii) the executive director of the Department of Natural Resources; and
2833 (iv) the executive director of the Department of Transportation.
2834 (2) Public-at-large members, no more than three of whom shall be from the same
2835 political party, shall be appointed to six-year terms of office, subject to removal by the
2836 governor with or without cause.
2837 (3) The governor shall name one public-at-large member as chairman of the authority
2838 responsible for the call and conduct of authority meetings.
2839 (4) The authority may elect other officers as necessary.
2840 (5) Five members of the authority present at a properly noticed meeting constitute a
2841 quorum for the transaction of official authority business.
2842 [~~(6) Public-at-large members are entitled to per diem and expenses for each day~~
2843 ~~devoted to authority business at the rates established by the director of the Division of Finance~~
2844 ~~under Sections 63A-3-106 and 63A-3-107.~~]
2845 (6) A public-at-large member may not receive compensation or benefits for the
2846 member's service, but may receive per diem and travel expenses in accordance with:
2847 (a) Section 63A-3-106;
2848 (b) Section 63A-3-107; and

2849 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2850 63A-3-107.
2851 Section 51. Section **20A-5-402.7** is amended to read:
2852 **20A-5-402.7. Voting Equipment Selection Committee.**
2853 (1) As used in this section, "new voting equipment system" means voting equipment
2854 that is operated in a materially different way or that functions in a materially different way than
2855 the equipment being replaced.
2856 (2) Before selecting or purchasing a new voting equipment system after January 1,
2857 2007, the lieutenant governor shall:
2858 (a) appoint a Voting Equipment Selection Committee; and
2859 (b) ensure that the committee includes persons having experience in:
2860 (i) election procedures and administration;
2861 (ii) computer technology;
2862 (iii) data security;
2863 (iv) auditing; and
2864 (v) access for persons with disabilities.
2865 [~~(3) (a) (i) A member of the committee who is not a government employee shall~~
2866 ~~receive no compensation or benefits for the member's services, but may receive per diem and~~
2867 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
2868 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2869 [~~(ii) A member may decline to receive per diem and expenses for the member's~~
2870 ~~services.~~]
2871 [~~(b) (i) A state government officer or employee member who does not receive salary,~~
2872 ~~per diem, or expenses from the member's agency for the member's service may receive per~~
2873 ~~diem and expenses incurred in the performance of the member's official duties at the rates~~
2874 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2875 [~~(ii) A state government officer or employee member may decline to receive per diem~~
2876 ~~for the member's service.~~]
2877 (3) A member may not receive compensation or benefits for the member's service, but
2878 may receive per diem and travel expenses in accordance with:
2879 (a) Section 63A-3-106;

2880 (b) Section 63A-3-107; and
2881 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2882 63A-3-107.
2883 (4) The lieutenant governor shall select a chair from the committee membership.
2884 (5) The lieutenant governor may fill any vacancies that occur on the committee.
2885 (6) The lieutenant governor's office shall provide staffing for the committee.
2886 (7) The Voting Equipment Selection Committee shall:
2887 (a) evaluate new voting equipment systems proposed for purchase by the state; and
2888 (b) provide information and recommendations to assist the lieutenant governor with the
2889 purchase of new voting equipment systems.
2890 (8) The lieutenant governor may designate individuals, including committee members,
2891 to inspect and review proprietary software as part of an evaluation of new voting equipment
2892 systems under consideration for purchase.
2893 (9) Before making any selection or purchase, the lieutenant governor shall provide for a
2894 period of public review and comment on new voting equipment systems under consideration
2895 for purchase by the state.
2896 Section 52. Section **23-14-2** is amended to read:
2897 **23-14-2. Wildlife Board -- Creation -- Membership -- Terms -- Quorum --**
2898 **Meetings -- Per diem and expenses.**
2899 (1) There is created a Wildlife Board which shall consist of seven members appointed
2900 by the governor with the consent of the Senate.
2901 (2) (a) In addition to the requirements of Section 79-2-203, the members of the board
2902 shall have expertise or experience in at least one of the following areas:
2903 (i) wildlife management or biology;
2904 (ii) habitat management, including range or aquatic;
2905 (iii) business, including knowledge of private land issues; and
2906 (iv) economics, including knowledge of recreational wildlife uses.
2907 (b) Each of the areas of expertise under Subsection (2)(a) shall be represented by at
2908 least one member of the Wildlife Board.
2909 (3) (a) The governor shall select each board member from a list of nominees submitted
2910 by the nominating committee pursuant to Section 23-14-2.5.

2911 (b) No more than two members shall be from a single wildlife region described in
2912 Subsection 23-14-2.6(1).
2913 (c) The governor may request an additional list of at least two nominees from the
2914 nominating committee if the initial list of nominees for a given position is unacceptable.
2915 (d) (i) If the governor fails to appoint a board member within 60 days after receipt of
2916 the initial or additional list, the nominating committee shall make an interim appointment by
2917 majority vote.
2918 (ii) The interim board member shall serve until the matter is resolved by the committee
2919 and the governor or until the board member is replaced pursuant to this chapter.
2920 (4) (a) Except as required by Subsection (4)(b), as terms of current board members
2921 expire, the governor shall appoint each new member or reappointed member to a six-year term.
2922 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
2923 time of appointment or reappointment, adjust the length of terms to ensure that:
2924 (i) the terms of board members are staggered so that approximately 1/3 of the board is
2925 appointed every two years; and
2926 (ii) members serving from the same region have staggered terms.
2927 (c) If a vacancy occurs, the nominating committee shall submit two names, as provided
2928 in Subsection 23-14-2.5(4), to the governor and the governor shall appoint a replacement for
2929 the unexpired term.
2930 (d) Board members may serve only one term unless:
2931 (i) the member is among the first board members appointed to serve four years or less;
2932 or
2933 (ii) the member filled a vacancy under Subsection (4)(c) for four years or less.
2934 (5) (a) The board shall elect a chair and a vice chair from its membership.
2935 (b) Four members of the board shall constitute a quorum.
2936 (c) The director of the Division of Wildlife Resources shall act as secretary to the
2937 board but shall not be a voting member of the board.
2938 (6) (a) The Wildlife Board shall hold a sufficient number of public meetings each year
2939 to expeditiously conduct its business.
2940 (b) Meetings may be called by the chair upon five days notice or upon shorter notice in
2941 emergency situations.

2942 (c) Meetings may be held at the Salt Lake City office of the Division of Wildlife
2943 Resources or elsewhere as determined by the Wildlife Board.
2944 [~~(7) (a) (i) Members who are not government employees shall receive no compensation~~
2945 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
2946 ~~performance of the member's official duties at the rates established by the Division of Finance~~
2947 ~~under Sections 63A-3-106 and 63A-3-107.~~]
2948 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
2949 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
2950 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
2951 ~~incurred in the performance of their official duties from the board at the rates established by the~~
2952 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
2953 [~~(ii) State government officer and employee members may decline to receive per diem~~
2954 ~~and expenses for their service.~~]
2955 (7) A member may not receive compensation or benefits for the member's service, but
2956 may receive per diem and travel expenses in accordance with:
2957 (a) Section 63A-3-106;
2958 (b) Section 63A-3-107; and
2959 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2960 63A-3-107.
2961 (8) (a) The members of the Wildlife Board shall complete an orientation course to
2962 assist them in the performance of the duties of their office.
2963 (b) The Department of Natural Resources shall provide the course required under
2964 Subsection (8)(a).
2965 Section 53. Section **23-14-2.6** is amended to read:
2966 **23-14-2.6. Regional advisory councils -- Creation -- Membership -- Duties -- Per**
2967 **diem and expenses.**
2968 (1) There are created five regional advisory councils which shall consist of 12 to 15
2969 members each from the wildlife region whose boundaries are established for administrative
2970 purposes by the division.
2971 (2) The members shall include individuals who represent the following groups and
2972 interests:

2973 (a) agriculture;
2974 (b) sportsmen;
2975 (c) nonconsumptive wildlife;
2976 (d) locally elected public officials;
2977 (e) federal land agencies; and
2978 (f) the public at large.
2979 (3) The executive director of the Department of Natural Resources, in consultation
2980 with the director of the Division of Wildlife Resources, shall select the members from a list of
2981 nominees submitted by the respective interest group or agency.
2982 (4) The councils shall:
2983 (a) hear broad input, including recommendations, biological data, and information
2984 regarding the effects of wildlife;
2985 (b) gather information from staff, the public, and government agencies; and
2986 (c) make recommendations to the Wildlife Board in an advisory capacity.
2987 (5) (a) Except as required by Subsection (5)(b), each member shall serve a four-year
2988 term.
2989 (b) Notwithstanding the requirements of Subsection (5)(a), the executive director shall,
2990 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
2991 of council members are staggered so that approximately half of the council is appointed every
2992 two years.
2993 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
2994 appointed for the unexpired term.
2995 (7) The councils shall determine:
2996 (a) the time and place of meetings; and
2997 (b) any other procedural matter not specified in this chapter.
2998 (8) Members of the councils shall complete an orientation course as provided in
2999 Subsection 23-14-2(8).
3000 [~~(9) (a) (i) Members who are not government employees shall receive no compensation~~
3001 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
3002 ~~performance of the member's official duties at the rates established by the Division of Finance~~
3003 ~~under Sections 63A-3-106 and 63A-3-107.~~]

3004 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
3005 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
3006 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
3007 ~~incurred in the performance of their official duties from the council at the rates established by~~
3008 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
3009 [~~(ii) State government officer and employee members may decline to receive per diem~~
3010 ~~and expenses for their service.~~]
3011 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
3012 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
3013 ~~in the performance of their official duties at the rates established by the Division of Finance~~
3014 ~~under Sections 63A-3-106 and 63A-3-107.~~]
3015 [~~(ii) Local government members may decline to receive per diem and expenses for~~
3016 ~~their service.~~]
3017 (9) A member may not receive compensation or benefits for the member's service, but
3018 may receive per diem and travel expenses in accordance with:
3019 (a) Section 63A-3-106;
3020 (b) Section 63A-3-107; and
3021 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3022 63A-3-107.
3023 Section 54. Section **26-1-7.5** is amended to read:
3024 **26-1-7.5. Health advisory council.**
3025 (1) (a) There is created the Utah Health Advisory Council, comprised of nine persons
3026 appointed by the governor.
3027 (b) The governor shall ensure that:
3028 (i) members of the council:
3029 (A) broadly represent the public interest;
3030 (B) have an interest in or knowledge of public health, environmental health, health
3031 planning, health care financing, or health care delivery systems; and
3032 (C) include health professionals;
3033 (ii) the majority of the membership are nonhealth professionals;
3034 (iii) no more than five persons are from the same political party; and

3035 (iv) geography, sex, and ethnicity balance are considered when selecting the members.
3036 (2) (a) Except as required by Subsection (2)(b), members of the council shall be
3037 appointed to four-year terms.
3038 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
3039 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3040 council members are staggered so that approximately half of the council is appointed every two
3041 years.
3042 (c) Terms of office for subsequent appointments shall commence on July 1 of the year
3043 in which the appointment occurs.
3044 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall
3045 be appointed for the unexpired term.
3046 (b) No person shall be appointed to the council for more than two consecutive terms.
3047 (c) The chair of the council shall be appointed by the governor from the membership of
3048 the council.
3049 (4) The council shall meet at least quarterly or more frequently as determined necessary
3050 by the chair. A quorum for conducting business shall consist of four members of the council.
3051 [~~(5) (a) Members shall receive no compensation or benefits for their services, but may,~~
3052 ~~at the executive director's discretion, receive per diem and expenses incurred in the~~
3053 ~~performance of the member's official duties at the rates established by the Division of Finance~~
3054 ~~under Sections 63A-3-106 and 63A-3-107.~~]
3055 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
3056 (5) A member may not receive compensation or benefits for the member's service, but,
3057 at the executive director's discretion, may receive per diem and travel expenses in accordance
3058 with:
3059 (a) Section 63A-3-106;
3060 (b) Section 63A-3-107; and
3061 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3062 63A-3-107.
3063 (6) The council shall be empowered to advise the department on any subject deemed to
3064 be appropriate by the council except that the council shall not become involved in
3065 administrative matters. The council shall also advise the department as requested by the

3066 executive director.
3067 (7) The executive director shall ensure that the council has adequate staff support and
3068 shall provide any available information requested by the council necessary for their
3069 deliberations. The council shall observe confidential requirements placed on the department in
3070 the use of such information.
3071 Section 55. Section **26-8a-103** is amended to read:
3072 **26-8a-103. State Emergency Medical Services Committee -- Membership --**
3073 **Report -- Expenses.**
3074 (1) The State Emergency Medical Services Committee created by Section 26-1-7 shall
3075 be composed of the following 16 members appointed by the governor, at least five of whom
3076 must reside in a county of the third, fourth, fifth, or sixth class:
3077 (a) five physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
3078 Chapter 68, Utah Osteopathic Medical Practice Act, as follows:
3079 (i) one surgeon who actively provides trauma care at a hospital;
3080 (ii) one rural physician involved in emergency medical care;
3081 (iii) two physicians who practice in the emergency department of a general acute
3082 hospital; and
3083 (iv) one pediatrician who practices in the emergency department or critical care unit of
3084 a general acute hospital or a children's specialty hospital;
3085 (b) one representative from a private ambulance provider;
3086 (c) one representative from an ambulance provider that is neither privately owned nor
3087 operated by a fire department;
3088 (d) two chief officers from fire agencies operated by the following classes of licensed
3089 or designated emergency medical services providers: municipality, county, and fire district,
3090 provided that no class of medical services providers may have more than one representative
3091 under this Subsection (1)(d);
3092 (e) one director of a law enforcement agency that provides emergency medical
3093 services;
3094 (f) one hospital administrator;
3095 (g) one emergency care nurse;
3096 (h) one paramedic in active field practice;

3097 (i) one emergency medical technician in active field practice;
3098 (j) one certified emergency medical dispatcher affiliated with an emergency medical
3099 dispatch center; and
3100 (k) one consumer.
3101 (2) (a) Except as provided in Subsection (2)(b), members shall be appointed to a
3102 four-year term beginning July 1.
3103 (b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment
3104 or reappointment, adjust the length of terms to ensure that the terms of committee members are
3105 staggered so that approximately half of the committee is appointed every two years.
3106 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
3107 appointed by the governor for the unexpired term.
3108 (3) (a) Each January, the committee shall organize and select one of its members as
3109 chair and one member as vice chair. The committee may organize standing or ad hoc
3110 subcommittees, which shall operate in accordance with guidelines established by the
3111 committee.
3112 (b) The chair shall convene a minimum of four meetings per year. The chair may call
3113 special meetings. The chair shall call a meeting upon request of five or more members of the
3114 committee.
3115 (c) Nine members of the committee constitute a quorum for the transaction of business
3116 and the action of a majority of the members present is the action of the committee.
3117 (4) The committee shall submit a report in a form acceptable to the committee each
3118 November at the Law Enforcement and Criminal Justice Interim Committee meeting
3119 concerning its:
3120 (a) funding priorities and recommended sources;
3121 (b) closest responder recommendations;
3122 (c) centralized dispatch;
3123 (d) duplication of services and any taxing consequences;
3124 (e) appropriate providers for emergency medical services; and
3125 (f) recommendations and suggested legislation.
3126 [~~(5) (a) Members shall receive no compensation or benefits for their services, but may~~
3127 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~

3128 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
3129 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
3130 (5) A member may not receive compensation or benefits for the member's service, but
3131 may receive per diem and travel expenses in accordance with:
3132 (a) Section 63A-3-106;
3133 (b) Section 63A-3-107; and
3134 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3135 63A-3-107.
3136 (6) Administrative services for the committee shall be provided by the department.
3137 Section 56. Section **26-9f-103** is amended to read:
3138 **26-9f-103. Utah Digital Health Service Commission.**
3139 (1) There is created within the department the Utah Digital Health Service
3140 Commission.
3141 (2) The governor shall appoint 12 members to the commission with the consent of the
3142 Senate, as follows:
3143 (a) a physician who is involved in digital health service;
3144 (b) a representative of a licensed health care facility or system as defined in Section
3145 26-21-2;
3146 (c) a representative of rural Utah, which may be a person nominated by an advisory
3147 committee on rural health issues created pursuant to Section 26-1-20;
3148 (d) a member of the public who is not involved with digital health service;
3149 (e) a nurse who is involved in digital health service; and
3150 (f) seven members who fall into one or more of the following categories:
3151 (i) individuals who use digital health service in a public or private institution;
3152 (ii) individuals who use digital health service in serving medically underserved
3153 populations;
3154 (iii) nonphysician health care providers involved in digital health service;
3155 (iv) information technology professionals involved in digital health service;
3156 (v) representatives of the health insurance industry; and
3157 (vi) telehealth digital health service consumer advocates.
3158 (3) (a) The commission shall annually elect a chairperson from its membership. The

3159 chairperson shall report to the executive director of the department.
3160 (b) The commission shall hold meetings at least once every three months. Meetings
3161 may be held from time to time on the call of the chair or a majority of the board members.
3162 (c) Six commission members are necessary to constitute a quorum at any meeting and,
3163 if a quorum exists, the action of a majority of members present shall be the action of the
3164 commission.
3165 (4) (a) Except as provided in Subsection (4)(b), a commission member shall be
3166 appointed for a three-year term and eligible for two reappointments.
3167 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment
3168 or reappointment, adjust the length of terms to ensure that the terms of commission members
3169 are staggered so that approximately 1/3 of the commission is appointed each year.
3170 (c) A commission member shall continue in office until the expiration of the member's
3171 term and until a successor is appointed, which may not exceed 90 days after the formal
3172 expiration of the term.
3173 (d) Notwithstanding Subsection (4)(c), a commission member who fails to attend 75%
3174 of the scheduled meetings in a calendar year shall be disqualified from serving.
3175 (e) When a vacancy occurs in membership for any reason, the replacement shall be
3176 appointed for the unexpired term.
3177 [~~(5) (a) Board members who are not government employees may not receive~~
3178 ~~compensation or benefits for the services, but may, at the executive director's discretion,~~
3179 ~~receive per diem and expenses incurred in the performance of their official duties at rates~~
3180 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
3181 [~~(b) A commission member may decline to receive per diem and expenses for service~~
3182 ~~to the commission.~~]
3183 (5) A member may not receive compensation or benefits for the member's service, but,
3184 at the executive director's discretion, may receive per diem and travel expenses in accordance
3185 with:
3186 (a) Section 63A-3-106;
3187 (b) Section 63A-3-107; and
3188 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3189 63A-3-107.

3190 (6) The department shall provide informatics staff support to the commission.
3191 (7) The funding of the commission shall be a separate line item to the department in
3192 the annual appropriations act.
3193 Section 57. Section **26-10-6** is amended to read:
3194 **26-10-6. Testing of newborn infants.**
3195 (1) Except in the case where parents object on the grounds that they are members of a
3196 specified, well-recognized religious organization whose teachings are contrary to the tests
3197 required by this section, each newborn infant shall be tested for:
3198 (a) phenylketonuria (PKU);
3199 (b) other metabolic diseases which may result in mental retardation or brain damage
3200 and for which:
3201 (i) a preventive measure or treatment is available; and
3202 (ii) there exists a reliable laboratory diagnostic test method; and
3203 (c) (i) beginning July 1, 1998, for an infant born in a hospital with 100 or more live
3204 births annually, hearing loss; and
3205 (ii) beginning July 1, 1999, for an infant born in a setting other than a hospital with 100
3206 or more live births annually, hearing loss.
3207 (2) In accordance with Section 26-1-6, the department may charge fees for:
3208 (a) materials supplied by the department to conduct tests required under Subsection (1);
3209 (b) tests required under Subsection (1) conducted by the department;
3210 (c) laboratory analyses by the department of tests conducted under Subsection (1); and
3211 (d) the administrative cost of follow-up contacts with the parents or guardians of tested
3212 infants.
3213 (3) Tests for hearing loss under Subsection (1) shall be based on one or more methods
3214 approved by the Newborn Hearing Screening Committee, including:
3215 (a) auditory brainstem response;
3216 (b) automated auditory brainstem response; and
3217 (c) evoked otoacoustic emissions.
3218 (4) Results of tests for hearing loss under Subsection (1) shall be reported to:
3219 (a) parents when results of tests for hearing loss under Subsection (1) suggest that
3220 additional diagnostic procedures or medical interventions are necessary; and

3221 (b) the department.
3222 (5) (a) There is established the Newborn Hearing Screening Committee.
3223 (b) The committee shall advise the department on:
3224 (i) the validity and cost of newborn infant hearing loss testing procedures; and
3225 (ii) rules promulgated by the department to implement this section.
3226 (c) The committee shall be composed of at least 11 members appointed by the
3227 executive director, including:
3228 (i) one representative of the health insurance industry;
3229 (ii) one pediatrician;
3230 (iii) one family practitioner;
3231 (iv) one ear, nose, and throat specialist nominated by the Utah Medical Association;
3232 (v) two audiologists nominated by the Utah Speech-Language-Hearing Association;
3233 (vi) one representative of hospital neonatal nurseries;
3234 (vii) one representative of the Early Intervention Baby Watch Program administered by
3235 the department;
3236 (viii) one public health nurse;
3237 (ix) one consumer; and
3238 (x) the executive director or his designee.
3239 (d) Of the initial members of the committee, the executive director shall appoint as
3240 nearly as possible half to two-year terms and half to four-year terms. Thereafter, appointments
3241 shall be for four-year terms except:
3242 (i) for those members who have been appointed to complete an unexpired term; and
3243 (ii) as necessary to ensure that as nearly as possible the terms of half the appointments
3244 expire every two years.
3245 (e) A majority of the members constitute a quorum and a vote of the majority of the
3246 members present constitutes an action of the committee.
3247 (f) The committee shall appoint a chairman from its membership.
3248 (g) The committee shall meet at least quarterly.
3249 [~~(h) (i) (A) Members who are not government employees shall receive no~~
3250 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
3251 ~~the performance of the member's official duties at the rates established by the Division of~~

3252 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
3253 [~~(B) Members may decline to receive per diem and expenses for their service.~~]
3254 [~~(ii) (A) State government officer and employee members who do not receive salary,~~
3255 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~
3256 ~~incurred in the performance of their official duties from the committee at the rates established~~
3257 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
3258 [~~(B) State government officer and employee members may decline to receive per diem~~
3259 ~~and expenses for their service.~~]
3260 (h) A member may not receive compensation or benefits for the member's service, but
3261 may receive per diem and travel expenses in accordance with:
3262 (i) Section 63A-3-106;
3263 (ii) Section 63A-3-107; and
3264 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3265 63A-3-107.
3266 (i) The department shall provide staff for the committee.
3267 Section 58. Section **26-18-102** is amended to read:
3268 **26-18-102. DUR Board -- Creation and membership -- Expenses.**
3269 (1) There is created a 12-member Drug Utilization Review Board responsible for
3270 implementation of a retrospective and prospective DUR program.
3271 (2) (a) Except as required by Subsection (2)(b), as terms of current board members
3272 expire, the executive director shall appoint each new member or reappointed member to a
3273 four-year term.
3274 (b) Notwithstanding the requirements of Subsection (2)(a), the executive director shall,
3275 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
3276 of board members are staggered so that approximately half of the board is appointed every two
3277 years.
3278 (c) Persons appointed to the board may be reappointed upon completion of their terms,
3279 but may not serve more than two consecutive terms.
3280 (d) The executive director shall provide for geographic balance in representation on the
3281 board.
3282 (3) When a vacancy occurs in the membership for any reason, the replacement shall be

3283 appointed for the unexpired term.
3284 (4) The membership shall be comprised of the following:
3285 (a) four physicians who are actively engaged in the practice of medicine or osteopathic
3286 medicine in this state, to be selected from a list of nominees provided by the Utah Medical
3287 Association;
3288 (b) one physician in this state who is actively engaged in academic medicine;
3289 (c) three pharmacists who are actively practicing in retail pharmacy in this state, to be
3290 selected from a list of nominees provided by the Utah Pharmaceutical Association;
3291 (d) one pharmacist who is actively engaged in academic pharmacy;
3292 (e) one person who shall represent consumers;
3293 (f) one person who shall represent pharmaceutical manufacturers, to be recommended
3294 by the Pharmaceutical Manufacturers Association; and
3295 (g) one dentist licensed to practice in this state under Title 58, Chapter 69, Dentists and
3296 Dental Hygienists Act, who is actively engaged in the practice of dentistry, nominated by the
3297 Utah Dental Association.
3298 (5) Physician and pharmacist members of the board shall have expertise in clinically
3299 appropriate prescribing and dispensing of outpatient drugs.
3300 (6) The board shall elect a chair from among its members who shall serve a one-year
3301 term, and may serve consecutive terms.
3302 [~~(7) (a) Members shall receive no compensation or benefits for their services, but may~~
3303 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
3304 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
3305 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
3306 [~~(c) (i) Higher education members who do not receive salary, per diem, or expenses~~
3307 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
3308 ~~in the performance of their official duties from the committee at the rates established by the~~
3309 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
3310 [~~(ii) Higher education members may decline to receive per diem and expenses for their~~
3311 ~~service.~~]
3312 (7) A member may not receive compensation or benefits for the member's service, but
3313 may receive per diem and travel expenses in accordance with:

3314 (a) Section 63A-3-106;
3315 (b) Section 63A-3-107; and
3316 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3317 63A-3-107.
3318 Section 59. Section **26-18a-2** is amended to read:
3319 **26-18a-2. Creation and membership of Kurt Oscarson Children's Organ**
3320 **Transplant Coordinating Committee -- Expenses.**
3321 (1) There is created the Kurt Oscarson Children's Organ Transplant Coordinating
3322 Committee.
3323 (2) The committee shall have five members representing the following:
3324 (a) the executive director of the Department of Health or his designee;
3325 (b) two representatives from public or private agencies and organizations concerned
3326 with providing support and financial assistance to the children and families of children who
3327 need organ transplants; and
3328 (c) two individuals who have had organ transplants, have children who have had organ
3329 transplants, who work with families or children who have had or are awaiting organ
3330 transplants, or community leaders or volunteers who have demonstrated an interest in working
3331 with families or children in need of organ transplants.
3332 (3) (a) The governor shall appoint the committee members and designate the chair
3333 from among the committee members.
3334 (b) (i) Except as required by Subsection (3)(b)(ii), each member shall serve a four-year
3335 term.
3336 (ii) Notwithstanding the requirements of Subsection (3)(b)(i), the governor shall, at the
3337 time of appointment or reappointment, adjust the length of terms to ensure that the terms of the
3338 committee members are staggered so that approximately half of the committee is appointed
3339 every two years.
3340 [~~(4) (a) (i) Members who are not government employees receive no compensation or~~
3341 ~~benefits for their services, but may, at the executive director's discretion, receive per diem and~~
3342 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
3343 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
3344 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]

3345 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
3346 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
3347 ~~incurred in the performance of their official duties from the committee at the rates established~~
3348 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
3349 [~~(ii) State government officer and employee members may decline to receive per diem~~
3350 ~~and expenses for their service.~~]
3351 (4) A member may not receive compensation or benefits for the member's service, but,
3352 at the executive director's discretion, may receive per diem and travel expenses in accordance
3353 with:
3354 (a) Section 63A-3-106;
3355 (b) Section 63A-3-107; and
3356 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3357 63A-3-107.
3358 (5) The Department of Health shall provide support staff for the committee.
3359 Section 60. Section **26-21-4** is amended to read:
3360 **26-21-4. Per diem of committee members.**
3361 [~~(1) Members shall receive no compensation or benefits for their services, but may~~
3362 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
3363 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
3364 [~~(2) Members may decline to receive per diem and expenses for their service.~~]
3365 A member may not receive compensation or benefits for the member's service, but may
3366 receive per diem and travel expenses in accordance with:
3367 (1) Section 63A-3-106;
3368 (2) Section 63A-3-107; and
3369 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3370 63A-3-107.
3371 Section 61. Section **26-33a-103** is amended to read:
3372 **26-33a-103. Committee membership -- Terms -- Chair -- Compensation.**
3373 (1) The Health Data Committee created by Section 26-1-7 shall be composed of 13
3374 members appointed by the governor with the consent of the Senate.
3375 (2) No more than seven members of the committee may be members of the same

3376 political party.
3377 (3) The appointed members of the committee shall be knowledgeable regarding the
3378 health care system and the characteristics and use of health data and shall be selected so that
3379 the committee at all times includes individuals who provide care.
3380 (4) The membership of the committee shall be:
3381 (a) one person employed by or otherwise associated with a hospital as defined by
3382 Section 26-21-2;
3383 (b) one physician, as defined in Section 58-67-102, licensed to practice in this state,
3384 who spends the majority of his time in the practice of medicine in this state;
3385 (c) one registered nurse licensed to practice in this state under Title 58, Chapter 31b,
3386 Nurse Practice Act;
3387 (d) three persons employed by or otherwise associated with a business that supplies
3388 health care insurance to its employees, at least one of whom represents an employer employing
3389 50 or fewer employees;
3390 (e) one person employed by or associated with a third-party payor that is not licensed
3391 under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans;
3392 (f) two consumer representatives from organized consumer or employee associations;
3393 (g) one person broadly representative of the public interest;
3394 (h) one person employed by or associated with an organization that is licensed under
3395 Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans; and
3396 (i) two people representing public health.
3397 (5) (a) Except as required by Subsection (5)(b), as terms of current committee members
3398 expire, the governor shall appoint each new member or reappointed member to a four-year
3399 term.
3400 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
3401 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3402 committee members are staggered so that approximately half of the committee is appointed
3403 every two years.
3404 (c) Members may serve after their terms expire until replaced.
3405 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
3406 appointed for the unexpired term.

3407 (7) Committee members shall annually elect a chair of the committee from among their
3408 membership.
3409 (8) The committee shall meet at least once during each calendar quarter. Meeting dates
3410 shall be set by the chair upon 10 working days notice to the other members, or upon written
3411 request by at least four committee members with at least 10 working days notice to other
3412 committee members.
3413 (9) Seven committee members constitute a quorum for the transaction of business.
3414 Action may not be taken except upon the affirmative vote of a majority of a quorum of the
3415 committee.
3416 [~~(10) (a) (i) Members who are not government employees shall receive no~~
3417 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
3418 ~~the performance of the member's official duties at the rates established by the Division of~~
3419 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
3420 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
3421 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
3422 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
3423 ~~incurred in the performance of their official duties from the committee at the rates established~~
3424 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
3425 [~~(ii) State government officer and employee members may decline to receive per diem~~
3426 ~~and expenses for their service.~~]
3427 (10) A member may not receive compensation or benefits for the member's service, but
3428 may receive per diem and travel expenses in accordance with:
3429 (a) Section 63A-3-106;
3430 (b) Section 63A-3-107; and
3431 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3432 63A-3-107.
3433 (11) All meetings of the committee shall be open to the public, except that the
3434 committee may hold a closed meeting if the requirements of Sections 52-4-204, 52-4-205, and
3435 52-4-206 are met.
3436 Section 62. Section **26-39-202** is repealed and reenacted to read:
3437 **26-39-202. Members serve without pay -- Reimbursement for expenses.**

3438 A member may not receive compensation or benefits for the member's service, but may
3439 receive per diem and travel expenses in accordance with:
3440 (1) Section 63A-3-106;
3441 (2) Section 63A-3-107; and
3442 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3443 63A-3-107.
3444 Section 63. Section **26-40-104** is amended to read:
3445 **26-40-104. Utah Children's Health Insurance Program Advisory Council.**
3446 (1) There is created a Utah Children's Health Insurance Program Advisory Council
3447 consisting of at least eight and no more than 11 members appointed by the executive director of
3448 the department. The term of each appointment shall be three years. The appointments shall be
3449 staggered at one-year intervals to ensure continuity of the advisory council.
3450 (2) The advisory council shall meet at least quarterly.
3451 (3) The membership of the advisory council shall include at least one representative
3452 from each of the following groups:
3453 (a) child health care providers;
3454 (b) parents and guardians of children enrolled in the program;
3455 (c) ethnic populations other than American Indians;
3456 (d) American Indians;
3457 (e) the Utah Association of Health Care Providers;
3458 (f) health and accident and health insurance providers; and
3459 (g) the general public.
3460 (4) The advisory council shall advise the department on:
3461 (a) benefits design;
3462 (b) eligibility criteria;
3463 (c) outreach;
3464 (d) evaluation; and
3465 (e) special strategies for under-served populations.
3466 [~~(5) (a) (i) Members who are not government employees may not receive compensation~~
3467 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
3468 ~~performance of the member's official duties at the rates established by the Division of Finance~~

3469 ~~under Sections 63A-3-106 and 63A-3-107.~~]
3470 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
3471 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
3472 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
3473 ~~incurred in the performance of their official duties from the council at the rates established by~~
3474 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
3475 [~~(ii) State government officer and employee members may decline to receive per diem~~
3476 ~~and expenses for their service.~~]
3477 (5) A member may not receive compensation or benefits for the member's service, but
3478 may receive per diem and travel expenses in accordance with:
3479 (a) Section 63A-3-106;
3480 (b) Section 63A-3-107; and
3481 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3482 63A-3-107.
3483 Section 64. Section **26-46-103** is amended to read:
3484 **26-46-103. Advisory committee -- Membership -- Compensation -- Duties.**
3485 (1) There is created the Utah Health Care Workforce Financial Assistance Program
3486 Advisory Committee consisting of the following 13 members appointed by the executive
3487 director, eight of whom shall be residents of rural communities:
3488 (a) one rural representative of Utah Hospitals and Health Systems, nominated by the
3489 association;
3490 (b) two rural representatives of the Utah Medical Association, nominated by the
3491 association;
3492 (c) one representative of the Utah Academy of Physician Assistants, nominated by the
3493 association;
3494 (d) one representative of the Association for Utah Community Health, nominated by
3495 the association;
3496 (e) one representative of the Utah Dental Association, nominated by the association;
3497 (f) one representative of mental health therapists, selected from nominees submitted by
3498 mental health therapist professional associations;
3499 (g) one representative of the Association of Local Health Officers, nominated by the

3500 association;
3501 (h) one representative of the low-income advocacy community, nominated by the Utah
3502 Human Services Coalition;
3503 (i) one nursing program faculty member, nominated by the Statewide Deans and
3504 Directors Committee;
3505 (j) one administrator of a long-term care facility, nominated by the Utah Health Care
3506 Association;
3507 (k) one nursing administrator, nominated by the Utah Nurses Association; and
3508 (l) one geriatric professional who is:
3509 (i) determined by the department to have adequate advanced training in geriatrics to
3510 prepare the person to provide specialized geriatric care within the scope of the person's
3511 profession; and
3512 (ii) nominated by a professional association for the profession of which the person is a
3513 member.
3514 (2) An appointment to the committee shall be for a four-year term unless the member is
3515 appointed to complete an unexpired term. The executive director may also adjust the length of
3516 term at the time of appointment or reappointment so that approximately 1/2 the committee is
3517 appointed every two years. The executive director shall annually appoint a committee chair
3518 from among the members of the committee.
3519 (3) The committee shall meet at the call of the chair, at least three members of the
3520 committee, or the executive director, but no less frequently than once each calendar year.
3521 (4) A majority of the members of the committee constitutes a quorum. The action of a
3522 majority of a quorum constitutes the action of the committee.
3523 [~~(5) Members of the committee may not receive compensation for their work~~
3524 ~~associated with the committee, but may receive from the department reimbursement for travel~~
3525 ~~expenses incurred as a member of the committee, as funds are available, at the rates established~~
3526 ~~by the Division of Finance under Section 63A-3-107. Members of the committee may decline~~
3527 ~~reimbursement.~~]
3528 (5) A member may not receive compensation or benefits for the member's service, but
3529 may receive per diem and travel expenses in accordance with:
3530 (a) Section 63A-3-106;

3531 (b) Section 63A-3-107; and
3532 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3533 63A-3-107.
3534 (6) The committee shall:
3535 (a) make recommendations to the department for the development and modification of
3536 rules to administer the Utah Health Care Workforce Financial Assistance Program; and
3537 (b) advise the department on the development of a needs assessment tool for
3538 identifying underserved areas.
3539 (7) As funding permits, the department shall provide staff and other administrative
3540 support to the committee.
3541 Section 65. Section **26-50-202** is amended to read:
3542 **26-50-202. Traumatic Brain Injury Advisory Committee -- Membership -- Time**
3543 **limit.**
3544 (1) On or after July 1 of each year, the executive director may create a Traumatic Brain
3545 Injury Advisory Committee of not more than nine members.
3546 (2) The committee shall be composed of members of the community who are familiar
3547 with traumatic brain injury, its causes, diagnosis, treatment, rehabilitation, and support
3548 services, including:
3549 (a) persons with a traumatic brain injury;
3550 (b) family members of a person with a traumatic brain injury;
3551 (c) representatives of an association which advocates for persons with traumatic brain
3552 injuries;
3553 (d) specialists in a profession that works with brain injury patients; and
3554 (e) department representatives.
3555 (3) The department shall provide staff support to the committee.
3556 (4) (a) If a vacancy occurs in the committee membership for any reason, a replacement
3557 may be appointed for the unexpired term.
3558 (b) The committee shall elect a chairperson from the membership.
3559 (c) A majority of the committee constitutes a quorum at any meeting, and, if a quorum
3560 exists, the action of the majority of members present shall be the action of the committee.
3561 (d) The committee may adopt bylaws governing the committee's activities.

3562 (e) A committee member may be removed by the executive director:
3563 (i) if the member is unable or unwilling to carry out the member's assigned
3564 responsibilities; or
3565 (ii) for good cause.
3566 (5) The committee shall comply with the procedures and requirements of:
3567 (a) Title 52, Chapter 4, Open and Public Meetings Act; and
3568 (b) Title 63G, Chapter 2, Government Records Access and Management Act.
3569 [~~(6) (a) Members shall receive no compensation or benefits for their services, but may,~~
3570 ~~at the executive director's discretion, receive per diem and expenses incurred in the~~
3571 ~~performance of the members' official duties at the rates established by the Division of Finance~~
3572 ~~under Sections 63A-3-106 and 63A-3-107.~~]
3573 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
3574 (6) A member may not receive compensation or benefits for the member's service, but,
3575 at the executive director's discretion, may receive per diem and travel expenses in accordance
3576 with:
3577 (a) Section 63A-3-106;
3578 (b) Section 63A-3-107; and
3579 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3580 63A-3-107.
3581 (7) Not later than November 30 of each year the committee shall provide a written
3582 report summarizing the activities of the committee to:
3583 (a) the executive director of the department;
3584 (b) the Health and Human Services Interim Committee; and
3585 (c) the Health and Human Services Appropriations Subcommittee.
3586 (8) The committee shall cease to exist on December 31 of each year, unless the
3587 executive director determines it necessary to continue.
3588 Section 66. Section **31A-2-403** is amended to read:
3589 **31A-2-403. Title and Escrow Commission created.**
3590 (1) (a) Subject to Subsection (1)(b), there is created within the department the Title and
3591 Escrow Commission that is comprised of five members appointed by the governor with the
3592 consent of the Senate as follows:

3593 (i) four members shall each:
3594 (A) be or have been licensed under the title insurance line of authority; [~~and~~]
3595 (B) as of the day on which the member is appointed, be or have been licensed with the
3596 search or escrow subline of authority for at least five years; and
3597 (C) as of the day on which the member is appointed, not be from the same county as
3598 another member appointed under this Subsection (1)(a)(i); and
3599 (ii) one member shall be a member of the general public from any county in the state.
3600 (b) No more than one commission member may be appointed from a single company.
3601 (2) (a) Subject to Subsection (2)(c), a member of the commission shall file with the
3602 department a disclosure of any position of employment or ownership interest that the member
3603 of the commission has with respect to a person that is subject to the jurisdiction of the
3604 department.
3605 (b) The disclosure statement required by this Subsection (2) shall be:
3606 (i) filed by no later than the day on which the person begins that person's appointment;
3607 and
3608 (ii) amended when a significant change occurs in any matter required to be disclosed
3609 under this Subsection (2).
3610 (c) A member of the commission is not required to disclose an ownership interest that
3611 the member of the commission has if the ownership interest is held as part of a mutual fund,
3612 trust, or similar investment.
3613 (3) (a) Except as required by Subsection (3)(b), as terms of current commission
3614 members expire, the governor shall appoint each new member to a four-year term ending on
3615 June 30.
3616 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
3617 time of appointment, adjust the length of terms to ensure that the terms of the commission
3618 members are staggered so that approximately half of the commission is appointed every two
3619 years.
3620 (c) A commission member may not serve more than one consecutive term.
3621 (d) When a vacancy occurs in the membership for any reason, the governor, with the
3622 consent of the Senate, shall appoint a replacement for the unexpired term.
3623 [~~(4) (a) A member of the commission may not receive compensation or benefits for the~~

3624 ~~member's services, but may receive per diem and expenses incurred in the performance of the~~
3625 ~~member's official duties at the rates established by the Division of Finance under Sections~~
3626 ~~63A-3-106 and 63A-3-107.~~]
3627 [~~(b) A member may decline to receive per diem and expenses for the member's~~
3628 ~~service.~~]
3629 (4) A member may not receive compensation or benefits for the member's service, but
3630 may receive per diem and travel expenses in accordance with:
3631 (a) Section 63A-3-106;
3632 (b) Section 63A-3-107; and
3633 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3634 63A-3-107.
3635 (5) Members of the commission shall annually select one member to serve as chair.
3636 (6) (a) The commission shall meet at least monthly.
3637 (b) The commissioner may call additional meetings:
3638 (i) at the commissioner's discretion;
3639 (ii) upon the request of the chair of the commission; or
3640 (iii) upon the written request of three or more commission members.
3641 (c) (i) Three members of the commission constitute a quorum for the transaction of
3642 business.
3643 (ii) The action of a majority of the members when a quorum is present is the action of
3644 the commission.
3645 (7) The department shall staff the commission.
3646 Section 67. Section **31A-29-104** is amended to read:
3647 **31A-29-104. Creation of pool -- Board of directors -- Appointment -- Terms --**
3648 **Quorum -- Plan preparation.**
3649 (1) There is created the "Utah Comprehensive Health Insurance Pool," a nonprofit
3650 entity within the Insurance Department.
3651 (2) The pool shall be under the direction of a board of directors composed of 12
3652 members.
3653 (a) The governor shall appoint 10 of the directors with the consent of the Senate as
3654 follows:

3655 (i) two representatives of health insurance companies or health service organizations;
3656 (ii) one representative of a health maintenance organization;
3657 (iii) one physician;
3658 (iv) one representative of hospitals;
3659 (v) one representative of the general public who is reasonably expected to qualify for
3660 coverage under the pool;
3661 (vi) one parent or spouse of such an individual;
3662 (vii) one representative of the general public;
3663 (viii) one representative of employers; and
3664 (ix) one licensed producer with an accident and health line of authority.
3665 (b) The board shall also include:
3666 (i) the commissioner or the commissioner's designee; and
3667 (ii) the executive director of the Department of Health or the executive director's
3668 designee.
3669 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
3670 expire, the governor shall appoint each new member or reappointed member to a four-year
3671 term.
3672 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
3673 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3674 board members are staggered so that approximately half of the board is appointed every two
3675 years.
3676 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
3677 appointed for the unexpired term in the same manner as the original appointment was made.
3678 [~~(5) (a) (i) Members who are not government employees shall receive no compensation~~
3679 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
3680 ~~performance of the member's official duties at the rates established by the Division of Finance~~
3681 ~~under Sections 63A-3-106 and 63A-3-107 from the Pool Fund.~~]
3682 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
3683 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
3684 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
3685 ~~incurred in the performance of their official duties from the pool at the rates established by the~~

3686 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
3687 [~~(ii) A state government member who is a member because of their state government~~
3688 ~~position may not receive per diem or expenses for their service.~~]
3689 [~~(iii) State government officer and employee members may decline to receive per diem~~
3690 ~~and expenses for their service.~~]
3691 (5) A member may not receive compensation or benefits for the member's service, but
3692 may receive per diem and travel expenses in accordance with:
3693 (a) Section 63A-3-106;
3694 (b) Section 63A-3-107; and
3695 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3696 63A-3-107.
3697 (6) The board shall elect annually a chair and vice chair from its membership.
3698 (7) Six board members are a quorum for the transaction of business.
3699 (8) The action of a majority of the members of the quorum is the action of the board.
3700 Section 68. Section **31A-35-201** is amended to read:
3701 **31A-35-201. Bail Bond Surety Oversight Board.**
3702 (1) There is created a Bail Bond Surety Oversight Board within the department,
3703 consisting of:
3704 (a) the following seven voting members to be appointed by the commissioner:
3705 (i) one representative each from four licensed bail bond surety companies;
3706 (ii) two members of the general public who do not have any financial interest in or
3707 professional affiliation with any bail bond surety company; and
3708 (iii) one attorney in good standing licensed to practice law in Utah; and
3709 (b) a nonvoting member who is a staff member of the insurance department appointed
3710 by the commissioner.
3711 (2) (a) The appointments are for terms of four years. A board member may not serve
3712 more than two consecutive terms.
3713 (b) The insurance commissioner shall, at the time of appointment or reappointment of a
3714 board member described in Subsection (1)(a), adjust the length of terms to ensure that the
3715 terms of board members are staggered so approximately half of the board is appointed every
3716 two years.

3717 (3) A board member serves until:
3718 (a) removed by the insurance commissioner;
3719 (b) the member's resignation; or
3720 (c) for a member described in Subsection (1)(a), the expiration of the member's term
3721 and the appointment of a successor.
3722 (4) When a vacancy occurs in the membership of a board member described in
3723 Subsection (1)(a) for any reason, the replacement shall be appointed for the remainder of the
3724 unexpired term.
3725 (5) The board shall annually elect one of its members as chair.
3726 (6) Four voting members constitute a quorum for the transaction of business.
3727 [~~(7) (a) A member described in Subsection (1)(a) does not receive compensation or~~
3728 ~~benefits for the member's services, but may receive per diem and expenses incurred in the~~
3729 ~~performance of official duties at the rates established by the Division of Finance under Sections~~
3730 ~~63A-3-106 and 63A-3-107.~~]
3731 [~~(b) A member described in Subsection (1)(a) may decline to receive per diem and~~
3732 ~~expenses for the member's services.~~]
3733 (7) A member may not receive compensation or benefits for the member's service, but
3734 may receive per diem and travel expenses in accordance with:
3735 (a) Section 63A-3-106;
3736 (b) Section 63A-3-107; and
3737 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3738 63A-3-107.
3739 (8) (a) The commissioner, with a majority vote of the board, may remove any member
3740 of the board described in Subsection (1)(a) for misconduct, incompetency, or neglect of duty.
3741 (b) The board shall conduct a hearing if requested by the board member described in
3742 Subsection (1)(a) that is to be removed.
3743 (9) Members of the board are immune from suit with respect to all acts done and
3744 actions taken in good faith in carrying out the purposes of this chapter.
3745 Section 69. Section **32A-1-106** is amended to read:
3746 **32A-1-106. Alcoholic Beverage Control Commission -- Membership -- Oaths and**
3747 **bond -- Per diem -- Offices -- Removal -- Meetings.**

3748 (1) The Alcoholic Beverage Control Commission shall act as a governing board over
3749 the Department of Alcoholic Beverage Control.
3750 (2) (a) The commission is composed of five part-time commissioners appointed by the
3751 governor with the consent of the Senate.
3752 (b) No more than three commissioners may be of the same political party.
3753 (3) (a) Except as required by Subsection (3)(b), as terms of current commissioners
3754 expire, the governor shall appoint each new commissioner or reappointed commissioner to a
3755 four-year term.
3756 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
3757 time of appointment or reappointment, adjust the length of terms to ensure that the terms of no
3758 more than two commissioners expire in a fiscal year.
3759 (4) When a vacancy occurs in the commission for any reason, the replacement shall be
3760 appointed for the unexpired term with the consent of the Senate.
3761 (5) Each commissioner shall qualify by taking the oath of office and by giving bond to
3762 the state for faithful performance of duties in an amount determined by the Division of
3763 Finance, and in a form approved by the attorney general. The bond premium shall be paid by
3764 the state.
3765 [~~(6) (a) A commissioner may not receive compensation or benefits for the~~
3766 ~~commissioner's services, but may receive per diem and expenses incurred in the performance of~~
3767 ~~the commissioner's official duties at the rates established by the Division of Finance under~~
3768 ~~Sections 63A-3-106 and 63A-3-107.~~]
3769 [~~(b) A commissioner may decline to receive per diem and expenses for the~~
3770 ~~commissioner's service.~~]
3771 (6) A commissioner may not receive compensation or benefits for the commissioner's
3772 service, but may receive per diem and travel expenses in accordance with:
3773 (a) Section 63A-3-106;
3774 (b) Section 63A-3-107; and
3775 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3776 63A-3-107.
3777 (7) (a) The commission shall elect one of its members to serve as chair, another to
3778 serve as vice chair, and other commission officers as it considers advisable, all of whom shall

3779 serve at the pleasure of the commission.
3780 (b) All commissioners on the commission have equal voting rights on all commission
3781 matters when in attendance at a commission meeting.
3782 (c) Three commissioners of the commission is a quorum for conducting commission
3783 business.
3784 (d) A majority vote of the quorum present is required for any action to be taken by the
3785 commission.
3786 (8) (a) (i) The governor may remove any commissioner from office for cause after a
3787 public hearing conducted by the governor or by an impartial hearing examiner appointed by the
3788 governor to conduct the hearing.
3789 (ii) The commissioner shall receive written notice of the date, time, and place of the
3790 hearing along with the alleged grounds for the removal at least 10 days before the hearing. The
3791 commissioner shall have the opportunity to attend the hearing, present witnesses and other
3792 evidence, and confront and cross examine witnesses.
3793 (b) Following the hearing, written findings of fact and conclusions of law shall be
3794 prepared by the person conducting the hearing and a copy served upon the commissioner. If
3795 the hearing is before a hearing examiner, the hearing examiner shall also issue a written
3796 recommendation to the governor.
3797 (c) The commissioner shall have five days to file written objections to the
3798 recommendation before the governor issues a final order. The governor's order shall be in
3799 writing and served upon the commissioner.
3800 (9) (a) The commission shall meet at least monthly, but may hold other meetings at
3801 times and places as scheduled by the commission, by the chair, or by any three commissioners
3802 upon filing a written request for a meeting with the chair.
3803 (b) Notice of the time and place of each commission meeting shall be given to each
3804 commissioner, and to the public in compliance with Title 52, Chapter 4, Open and Public
3805 Meetings Act. All commission meetings shall be open to the public, except those meetings or
3806 portions of meetings that are closed by the commission as authorized by Sections 52-4-204 and
3807 52-4-205.
3808 Section 70. Section **34-20-3** is amended to read:
3809 **34-20-3. Labor relations board.**

3810 (1) (a) There is created the Labor Relations Board consisting of the following:
3811 (i) the commissioner of the Labor Commission;
3812 (ii) two members appointed by the governor with the consent of the Senate consisting
3813 of:
3814 (A) a representative of employers, in making this appointment the governor shall
3815 consider nominations from employer organizations; and
3816 (B) a representative of employees, in making this appointment the governor shall
3817 consider nominations from employee organizations.
3818 (b) (i) Except as provided in Subsection (1)(b)(ii), as terms of members appointed
3819 under Subsection (1)(a)(ii) expire, the governor shall appoint each new member or reappointed
3820 member to a four-year term.
3821 (ii) Notwithstanding the requirements of Subsection (1)(b)(i), the governor shall, at the
3822 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3823 members appointed under Subsection (1)(a)(ii) are staggered so one member is appointed every
3824 two years.
3825 (c) The commissioner shall serve as chair of the board.
3826 (d) A vacancy occurring on the board for any cause of the members appointed under
3827 Subsection (1)(a)(ii) shall be filled by the governor with the consent of the Senate pursuant to
3828 this section for the unexpired term of the vacating member.
3829 (e) The governor may at any time remove a member appointed under Subsection
3830 (1)(a)(ii) but only for inefficiency, neglect of duty, malfeasance or malfeasance in office, or for
3831 cause upon a hearing.
3832 (f) A member of the board appointed under Subsection (1)(a)(ii) may not hold any
3833 other office in the government of the United States, this state or any other state, or of any
3834 county government or municipal corporation within a state.
3835 [~~(g) (i) (A) A member appointed under Subsection (1)(a)(ii) may not receive~~
3836 ~~compensation for the member's services, but may receive per diem and expenses incurred in the~~
3837 ~~performance of the member's official duties at the rates established by the Division of Finance~~
3838 ~~under Sections 63A-3-106 and 63A-3-107.~~]
3839 [~~(B) A member appointed under Subsection (1)(a)(ii) may decline to receive per diem~~
3840 ~~and expenses for the member's service.~~]

3841 [~~(ii) The commissioner may not receive additional compensation, per diem, or~~
3842 ~~expenses from the commissioner's service on the board that is in addition to the monies~~
3843 ~~received as commissioner.~~]
3844 (g) A member appointed under Subsection (1)(a)(ii) may not receive compensation or
3845 benefits for the member's service, but may receive per diem and travel expenses in accordance
3846 with:
3847 (i) Section 63A-3-106;
3848 (ii) Section 63A-3-107; and
3849 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3850 63A-3-107.
3851 (2) A meeting of the board may be called:
3852 (a) by the chair; or
3853 (b) jointly by the members appointed under Subsection (1)(a)(ii).
3854 (3) The chair may provide staff and administrative support as necessary from the Labor
3855 Commission.
3856 (4) A vacancy in the board shall not impair the right of the remaining members to
3857 exercise all the powers of the board, and two members of the board shall at all times constitute
3858 a quorum.
3859 (5) The board shall have an official seal which shall be judicially noticed.
3860 Section 71. Section **34A-2-107** is amended to read:
3861 **34A-2-107. Appointment of workers' compensation advisory council --**
3862 **Composition -- Terms of members -- Duties -- Compensation.**
3863 (1) The commissioner shall appoint a workers' compensation advisory council
3864 composed of:
3865 (a) the following voting members:
3866 (i) five employer representatives; and
3867 (ii) five employee representatives; and
3868 (b) the following nonvoting members:
3869 (i) a representative of the Workers' Compensation Fund;
3870 (ii) a representative of a private insurance carrier;
3871 (iii) a representative of health care providers;

3872 (iv) the Utah insurance commissioner or the insurance commissioner's designee; and
3873 (v) the commissioner or the commissioner's designee.
3874 (2) Employers and employees shall consider nominating members of groups who
3875 historically may have been excluded from the council, such as women, minorities, and
3876 individuals with disabilities.
3877 (3) (a) Except as required by Subsection (3)(b), as terms of current council members
3878 expire, the commissioner shall appoint each new member or reappointed member to a two-year
3879 term beginning July 1 and ending June 30.
3880 (b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at
3881 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3882 council members are staggered so that approximately half of the council is appointed every two
3883 years.
3884 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
3885 be appointed for the unexpired term.
3886 (b) The commissioner shall terminate the term of a council member who ceases to be
3887 representative as designated by the member's original appointment.
3888 (5) (a) The council shall confer at least quarterly for the purpose of advising the
3889 commission, the division, and the Legislature on:
3890 (i) the Utah workers' compensation and occupational disease laws;
3891 (ii) the administration of the laws described in Subsection (5)(a)(i);
3892 (iii) rules related to the laws described in Subsection (5)(a)(i); and
3893 (iv) advising the Legislature in accordance with Subsection (5)(b).
3894 (b) (i) The council and the commission shall jointly study during 2009 the premium
3895 assessment under Section 59-9-101 on an admitted insurer writing workers' compensation
3896 insurance in this state and on a self-insured employer under Section 34A-2-202 as to:
3897 (A) whether or not the premium assessment should be changed; or
3898 (B) whether or not changes should be made to how the premium assessment is used.
3899 (ii) The council and commission shall jointly report the results of the study described in
3900 this Subsection (5)(b) to the Business and Labor Interim Committee by no later than the 2009
3901 November interim meeting.
3902 (6) Regarding workers' compensation, rehabilitation, and reemployment of employees

3903 who are disabled because of an industrial injury or occupational disease the council shall:
3904 (a) offer advice on issues requested by:
3905 (i) the commission;
3906 (ii) the division; and
3907 (iii) the Legislature; and
3908 (b) make recommendations to:
3909 (i) the commission; and
3910 (ii) the division.
3911 (7) The commissioner or the commissioner's designee shall serve as the chair of the
3912 council and call the necessary meetings.
3913 (8) The commission shall provide staff support to the council.
3914 [~~(9) (a) (i) A member who is not a government employee may not receive~~
3915 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~
3916 ~~incurred in the performance of the member's official duties at the rates established by the~~
3917 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
3918 [~~(ii) A member may decline to receive per diem and expenses for the member's~~
3919 ~~service.~~]
3920 [~~(b) (i) A state government officer or employee member who does not receive salary,~~
3921 ~~per diem, or expenses from the member's agency for the member's service may receive per~~
3922 ~~diem and expenses incurred in the performance of the member's official duties from the council~~
3923 ~~at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
3924 [~~(ii) A state government officer or employee member may decline to receive per diem~~
3925 ~~and expenses for the member's service.~~]
3926 (9) A member may not receive compensation or benefits for the member's service, but
3927 may receive per diem and travel expenses in accordance with:
3928 (a) Section 63A-3-106;
3929 (b) Section 63A-3-107; and
3930 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3931 63A-3-107.
3932 Section 72. Section **34A-5-105** is amended to read:
3933 **34A-5-105. Antidiscrimination and Labor Advisory Council -- Membership --**

3934 **Appointment -- Term -- Powers and duties -- Chair.**
3935 (1) There is created an Antidiscrimination and Labor Advisory Council consisting of:
3936 (a) 13 voting members appointed by the commissioner as follows:
3937 (i) three employer representatives;
3938 (ii) three employee representatives;
3939 (iii) two representatives of persons who seek to rent or purchase dwellings as defined
3940 in Section 57-21-2;
3941 (iv) two representatives of persons who:
3942 (A) sell or rent dwellings; and
3943 (B) are subject to Title 57, Chapter 21, Utah Fair Housing Act; and
3944 (v) three representatives of the general public; and
3945 (b) the commissioner or the commissioner's designee as a nonvoting member of the
3946 council.
3947 (2) In making the appointments under Subsection (1), the commissioner shall consider
3948 representation of the following protected classes:
3949 (a) race;
3950 (b) color;
3951 (c) national origin;
3952 (d) gender;
3953 (e) religion;
3954 (f) age;
3955 (g) persons with disabilities;
3956 (h) familial status as defined in Section 57-21-2; and
3957 (i) source of income as defined in Section 57-21-2.
3958 (3) The division shall provide any necessary staff support for the council.
3959 (4) (a) Except as required by Subsection (4)(b), as terms of current council members
3960 expire, the commissioner shall appoint each new member or reappointed member to a four-year
3961 term.
3962 (b) Notwithstanding the requirements of Subsection (4)(a), the commissioner shall, at
3963 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3964 council members are staggered so that approximately half of the council is appointed every two

3965 years.
3966 (5) (a) When a vacancy occurs in the membership for any reason, the replacement shall
3967 be appointed for the unexpired term.
3968 (b) The commissioner shall terminate the term of a council member who ceases to be
3969 representative as designated by the original appointment.
3970 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~
3971 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
3972 ~~performance of the member's official duties at the rates established by the Division of Finance~~
3973 ~~under Sections 63A-3-106 and 63A-3-107.~~]
3974 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
3975 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
3976 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
3977 ~~incurred in the performance of their official duties from the council at the rates established by~~
3978 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
3979 [~~(ii) State government officer and employee members may decline to receive per diem~~
3980 ~~and expenses for their service.~~]
3981 (6) A member may not receive compensation or benefits for the member's service, but
3982 may receive per diem and travel expenses in accordance with:
3983 (a) Section 63A-3-106;
3984 (b) Section 63A-3-107; and
3985 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3986 63A-3-107.
3987 (7) (a) The advisory council shall:
3988 (i) offer advice on issues requested by:
3989 (A) the commission;
3990 (B) the division; or
3991 (C) the Legislature; and
3992 (ii) make recommendations to the commission and division regarding issues related to:
3993 (A) employment discrimination;
3994 (B) housing discrimination; and
3995 (C) the administration by the commission of:

3996 (I) the provisions of Title 34, Labor in General, that are administered by the
3997 commission;
3998 (II) Title 34A, Chapter 5, Utah Antidiscrimination Act; and
3999 (III) Title 57, Chapter 21, Utah Fair Housing Act.
4000 (b) The council shall confer at least quarterly for the purpose of advising the
4001 commission, division, and the Legislature regarding issues described in Subsection (7)(a).
4002 (8) (a) The commissioner or the commissioner's designee shall serve as chair of the
4003 council.
4004 (b) The chair is charged with the responsibility of calling the necessary meetings.
4005 Section 73. Section **34A-6-106** is amended to read:
4006 **34A-6-106. Occupational Safety and Health Advisory Council -- Appointment.**
4007 (1) (a) There is created a Utah Occupational Safety and Health Advisory Council to
4008 assist the division in standard formulation.
4009 (b) Voting members on the council shall be appointed by the commissioner and shall
4010 consist of six persons selected upon the basis of their experience and competence in the field of
4011 occupational safety and health and shall include:
4012 (i) two representatives of labor;
4013 (ii) two representatives of industry; and
4014 (iii) two representatives of the public.
4015 (c) In addition to the voting members under Subsection (1)(b), the commissioner or the
4016 commissioner's designee shall serve as a nonvoting member.
4017 (2) (a) Except as required by Subsection (2)(b), as terms of current council members
4018 expire, the commissioner shall appoint each new member or reappointed member to a four-year
4019 term.
4020 (b) Notwithstanding the requirements of Subsection (2)(a), the commissioner shall, at
4021 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4022 council members are staggered so that approximately half of the council is appointed every two
4023 years.
4024 (c) The commissioner may reappoint any council member for additional terms.
4025 (d) The commissioner or the commissioner's designee shall serve as chair of the
4026 council and call all necessary meetings.

4027 (3) The council shall meet as needed when called by the chair.
4028 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
4029 be appointed for the unexpired term.
4030 (b) The commissioner shall terminate the term of any council member who ceases to be
4031 a representative as designated by the member's original appointment.
4032 (5) The administrator shall furnish the council clerical, secretarial, and other services
4033 necessary to conduct the business delegated to the council.
4034 [~~(6) (a) Members shall receive no compensation or benefits for their services, but may~~
4035 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
4036 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
4037 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
4038 (6) A member may not receive compensation or benefits for the member's service, but
4039 may receive per diem and travel expenses in accordance with:
4040 (a) Section 63A-3-106;
4041 (b) Section 63A-3-107; and
4042 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4043 63A-3-107.
4044 Section 74. Section **35A-1-205** is amended to read:
4045 **35A-1-205. Workforce Appeals Board -- Chair -- Appointment -- Compensation**
4046 **-- Qualifications.**
4047 (1) There is created the Workforce Appeals Board within the department consisting of
4048 one or more panels to hear and decide appeals from the decision of an administrative law
4049 judge.
4050 (2) (a) A panel shall consist of three impartial members appointed by the governor as
4051 follows:
4052 (i) the board chair, appointed in accordance with Subsection (5);
4053 (ii) one member appointed to represent employers; and in making this appointment,
4054 the governor shall consider nominations from employer organizations; and
4055 (iii) one member appointed to represent employees; and in making this appointment,
4056 the governor shall consider nominations from employee organizations.
4057 (b) No more than two members of a panel may belong to the same political party.

4058 (3) (a) (i) The term of a member shall be six years beginning on March 1 of the year
4059 the member is appointed, except as otherwise provided in Subsection (3)(a)(ii).
4060 (ii) The governor shall, at the time of appointment or reappointment, adjust the length
4061 of terms to ensure that the terms of members are staggered so that approximately one third of
4062 the members are appointed every two years.
4063 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
4064 appointed for the unexpired term.
4065 (c) The governor may remove a member for inefficiency, neglect of duty, malfeasance
4066 or misfeasance in office, or other good and sufficient cause.
4067 (d) A member shall hold office until a successor is appointed and has qualified.
4068 (4) (a) Except as provided in Subsection (4)[~~(c)~~](b), a member [~~of the board may not~~
4069 ~~receive compensation for the member's services, but may receive per diem and expenses~~
4070 ~~incurred in the performance of the member's official duties at the rates established by the~~
4071 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~] may not receive compensation
4072 or benefits for the member's service, but may receive per diem and travel expenses in
4073 accordance with:
4074 (i) Section 63A-3-106;
4075 (ii) Section 63A-3-107; and
4076 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4077 63A-3-107.
4078 [~~(b) A member may decline to receive per diem and expenses for the member's~~
4079 ~~service.~~]
4080 [~~(c)~~] (b) The member appointed as board chair in accordance with Subsection (5) shall
4081 be compensated at an hourly rate determined by the Department of Human Resource
4082 Management in accordance with Title 67, Chapter 19, Utah State Personnel Management Act.
4083 (5) (a) The chief officer of the board shall be the chair, who shall serve as the executive
4084 and administrative head of the board.
4085 (b) The chair shall be appointed by the governor to represent the public and may be
4086 removed from that position at the will of the governor.
4087 (c) The chair shall be experienced in administration and possess any additional
4088 qualifications determined by the governor.

4089 (6) (a) The chair shall designate an alternate from a panel appointed under this section:
4090 (i) in the absence of a regular member or the chair; or
4091 (ii) if the regular member or the chair has a conflict of interest.
4092 (b) Each case shall be decided by a full three-member panel.
4093 (7) The department shall provide the Workforce Appeals Board necessary staff
4094 support, except, the board may employ, retain, or appoint legal counsel.
4095 Section 75. Section **35A-1-206** is amended to read:
4096 **35A-1-206. State Council on Workforce Services -- Appointment -- Membership**
4097 **-- Terms of members -- Compensation.**
4098 (1) There is created a State Council on Workforce Services that shall:
4099 (a) perform the activities described in Subsection (8);
4100 (b) advise on issues requested by the department and the Legislature; and
4101 (c) make recommendations to the department regarding:
4102 (i) the implementation of Chapters 2, Regional Workforce Services Areas, 3,
4103 Employment Support Act, and 5, Training and Workforce Improvement Act; and
4104 (ii) the coordination of apprenticeship training.
4105 (2) (a) The council shall consist of the following voting members:
4106 (i) each chair of a regional workforce services council appointed under Section
4107 35A-2-103;
4108 (ii) the superintendent of public instruction or the superintendent's designee;
4109 (iii) the commissioner of higher education or the commissioner's designee; and
4110 (iv) the following members appointed by the governor in consultation with the
4111 executive director:
4112 (A) four representatives of small employers as defined by rule by the department;
4113 (B) four representatives of large employers as defined by rule by the department;
4114 (C) four representatives of employees or employee organizations, including at least one
4115 representative from nominees suggested by public employees organizations;
4116 (D) two representatives of the clients served under this title including
4117 community-based organizations;
4118 (E) a representative of veterans in the state; and
4119 (F) the executive director of the Utah State Office of Rehabilitation.

4120 (b) The following shall serve as nonvoting ex officio members of the council:
4121 (i) the executive director or the executive director's designee;
4122 (ii) a legislator appointed by the governor from nominations of the speaker of the
4123 House of Representatives and president of the Senate;
4124 (iii) the executive director of the Department of Human Services;
4125 (iv) the director of the Governor's Office of Economic Development or the director's
4126 designee; and
4127 (v) the executive director of the Department of Health.
4128 (3) (a) The governor shall appoint one nongovernmental member from the council to
4129 be the chair.
4130 (b) The chair shall serve at the pleasure of the governor.
4131 (4) (a) A member appointed by the governor shall serve a term of four years and may
4132 be reappointed to one additional term.
4133 (b) A member shall continue to serve until the member’s successor has been appointed
4134 and qualified.
4135 (c) Except as provided in Subsection (4)(d), as terms of council members expire, the
4136 governor shall appoint each new member or reappointed member to a four-year term.
4137 (d) Notwithstanding the requirements of Subsection (4)(c), the governor shall, at the
4138 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4139 council members are staggered so that approximately one half of the council is appointed every
4140 two years.
4141 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
4142 appointed for the unexpired term.
4143 (5) A majority of the voting members constitutes a quorum for the transaction of
4144 business.
4145 [~~(6) (a) (i) A public member may not receive compensation for the member's services,~~
4146 ~~but may receive per diem and expenses incurred in the performance of the member's official~~
4147 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
4148 ~~63A-3-107.~~]
4149 [~~(ii) A public member may decline to receive per diem and expenses for the member's~~
4150 ~~service.~~]

4151 [~~(b) (i) A state government member who does not receive salary, per diem, or expenses~~
4152 ~~from the state for the member's service may receive per diem and expenses incurred in the~~
4153 ~~performance of the member's official duties as a member at the rates established by the~~
4154 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
4155 [~~(ii) A state government member who is a member because of the member's state~~
4156 ~~government position may not receive per diem or expenses for the member's service.~~]
4157 [~~(iii) A state government member may decline to receive per diem and expenses for the~~
4158 ~~member's service.~~]
4159 [~~(c) A legislator on the council shall receive compensation and expenses as provided~~
4160 ~~by law and legislative rule.~~]
4161 [~~(d) A higher education member who does not receive salary, per diem, or expenses~~
4162 ~~from the entity that the member represents for the member's service may receive per diem and~~
4163 ~~expenses incurred in the performance of the member's official duties from the council at the~~
4164 ~~rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
4165 [~~(e) (i) A local government member who does not receive salary, per diem, or expenses~~
4166 ~~from the entity that the member represents for the member's service may receive per diem and~~
4167 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
4168 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
4169 [~~(ii) A local government member may decline to receive per diem and expenses for the~~
4170 ~~member's service.~~]
4171 (6) A member may not receive compensation or benefits for the member's service, but
4172 may receive per diem and travel expenses in accordance with:
4173 (a) Section 63A-3-106;
4174 (b) Section 63A-3-107; and
4175 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4176 63A-3-107.
4177 (7) The department shall provide staff and administrative support to the council at the
4178 direction of the executive director.
4179 (8) The council shall:
4180 (a) develop a state workforce services plan in accordance with Section 35A-1-207;
4181 (b) review regional workforce services plans to certify consistency with state policy

4182 guidelines;
4183 (c) work cooperatively with regional councils on workforce services to oversee
4184 regional workforce services area operations and to ensure that services are being delivered in
4185 accordance with regional workforce services plans;
4186 (d) oversee the department's provision of technical assistance to the regional workforce
4187 services areas;
4188 (e) evaluate program performance, customer satisfaction, and other indicators to
4189 identify program strengths and weaknesses;
4190 (f) based on the evaluation conducted under Subsection (8)(e) develop plans to
4191 improve program outcomes;
4192 (g) improve the understanding and visibility of state workforce services efforts through
4193 external and internal marketing strategies;
4194 (h) make an annual report of accomplishments to the governor and the Legislature
4195 related to the activities of the department;
4196 (i) issue other studies, reports, or documents the council considers advisable that are
4197 not required under Subsection (8)(h);
4198 (j) coordinate the planning and delivery of workforce development services with public
4199 education, higher education, vocational rehabilitation, and human services; and
4200 (k) perform other responsibilities within the scope of workforce services as requested
4201 by:
4202 (i) the Legislature;
4203 (ii) the governor; or
4204 (iii) the executive director.
4205 Section 76. Section **35A-2-103** is amended to read:
4206 **35A-2-103. Regional council on workforce services -- Appointment --**
4207 **Membership -- Terms of members -- Compensation.**
4208 (1) The executive director shall jointly with all of the consortium of counties in the
4209 regional workforce services area, establish one or more regional councils on workforce services
4210 in each regional workforce services area.
4211 (2) A regional council on workforce services shall:
4212 (a) perform the functions described in Subsection (10);

4213 (b) work with the regional director, the department, the consortium of counties, and the
4214 State Council on Workforce Services on issues requested by the director of the regional
4215 workforce services area or the department; and
4216 (c) make recommendations to the regional workforce services area and department
4217 regarding:
4218 (i) the implementation of Chapters 2, Regional Workforce Services Areas, 3,
4219 Employment Support Act, and 5, Training and Workforce Improvement Act; and
4220 (ii) coordination of apprenticeship training.
4221 (3) Unless otherwise specified in this Subsection (3), members of a regional council on
4222 workforce services shall be appointed by the consortium of counties that covers the same
4223 geographic area as the regional council in the regional workforce services area, in consultation
4224 with the regional director, and shall consist of the following:
4225 (a) the voting members who are:
4226 (i) eight representatives of private sector small employers as defined by rule by the
4227 department;
4228 (ii) eight representatives of private sector large employers as defined by rule by the
4229 department;
4230 (iii) two representatives of employees, including employee organizations and including
4231 at least one representative from nominees suggested by public employees organizations in the
4232 region;
4233 (iv) two representatives of clients, including community-based organizations;
4234 (v) one representative from organized labor not representing public employees;
4235 (vi) three representatives of county government consisting of county commissioners,
4236 county council members, county executives, or county mayors from the counties in the regional
4237 workforce services area;
4238 (vii) a representative of public education appointed jointly by the school district
4239 superintendents in the region;
4240 (viii) a representative of higher education appointed jointly by the presidents of the
4241 institutions of higher education in the region;
4242 (ix) a representative of veterans;
4243 (x) a representative of the Office of Rehabilitation; and

4244 (xi) an individual who works for or is a member of an economic development board or
4245 committee of the state or one of its political subdivisions; and
4246 (b) ex officio nonvoting members who are:
4247 (i) a representative of applied technology;
4248 (ii) a representative of the Department of Human Services; and
4249 (iii) a representative of the Department of Health.
4250 (4) The director of the regional workforce services area shall be a nonvoting ex officio
4251 member of the council and provide any necessary staff support for the council.
4252 (5) (a) The consortium of counties in the regional workforce services area that appoints
4253 the council shall, in consultation with the regional director, appoint a member of the council to
4254 be the chair of the council to serve no more than two one-year terms.
4255 (b) The chair shall be a representative of private sector employers.
4256 (6) (a) (i) Except as provided in Subsection (6)(a)(ii), as terms of council members
4257 expire, the consortium of counties in the regional workforce services area that appoints the
4258 council shall, in consultation with the regional director, appoint each new member or
4259 reappointed member to a four-year term.
4260 (ii) Notwithstanding the requirements of Subsection (6)(a)(i), the consortium of
4261 counties in the regional workforce services area that appoints the council shall, in consultation
4262 with the regional director, at the time of appointment or reappointment, adjust the length of
4263 terms to ensure that the terms of council members are staggered so that approximately one half
4264 of the council is appointed every two years.
4265 (iii) When a vacancy occurs in the membership for any reason, the replacement shall be
4266 appointed for the unexpired term.
4267 (b) At the expiration of the term of a council member or if a vacancy occurs on the
4268 council, the consortium of counties in the regional workforce services area shall appoint a
4269 replacement to the council, in consultation with the regional director.
4270 (c) A member shall continue to serve as a member until the member's successor has
4271 been appointed and qualified.
4272 (d) A member is eligible for reappointment.
4273 (e) The consortium of counties in the regional workforce services area that appoints the
4274 council shall appoint, in consultation with the regional director, an individual to replace a

4275 council member for the remainder of the term of the council member being replaced if the
4276 council member:
4277 (i) ceases to be representative as designated by the original appointment; or
4278 (ii) fails to attend three council meetings, if each of the three absences are not excused
4279 by the chair prior to or during the meeting.
4280 (7) (a) A majority of the voting members constitutes a quorum for the transaction of
4281 business.
4282 (b) Notwithstanding Subsection (7)(a), a majority of the private sector representatives
4283 shall be present for business to be transacted.
4284 [~~(8) (a) (i) A public member may not receive compensation for the member's services,~~
4285 ~~but may receive per diem and expenses incurred in the performance of the member's official~~
4286 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
4287 ~~63A-3-107.~~]
4288 [~~(ii) A public member may decline to receive per diem and expenses for the member's~~
4289 ~~service.~~]
4290 [~~(b) (i) A state government member who does not receive salary, per diem, or expenses~~
4291 ~~from the state for the member's service may receive per diem and expenses incurred in the~~
4292 ~~performance of the member's official duties as a member at the rates established by the~~
4293 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
4294 [~~(ii) A state government member who is a member because of the member's state~~
4295 ~~government position may not receive per diem or expenses for the member's service.~~]
4296 [~~(iii) A state government member may decline to receive per diem and expenses for the~~
4297 ~~member's service.~~]
4298 [~~(c) A higher education member who does not receive salary, per diem, or expenses~~
4299 ~~from the entity that the member represents for the member's service may receive per diem and~~
4300 ~~expenses incurred in the performance of the member's official duties from the council at the~~
4301 ~~rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
4302 [~~(d) (i) A local government member who does not receive salary, per diem, or expenses~~
4303 ~~from the entity that the member represents for the member's service may receive per diem and~~
4304 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
4305 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]

4306 [~~(ii) A local government member may decline to receive per diem and expenses for the~~
4307 ~~member's service.~~]
4308 (8) A member may not receive compensation or benefits for the member's service, but
4309 may receive per diem and travel expenses in accordance with:
4310 (a) Section 63A-3-106;
4311 (b) Section 63A-3-107; and
4312 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4313 63A-3-107.
4314 (9) The regional council shall annually provide the consortium of counties that
4315 appoints the council a written report that shall include the information concerning the elements
4316 of the regional plan described in Subsection 35A-2-102(4)(b).
4317 (10) The regional councils on workforce services shall:
4318 (a) determine the locations of employment centers in accordance with Section
4319 35A-2-203;
4320 (b) develop a regional workforce services plan in accordance with Section 35A-1-207;
4321 (c) develop training priorities for the region;
4322 (d) work cooperatively with the State Council on Workforce Services to oversee
4323 regional workforce services areas operations and to ensure that services are being delivered in
4324 accordance with regional workforce services plans;
4325 (e) address concerns within the regional workforce services area related to
4326 apprenticeship training coordination;
4327 (f) coordinate the planning and delivery of workforce development services with public
4328 education, higher education, vocational rehabilitation, and human services; and
4329 (g) report annually to the State Council on Workforce Services.
4330 Section 77. Section **35A-3-205** is amended to read:
4331 **35A-3-205. Creation of committee.**
4332 (1) There is created a Child Care Advisory Committee.
4333 (2) The committee shall counsel and advise the office in fulfilling its statutory
4334 obligations to include:
4335 (a) a review of and recommendations on the office's annual budget;
4336 (b) recommendations on how the office might best respond to child care needs

4337 throughout the state; and
4338 (c) recommendations on the use of new monies that come into the office, including
4339 those for the Child Care Fund.
4340 (3) The committee is composed of the following members, with special attention given
4341 to insure diversity and representation from both urban and rural groups:
4342 (a) one expert in early childhood development;
4343 (b) one child care provider who operates a center;
4344 (c) one child care provider who operates a family child care business;
4345 (d) one parent who is representative of households receiving a child care subsidy from
4346 the office;
4347 (e) one representative from the public at-large;
4348 (f) one representative of the State Office of Education;
4349 (g) one representative of the Department of Health;
4350 (h) one representative of the Department of Human Services;
4351 (i) one representative of the Department of Community and Culture;
4352 (j) two representatives from the corporate community, one who is a recent "Family
4353 Friendly" award winner and who received the award because of efforts in the child care arena;
4354 (k) two representatives from the small business community;
4355 (l) one representative from child care advocacy groups;
4356 (m) one representative of children with disabilities;
4357 (n) one representative from the state Head Start Association appointed by the
4358 association;
4359 (o) one representative from each child care provider association; and
4360 (p) one representative of a child care resource and referral center appointed by the
4361 organization representing child care resource and referral agencies.
4362 (4) (a) The executive director shall appoint the members designated in Subsections
4363 (3)(a) through (e) and (j) through (n).
4364 (b) The head of the respective departments shall appoint the members referred to in
4365 Subsections (3)(f) through (i).
4366 (c) Each child care provider association shall appoint its respective member referred to
4367 in Subsection (3)(o).

4368 (5) (a) Except as required by Subsection (5)(b), as terms of current committee members
4369 expire, the appointing authority shall appoint each new member or reappointed member to a
4370 four-year term.
4371 (b) Notwithstanding the requirements of Subsection (5)(a), the appointing authority
4372 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
4373 terms of committee members are staggered so that approximately half of the committee is
4374 appointed every two years.
4375 (6) When a vacancy occurs in the membership for any reason, including missing three
4376 consecutive meetings where the member has not been excused by the chair prior to or during
4377 the meeting, the replacement shall be appointed for the unexpired term.
4378 (7) A majority of the members constitutes a quorum for the transaction of business.
4379 (8) (a) The executive director shall select a chair from the committee membership.
4380 (b) A chair may serve no more than two one-year terms as chair.
4381 [~~(9) (a) Members who are not government employees may not receive compensation or~~
4382 ~~benefits for their services, but may receive per diem and expenses incurred in the performance~~
4383 ~~of the member's official duties at the rates established by the Division of Finance under~~
4384 ~~Sections 63A-3-106 and 63A-3-107.~~]
4385 [~~(b) State government officer and employee members who do not receive salary, per~~
4386 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
4387 ~~incurred in the performance of their official duties from the committee at the rates established~~
4388 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
4389 [~~(c) Members identified in Subsections (9)(a) and (b) may decline to receive per diem~~
4390 ~~and expenses for their service.~~]
4391 (9) A member may not receive compensation or benefits for the member's service, but
4392 may receive per diem and travel expenses in accordance with:
4393 (a) Section 63A-3-106;
4394 (b) Section 63A-3-107; and
4395 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4396 63A-3-107.
4397 Section 78. Section **35A-4-502** is amended to read:
4398 **35A-4-502. Administration of Employment Security Act.**

4399 (1) (a) The department shall administer this chapter through the division.
4400 (b) The department may make, amend, or rescind any rules and special orders
4401 necessary for the administration of this chapter.
4402 (c) The division may:
4403 (i) employ persons;
4404 (ii) make expenditures;
4405 (iii) require reports;
4406 (iv) make investigations;
4407 (v) make audits of any or all funds provided for under this chapter when necessary; and
4408 (vi) take any other action it considers necessary or suitable to that end.
4409 (d) No later than the first day of October of each year, the department shall submit to
4410 the governor a report covering the administration and operation of this chapter during the
4411 preceding calendar year and shall make any recommendations for amendments to this chapter
4412 as the department considers proper.
4413 (e) (i) The report required under Subsection (1)(d) shall include a balance sheet of the
4414 moneys in the fund in which there shall be provided, if possible, a reserve against liability in
4415 future years to pay benefits in excess of the then current contributions, which reserve shall be
4416 set up by the division in accordance with accepted actuarial principles on the basis of statistics
4417 of employment, business activity, and other relevant factors for the longest possible period.
4418 (ii) Whenever the department believes that a change in contribution or benefit rates
4419 will become necessary to protect the solvency of the fund, it shall promptly inform the
4420 governor and the Legislature and make appropriate recommendations.
4421 (2) (a) The department may make, amend, or rescind rules in accordance with Title
4422 63G, Chapter 3, Utah Administrative Rulemaking Act.
4423 (b) The director of the division or the director's designee may adopt, amend, or rescind
4424 special orders after appropriate notice and opportunity to be heard. Special orders become
4425 effective 10 days after notification or mailing to the last-known address of the individuals or
4426 concerns affected thereby.
4427 (3) The director of the division or the director's designee shall cause to be printed for
4428 distribution to the public:
4429 (a) the text of this chapter;

4430 (b) the department's rules pertaining to this chapter;
4431 (c) the department's annual reports to the governor required by Subsection (1)(e); and
4432 (d) any other material the director of the division or the director's designee considers
4433 relevant and suitable and shall furnish them to any person upon application.
4434 (4) (a) The division may delegate to any person so appointed the power and authority it
4435 considers reasonable and proper for the effective administration of this chapter and may bond
4436 any person handling moneys or signing checks under this authority.
4437 (b) The department may, when permissible under federal and state law, make
4438 arrangements to voluntarily elect coverage under the United States Civil Service Retirement
4439 System or a comparable private retirement plan with respect to past as well as future services of
4440 individuals employed under this chapter who:
4441 (i) were hired prior to October 1, 1980; and
4442 (ii) have been retained by the department without significant interruption in the
4443 employees' services for the department.
4444 (c) An employee of the department who no longer may participate in a federal or other
4445 retirement system as a result of a change in status or appropriation under this chapter may
4446 purchase credit in a retirement system created under Title 49, Chapter 13, Public Employees'
4447 Noncontributory Retirement Act, with the employee’s assets from the federal or other
4448 retirement system in which the employee may no longer participate.
4449 (5) There is created an Employment Advisory Council composed of the members listed
4450 in Subsections (5)(a) and (b).
4451 (a) The executive director shall appoint:
4452 (i) not less than five employer representatives chosen from individuals recommended
4453 by employers, employer associations, or employer groups;
4454 (ii) not less than five employee representatives chosen from individuals recommended
4455 by employees, employee associations, or employee groups; and
4456 (iii) five public representatives chosen at large.
4457 (b) The executive director or the executive director's designee shall serve as a
4458 nonvoting member of the council.
4459 (c) The employee representatives shall include both union and nonunion employees
4460 who fairly represent the percentage in the labor force of the state.

4461 (d) Employers and employees shall consider nominating members of groups who
4462 historically may have been excluded from the council, such as women, minorities, and
4463 individuals with disabilities.
4464 (e) (i) Except as required by Subsection (5)(e)(ii), as terms of current council members
4465 expire, the executive director shall appoint each new member or reappointed member to a
4466 four-year term.
4467 (ii) Notwithstanding the requirements of Subsection (5)(e)(i), the executive director
4468 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
4469 terms of council members are staggered so that approximately half of the council is appointed
4470 every two years.
4471 (f) When a vacancy occurs in the membership for any reason, the replacement shall be
4472 appointed for the unexpired term.
4473 (g) The executive director shall terminate the term of any council member who ceases
4474 to be representative as designated by the council member's original appointment.
4475 (h) The council shall advise the department and the Legislature in formulating policies
4476 and discussing problems related to the administration of this chapter including:
4477 (i) reducing and preventing unemployment;
4478 (ii) encouraging the adoption of practical methods of vocational training, retraining,
4479 and vocational guidance;
4480 (iii) monitoring the implementation of the Wagner-Peyser Act;
4481 (iv) promoting the creation and development of job opportunities and the
4482 reemployment of unemployed workers throughout the state in every possible way; and
4483 (v) appraising the industrial potential of the state.
4484 (i) The council shall assure impartiality and freedom from political influence in the
4485 solution of the problems listed in Subsection (5)(h).
4486 (j) The executive director or the executive director's designee shall serve as chair of the
4487 council and call the necessary meetings.
4488 [~~(k) (i) A member shall receive no compensation or benefits for the member's services,~~
4489 ~~but may receive per diem and expenses incurred in the performance of the member's official~~
4490 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
4491 ~~63A-3-107.~~]

4492 [~~(ii) A member may decline to receive per diem and expenses for the member's service.~~]
4493 (k) A member may not receive compensation or benefits for the member's service, but
4494 may receive per diem and travel expenses in accordance with:
4495 (i) Section 63A-3-106;
4496 (ii) Section 63A-3-107; and
4497 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4498 63A-3-107.
4499 (l) The department shall provide staff support to the council.
4500 (6) In the discharge of the duties imposed by this chapter, the division director or the
4501 director's designee as designated by department rule, may in connection with a disputed matter
4502 or the administration of this chapter:
4503 (a) administer oaths and affirmations;
4504 (b) take depositions;
4505 (c) certify to official acts; and
4506 (d) issue subpoenas to compel the attendance of witnesses and the production of books,
4507 papers, correspondence, memoranda, and other records necessary as evidence.
4508 (7) (a) In case of contumacy by or refusal to obey a subpoena issued to any person, any
4509 court of this state within the jurisdiction of which the inquiry is carried on or within the
4510 jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or
4511 transacts business, upon application by the director of the division or the director's designee
4512 shall have jurisdiction to issue to that person an order requiring the person to appear before the
4513 director or the director's designee to produce evidence, if so ordered, or give testimony
4514 regarding the matter under investigation or in question. Any failure to obey that order of the
4515 court may be punished by the court as contempt.
4516 (b) Any person who, without just cause, fails or refuses to attend and testify or to
4517 answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other
4518 records, if it is in that person's power to do so, in obedience to a subpoena of the director or the
4519 director's designee shall be punished as provided in Subsection 35A-1-301(1)(b). Each day the
4520 violation continues is a separate offense.
4521 (c) In the event a witness asserts a privilege against self-incrimination, testimony and
4522 evidence from the witness may be compelled pursuant to Title 77, Chapter 22b, Grants of

4523 Immunity.
4524 (8) (a) In the administration of this chapter, the division shall cooperate with the United
4525 States Department of Labor to the fullest extent consistent with the provisions of this chapter
4526 and shall take action, through the adoption of appropriate rules by the department and
4527 administrative methods and standards, as necessary to secure to this state and its citizens all
4528 advantages available under the provisions of:
4529 (i) the Social Security Act that relate to unemployment compensation;
4530 (ii) the Federal Unemployment Tax Act; and
4531 (iii) the Federal-State Extended Unemployment Compensation Act of 1970.
4532 (b) In the administration of Section 35A-4-402, which is enacted to conform with the
4533 requirements of the Federal-State Extended Unemployment Compensation Act of 1970, 26
4534 U.S.C. 3304, the division shall take any action necessary to ensure that the section is
4535 interpreted and applied to meet the requirements of the federal act, as interpreted by the United
4536 States Department of Labor and to secure to this state the full reimbursement of the federal
4537 share of extended and regular benefits paid under this chapter that are reimbursable under the
4538 federal act.
4539 Section 79. Section **36-2-4** is amended to read:
4540 **36-2-4. Legislative Compensation Commission created -- Governor's**
4541 **considerations in appointments -- Organization and expenses.**
4542 (1) There is created a state Legislative Compensation Commission composed of seven
4543 members appointed by the governor, not more than four of whom shall be from the same
4544 political party.
4545 (2) (a) Except as required by Subsection (2)(b), the members shall be appointed for
4546 four-year terms.
4547 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
4548 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4549 board members are staggered so that approximately half of the board is appointed every two
4550 years.
4551 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
4552 appointed for the unexpired term in the same manner as the vacated member was chosen.
4553 (3) In appointing members of the commission, the governor shall give consideration to

4554 achieving representation from the major geographic areas of the state, and representation from
4555 a broad cross section of occupational, professional, employee, and management interests.
4556 (4) The commission shall select a chair. Four members of the commission shall
4557 constitute a quorum. The commission shall not make any final determination without the
4558 concurrence of a majority of its members appointed and serving on the commission being
4559 present.
4560 [~~(5) (a) Members shall receive no compensation or benefits for their services, but may~~
4561 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
4562 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
4563 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
4564 (5) A member may not receive compensation or benefits for the member's service, but
4565 may receive per diem and travel expenses in accordance with:
4566 (a) Section 63A-3-106;
4567 (b) Section 63A-3-107; and
4568 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4569 63A-3-107.
4570 (6) (a) The commission shall be a citizen commission and no member or employee of
4571 the legislative, judicial, or executive branch is eligible for appointment to the commission.
4572 (b) The director of the Governor's Office of Planning and Budget:
4573 (i) shall provide staff to the commission; and
4574 (ii) is responsible for administration, budgeting, procurement, and related management
4575 functions for the commission.
4576 Section 80. Section **36-23-104** is amended to read:
4577 **36-23-104. Committee meetings -- Compensation -- Quorum -- Legislative rules.**
4578 (1) The committee may meet as needed, at the call of the committee chairs, to carry out
4579 the duties set forth in Section 36-23-106.
4580 [~~(2) (a) A legislator on the committee shall receive compensation and expenses as~~
4581 ~~provided by law and legislative rule.~~]
4582 [~~(b) (i) A public member on the committee may not receive compensation or benefits~~
4583 ~~for the public member's service, but may receive per diem and expenses incurred in the~~
4584 ~~performance of the public member's official duties at the rates established by the Division of~~

4585 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
4586 [~~(ii) A public member may decline to receive per diem and expenses for the public~~
4587 ~~member's service.~~]
4588 (2) A public member may not receive compensation or benefits for the member's
4589 service, but may receive per diem and travel expenses in accordance with:
4590 (a) Section 63A-3-106;
4591 (b) Section 63A-3-107; and
4592 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4593 63A-3-107.
4594 (3) (a) Five members of the committee constitute a quorum.
4595 (b) If a quorum is present, the action of a majority of members present is the action of
4596 the committee.
4597 (4) Except as provided in Subsection (3), in conducting all its business, the committee
4598 shall comply with the rules of legislative interim committees regarding motions.
4599 Section 81. Section **36-26-102** is amended to read:
4600 **36-26-102. Utah International Trade Commission -- Creation -- Membership --**
4601 **Chairs -- Per diem and expenses.**
4602 (1) There is created the Utah International Trade Commission.
4603 (2) The commission membership consists of 11 members:
4604 (a) eight members to be appointed as follows:
4605 (i) five members from the House of Representatives, appointed by the speaker of the
4606 House of Representatives, no more than three from the same political party; and
4607 (ii) three members from the Senate, appointed by the president of the Senate, no more
4608 than two members from the same political party;
4609 (b) two nonvoting members to be appointed by the governor; and
4610 (c) the Utah Attorney General or designee, who is a nonvoting member.
4611 (3) (a) The members appointed or reappointed by the governor shall serve two-year
4612 terms.
4613 (b) Notwithstanding the requirement of Subsection (3)(a), the governor shall, at the
4614 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4615 these members are staggered so that approximately half of the members are appointed or

4616 reappointed under Subsection (3)(c) every two years.
4617 (c) When a vacancy occurs among members appointed by the governor, the
4618 replacement shall be appointed for the unexpired term.
4619 (d) One of the two members appointed by the governor shall be from a Utah industry
4620 involved in international trade.
4621 (4) Four members of the commission constitute a quorum.
4622 (5) (a) The speaker of the House of Representatives shall designate a member of the
4623 House of Representatives appointed under Subsection (2)(a) as a cochair of the commission.
4624 (b) The president of the Senate shall designate a member of the Senate appointed under
4625 Subsection (2)(a) as a cochair of the commission.
4626 [~~(6) (a) State government officer and employee members who do not receive salary, per~~
4627 ~~diem, or expenses from their agency for their commission service may receive per diem and~~
4628 ~~expenses at the rates incurred in the performance of their official commission duties at the rates~~
4629 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
4630 [~~(b) Legislators on the commission receive compensation and expenses as provided by~~
4631 ~~law and legislative rule.~~]
4632 (6) A member may not receive compensation or benefits for the member's service, but
4633 may receive per diem and travel expenses in accordance with:
4634 (a) Section 63A-3-106;
4635 (b) Section 63A-3-107; and
4636 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4637 63A-3-107.
4638 Section 82. Section **39-2-1** is amended to read:
4639 **39-2-1. Members -- A body corporate -- Powers -- Expenses.**
4640 (1) (a) The State Armory Board shall consist of the governor, the chair of the State
4641 Building Board, and the adjutant general.
4642 (b) It shall be a body corporate with perpetual succession.
4643 (c) It may have and use a common seal, and under the name aforesaid may sue and be
4644 sued, and contract and be contracted with.
4645 (d) It may take and hold by purchase, gift, devise, grant, or bequest real and personal
4646 property required for its use.

4647 (e) It may also convert property received by gift, devise, or bequest, and not suitable for
4648 its uses, into other property so available, or into money.
4649 (2) The board shall have power to:
4650 (a) borrow money for the purpose of erecting arsenals and armories upon the sole
4651 credit of the real property to which it has the legal title; and
4652 (b) may secure such loans by mortgage upon such property:
4653 (i) the mortgaged property shall be the sole security for such loan; and
4654 (ii) no deficiency judgment shall be made, rendered, or entered against the board upon
4655 the foreclosure of the mortgage; provided, however, that property in one city shall not be
4656 mortgaged for the purpose of obtaining money for the erection of armories in any other place.
4657 Said board shall be deemed a public corporation, and its property shall be exempt from all
4658 taxes and assessments.
4659 [~~(3) (a) State government officer and employee members who do not receive salary, per~~
4660 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
4661 ~~incurred in the performance of their official duties from the board at the rates established by the~~
4662 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
4663 [~~(b) State government officer and employee members may decline to receive per diem~~
4664 ~~and expenses for their service.~~]
4665 (3) A member may not receive compensation or benefits for the member's service, but
4666 may receive per diem and travel expenses in accordance with:
4667 (a) Section 63A-3-106;
4668 (b) Section 63A-3-107; and
4669 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4670 63A-3-107.
4671 Section 83. Section **40-2-203** is amended to read:
4672 **40-2-203. Mine Safety Technical Advisory Council created -- Duties.**
4673 (1) Within the office there is created the "Mine Safety Technical Advisory Council"
4674 consisting of 13 voting members and 5 nonvoting members as provided in this section.
4675 (2) (a) The commissioner shall appoint the voting members of the council as follows:
4676 (i) one individual who represents a coal miner union;
4677 (ii) two individuals with coal mining experience;

4678 (iii) two individuals who represent coal mine operators;
4679 (iv) one individual who represents an industry trade association;
4680 (v) two individuals from local law enforcement agencies or emergency medical service
4681 providers;
4682 (vi) three individuals who have expertise in one or more of the following:
4683 (A) seismology;
4684 (B) mining engineering;
4685 (C) mine safety; or
4686 (D) another related subject; and
4687 (vii) two individuals from entities that provide mine safety training.
4688 (b) The nonvoting members of the council are:
4689 (i) the commissioner or the commissioner's designee;
4690 (ii) the executive director of the Department of Natural Resources or the executive
4691 director's designee;
4692 (iii) the commissioner of the Department of Public Safety or the commissioner's
4693 designee;
4694 (iv) a representative of the Mine Safety and Health Administration selected by the
4695 Mine Safety and Health Administration; and
4696 (v) a representative of the federal Bureau of Land Management selected by the federal
4697 Bureau of Land Management.
4698 (3) (a) Except as required by Subsection (3)(b), a voting member shall serve a
4699 four-year term beginning July 1 and ending June 30.
4700 (b) Notwithstanding the requirements of Subsection (3)(a), the commission shall, at the
4701 time of appointment of the initial voting members of the council, adjust the length of terms of
4702 the voting members to ensure that the terms of voting members are staggered so that
4703 approximately half of the voting members are appointed every two years.
4704 (4) (a) The commissioner shall terminate the term of a voting member who ceases to be
4705 representative as designated by the voting member's original appointment.
4706 (b) If a vacancy occurs in the voting members, the commissioner shall appoint a
4707 replacement for the unexpired term after soliciting recommendations from the council
4708 members.

4709 (5) (a) The council shall meet at least quarterly.
4710 (b) A majority of the voting members constitutes a quorum.
4711 (c) A vote of the majority of the members of the council when a quorum is present
4712 constitutes an action of the council.
4713 (6) (a) The commissioner or the commissioner's designee is the chair of the council.
4714 (b) The commission shall staff the council.
4715 [~~(7) (a) (i) A member who is not a state or local government employee may not receive~~
4716 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~
4717 ~~incurred in the performance of the member's official duties at the rates established by the~~
4718 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
4719 [~~(ii) A member who is not a state or local government employee may decline to receive~~
4720 ~~per diem and expenses for the member's service.~~]
4721 [~~(b) (i) A state government officer and employee member who does not receive salary,~~
4722 ~~per diem, or expenses from the agency the member represents for the member's service may~~
4723 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
4724 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
4725 [~~(ii) A state government officer and employee member may decline to receive per diem~~
4726 ~~and expenses for the member's service.~~]
4727 [~~(c) (i) A local government member who does not receive salary, per diem, or expenses~~
4728 ~~from the entity that the member represents for the member's service may receive per diem and~~
4729 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
4730 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
4731 [~~(ii) A local government member may decline to receive per diem and expenses for the~~
4732 ~~member's service.~~]
4733 (7) A member may not receive compensation or benefits for the member's service, but
4734 may receive per diem and travel expenses in accordance with:
4735 (a) Section 63A-3-106;
4736 (b) Section 63A-3-107; and
4737 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4738 63A-3-107.
4739 (8) The council shall advise and make recommendations to the commission, the office,

4740 and the Legislature regarding:
4741 (a) safety of coal mines located in Utah;
4742 (b) prevention of coal mine accidents;
4743 (c) effective coal mine emergency response;
4744 (d) coal miner certification and recertification; and
4745 (e) other topics reasonably related to safety of coal mines located in Utah.
4746 Section 84. Section **40-2-204** is amended to read:
4747 **40-2-204. Coal Miner Certification Panel created -- Duties.**
4748 (1) There is created within the office the "Coal Miner Certification Panel."
4749 (2) The panel consists of:
4750 (a) the commissioner or the commissioner's designee; and
4751 (b) at least eight other members appointed by the commissioner with equal
4752 representation and participation from:
4753 (i) management of coal mine operations; and
4754 (ii) hourly coal mining employees.
4755 (3) A member appointed by the commissioner shall:
4756 (a) have at least five years' experience in coal mining in this state;
4757 (b) administer the certification test to an applicant referred to in Section 40-2-402;
4758 (c) consult with the commission about applicant qualifications specified in Section
4759 40-2-402;
4760 (d) meet when directed by the commissioner or the commissioner's designee; and
4761 (e) hold office at the pleasure of the commissioner.
4762 [~~(4) A panel member who is not a government employee may not receive~~
4763 ~~compensation or benefits for the member's services, but may receive per diem and expenses~~
4764 ~~incurred in the performance of the member's official duties at the rates established by the~~
4765 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
4766 (4) A member may not receive compensation or benefits for the member's service, but
4767 may receive per diem and travel expenses in accordance with:
4768 (a) Section 63A-3-106;
4769 (b) Section 63A-3-107; and
4770 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

4771 63A-3-107.
4772 Section 85. Section **40-6-4** is amended to read:
4773 **40-6-4. Board of Oil, Gas, and Mining created -- Functions -- Appointment of**
4774 **members -- Terms -- Chair -- Quorum -- Expenses.**
4775 (1) There is created within the Department of Natural Resources the Board of Oil, Gas,
4776 and Mining. The board shall be the policy making body for the Division of Oil, Gas, and
4777 Mining.
4778 (2) The board shall consist of seven members appointed by the governor with the
4779 consent of the Senate. No more than four members shall be from the same political party. In
4780 addition to the requirements of Section 79-2-203, the members shall have the following
4781 qualifications:
4782 (a) two members knowledgeable in mining matters;
4783 (b) two members knowledgeable in oil and gas matters;
4784 (c) one member knowledgeable in ecological and environmental matters;
4785 (d) one member who is a private land owner, owns a mineral or royalty interest and is
4786 knowledgeable in those interests; and
4787 (e) one member who is knowledgeable in geological matters.
4788 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
4789 expire, the governor shall appoint each new member or reappointed member to a four-year
4790 term.
4791 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
4792 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4793 board members are staggered so that approximately half of the board is appointed every two
4794 years.
4795 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
4796 be appointed for the unexpired term by the governor with the consent of the Senate.
4797 (b) The person appointed shall have the same qualifications as his predecessor.
4798 (5) The board shall appoint its chair from the membership. Four members of the board
4799 shall constitute a quorum for the transaction of business and the holding of hearings.
4800 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~
4801 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~

4802 ~~performance of the member's official duties at the rates established by the Division of Finance~~
4803 ~~under Sections 63A-3-106 and 63A-3-107.~~]
4804 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
4805 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
4806 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
4807 ~~incurred in the performance of their official duties from the board at the rates established by the~~
4808 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
4809 [~~(ii) State government officer and employee members may decline to receive per diem~~
4810 ~~and expenses for their service.~~]
4811 (6) A member may not receive compensation or benefits for the member's service, but
4812 may receive per diem and travel expenses in accordance with:
4813 (a) Section 63A-3-106;
4814 (b) Section 63A-3-107; and
4815 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4816 63A-3-107.
4817 Section 86. Section **41-3-106** is amended to read:
4818 **41-3-106. Board -- Creation and composition -- Appointment, terms,**
4819 **compensation, and expenses of members -- Meetings -- Quorum -- Powers and duties --**
4820 **Officers' election and duties -- Voting.**
4821 (1) (a) There is created an advisory board of five members that shall assist and advise
4822 the administrator in the administration and enforcement of this chapter.
4823 (b) The members shall be appointed by the governor from among the licensed motor
4824 vehicle manufacturers, distributors, factory branch and distributor branch representatives,
4825 dealers, dismantlers, transporters, remanufacturers, and body shops.
4826 (c) (i) Except as required by Subsection (1)(c)(ii), each member shall be appointed for
4827 a term of four years or until his successor is appointed and qualified.
4828 (ii) Notwithstanding the requirements of Subsection (1)(c)(i), the governor shall, at the
4829 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4830 board members are staggered so that approximately half of the board is appointed every two
4831 years.
4832 (d) Three members of the board shall be selected as follows:

4833 (i) one from new motor vehicle dealers;
4834 (ii) one from used motor vehicle dealers; and
4835 (iii) one from manufacturers, transporters, dismantlers, crushers, remanufacturers, and
4836 body shops.
4837 [~~(e) (i) Members shall receive no compensation or benefits for their services, but may~~
4838 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
4839 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
4840 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
4841 (e) A member may not receive compensation or benefits for the member's service, but
4842 may receive per diem and travel expenses in accordance with:
4843 (i) Section 63A-3-106;
4844 (ii) Section 63A-3-107; and
4845 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4846 63A-3-107.
4847 (f) A majority of the members of the board constitutes a quorum and may act upon and
4848 resolve in the name of the board any matter, thing, or question referred to it by the
4849 administrator, or that the board has power to determine.
4850 (g) When a vacancy occurs in the membership for any reason, the replacement shall be
4851 appointed for the unexpired term.
4852 (2) (a) The board shall on the first day of each July, or as soon thereafter as practicable,
4853 elect a chair, vice chair, secretary, and assistant secretary from among its members, who shall
4854 each hold office until his successor is elected.
4855 (b) As soon as the board elects its officers, the elected secretary shall certify the results
4856 of the election to the administrator.
4857 (c) The chair shall preside at all meetings of the board and the secretary shall make a
4858 record of the proceedings, which shall be preserved in the office of the administrator.
4859 (d) If the chair is absent from any meeting of the board, his duties shall be discharged
4860 by the vice chair, and if the secretary is absent, his duties shall be discharged by the assistant
4861 secretary.
4862 (e) All members of the board may vote on any question, matter, or thing that properly
4863 comes before it.

4864 Section 87. Section **49-11-202** is amended to read:
4865 **49-11-202. Establishment of Utah State Retirement Board -- Quorum -- Terms --**
4866 **Officers -- Expenses and per diem -- Membership Council established.**
4867 (1) There is established the Utah State Retirement Board composed of seven board
4868 members determined as follows:
4869 (a) Four board members, with experience in investments or banking, shall be appointed
4870 by the governor from the general public.
4871 (b) One board member shall be a school employee appointed by the governor from at
4872 least three nominations submitted by the governing board of the school employees' association
4873 that is representative of a majority of the school employees who are members of a system
4874 administered by the board.
4875 (c) One board member shall be a public employee appointed by the governor from at
4876 least three nominations submitted by the governing board of the public employee association
4877 that is representative of a majority of the public employees who are members of a system
4878 administered by the board.
4879 (d) One board member shall be the state treasurer.
4880 (2) Four board members constitute a quorum for the transaction of business.
4881 (3) (a) All appointments to the board shall be made on a nonpartisan basis, with the
4882 consent of the Senate.
4883 (b) Board members shall serve until their successors are appointed and take the
4884 constitutional oath of office.
4885 (c) When a vacancy occurs on the board for any reason, the replacement shall be
4886 appointed for the unexpired term.
4887 (4) (a) Except as required by Subsection (4)(b), all appointed board members shall
4888 serve for four-year terms.
4889 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
4890 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4891 board members are staggered so that approximately half of the board is appointed every two
4892 years.
4893 (c) A board member who is appointed as a school employee or as a public employee
4894 who retires or who is no longer employed with a participating employer shall immediately

4895 resign from the board.
4896 (5) (a) Each year the board shall elect a president and vice president from its
4897 membership.
4898 [~~(b) Each board member shall receive a per diem plus expenses for attending regularly~~
4899 ~~constituted meetings and conferences as provided by board action.~~]
4900 (b) A board member may not receive compensation or benefits for the board member's
4901 service, but may receive per diem and travel expenses in accordance with:
4902 (i) Section 63A-3-106;
4903 (ii) Section 63A-3-107; and
4904 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4905 63A-3-107.
4906 (6) (a) There is established a Membership Council to perform the duties under
4907 Subsection (10).
4908 [~~(b) The board may pay the travel expenses of council members who attend council~~
4909 ~~meetings.~~]
4910 (b) A member of the council may not receive compensation or benefits for the
4911 member's service, but may receive per diem and travel expenses in accordance with:
4912 (i) Section 63A-3-106;
4913 (ii) Section 63A-3-107; and
4914 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4915 63A-3-107.
4916 (7) The Membership Council shall be composed of 13 council members selected as
4917 follows:
4918 (a) Three council members shall be school employees selected by the governing board
4919 of an association representative of a majority of school employees who are members of a
4920 system administered by the board.
4921 (b) One council member shall be a classified school employee selected by the
4922 governing board of the association representative of a majority of classified school employees
4923 who are members of a system administered by the board.
4924 (c) Two council members shall be public employees selected by the governing board of
4925 the association representative of a majority of the public employees who are members of a

4926 system administered by the board.
4927 (d) One council member shall be a municipal officer or employee selected by the
4928 governing board of the association representative of a majority of the municipalities who
4929 participate in a system administered by the board.
4930 (e) One council member shall be a county officer or employee selected by the
4931 governing board of the association representative of a majority of counties who participate in a
4932 system administered by the board.
4933 (f) One council member shall be a representative of members of the Judges'
4934 Noncontributory Retirement System selected by the Judicial Council.
4935 (g) One council member shall be a representative of members of the Public Safety
4936 Retirement Systems selected by the governing board of the association representative of the
4937 majority of peace officers who are members of the Public Safety Retirement Systems.
4938 (h) One council member shall be a representative of members of the Firefighters'
4939 Retirement System selected by the governing board of the association representative of the
4940 majority of paid professional firefighters who are members of the Firefighters' Retirement
4941 System.
4942 (i) One council member shall be a retiree selected by the governing board of the
4943 association representing the largest number of retirees, who are not public education retirees,
4944 from the Public Employees' Contributory and Public Employees' Noncontributory Retirement
4945 Systems.
4946 (j) One council member shall be a retiree selected by the governing board of the
4947 association representing the largest number of public education retirees.
4948 (8) (a) Each entity granted authority to select council members under Subsection (7)
4949 may also revoke the selection at any time.
4950 (b) Each term on the council shall be for a period of four years, subject to Subsection
4951 (8)(a).
4952 (c) Each term begins on July 1 and expires on June 30.
4953 (d) When a vacancy occurs on the council for any reason, the replacement shall be
4954 selected for the remainder of the unexpired term.
4955 (9) The council shall annually designate one council member as chair.
4956 (10) The council shall:

4957 (a) recommend to the board and to the Legislature benefits and policies for members of
4958 any system or plan administered by the board;
4959 (b) recommend procedures and practices to improve the administration of the systems
4960 and plans and the public employee relations responsibilities of the board and office;
4961 (c) examine the record of all decisions affecting retirement benefits made by a hearing
4962 officer under Section 49-11-613;
4963 (d) submit nominations to the board for the position of executive director if that
4964 position is vacant;
4965 (e) advise and counsel with the board and the director on policies affecting members of
4966 the various systems administered by the office; and
4967 (f) perform other duties assigned to it by the board.
4968 Section 88. Section **51-7-16** is amended to read:
4969 **51-7-16. State Money Management Council -- Members -- Terms -- Vacancies --**
4970 **Chair and vice chair-- Executive secretary -- Meetings -- Quorum -- Members' disclosure**
4971 **of interests -- Per diem and expenses.**
4972 (1) (a) There is created a State Money Management Council composed of five
4973 members appointed by the governor after consultation with the state treasurer and with the
4974 consent of the Senate.
4975 (b) The members of the council shall be qualified by training and experience in the
4976 field of investment or finance as follows:
4977 (i) at least one member, but not more than two members, shall be experienced in the
4978 banking business;
4979 (ii) at least one member, but not more than two members, shall be an elected treasurer;
4980 (iii) at least one member, but not more than two members, shall be an appointed public
4981 treasurer; and
4982 (iv) two members, but not more than two members, shall be experienced in the field of
4983 investment.
4984 (c) No more than three members of the council may be from the same political party.
4985 (2) (a) Except as required by Subsection (2)(b), the council members shall be appointed
4986 for terms of four years.
4987 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the

4988 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4989 council members are staggered so that approximately half of the council is appointed every two
4990 years.
4991 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
4992 appointed for the unexpired term.
4993 (d) All members shall serve until their successors are appointed and qualified.
4994 (3) (a) The council members shall elect a chair and vice chair.
4995 (b) The state treasurer shall serve as executive secretary of the council without vote.
4996 (4) (a) The council shall meet at least once per quarter at a regular date to be fixed by
4997 the council and at other times at the call of the chair, the state treasurer, or any two members of
4998 the council.
4999 (b) Three members are a quorum for the transaction of business.
5000 (c) Actions of the council require a vote of a majority of those present.
5001 (d) All meetings of the council and records of its proceedings are open for inspection
5002 by the public at the state treasurer's office during regular business hours except for:
5003 (i) reports of the commissioner of financial institutions concerning the identity,
5004 liquidity, or financial condition of qualified depositories and the amount of public funds each is
5005 eligible to hold; and
5006 (ii) reports of the director concerning the identity, liquidity, or financial condition of
5007 certified dealers.
5008 (5) (a) Each member of the council shall file a sworn or written statement with the
5009 lieutenant governor that discloses any position or employment or ownership interest that he has
5010 in any financial institution or investment organization.
5011 (b) Each member shall file the statement required by this Subsection (5) when he
5012 becomes a member of the council and when substantial changes in his position, employment,
5013 or ownership interests occur.
5014 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~
5015 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
5016 ~~performance of the member's official duties at the rates established by the Division of Finance~~
5017 ~~under Sections 63A-3-106 and 63A-3-107.~~]
5018 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]

5019 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
5020 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
5021 ~~incurred in the performance of their official duties from the council at the rates established by~~
5022 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
5023 [~~(ii) State government officer and employee members may decline to receive per diem~~
5024 ~~and expenses for their service.~~]
5025 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
5026 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
5027 ~~in the performance of their official duties at the rates established by the Division of Finance~~
5028 ~~under Sections 63A-3-106 and 63A-3-107.~~]
5029 [~~(ii) Local government members may decline to receive per diem and expenses for~~
5030 ~~their service.~~]
5031 (6) A member may not receive compensation or benefits for the member's service, but
5032 may receive per diem and travel expenses in accordance with:
5033 (a) Section 63A-3-106;
5034 (b) Section 63A-3-107; and
5035 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5036 63A-3-107.
5037 Section 89. Section **51-7a-301** is amended to read:
5038 **51-7a-301. Investment advisory committee -- Creation.**
5039 (1) (a) There is created an investment advisory committee of seven members appointed
5040 as follows:
5041 (i) one member appointed by the president of the University of Utah;
5042 (ii) one member appointed by the president of Utah State University;
5043 (iii) two members appointed by the state superintendent of public instruction;
5044 (iv) one member appointed by the president of the Utah Education Association;
5045 (v) one member appointed by the president of the Utah Parent Teachers Association;
5046 and
5047 (vi) one member appointed by the Board of Trustees of the School and Institutional
5048 Trust Lands Administration.
5049 (b) In making appointments, the appointing authority shall appoint candidates with

5050 experience in securities, investments, or banking, or other experience that would aid the
5051 committee in fulfilling its responsibilities.
5052 (2) (a) (i) Except as required by Subsection (2)(a)(ii), as terms of current committee
5053 members expire, the appointing authority shall appoint each new member or reappointed
5054 member to a four-year term.
5055 (ii) The appointing authority shall, at the time of appointment or reappointment, adjust
5056 the length of terms to ensure that the terms of committee members are staggered so that
5057 approximately half of the committee is appointed every two years.
5058 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
5059 appointed for the unexpired term.
5060 (3) The investment advisory committee shall meet at least quarterly.
5061 (4) The investment advisory committee shall elect a chair and vice chair.
5062 (5) (a) A committee member shall disclose any conflict of interest to the board.
5063 (b) If the conflict involves a direct, personal financial interest in either the subject
5064 under consideration or an entity or asset that could be substantially affected by the outcome of
5065 committee advice, the member may not vote on the matter.
5066 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~
5067 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
5068 ~~performance of the member's official duties at the rates established by the Division of Finance~~
5069 ~~under Sections 63A-3-106 and 63A-3-107.~~]
5070 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
5071 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
5072 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
5073 ~~incurred in the performance of their official duties from the committee at the rates established~~
5074 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
5075 [~~(ii) A state government member who is a member because of his state government~~
5076 ~~position may not receive per diem or expenses for his service.~~]
5077 [~~(iii) State government officer and employee members may decline to receive per diem~~
5078 ~~and expenses for their service.~~]
5079 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
5080 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~

5081 ~~in the performance of their official duties at the rates established by the Division of Finance~~
5082 ~~under Sections 63A-3-106 and 63A-3-107.~~]
5083 [~~(ii) Local government members may decline to receive per diem and expenses for~~
5084 ~~their service.~~]
5085 (6) A member may not receive compensation or benefits for the member's service, but
5086 may receive per diem and travel expenses in accordance with:
5087 (a) Section 63A-3-106;
5088 (b) Section 63A-3-107; and
5089 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5090 63A-3-107.
5091 Section 90. Section **53-2-108** is amended to read:
5092 **53-2-108. Search and Rescue Advisory Board -- Members -- Compensation.**
5093 (1) There is created the Search and Rescue Advisory Board consisting of seven
5094 members appointed as follows:
5095 (a) two representatives designated by the Utah Search and Rescue Association, one of
5096 whom is from a county having a population of 75,000 or more; and one from a county having a
5097 population of less than 75,000;
5098 (b) three representatives designated by the Utah Sheriff's Association, at least one of
5099 whom shall be a member of a voluntary search and rescue unit operating in the state, at least
5100 one of whom shall be from a county having a population of 75,000 or more, and at least one of
5101 whom shall be from a county having a population of less than 75,000;
5102 (c) one representative of the Division of Homeland Security designated by the director;
5103 and
5104 (d) one private citizen appointed by the governor with the consent of the Senate.
5105 (2) (a) The term of each member of the board is four years.
5106 (b) A member may be reappointed to successive terms.
5107 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
5108 appointed for the unexpired term.
5109 (d) In order to stagger the terms of membership, the members appointed or reappointed
5110 to represent the Utah Sheriff's Association on or after May 2, 2005, shall serve a term of two
5111 years, and all subsequent terms shall be four years.

5112 [~~(3) Members who are not government employees do not receive compensation or~~
5113 ~~benefits for their services, but may receive per diem and travel expenses incurred in the~~
5114 ~~performance of the member's official duties at the rates established by the Division of Finance~~
5115 ~~under Sections 63A-3-106 and 63A-3-107.~~]
5116 (3) A member may not receive compensation or benefits for the member's service, but
5117 may receive per diem and travel expenses in accordance with:
5118 (a) Section 63A-3-106;
5119 (b) Section 63A-3-107; and
5120 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5121 63A-3-107.
5122 Section 91. Section **53-3-303** is amended to read:
5123 **53-3-303. Driver License Medical Advisory Board -- Membership -- Guidelines**
5124 **for licensing impaired persons -- Recommendations to division.**
5125 (1) There is created within the division the Driver License Medical Advisory Board.
5126 (2) (a) The board is comprised of three regular members appointed by the
5127 Commissioner of Public Safety to four-year terms.
5128 (b) The board shall be assisted by expert panel members nominated by the board as
5129 necessary and as approved by the Commissioner of Public Safety.
5130 (c) Notwithstanding the requirements of Subsection (2)(a), the executive director shall,
5131 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
5132 of board members are staggered so that approximately half of the board is appointed every two
5133 years.
5134 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
5135 appointed for the unexpired term.
5136 (e) The expert panel members shall recommend medical standards in the areas of the
5137 panel members' special competence for determining the physical, mental, and emotional
5138 capabilities of applicants for licenses and licensees.
5139 (3) In reviewing individual cases, a panel acting with the authority of the board consists
5140 of at least two members, of which at least one is a regular board member.
5141 (4) The director of the division or his designee serves as secretary to the board and its
5142 panels.

5143 (5) Members of the board and expert panel members nominated by them shall be health
5144 care professionals.
5145 [~~(6) (a) (i) Members who are not government employees shall receive no~~
5146 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
5147 ~~the performance of the member's official duties at the rates established by the Division of~~
5148 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
5149 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
5150 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
5151 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
5152 ~~incurred in the performance of their official duties from the board at the rates established by the~~
5153 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
5154 [~~(ii) State government officer and employee members may decline to receive per diem~~
5155 ~~and expenses for their service.~~]
5156 (6) A member may not receive compensation or benefits for the member's service, but
5157 may receive per diem and travel expenses in accordance with:
5158 (a) Section 63A-3-106;
5159 (b) Section 63A-3-107; and
5160 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5161 63A-3-107.
5162 (7) The board shall meet from time to time when called by the director of the division.
5163 (8) (a) The board shall recommend guidelines and standards for determining the
5164 physical, mental, and emotional capabilities of applicants for licenses and for licensees.
5165 (b) The guidelines and standards are applicable to all Utah licensees and for all
5166 individuals who hold learner permits and are participating in driving activities in all forms of
5167 driver education.
5168 (c) The guidelines and standards shall be published by the division.
5169 (9) If the division has reason to believe that an applicant or licensee is an impaired
5170 person, it may:
5171 (a) act upon the matter based upon the published guidelines and standards; or
5172 (b) convene a panel to consider the matter and submit findings and a recommendation;
5173 the division shall consider the recommendation along with other evidence in determining

5174 whether a license should be suspended, revoked, denied, disqualified, canceled, or restricted.
5175 (10) (a) If the division has acted under Subsection (9) to suspend, revoke, deny,
5176 disqualify, cancel, or restrict the driving privilege without the convening of a panel, the
5177 affected applicant or licensee may within 10 days of receiving notice of the action request in a
5178 manner prescribed by the division a review of the division's action by a panel.
5179 (b) The panel shall review the matters and make written findings and conclusions.
5180 (c) The division shall affirm or modify its previous action.
5181 (11) (a) Actions of the division are subject to judicial review as provided in this part.
5182 (b) The guidelines, standards, findings, conclusions, and recommendations of the board
5183 or of a panel are admissible as evidence in any judicial review.
5184 (12) Members of the board and its panels incur no liability for recommendations,
5185 findings, conclusions, or for other acts performed in good faith and incidental to membership
5186 on the board or a panel.
5187 (13) The division shall provide forms for the use of health care professionals in
5188 depicting the medical history of any physical, mental, or emotional impairment affecting the
5189 applicant's or licensee's ability to drive a motor vehicle.
5190 (14) (a) (i) Individuals who apply for or hold a license and have, or develop, or suspect
5191 that they have developed a physical, mental, or emotional impairment that may affect driving
5192 safety are responsible for reporting this to the division or its agent.
5193 (ii) If there is uncertainty, the individual is expected to seek competent medical
5194 evaluation and advice as to the significance of the impairment as it relates to driving safety, and
5195 to refrain from driving until a clarification is made.
5196 (b) Health care professionals who care for patients with physical, mental, or emotional
5197 impairments that may affect their driving safety, whether defined by published guidelines and
5198 standards or not, are responsible for making available to their patients without reservation their
5199 recommendations and appropriate information related to driving safety and responsibilities.
5200 (c) A health care professional or other person who becomes aware of a physical,
5201 mental, or emotional impairment that appears to present an imminent threat to driving safety
5202 and reports this information to the division in good faith has immunity from any damages
5203 claimed as a result of making the report.
5204 Section 92. Section **53-3-908** is amended to read:

5205 **53-3-908. Advisory committee.**
5206 (1) The governor shall appoint a five-member program advisory committee to assist in
5207 the development and implementation of the program.
5208 (2) The committee members shall be appointed by the governor as follows:
5209 (a) one representative of motorcycle retail dealers;
5210 (b) one representative of peace officers;
5211 (c) one citizen not affiliated with a motorcycle dealer, manufacturer, or association;
5212 (d) one motorcycle safety foundation instructor or chief instructor; and
5213 (e) one member of an incorporated motorcycle rider organization.
5214 (3) All members of the advisory committee shall be licensed motorcyclists.
5215 (4) (a) Except as required by Subsection (4)(b), as terms of current committee members
5216 expire, the governor shall appoint each new member or reappointed member to a four-year
5217 term.
5218 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
5219 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
5220 committee members are staggered so that approximately half of the committee is appointed
5221 every two years.
5222 (c) The committee shall meet at the call of the director.
5223 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
5224 appointed for the unexpired term.
5225 [~~(6) (a) Members shall receive no compensation or benefits for their services, but may~~
5226 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
5227 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
5228 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
5229 (6) A member may not receive compensation or benefits for the member's service, but
5230 may receive per diem and travel expenses in accordance with:
5231 (a) Section 63A-3-106;
5232 (b) Section 63A-3-107; and
5233 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5234 63A-3-107.
5235 Section 93. Section **53-5-703** is amended to read:

5236 **53-5-703. Board -- Membership -- Compensation -- Terms -- Duties.**
5237 (1) There is created within the division the Concealed Weapon Review Board.
5238 (2) (a) The board is comprised of not more than five members appointed by the
5239 commissioner on a bipartisan basis.
5240 (b) The board shall include a member representing law enforcement and at least two
5241 citizens, one of whom represents sporting interests.
5242 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
5243 expire, the commissioner shall appoint each new member or reappointed member to a four-year
5244 term.
5245 (b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at
5246 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
5247 board members are staggered so that approximately half of the board is appointed every two
5248 years.
5249 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
5250 appointed for the unexpired term.
5251 [~~(5) (a) (i) Members who are not government employees shall receive no compensation~~
5252 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
5253 ~~performance of the member's official duties at the rates established by the Division of Finance~~
5254 ~~under Sections 63A-3-106 and 63A-3-107.~~]
5255 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
5256 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
5257 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
5258 ~~incurred in the performance of their official duties from the board at the rates established by the~~
5259 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
5260 [~~(ii) State government officer and employee members may decline to receive per diem~~
5261 ~~and expenses for their service.~~]
5262 (5) A member may not receive compensation or benefits for the member's service, but
5263 may receive per diem and travel expenses in accordance with:
5264 (a) Section 63A-3-106;
5265 (b) Section 63A-3-107; and
5266 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

5267 63A-3-107.
5268 (6) The board shall meet at least quarterly, unless the board has no business to conduct
5269 during that quarter.
5270 (7) The board, upon receiving a timely filed petition for review, shall review within a
5271 reasonable time the denial, suspension, or revocation of a permit or a temporary permit to carry
5272 a concealed firearm.
5273 Section 94. Section **53-6-106** is amended to read:
5274 **53-6-106. Creation of Peace Officer Standards and Training Council -- Purpose --**
5275 **Membership -- Quorum -- Meetings -- Compensation.**
5276 (1) There is created the Peace Officer Standards and Training Council.
5277 (2) The council shall serve as an advisory board to the director of the division on
5278 matters relating to peace officer and dispatcher standards and training.
5279 (3) The council includes:
5280 (a) the attorney general or his designated representative;
5281 (b) the superintendent of the highway patrol;
5282 (c) the executive director of the Department of Corrections or his designated
5283 representative; and
5284 (d) 14 additional members appointed by the governor having qualifications,
5285 experience, or education in the field of law enforcement as follows:
5286 (i) one incumbent mayor;
5287 (ii) one incumbent county commissioner;
5288 (iii) three incumbent sheriffs, one of whom is a representative of the Utah Sheriffs
5289 Association, one of whom is from a county having a population of 100,000 or more, and one of
5290 whom is from a county having a population of less than 100,000;
5291 (iv) three incumbent police chiefs, one of whom is a representative of the Utah Chiefs
5292 of Police Association, one of whom is from a city of the first or second class, and one of whom
5293 is from a city of the third, fourth, or fifth class or town;
5294 (v) one officer from the Federal Bureau of Investigation appointed by the governor
5295 upon the recommendation of the agency;
5296 (vi) a representative of the Utah Peace Officers Association;
5297 (vii) an educator in the field of public administration, criminal justice, or related area;

5298 and
5299 (viii) three persons selected at large by the governor.
5300 (4) (a) Except as required by Subsection (4)(b), the 14 members of the council shall be
5301 appointed by the governor for four-year terms.
5302 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
5303 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
5304 council members are staggered so that approximately half of the council is appointed every two
5305 years.
5306 (c) A member may be reappointed for additional terms.
5307 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
5308 appointed for the unexpired term by the governor from the same category in which the vacancy
5309 occurs.
5310 (5) A member of the council ceases to be a member:
5311 (a) immediately upon the termination of his holding the office or employment that was
5312 the basis for his eligibility to membership on the council; or
5313 (b) upon two unexcused absences in one year from regularly scheduled council
5314 meetings.
5315 (6) The council shall select a chair and vice chair from among its members.
5316 (7) Ten members of the advisory council constitute a quorum.
5317 (8) (a) Meetings may be called by the chair, the commissioner, or the director and shall
5318 be called by the chair upon the written request of nine members.
5319 (b) Meetings shall be held at the times and places determined by the director.
5320 (9) The council shall meet at least two times per year.
5321 [~~(10) (a) (i) Members who are not government employees shall receive no~~
5322 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
5323 ~~the performance of the member's official duties at the rates established by the Division of~~
5324 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
5325 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
5326 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
5327 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
5328 ~~incurred in the performance of their official duties from the council at the rates established by~~

5329 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
5330 [~~(ii) State government officer and employee members may decline to receive per diem~~
5331 ~~and expenses for their service.~~]
5332 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
5333 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
5334 ~~in the performance of their official duties at the rates established by the Division of Finance~~
5335 ~~under Sections 63A-3-106 and 63A-3-107.~~]
5336 [~~(ii) Local government members may decline to receive per diem and expenses for~~
5337 ~~their service.~~]
5338 (10) A member may not receive compensation or benefits for the member's service, but
5339 may receive per diem and travel expenses in accordance with:
5340 (a) Section 63A-3-106;
5341 (b) Section 63A-3-107; and
5342 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5343 63A-3-107.
5344 (11) Membership on the council does not disqualify any member from holding any
5345 other public office or employment.
5346 Section 95. Section **53-7-203** is amended to read:
5347 **53-7-203. Utah Fire Prevention Board -- Creation -- Members -- Terms --**
5348 **Selection of chair and officers -- Quorum -- Meetings -- Compensation -- Division's duty**
5349 **to implement board rules.**
5350 (1) There is created within the division the Utah Fire Prevention Board.
5351 (2) The board shall be nonpartisan and be composed of 10 members appointed by the
5352 governor as follows:
5353 (a) a city or county official;
5354 (b) a licensed architect;
5355 (c) a licensed engineer;
5356 (d) a member of the Utah State Firemen's Association;
5357 (e) the state forester;
5358 (f) the commissioner of the Labor Commission or the commissioner's designee;
5359 (g) a member of the Utah State Fire Chiefs Association;

5360 (h) a member of the Utah Fire Marshal's Association;
5361 (i) a building inspector; and
5362 (j) a citizen appointed at large.
5363 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
5364 expire, the governor shall appoint each new member or reappointed member to a four-year
5365 term.
5366 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
5367 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
5368 board members are staggered so that approximately half of the board is appointed every two
5369 years.
5370 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
5371 appointed for the unexpired term.
5372 (5) A member whose term has expired may continue to serve until a replacement is
5373 appointed pursuant to Subsection (3).
5374 (6) The board shall select from its members a chair and other officers as the board finds
5375 necessary.
5376 (7) A majority of the members of the board is a quorum.
5377 (8) The board shall hold regular semiannual meetings for the transaction of its business
5378 at a time and place to be fixed by the board and shall hold other meetings as necessary for
5379 proper transaction of business.
5380 [~~(9) (a) (i) Members who are not government employees shall receive no compensation~~
5381 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
5382 ~~performance of the member's official duties at the rates established by the Division of Finance~~
5383 ~~under Sections 63A-3-106 and 63A-3-107.~~]
5384 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
5385 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
5386 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
5387 ~~incurred in the performance of their official duties from the board at the rates established by the~~
5388 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
5389 [~~(ii) State government officer and employee members may decline to receive per diem~~
5390 ~~and expenses for their service.~~]

5391 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
5392 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
5393 ~~in the performance of their official duties at the rates established by the Division of Finance~~
5394 ~~under Sections 63A-3-106 and 63A-3-107.~~]
5395 [~~(ii) Local government members may decline to receive per diem and expenses for~~
5396 ~~their service.~~]
5397 (9) A member may not receive compensation or benefits for the member's service, but
5398 may receive per diem and travel expenses in accordance with:
5399 (a) Section 63A-3-106;
5400 (b) Section 63A-3-107; and
5401 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5402 63A-3-107.
5403 (10) The division shall implement the rules of the board and perform all other duties
5404 delegated by the board.
5405 Section 96. Section **53-7-304** is amended to read:
5406 **53-7-304. Liquefied Petroleum Gas Board -- Creation -- Composition --**
5407 **Appointment -- Terms of officers -- Meetings -- Compensation.**
5408 (1) (a) There is created within the division the Liquefied Petroleum Gas Board.
5409 (b) The board is composed of seven members:
5410 (i) two Utah fire chiefs or marshals;
5411 (ii) two members of the general public; and
5412 (iii) three members who are representatives of the LPG industry.
5413 (2) The fire chiefs or marshals and the members of the general public shall be
5414 appointed by the governor, on a nonpartisan basis.
5415 (3) Members of the board who are representatives of the LPG industry shall have been
5416 legal residents of the state for at least one year immediately preceding the date of appointment
5417 and have been actively engaged in the LPG industry for a period of at least five years.
5418 (4) The LPG industry representatives shall be appointed by the governor from a list of
5419 at least five but no more than the 12 nominees receiving the largest number of votes according
5420 to written ballots executed by representatives of the licensees under Subsection (7).
5421 (5) (a) Except as required by Subsection (5)(b), as terms of current board members

5422 expire, the governor shall appoint each new member or reappointed member to a four-year
5423 term.
5424 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
5425 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
5426 board members are staggered so that approximately half of the board is appointed every two
5427 years.
5428 (c) Members serve from the date of appointment until a replacement is appointed.
5429 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
5430 appointed for the unexpired term.
5431 (7) (a) The balloting of licensees shall be conducted by the division.
5432 (b) For the appointments, the division shall forward to each licensee by registered or
5433 certified United States mail an official ballot for each staffed plant or facility held under
5434 Section 53-7-309, with instructions for executing the ballot and returning it to the division.
5435 (8) (a) The board shall elect its own chair and vice chair at its first regular meeting each
5436 calendar year.
5437 (b) All meetings of the board shall be held on a prescribed date, at least quarterly, and
5438 at any time a majority of the board members sends a request to the board chair.
5439 (c) A majority of the members of the board is a quorum for the transaction of business.
5440 [~~(9) (a) (i) Members who are not government employees shall receive no compensation~~
5441 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
5442 ~~performance of the member's official duties at the rates established by the Division of Finance~~
5443 ~~under Sections 63A-3-106 and 63A-3-107.~~]
5444 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
5445 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
5446 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
5447 ~~incurred in the performance of their official duties from the board at the rates established by the~~
5448 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
5449 [~~(ii) State government officer and employee members may decline to receive per diem~~
5450 ~~and expenses for their service.~~]
5451 (9) A member may not receive compensation or benefits for the member's service, but
5452 may receive per diem and travel expenses in accordance with:

5453 (a) Section 63A-3-106;
5454 (b) Section 63A-3-107; and
5455 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5456 63A-3-107.
5457 Section 97. Section **53-8-203** is amended to read:
5458 **53-8-203. Council created -- Members -- Term -- Meetings -- Duties.**
5459 (1) There is created within the division the Motor Vehicle Safety Inspection Advisory
5460 Council.
5461 (2) (a) The council shall be composed of seven members.
5462 (b) The governor shall appoint:
5463 (i) one member from the general public with experience or interest in product safety or
5464 consumer advocacy;
5465 (ii) two representatives from motor vehicle mechanics and motor vehicle repair
5466 business owners;
5467 (iii) one member of the motoring public with no former or current affiliation with the
5468 motor vehicle sales, repair, or fuel industry or its regulation;
5469 (iv) one peace officer with experience in motor vehicle law enforcement;
5470 (v) one representative of the commercial trucking industry; and
5471 (vi) one representative of the staff of the attorney general who shall serve without
5472 voting privileges.
5473 (3) Each member of the council shall:
5474 (a) be selected on a nonpartisan basis;
5475 (b) be appointed by the governor; and
5476 (c) have been a legal resident of the state for at least one year immediately preceding
5477 the date of appointment.
5478 (4) (a) Except as required by Subsection (4)(b), as terms of current council members
5479 expire, the governor shall appoint each new member or reappointed member to a four-year
5480 term.
5481 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
5482 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
5483 council members are staggered so that approximately half of the council is appointed every two

5484 years.
5485 (c) Members serve from the date of appointment until a replacement is appointed.
5486 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
5487 appointed for the unexpired term.
5488 (6) The council shall elect its own chair and vice-chair at its first regular meeting each
5489 calendar year.
5490 (7) All meetings of the council shall be called by the superintendent of the highway
5491 patrol as needed.
5492 (8) Any three voting members constitute a quorum for the transaction of business that
5493 comes before the council.
5494 [~~(9) (a) (i) Members who are not government employees shall receive no compensation~~
5495 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
5496 ~~performance of the member's official duties at the rates established by the Division of Finance~~
5497 ~~under Sections 63A-3-106 and 63A-3-107.~~]
5498 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
5499 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
5500 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
5501 ~~incurred in the performance of their official duties from the council at the rates established by~~
5502 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
5503 [~~(ii) State government officer and employee members may decline to receive per diem~~
5504 ~~and expenses for their service.~~]
5505 (9) A member may not receive compensation or benefits for the member's service, but
5506 may receive per diem and travel expenses in accordance with:
5507 (a) Section 63A-3-106;
5508 (b) Section 63A-3-107; and
5509 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5510 63A-3-107.
5511 (10) The council shall:
5512 (a) hear appeals of administrative actions regarding the suspension or revocation of
5513 safety inspection station permits and safety inspector certificates;
5514 (b) advise the division on interpretation, adoption, and implementation of motor

5515 vehicle safety inspection standards; and
5516 (c) advise the division on other motor vehicle safety inspection issues as requested by
5517 the superintendent.
5518 (11) In conducting appeal hearings on the suspension or revocation of any safety
5519 inspection station permit or safety inspector certificate the council may:
5520 (a) compel the attendance of witnesses by subpoena;
5521 (b) require the production of any records or documents determined by it to be pertinent
5522 to the subject matter of the hearing; and
5523 (c) apply to the district court of the county where the hearing is held for an order citing
5524 any applicant or witness for contempt and for failure to attend, testify, or produce required
5525 documents.
5526 Section 98. Section **53-9-104** is amended to read:
5527 **53-9-104. Board -- Creation-- Qualifications -- Appointments -- Terms --**
5528 **Immunity.**
5529 (1) There is established a Private Investigator Hearing and Licensure Board consisting
5530 of five members appointed by the commissioner.
5531 (2) Each member of the board shall be a citizen of the United States and a resident of
5532 this state at the time of appointment.
5533 (a) Two members shall be qualifying parties who are licensed as provided in this
5534 chapter.
5535 (b) One member shall be a supervisory investigator from the commissioner's office.
5536 (c) One member shall be a chief of police or sheriff.
5537 (d) One member shall be a public member who shall not have a financial interest in a
5538 private investigative agency and shall not have an immediate family member or a household
5539 member or friend who is licensed or registered under this chapter.
5540 (3) (a) Each member of the board shall serve four-year staggered terms beginning and
5541 ending on January 1.
5542 (b) Notwithstanding the term requirements of Subsection (3)(a), the commissioner may
5543 adjust the length of terms to ensure the terms of board members are staggered so that
5544 approximately one member of the board is appointed every year.
5545 (4) When a vacancy occurs in the membership for any reason, the replacement shall be

5546 appointed for the unexpired term.
5547 (5) At its first meeting every year, the board shall elect a chair, vice chair, and secretary
5548 from its membership.
5549 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~
5550 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
5551 ~~performance of the member's official duties at the rates established by the Division of Finance~~
5552 ~~under Sections 63A-3-106 and 63A-3-107.~~]
5553 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
5554 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
5555 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
5556 ~~incurred in the performance of their official duties from the board at the rates established by the~~
5557 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
5558 [~~(ii) State government officer and employee members may decline to receive per diem~~
5559 ~~and expenses for their service.~~]
5560 (6) A member may not receive compensation or benefits for the member's service, but
5561 may receive per diem and travel expenses in accordance with:
5562 (a) Section 63A-3-106;
5563 (b) Section 63A-3-107; and
5564 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5565 63A-3-107.
5566 (7) A member shall not serve more than one term, except that a member appointed to
5567 fill a vacancy or appointed for an initial term of less than four years may be reappointed for one
5568 full term.
5569 (8) The commissioner, after a board hearing and recommendation, may remove any
5570 member of the board for misconduct, incompetency, or neglect of duty.
5571 (9) Members of the board are immune from suit with respect to all acts done and
5572 actions taken in good faith in furtherance of the purposes of this chapter.
5573 Section 99. Section **53-11-104** is amended to read:
5574 **53-11-104. Board.**
5575 (1) (a) There is established under the Department of Public Safety a Bail Bond
5576 Recovery Licensure Board consisting of five members appointed by the commissioner.

5577 (b) The commissioner may appoint, in accordance with this section, persons who are
5578 also serving in the same capacity on the Private Investigator Hearing and Licensure Board
5579 under Section 53-9-104.
5580 (2) Each member of the board shall be a citizen of the United States and a resident of
5581 this state at the time of appointment:
5582 (a) one member shall be a person who is qualified for and is licensed under this
5583 chapter;
5584 (b) one member shall be a an attorney licensed to practice in the state;
5585 (c) one member shall be a chief of police or sheriff;
5586 (d) one member shall be an owner of a bail bond surety company who is not a bail
5587 enforcement agent or a bail recovery agent; and
5588 (e) one member shall be a public member who does not have:
5589 (i) a financial interest in a bail bond surety or bail bond recovery business; and
5590 (ii) an immediate family member or a household member, or a personal or professional
5591 acquaintance who is licensed or registered under this chapter.
5592 (3) (a) As terms of current board members expire, the commissioner shall appoint each
5593 new member or reappointed member to a four-year term, except as required by Subsection
5594 (3)(b).
5595 (b) The commissioner shall, at the time of appointment or reappointment, adjust the
5596 length of terms to ensure that the terms of board members are staggered so that approximately
5597 half of the board is appointed every two years.
5598 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
5599 appointed for the unexpired term.
5600 (5) At its first meeting every year, the board shall elect a chair and vice chair from its
5601 membership.
5602 [~~(6) (a) (i) Members who are not government employees receive no compensation or~~
5603 ~~benefits for their services, but may receive per diem and expenses incurred in the performance~~
5604 ~~of the member's official duties at the rates established by the Division of Finance under~~
5605 ~~Sections 63A-3-106 and 63A-3-107.~~]
5606 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
5607 [~~(b) (i) State government officer and employee members who do not receive salary, per~~

5608 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
5609 ~~incurred in the performance of their official duties from the board at the rates established by the~~
5610 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
5611 [~~(ii) State government officer and employee members may decline to receive per diem~~
5612 ~~and expenses for their service.~~]
5613 (6) A member may not receive compensation or benefits for the member's service, but
5614 may receive per diem and travel expenses in accordance with:
5615 (a) Section 63A-3-106;
5616 (b) Section 63A-3-107; and
5617 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5618 63A-3-107.
5619 (7) A member may not serve more than one term, except that a member appointed to
5620 fill a vacancy or appointed for an initial term of less than four years under Subsection (3) may
5621 be reappointed for one additional full term.
5622 (8) The commissioner, after a board hearing and recommendation, may remove any
5623 member of the board for misconduct, incompetency, or neglect of duty.
5624 (9) Members of the board are immune from suit with respect to all acts done and
5625 actions taken in good faith in carrying out the purposes of this chapter.
5626 Section 100. Section **53A-1-202** is amended to read:
5627 **53A-1-202. Compensation for services -- Additional per diem -- Insurance --**
5628 **Certified statements of expenses.**
5629 (1) Each member of the State Board of Education shall receive $3,000 per year,
5630 payable monthly, as compensation for services[~~, in addition to necessary travel expenses~~].
5631 [~~(2) Each member may receive additional per diem compensation as established by the~~
5632 ~~director of the Division of Finance for attendance at meetings or activities related to any~~
5633 ~~business of the board, not to exceed 12 per year.~~]
5634 [~~(3) Board members~~] (2) A board member may participate in any group insurance plan
5635 provided to employees of the State Office of Education as part of their compensation on the
5636 same basis as required for employee participation.
5637 [~~(4) The state superintendent shall certify statements of actual and necessary travel~~
5638 ~~expenses incurred by board members in attending board meetings or performing duties~~

5639 ~~authorized by the board.~~]
5640 (3) In addition to the provisions of Subsections (1) and (2), a board member may
5641 receive per diem and travel expenses in accordance with:
5642 (a) Section 63A-3-106;
5643 (b) Section 63A-3-107; and
5644 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5645 63A-3-107.
5646 Section 101. Section **53A-1a-501.5** is amended to read:
5647 **53A-1a-501.5. State Charter School Board created.**
5648 (1) (a) The State Charter School Board is created consisting of the following members
5649 appointed by the governor:
5650 (i) two members who have expertise in finance or small business management;
5651 (ii) three members who are appointed from a slate of at least six candidates nominated
5652 by Utah's charter schools; and
5653 (iii) two members who are appointed from a slate of at least four candidates nominated
5654 by the State Board of Education.
5655 (b) Each appointee shall have demonstrated dedication to the purposes of charter
5656 schools as outlined in Section 53A-1a-503.
5657 (2) (a) State Charter School Board members shall serve four-year terms, except three of
5658 the initial members appointed by the governor shall be appointed for a two-year term.
5659 (b) If a vacancy occurs, the governor shall appoint a replacement for the unexpired
5660 term.
5661 (3) (a) The State Charter School Board shall annually elect a chair from its
5662 membership.
5663 (b) Four members of the board shall constitute a quorum.
5664 (c) Meetings may be called by the chair or upon request of three members of the board.
5665 [~~(4) (a) (i) Members who are not state government employees shall receive no~~
5666 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
5667 ~~the performance of the members' official duties at the rates established by the Division of~~
5668 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
5669 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]

5670 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
5671 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
5672 ~~incurred in the performance of their official duties from the State Charter School Board at the~~
5673 ~~rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
5674 [~~(ii) State government officer and employee members may decline to receive per diem~~
5675 ~~and expenses for their service.~~]
5676 (4) A member may not receive compensation or benefits for the member's service, but
5677 may receive per diem and travel expenses in accordance with:
5678 (a) Section 63A-3-106;
5679 (b) Section 63A-3-107; and
5680 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5681 63A-3-107.
5682 Section 102. Section **53A-1a-602** is amended to read:
5683 **53A-1a-602. Job Enhancement Committee -- Composition -- Duties --**
5684 **Appropriation.**
5685 (1) There is created a Job Enhancement Committee to implement and administer the
5686 Public Education Job Enhancement Program established in Section 53A-1a-601.
5687 (2) (a) The committee shall consist of:
5688 (i) two members of the State Board of Education selected by the board;
5689 (ii) two members of the State Board of Regents selected by the board;
5690 (iii) six members of the general public who have business experience in mathematics,
5691 physics, chemistry, physical science, learning technology, or information technology selected
5692 by the governor;
5693 (iv) a master high school teacher, who has teaching experience in mathematics,
5694 physics, chemistry, physical science, learning technology, or information technology, selected
5695 by the superintendent of public instruction;
5696 (v) a master special education teacher, selected by the superintendent of public
5697 instruction; and
5698 (vi) a master teacher in grades four through six with a mathematics endorsement,
5699 selected by the superintendent of public instruction.
5700 [~~(b) Committee members shall receive no compensation or benefits for their service on~~

5701 ~~the committee, but may receive per diem and expenses incurred in the performance of their~~
5702 ~~duties at rates established by the Division of Finance under Sections 63A-3-106 and~~
5703 ~~63A-3-107.~~]
5704 (b) A member may not receive compensation or benefits for the member's service, but
5705 may receive per diem and travel expenses in accordance with:
5706 (i) Section 63A-3-106;
5707 (ii) Section 63A-3-107; and
5708 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5709 63A-3-107.
5710 (3) (a) The committee shall receive and review applications submitted for participation
5711 in the Public Education Job Enhancement Program established under Section 53A-1a-601.
5712 (b) In reviewing applications, the committee shall focus on:
5713 (i) the prioritized critical areas of need identified under Subsection (5)(a); and
5714 (ii) the awards being made on a competitive basis.
5715 (c) If the committee approves an application received under Subsection (3)(a), it shall
5716 contract directly with the teacher applicant to receive the award or the scholarship for a
5717 master's degree, an endorsement, or graduate education, subject to Section 53A-1a-601.
5718 (d) The State Board of Education, through the superintendent of public instruction,
5719 shall provide staff support for the committee and adequate and reliable data on the state's
5720 supply of and demand for qualified:
5721 (i) secondary teachers with expertise in mathematics, physics, chemistry, physical
5722 science, learning technologies, or information technology;
5723 (ii) special education teachers; and
5724 (iii) teachers in grades four through six with mathematics endorsements.
5725 (4) The committee may apply for grants and matching monies to enhance funding
5726 available for the program established in Section 53A-1a-601.
5727 (5) The committee shall make a rule in accordance with Title 63G, Chapter 3, Utah
5728 Administrative Rulemaking Act, establishing policies and procedures for:
5729 (a) making the awards and offering the scholarships in accordance with prioritized
5730 critical areas of need as determined by the committee;
5731 (b) timelines for the submission and approval of applications under Subsection (3); and

5732 (c) the distribution of the awards and scholarships to successful applicants based on
5733 available monies provided by legislative appropriation.
5734 (6) Subject to future budget constraints, the Legislature shall make an annual
5735 appropriation to the State Board of Education to fund the Public Education Job Enhancement
5736 Program established under Section 53A-1a-601.
5737 Section 103. Section **53A-6-802** is amended to read:
5738 **53A-6-802. Paraeducator to Teacher Scholarship Program.**
5739 (1) The Paraeducator to Teacher Scholarship Program is created to award scholarships
5740 to paraeducators for education and training to become licensed teachers.
5741 (2) The State Board of Education shall use money appropriated for the Paraeducator to
5742 Teacher Scholarship Program to award scholarships of up to $5,000 to paraeducators employed
5743 by school districts and charter schools who are pursuing an associate's degree or bachelor's
5744 degree program to become a licensed teacher.
5745 (3) A paraeducator is eligible to receive a scholarship if:
5746 (a) the paraeducator is employed by a school district or charter school;
5747 (b) is admitted to, or has made an application to, an associate's degree program or
5748 bachelor's degree program that will prepare the paraeducator for teacher licensure; and
5749 (c) the principal at the school where the paraeducator is employed has nominated the
5750 paraeducator for a scholarship.
5751 (4) (a) The State Board of Education shall establish a committee to select scholarship
5752 recipients from nominations submitted by school principals.
5753 (b) The committee shall include representatives of the State Board of Education, State
5754 Board of Regents, and the general public, excluding school district and charter school
5755 employees.
5756 [~~(c) (i) (A) A committee member who is not a government employee may not receive~~
5757 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~
5758 ~~incurred in the performance of the member's official duties at the rates established by the~~
5759 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
5760 [~~(B) A member may decline to receive per diem and expenses for the member's~~
5761 ~~service.~~]
5762 [~~(ii) (A) A committee member who is a government employee member who does not~~

5763 ~~receive salary, per diem, or expenses from the agency the member represents for the member's~~
5764 ~~service may receive per diem and expenses incurred in the performance of the member's~~
5765 ~~official duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
5766 ~~63A-3-107.~~]
5767 [~~(B) A government employee member may decline to receive per diem and expenses~~
5768 ~~for the member's service.~~]
5769 (c) A member may not receive compensation or benefits for the member's service, but
5770 may receive per diem and travel expenses in accordance with:
5771 (i) Section 63A-3-106;
5772 (ii) Section 63A-3-107; and
5773 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5774 63A-3-107.
5775 (d) The committee shall select scholarship recipients based on the following criteria:
5776 (i) test scores, grades, or other evidence demonstrating the applicant's ability to
5777 successfully complete a teacher education program; and
5778 (ii) the applicant's record of success as a paraeducator.
5779 (5) The maximum scholarship amount is $5,000.
5780 (6) Scholarship monies may only be used to pay for tuition costs:
5781 (a) of:
5782 (i) an associate's degree program that fulfills credit requirements for the first two years
5783 of a bachelor's degree program leading to teacher licensure; or
5784 (ii) the first two years of a bachelor's degree program leading to teacher licensure; and
5785 (b) at a higher education institution:
5786 (i) located in Utah; and
5787 (ii) accredited by the Northwest Commission on Colleges and Universities.
5788 (7) A scholarship recipient must be continuously employed as a paraeducator by a
5789 school district or charter school while pursuing a degree using scholarship monies.
5790 (8) The State Board of Education shall make rules in accordance with this section and
5791 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the Paraeducator to
5792 Teacher Scholarship Program, including rules establishing:
5793 (a) scholarship application procedures;

5794 (b) the number of, and qualifications for, committee members who select scholarship
5795 recipients; and
5796 (c) procedures for distributing scholarship monies.
5797 Section 104. Section **53A-20b-103** is amended to read:
5798 **53A-20b-103. State Charter School Finance Authority created -- Members --**
5799 **Compensation -- Services.**
5800 (1) There is created a body politic and corporate known as the State Charter School
5801 Finance Authority. The authority is created to provide an efficient and cost-effective method of
5802 financing charter school facilities.
5803 (2) The governing board of the authority shall be composed of:
5804 (a) the governor or the governor's designee;
5805 (b) the state treasurer; and
5806 (c) the state superintendent of public instruction or the state superintendent's designee.
5807 [~~(3) (a) (i) A member who is not a government employee may not receive~~
5808 ~~compensation or benefits for the member's services, but may receive per diem and expenses~~
5809 ~~incurred in the performance of the member's official duties at the rates established by the~~
5810 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
5811 [~~(ii) A member may decline to receive per diem and expenses for the member's~~
5812 ~~service.~~]
5813 [~~(b) (i) A state government officer or employee member who does not receive salary,~~
5814 ~~per diem, or expenses from the agency the member represents for the member's service may~~
5815 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
5816 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
5817 [~~(ii) A state government officer or employee member may decline to receive per diem~~
5818 ~~and expenses for the member's service.~~]
5819 (3) A member may not receive compensation or benefits for the member's service, but
5820 may receive per diem and travel expenses in accordance with:
5821 (a) Section 63A-3-106;
5822 (b) Section 63A-3-107; and
5823 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5824 63A-3-107.

5825 (4) Upon request, the State Board of Education shall provide staff support to the
5826 authority.
5827 Section 105. Section **53A-25b-203** is amended to read:
5828 **53A-25b-203. Advisory Council for the Utah Schools for the Deaf and the Blind.**
5829 (1) (a) There is created the Advisory Council for the Utah Schools for the Deaf and the
5830 Blind composed of at least six, but no more than 11, voting members appointed by the board.
5831 (b) The advisory council shall include:
5832 (i) two members who are blind;
5833 (ii) two members who are deaf; and
5834 (iii) two members who are deafblind or parents of a deafblind child.
5835 (c) The board may appoint other advisory council members who have an interest in and
5836 knowledge of the needs and education of students who are deaf, blind, or deafblind.
5837 (2) The board may remove a council member for cause.
5838 (3) The board shall makes rules in accordance with Title 63G, Chapter 3, Utah
5839 Administrative Rulemaking Act, regarding the operation of the advisory council, including
5840 rules:
5841 (a) specifying the term of membership for advisory council members;
5842 (b) establishing procedures for filling a vacancy on the advisory council; and
5843 (c) establishing procedures for dismissing an advisory council member.
5844 [~~(4) An advisory council member may receive per diem and expenses incurred in the~~
5845 ~~performance of the member's official duties at the rates established by the Division of Finance~~
5846 ~~under Sections 63A-3-106 and 63A-3-107.~~]
5847 (4) An advisory council member may not receive compensation or benefits for the
5848 member's service, but may receive per diem and travel expenses in accordance with:
5849 (a) Section 63A-3-106;
5850 (b) Section 63A-3-107; and
5851 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5852 63A-3-107.
5853 (5) The advisory council shall meet at least 10 times per year.
5854 (6) (a) The advisory council shall elect a chair and vice chair from its membership.
5855 (b) The advisory council may elect other officers from its membership.

5856 (c) The advisory council officers shall serve one-year terms.
5857 (7) A majority of the advisory council constitutes a quorum for the transaction of
5858 business.
5859 (8) The board shall assign a staff member from the Utah State Office of Education and
5860 the superintendent to act as liaisons between the board and the advisory council.
5861 (9) The advisory council shall:
5862 (a) advise and make recommendations to the board, superintendent, and associate
5863 superintendents regarding:
5864 (i) staff positions;
5865 (ii) policy;
5866 (iii) budgets; and
5867 (iv) operations;
5868 (b) advise the board, superintendent, and associate superintendents as to the needs of
5869 those who are deaf, blind, or deafblind and of appropriate programs and services to address
5870 individual needs consistent with state and federal laws, rules, and regulations; and
5871 (c) advise and make recommendations to the board regarding the continued
5872 employment of the superintendent and associate superintendents.
5873 (10) The board shall receive and consider the advice and recommendations of the
5874 advisory council but is not obligated to follow that advice or adopt the recommendations.
5875 Section 106. Section **53B-1-104** is amended to read:
5876 **53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath --**
5877 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.**
5878 (1) (a) The board shall consist of 19 residents of the state.
5879 (b) (i) Fifteen members shall be appointed by the governor with the consent of the
5880 Senate.
5881 (ii) (A) One additional member shall be appointed by the governor from nominations
5882 of the student body presidents council.
5883 (B) The council shall nominate three qualified, matriculated students enrolled in the
5884 state institutions of higher education.
5885 (C) Student body presidents are not eligible for nomination.
5886 (iii) All appointments to the board shall be made on a nonpartisan basis.

5887 (iv) In making appointments to the board, the governor shall select:
5888 (A) individuals from the state at large with due consideration for geographical
5889 representation; and
5890 (B) at least three individuals with personal experience in career and technical
5891 education, which could include service on a campus board of directors.
5892 (c) (i) In addition to the members designated under Subsection (1)(b), two members of
5893 the State Board of Education, appointed by the chair of the State Board of Education, shall
5894 serve as nonvoting members of the board.
5895 (ii) A nonvoting State Board of Education member shall continue to serve as a member
5896 without a set term until the member is replaced by the chair of the State Board of Education.
5897 (d) (i) In addition to the members designated under Subsection (1)(b), one member of
5898 the Utah College of Applied Technology Board of Trustees, appointed by the chair of the Utah
5899 College of Applied Technology Board of Trustees, shall serve as a nonvoting member of the
5900 board.
5901 (ii) A nonvoting Utah College of Applied Technology Board of Trustees member shall
5902 continue to serve as a member without a set term until the member is replaced by the chair of
5903 the Utah College of Applied Technology Board of Trustees.
5904 (2) (a) Five members of the board, other than the student member, the State Board of
5905 Education members, and the Utah College of Applied Technology Board of Trustees member,
5906 shall be appointed during each odd-numbered year to six-year staggered terms which
5907 commence on July 1 of the year of appointment.
5908 (b) (i) The student member shall be appointed for a one-year term and may be
5909 reappointed for one additional term.
5910 (ii) The student member has full voting rights and may vote on selection of a board
5911 chair or vice chair, but not serve in either office.
5912 (c) Board members shall hold office until their successors have been appointed and
5913 qualified.
5914 (3) (a) Each member of the board shall take the official oath of office before entering
5915 upon the duties of office.
5916 (b) The oath shall be filed with the Division of Archives and Records Services.
5917 (4) The board shall elect a chair and vice chair from its members who shall serve terms

5918 of two years and until their successors are chosen and qualified.
5919 (5) (a) The board shall appoint a secretary from the staff of its chief executive to serve
5920 at its discretion.
5921 (b) The secretary shall be a full-time employee who receives a salary set by the board.
5922 (c) The secretary shall record and maintain a record of all board meetings and perform
5923 other duties as the board directs.
5924 (6) The board shall appoint a treasurer who serves at the discretion of the board.
5925 (7) (a) The board may establish advisory committees.
5926 (b) The powers and authority of the board are nondelegable, except as specifically
5927 provided for in this title.
5928 (c) All matters requiring board determination shall be addressed in a properly convened
5929 meeting of the board or its executive committee.
5930 (8) The board shall enact bylaws for its own government not inconsistent with the
5931 constitution or the laws of this state.
5932 (9) (a) The board shall meet regularly upon its own determination.
5933 (b) The board may also meet, in full or executive session, at the request of its chair, its
5934 executive officer, or five members of the board.
5935 (10) A quorum of the voting members of the board is required to conduct its business
5936 and consists of nine members.
5937 (11) (a) A vacancy in the board occurring before the expiration of a voting member's
5938 full term shall be immediately filled by appointment by the governor with the consent of the
5939 Senate.
5940 (b) The appointee serves for the remainder of the unexpired term.
5941 [~~(12) (a) Each member of the board shall receive a per diem as provided by law as~~
5942 ~~compensation for services for attending meetings of the board.~~]
5943 [~~(b) Each member shall also be paid actual expenses incurred for attending meetings of~~
5944 ~~the board or its committees or for attending to any business of the institutions under the~~
5945 ~~direction of the board or authority of the board or its committees.~~]
5946 (12) A board member may not receive compensation or benefits for the member's
5947 service, but may receive per diem and travel expenses in accordance with:
5948 (a) Section 63A-3-106;

5949 (b) Section 63A-3-107; and
5950 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5951 63A-3-107.
5952 Section 107. Section **53B-2-104** is amended to read:
5953 **53B-2-104. Memberships of board of trustees -- Terms -- Vacancies -- Oath --**
5954 **Officers -- Bylaws -- Quorum -- Committees -- Compensation.**
5955 (1) (a) The board of trustees of an institution of higher education consists of the
5956 following:
5957 (i) eight persons appointed by the governor and approved by the Senate; and
5958 (ii) two ex officio members who are the president of the institution's alumni
5959 association, and the president of the associated students of the institution.
5960 (b) The appointed members of the boards of trustees for Utah Valley University and
5961 Salt Lake Community College shall be representative of the interests of business, industry, and
5962 labor.
5963 (2) (a) The governor shall appoint four members of each board of trustees during each
5964 odd-numbered year to four-year terms commencing on July 1 of the year of appointment.
5965 (b) An appointed member holds office until a successor is appointed and qualified.
5966 (c) The ex officio members serve for the same period as they serve as presidents and
5967 until their successors have qualified.
5968 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
5969 appointed for the unexpired term.
5970 (4) (a) Each member shall take the official oath of office prior to assuming the office.
5971 (b) The oath shall be filed with the Division of Archives and Records Services.
5972 (5) Each board of trustees shall elect a chair and vice chair, who serve for two years
5973 and until their successors are elected and qualified.
5974 (6) (a) Each board of trustees may enact bylaws for its own government, including
5975 provision for regular meetings.
5976 (b) (i) The board of trustees may provide for an executive committee in its bylaws.
5977 (ii) If established, the committee shall have full authority of the board of trustees to act
5978 upon routine matters during the interim between board of trustees meetings.
5979 (iii) The committee may act on nonroutine matters only under extraordinary and

5980 emergency circumstances.
5981 (iv) The committee shall report its activities to the board of trustees at its next regular
5982 meeting following the action.
5983 (c) Copies of the board of trustees' bylaws shall be filed with the board.
5984 (7) A quorum is required to conduct business and consists of six members.
5985 (8) A board of trustees may establish advisory committees.
5986 [~~(9) (a) (i) Members who are not government employees shall receive no compensation~~
5987 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
5988 ~~performance of the member's official duties at the rates established by the Division of Finance~~
5989 ~~under Sections 63A-3-106 and 63A-3-107.~~]
5990 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
5991 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
5992 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
5993 ~~incurred in the performance of their official duties from the board at the rates established by the~~
5994 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
5995 [~~(ii) State government officer and employee members may decline to receive per diem~~
5996 ~~and expenses for their service.~~]
5997 [~~(c) (i) Higher education members who do not receive salary, per diem, or expenses~~
5998 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
5999 ~~in the performance of their official duties from the committee at the rates established by the~~
6000 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6001 [~~(ii) Higher education members may decline to receive per diem and expenses for their~~
6002 ~~service.~~]
6003 (9) A member may not receive compensation or benefits for the member's service, but
6004 may receive per diem and travel expenses in accordance with:
6005 (a) Section 63A-3-106;
6006 (b) Section 63A-3-107; and
6007 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6008 63A-3-107.
6009 (10) This section does not apply to the Utah College of Applied Technology.
6010 Section 108. Section **53B-2a-103** is amended to read:

6011 **53B-2a-103. Utah College of Applied Technology Board of Trustees --**
6012 **Membership -- Terms -- Vacancies -- Oath -- Officers -- Quorum -- Committees --**
6013 **Compensation.**
6014 (1) There is created the Utah College of Applied Technology Board of Trustees,
6015 composed of the following members:
6016 (a) one member of the State Board of Education appointed by the chair of the State
6017 Board of Education, to serve as a nonvoting member;
6018 (b) one member of the State Board of Regents appointed by the chair of the State
6019 Board of Regents, to serve as a nonvoting member;
6020 (c) one member representing business and industry employers from the campus board
6021 of directors of each applied technology college campus appointed by a majority vote of the
6022 business and industry employer members of the campus board;
6023 (d) one member representing business and industry employers from the Snow College
6024 career and technical education advisory committee appointed by a majority of the business and
6025 industry members of the advisory committee;
6026 (e) one member representing business and industry employers from the College of
6027 Eastern Utah career and technical education advisory committee appointed by a majority of the
6028 business and industry employer members of the advisory committee;
6029 (f) one member representing business and industry employers from the Salt Lake
6030 Community College School of Applied Technology Board of Directors appointed by a majority
6031 of the business and industry employer members of the board of directors;
6032 (g) one business or industry employer representative appointed by the governor with
6033 the consent of the Senate from nominations submitted by the speaker of the House of
6034 Representatives and president of the Senate;
6035 (h) one representative of union craft, trade, or apprenticeship programs that prepare
6036 workers for employment in career and technical education fields, appointed by the governor
6037 with the consent of the Senate;
6038 (i) one representative of non-union craft, trade, or apprenticeship programs that prepare
6039 workers for employment in career and technical education fields, appointed by the governor
6040 with the consent of the Senate;
6041 (j) the commissioner of higher education; and

6042 (k) the executive director of the Governor's Office of Economic Development or the
6043 executive director's designee.
6044 (2) (a) In making appointments to the board of trustees, the governor shall consider:
6045 (i) individuals from the state at large with due consideration for geographical
6046 representation;
6047 (ii) individuals recognized for their knowledge and expertise; and
6048 (iii) individuals who represent current and emerging business and industry sectors of
6049 the state.
6050 (b) Appointments to the board shall be made on a nonpartisan basis.
6051 (3) (a) Except as provided under Subsection (3)(b), members of the board of trustees
6052 shall be appointed commencing on July 1 of each odd-numbered year to a four-year term.
6053 (b) Initial terms of the board members beginning on July 1, 2009 shall be staggered
6054 with two-year and four-year terms so that approximately one-half of the members' terms will
6055 expire in any odd-numbered year.
6056 (c) An appointed member holds office until a successor is appointed and qualified.
6057 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
6058 appointed for the unexpired term.
6059 (5) (a) Each member shall take the official oath of office prior to assuming the office.
6060 (b) The oath shall be filed with the Division of Archives and Records Services.
6061 (6) The board of trustees shall elect a chair and vice chair, who serve for two years and
6062 until their successors are elected and qualified.
6063 (7) (a) The board of trustees may enact bylaws for its own government, including
6064 provision for regular meetings.
6065 (b) (i) The board of trustees may provide for an executive committee in its bylaws.
6066 (ii) If established, the committee shall have full authority of the board of trustees to act
6067 upon routine matters during the interim between board of trustees meetings.
6068 (iii) The committee may act on nonroutine matters only under extraordinary and
6069 emergency circumstances.
6070 (iv) The committee shall report its activities to the board of trustees at its next regular
6071 meeting following the action.
6072 (8) A quorum shall be required to conduct business which shall consist of a majority of

6073 voting board of trustee members.
6074 (9) The board of trustees may establish advisory committees.
6075 [~~(10) (a) (i) Members who are not government employees shall receive no~~
6076 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
6077 ~~the performance of the member's official duties at the rates established by the Division of~~
6078 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
6079 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
6080 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
6081 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
6082 ~~incurred in the performance of their official duties from the board of trustees at the rates~~
6083 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6084 [~~(ii) State government officer and employee members may decline to receive per diem~~
6085 ~~and expenses for their service.~~]
6086 [~~(c) (i) Higher education members who do not receive salary, per diem, or expenses~~
6087 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
6088 ~~in the performance of their official duties from the board of trustees at the rates established by~~
6089 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6090 [~~(ii) Higher education members may decline to receive per diem and expenses for their~~
6091 ~~service.~~]
6092 (10) A member may not receive compensation or benefits for the member's service, but
6093 may receive per diem and travel expenses in accordance with:
6094 (a) Section 63A-3-106;
6095 (b) Section 63A-3-107; and
6096 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6097 63A-3-107.
6098 Section 109. Section **53B-2a-109** is amended to read:
6099 **53B-2a-109. Campus boards of directors -- Terms -- Quorum -- Chair--**
6100 **Compensation.**
6101 (1) (a) At the first meeting of a campus board of directors after July 1, 2009:
6102 (i) the representatives from the local school boards shall divide up their positions so
6103 that approximately half of them serve for two-year terms and half serve for four-year terms;

6104 and
6105 (ii) the representatives from business and industry employers shall divide up their
6106 positions so that approximately half of them serve for two-year terms and half serve for
6107 four-year terms.
6108 (b) Except as provided in Subsection (1)(a), individuals appointed to a campus board
6109 of directors shall serve four-year terms.
6110 (2) The original appointing authority shall fill any vacancies that occur on the campus
6111 board of directors.
6112 (3) A majority of the campus board of directors is a quorum.
6113 (4) A campus board of directors shall elect a chair from its membership.
6114 [~~(5) (a) (i) Members who are not government employees shall receive no compensation~~
6115 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
6116 ~~performance of the member's official duties from the campus board of directors at the rates~~
6117 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6118 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
6119 [~~(b) (i) Higher education members who do not receive salary, per diem, or expenses~~
6120 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
6121 ~~in the performance of their official duties from the campus board of directors at the rates~~
6122 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6123 [~~(ii) Higher education members may decline to receive per diem and expenses for their~~
6124 ~~service.~~]
6125 [~~(c) (i) Members appointed by local school boards who do not receive salary, per diem,~~
6126 ~~or expenses from the entity that they represent for their service may receive per diem and~~
6127 ~~expenses incurred in the performance of their official duties from the campus board of directors~~
6128 ~~at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6129 [~~(ii) Local school board members may decline to receive per diem and expenses for~~
6130 ~~their service.~~]
6131 (5) A member may not receive compensation or benefits for the member's service, but
6132 may receive per diem and travel expenses in accordance with:
6133 (a) Section 63A-3-106;
6134 (b) Section 63A-3-107; and

6135 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6136 63A-3-107.
6137 (6) (a) A campus board of directors may enact bylaws for its own government,
6138 including provision for regular meetings, that are in accordance with the policies of the Utah
6139 College of Applied Technology.
6140 (b) (i) The campus board of directors may provide for an executive committee in its
6141 bylaws.
6142 (ii) If established, the committee shall have the full authority of the campus board of
6143 directors to act upon routine matters during the interim between board meetings.
6144 (iii) The committee may act on nonroutine matters only under extraordinary and
6145 emergency circumstances.
6146 (iv) The committee shall report its activities to the campus board of directors at its next
6147 regular meeting following the action.
6148 (7) A campus board of directors may establish advisory committees.
6149 Section 110. Section **53B-6-105.5** is amended to read:
6150 **53B-6-105.5. Technology Initiative Advisory Board -- Composition -- Duties.**
6151 (1) There is created a Technology Initiative Advisory Board to assist and make
6152 recommendations to the State Board of Regents in its administration of the Engineering and
6153 Computer Science Initiative established under Section 53B-6-105.
6154 (2) (a) The advisory board shall consist of individuals appointed by the governor from
6155 business and industry who have expertise in the areas of engineering, computer science, and
6156 related technologies.
6157 (b) The advisory board shall select a chair and cochair.
6158 (c) The advisory board shall meet at the call of the chair.
6159 (d) The State Board of Regents, through the commissioner of higher education, shall
6160 provide staff support for the advisory board.
6161 [~~(3) Members of the advisory board shall receive no compensation for their service on~~
6162 ~~the board, but may receive per diem and expenses incurred in the performance of their duties at~~
6163 ~~rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6164 (3) A member of an advisory board may not receive compensation or benefits for the
6165 member's service, but may receive per diem and travel expenses in accordance with:

6166 (a) Section 63A-3-106;
6167 (b) Section 63A-3-107; and
6168 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6169 63A-3-107.
6170 (4) The advisory board shall:
6171 (a) make recommendations to the State Board of Regents on the allocation and
6172 distribution of monies appropriated to fund:
6173 (i) the faculty incentive program established in Section 53B-6-105.9;
6174 (ii) equipment purchases required to improve the quality of instructional programs in
6175 engineering, computer science, and related technology; and
6176 (iii) the scholarship program established in Section 53B-6-105.7.
6177 (b) prepare a strategic plan that details actions required by the State Board of Regents
6178 to meet the intent of the Engineering and Technology Science Initiative;
6179 (c) review and assess engineering, computer science, and related technology programs
6180 currently being offered at higher education institutions and their impact on the economic
6181 prosperity of the state;
6182 (d) provide the State Board of Regents with an assessment and reporting plan that:
6183 (i) measures results against expectations under the initiative, including verification of
6184 the matching requirements for institutions of higher education to receive monies under Section
6185 53B-6-105.9; and
6186 (ii) includes an analysis of market demand for technical employment, program
6187 articulation among higher education institutions in engineering, computer science, and related
6188 technology, tracking of student placement, student admission to the initiative program by
6189 region, transfer rates, and retention in and graduation rates from the initiative program; and
6190 (e) make an annual report of its activities to the State Board of Regents, the Legislature
6191 through the Education Interim Committee and the Higher Education Appropriations
6192 Subcommittee, and the governor.
6193 (5) The annual report of the Technology Initiative Advisory Board shall include the
6194 summary report of the institutional matches described in Section 53B-6-105.9.
6195 Section 111. Section **53B-17-102** is amended to read:
6196 **53B-17-102. Utah Education Network.**

6197 (1) (a) As used in this part, "Utah Education Network" and "UEN" mean a consortium
6198 and partnership between public and higher education established to:
6199 (i) coordinate and support the telecommunications needs of public and higher
6200 education;
6201 (ii) coordinate the various telecommunications technology initiatives of public and
6202 higher education;
6203 (iii) provide high-quality, cost-effective Internet access and appropriate interface
6204 equipment for schools and school systems;
6205 (iv) procure, install, and maintain telecommunication services and equipment on behalf
6206 of public and higher education;
6207 (v) develop or implement other programs or services for the delivery of distance
6208 learning as directed by law; and
6209 (vi) apply for state and federal funding on behalf of public and higher education.
6210 (b) In performing the duties under this Subsection (1), UEN shall:
6211 (i) provide services to schools, school districts, and the public and higher education
6212 systems through an open and competitive bidding process;
6213 (ii) work with the private sector to deliver high-quality, cost-effective services; and
6214 (iii) avoid duplicating facilities, equipment or services of private providers of public
6215 telecommunications service, as defined under Section 54-8b-2.
6216 (2) The University of Utah shall provide administrative management for UEN.
6217 (3) (a) The governor shall appoint a statewide steering committee of representatives
6218 from public and higher education, state government, and private industry to advise UEN in the
6219 development and operation of a coordinated, statewide, multi-option telecommunications
6220 system to assist in the delivery of educational services throughout the state.
6221 (b) Except as required by Subsection (3)(c), members shall be appointed to four-year
6222 terms.
6223 (c) Notwithstanding the requirements of Subsection (3)(b), the governor shall, at the
6224 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
6225 committee members are staggered so that approximately half of the committee is appointed
6226 every two years.
6227 (d) When a vacancy occurs in the membership for any reason, the replacement shall be

6228 appointed for the unexpired term.
6229 [~~(c) (i) (A) Members who are not government employees shall receive no~~
6230 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
6231 ~~the performance of the member's official duties at the rates established by the Division of~~
6232 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
6233 [~~(B) Members who are not government employees may decline to receive per diem and~~
6234 ~~expenses for their service.~~]
6235 [~~(ii) (A) State government officer and employee members who do not receive salary,~~
6236 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~
6237 ~~incurred in the performance of their official duties from the committee at the rates established~~
6238 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6239 [~~(B) State government officer and employee members may decline to receive per diem~~
6240 ~~and expenses for their service.~~]
6241 [~~(iii) (A) Higher education members who do not receive salary, per diem, or expenses~~
6242 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
6243 ~~in the performance of their official duties from the committee at the rates established by the~~
6244 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6245 [~~(B) Higher education members may decline to receive per diem and expenses for their~~
6246 ~~service.~~]
6247 (4) A member may not receive compensation or benefits for the member's service, but
6248 may receive per diem and travel expenses in accordance with:
6249 (a) Section 63A-3-106;
6250 (b) Section 63A-3-107; and
6251 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6252 63A-3-107.
6253 [~~(4)~~] (5) UEN shall locate and maintain educational telecommunication infrastructure
6254 throughout the state.
6255 [~~(5)~~] (6) Educational institutions shall manage site operations under policy established
6256 by UEN.
6257 [~~(6)~~] (7) Subject to future budget constraints, the Legislature shall provide an annual
6258 appropriation to operate UEN.

6259 Section 112. Section **53B-17-803** is amended to read:
6260 **53B-17-803. Advisory board created.**
6261 (1) The university shall create an advisory board known as the "Rocky Mountain
6262 Center for Occupational and Environmental Health Advisory Board" to:
6263 (a) promote occupational health and safety in Utah and the surrounding region;
6264 (b) promote the interests and mission of the center by advising the director on issues
6265 including:
6266 (i) operation of the center as a multidisciplinary, state-of-the-art program at the
6267 university;
6268 (ii) developing and maintaining state and institutional support;
6269 (iii) emerging local or regional, occupational health and safety education and research
6270 needs;
6271 (iv) continuing education and outreach to local and regional occupational health and
6272 safety professionals;
6273 (v) coordinating with other local or regional entities that promote occupational health
6274 and safety in a manner that meets the needs of both employers and employees; and
6275 (vi) grant requirements and renewal;
6276 (c) advise the director on the expenditure by the center of public funds including:
6277 (i) funds appropriated by the Legislature;
6278 (ii) donations; and
6279 (iii) federal or other grants; and
6280 (d) develop recommendations for the long-term operation of the center consistent with
6281 Section 53B-17-802.
6282 (2) (a) The board shall consist of no fewer than 15 and no more than 18 persons who
6283 represent the affected populations.
6284 (b) The university shall establish reasonable bylaws for the operation of the board
6285 including:
6286 (i) the selection of board members;
6287 (ii) quorum requirements; and
6288 (iii) voting requirements.
6289 (3) The board shall elect a board chair and vice chair from among the board members

6290 by a vote of the members.
6291 (4) (a) The board shall have an executive committee consisting of:
6292 (i) the board chair;
6293 (ii) the board vice chair; and
6294 (iii) three other board members, selected by the board chair in consultation with the
6295 director.
6296 (b) The executive committee shall meet at least quarterly to advise the center and to
6297 plan for board meetings.
6298 (5) The board chair, in consultation with the director, shall call board meetings at least
6299 two times each calendar year.
6300 (6) The board and the executive committee are subject to Title 52, Chapter 4, Open and
6301 Public Meetings Act.
6302 [~~(7) (a) A board member may not receive compensation or per diem for the member's~~
6303 ~~services, but may receive expenses incurred in the performance of the member's official duties~~
6304 ~~at the rates established by the Division of Finance under Section 63A-3-107.~~]
6305 [~~(b) A board member may decline to receive expenses for the member's service.~~]
6306 (7) A board member may not receive compensation or benefits for the member's
6307 service, but may receive per diem and travel expenses in accordance with:
6308 (a) Section 63A-3-106;
6309 (b) Section 63A-3-107; and
6310 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6311 63A-3-107.
6312 Section 113. Section **53C-1-203** is amended to read:
6313 **53C-1-203. Board of trustees nominating committee -- Composition --**
6314 **Responsibilities -- Per diem and expenses.**
6315 (1) There is established an 11 member board of trustees nominating committee.
6316 (2) (a) The State Board of Education shall appoint five members to the nominating
6317 committee from different geographical areas of the state.
6318 (b) The governor shall appoint five members to the nominating committee as follows:
6319 (i) one individual from a nomination list of at least two names of individuals
6320 knowledgeable about institutional trust lands submitted by the University of Utah and Utah

6321 State University on an alternating basis every four years;
6322 (ii) one individual from a nomination list of at least two names submitted by the
6323 livestock industry;
6324 (iii) one individual from a nomination list of at least two names submitted by the Utah
6325 Petroleum Association;
6326 (iv) one individual from a nomination list of at least two names submitted by the Utah
6327 Mining Association; and
6328 (v) one individual from a nomination list of at least two names submitted by the
6329 executive director of the Department of Natural Resources after consultation with statewide
6330 wildlife and conservation organizations.
6331 (c) The president of the Utah Association of Counties shall designate the chair of the
6332 Public Lands Steering Committee, who must be an elected county commissioner or councilor,
6333 to serve as the eleventh member of the nominating committee.
6334 (3) (a) Except as required by Subsection (3)(b), each member shall serve a four-year
6335 term.
6336 (b) Notwithstanding the requirements of Subsection (3)(a), the state board and the
6337 governor shall, at the time of appointment or reappointment, adjust the length of terms to
6338 ensure that the terms of committee members are staggered so that approximately half of the
6339 committee is appointed every two years.
6340 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
6341 appointed for the unexpired term.
6342 (4) The nominating committee shall select a chair from its membership by majority
6343 vote.
6344 (5) (a) The nominating committee shall nominate at least two candidates for each
6345 position or vacancy which occurs on the board of trustees except for the governor's appointee
6346 under Subsection 53C-1-202(5).
6347 (b) The nominations shall be by majority vote of the committee.
6348 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~
6349 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
6350 ~~performance of the member's official duties at the rates established by the Division of Finance~~
6351 ~~under Sections 63A-3-106 and 63A-3-107.~~]

6352 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
6353 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
6354 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
6355 ~~incurred in the performance of their official duties from the committee at the rates established~~
6356 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6357 [~~(ii) State government officer and employee members may decline to receive per diem~~
6358 ~~and expenses for their service.~~]
6359 [~~(c) (i) Higher education members who do not receive salary, per diem, or expenses~~
6360 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
6361 ~~in the performance of their official duties from the committee at the rates established by the~~
6362 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6363 [~~(ii) Higher education members may decline to receive per diem and expenses for their~~
6364 ~~service.~~]
6365 (6) A member may not receive compensation or benefits for the member's service, but
6366 may receive per diem and travel expenses in accordance with:
6367 (a) Section 63A-3-106;
6368 (b) Section 63A-3-107; and
6369 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6370 63A-3-107.
6371 Section 114. Section **54-8a-13** is amended to read:
6372 **54-8a-13. Underground Facilities Damage Dispute Board -- Arbitration --**
6373 **Relationship with Public Service Commission.**
6374 (1) There is created within the commission the Underground Facilities Damage
6375 Dispute Board to arbitrate a dispute arising from:
6376 (a) an operator's or excavator's violation of this chapter; and
6377 (b) damage caused by excavation during an emergency.
6378 (2) The board consists of five members appointed by the governor as follows:
6379 (a) one member from a list of names provided to the governor by a group representing
6380 operators;
6381 (b) one member from a list of names provided to the governor by the Associated
6382 General Contractors;

6383 (c) one member from a list of names provided to the governor by Blue Stakes of Utah;
6384 (d) one member from a list of names provided to the governor by the Utah Home
6385 Builders Association; and
6386 (e) one member from the Division of Public Utilities.
6387 (3) (a) A member of the board:
6388 (i) shall be appointed for a three-year term; and
6389 (ii) may continue to serve until the member's successor takes office.
6390 (b) At the time of appointment, the governor shall stagger the terms of the members to
6391 ensure that approximately 1/3 of the members of the board are reappointed each year.
6392 (c) A vacancy in the board shall be filled:
6393 (i) for the unexpired term; and
6394 (ii) in the same manner as the board member is initially appointed.
6395 (d) The board shall select an alternate for a specific board member to serve on a
6396 specific case if it becomes necessary to replace a member who has a conflict of interest because
6397 a dispute involves that member or that member's employer.
6398 (4) Three members of the board constitute a quorum.
6399 (5) The board may, upon agreement of the disputing parties, arbitrate a dispute
6400 regarding damages, not including personal injury damages, arising between:
6401 (a) an operator;
6402 (b) an excavator;
6403 (c) a property owner; or
6404 (d) any other interested party.
6405 (6) At least four members of the board shall be present and vote on an arbitration
6406 decision.
6407 (7) An arbitration before the board shall be consistent with Title 78B, Chapter 11, Utah
6408 Uniform Arbitration Act.
6409 (8) The prevailing party in an arbitration conducted under this section shall be awarded
6410 its costs and attorney fees in an amount determined by the board.
6411 [~~(9) (a) A member of the board who is not a state officer or employee or local~~
6412 ~~government officer or employee shall receive no compensation or benefits for the member's~~
6413 ~~service, but may receive per diem and expenses incurred in the performance of the member's~~

6414 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
6415 ~~63A-3-107. Members may decline to receive per diem and expenses for their services.~~]
6416 [~~(b) A state officer or employee or local government officer or employee member of~~
6417 ~~the board who does not receive salary, per diem, or expenses from their agency or employer for~~
6418 ~~their service on the board may receive per diem and expenses incurred in the performance of~~
6419 ~~the member's duties at the rates established by the Division of Finance under Sections~~
6420 ~~63A-3-106 and 63A-3-107. State and local government officer or employee members may~~
6421 ~~decline to receive per diem and expenses for their services.~~]
6422 (9) A member may not receive compensation or benefits for the member's service, but
6423 may receive per diem and travel expenses in accordance with:
6424 (a) Section 63A-3-106;
6425 (b) Section 63A-3-107; and
6426 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6427 63A-3-107.
6428 (10) The commission shall provide administrative support to the board.
6429 Section 115. Section **54-10a-202** is amended to read:
6430 **54-10a-202. Committee of Consumer Services.**
6431 (1) (a) There is created within the office a committee known as the "Committee of
6432 Consumer Services."
6433 (b) A member of the committee shall maintain the member's principal residence within
6434 Utah.
6435 (2) (a) The governor shall appoint nine members to the committee subject to
6436 Subsection (3).
6437 (b) Except as required by Subsection (2)(c), as terms of current committee members
6438 expire, the governor shall appoint a new member or reappointed member to a four-year term.
6439 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the
6440 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
6441 committee members are staggered so that approximately half of the committee is appointed
6442 every two years.
6443 (d) When a vacancy occurs in the membership for any reason, the governor shall
6444 appoint a replacement for the unexpired term.

6445 (3) Members of the committee shall represent the following geographic and consumer
6446 interests:
6447 (a) one member shall be from Salt Lake City, Provo, or Ogden;
6448 (b) one member shall be from a city other than Salt Lake City, Provo, or Ogden;
6449 (c) one member shall be from an unincorporated area of the state;
6450 (d) one member shall be a low-income resident;
6451 (e) one member shall be a retired person;
6452 (f) one member shall be a small commercial consumer;
6453 (g) one member shall be a farmer or rancher who uses electric power to pump water in
6454 the member's farming or ranching operation;
6455 (h) one member shall be a residential consumer; and
6456 (i) one member shall be appointed to provide geographic diversity on the committee to
6457 ensure to the extent possible that all areas of the state are represented.
6458 (4) (a) No more than five members of the committee shall be from the same political
6459 party.
6460 (b) Subject to Subsection (3), for a member of the committee appointed on or after
6461 May 12, 2009, the governor shall appoint, to the extent possible, an individual with expertise or
6462 experience in:
6463 (i) public utility matters related to consumers;
6464 (ii) economics;
6465 (iii) accounting;
6466 (iv) financing;
6467 (v) engineering; or
6468 (vi) public utilities law.
6469 (5) The governor shall designate one member as chair of the committee.
6470 [~~(6) (a) A member of the committee may not receive compensation or benefits for the~~
6471 ~~member's services, but may receive per diem and expenses incurred in the performance of the~~
6472 ~~member's official duties at the rates established by the Division of Finance under Sections~~
6473 ~~63A-3-106 and 63A-3-107.~~]
6474 [~~(b) A member may decline to receive per diem and expenses for the member's~~
6475 ~~service.~~]

6476 (6) A member may not receive compensation or benefits for the member's service, but
6477 may receive per diem and travel expenses in accordance with:
6478 (a) Section 63A-3-106;
6479 (b) Section 63A-3-107; and
6480 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6481 63A-3-107.
6482 (7) (a) The committee may hold monthly meetings.
6483 (b) The committee may hold other meetings, at the times and places the chair and a
6484 majority of the committee determine.
6485 (8) (a) Five members of the committee constitute a quorum of the committee.
6486 (b) A majority of members voting when a quorum is present constitutes an action of
6487 the committee.
6488 Section 116. Section **54-14-301** is amended to read:
6489 **54-14-301. Creation, purpose, and composition of board.**
6490 (1) The Utility Facility Review Board is created within the Department of Commerce
6491 to resolve disputes between local governments and public utilities regarding the siting and
6492 construction of facilities as provided in this part.
6493 (2) The board shall be composed of:
6494 (a) the three members of the commission;
6495 (b) an individual appointed by the governor from a list of nominees of the Utah League
6496 of Cities and Towns; and
6497 (c) an individual appointed by the governor from a list of nominees of the Utah
6498 Association of Counties.
6499 (3) The chair of the commission shall serve as chair of the board.
6500 (4) Members of the commission shall serve as members of the board during their terms
6501 of office as commissioners and until their successors on the commission have been appointed
6502 and taken office.
6503 (5) (a) Members of the board who are not commissioners:
6504 (i) shall have four-year terms, except the initial term of the individual first appointed
6505 by the governor from nominees of the Utah Association of Counties shall be two years;
6506 (ii) may be appointed for one succeeding term; and

6507 (iii) may continue to serve until their successor takes office.
6508 (b) Vacancies in the board of members who are not commissioners shall be filled for
6509 the unexpired term.
6510 (6) Three members of the board constitute a quorum.
6511 (7) A member of the board may be removed for cause by the governor.
6512 [~~(8) (a) (i) Members who are not state or local government employees shall receive no~~
6513 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
6514 ~~the performance of the member's official duties at the rates established by the Division of~~
6515 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
6516 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
6517 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
6518 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
6519 ~~incurred in the performance of their official duties from the board at the rates established by the~~
6520 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6521 [~~(ii) State government officer and employee members may decline to receive per diem~~
6522 ~~and expenses for their service.~~]
6523 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
6524 ~~from their employer for their service on the board may receive per diem and expenses incurred~~
6525 ~~in the performance of their official duties at the rates established by the Division of Finance~~
6526 ~~under Sections 63A-3-106 and 63A-3-107.~~]
6527 [~~(ii) Local government members may decline to receive per diem and expenses for~~
6528 ~~their service.~~]
6529 (8) A member may not receive compensation or benefits for the member's service, but
6530 may receive per diem and travel expenses in accordance with:
6531 (a) Section 63A-3-106;
6532 (b) Section 63A-3-107; and
6533 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6534 63A-3-107.
6535 Section 117. Section **58-1-201** is amended to read:
6536 **58-1-201. Boards -- Appointment -- Membership -- Terms -- Vacancies --**
6537 **Quorum -- Per diem and expenses -- Chair -- Financial interest or faculty position in**

6538 **professional school teaching continuing education prohibited.**
6539 (1) (a) The executive director shall appoint the members of the boards established
6540 under this title. In appointing these members the executive director shall give consideration to
6541 recommendations by members of the respective occupations and professions and by their
6542 organizations.
6543 (b) Each board shall be composed of five members, four of whom shall be licensed or
6544 certified practitioners in good standing of the occupation or profession the board represents,
6545 and one of whom shall be a member of the general public, unless otherwise provided under the
6546 specific licensing chapter.
6547 (c) The names of all persons appointed to boards shall be submitted to the governor for
6548 confirmation or rejection. If an appointee is rejected by the governor, the executive director
6549 shall appoint another person in the same manner as set forth in Subsection (1)(a).
6550 (2) (a) Except as required by Subsection (2)(b), as terms of current board members
6551 expire, the executive director shall appoint each new member or reappointed member to a
6552 four-year term.
6553 (b) Notwithstanding the requirements of Subsection (2)(a), the executive director shall,
6554 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
6555 of board members are staggered so that approximately half of the board is appointed every two
6556 years.
6557 (c) A board member may not serve more than two consecutive terms, and a board
6558 member who ceases to serve on a board may not serve again on that board until after the
6559 expiration of a two-year period beginning from that cessation of service.
6560 (d) (i) When a vacancy occurs in the membership for any reason, the replacement shall
6561 be appointed for the unexpired term.
6562 (ii) After filling that term, the replacement member may be appointed for only one
6563 additional full term.
6564 (e) If a board member fails or refuses to fulfill the responsibilities and duties of a board
6565 member, including the attendance at board meetings, the executive director with the approval
6566 of the board may remove the board member and replace the member in accordance with this
6567 section.
6568 (3) A majority of the board members constitutes a quorum. A quorum is sufficient

6569 authority for the board to act.
6570 [~~(4) (a) (i) Members who are not government employees shall receive no compensation~~
6571 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
6572 ~~performance of the member's official duties at the rates established by the Division of Finance~~
6573 ~~under Sections 63A-3-106 and 63A-3-107.~~]
6574 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
6575 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
6576 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
6577 ~~incurred in the performance of their official duties from the board at the rates established by the~~
6578 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6579 [~~(ii) State government officer and employee members may decline to receive per diem~~
6580 ~~and expenses for their service.~~]
6581 (4) A member may not receive compensation or benefits for the member's service, but
6582 may receive per diem and travel expenses in accordance with:
6583 (a) Section 63A-3-106;
6584 (b) Section 63A-3-107; and
6585 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6586 63A-3-107.
6587 (5) Each board shall annually designate one of its members to serve as chair for a
6588 one-year period.
6589 (6) A board member may not be a member of the faculty of or have any financial
6590 interest in any vocational or professional college or school which provides continuing
6591 education to any licensee if that continuing education is required by statute or rule.
6592 Section 118. Section **58-1-402** is amended to read:
6593 **58-1-402. Administrative review -- Special appeals boards.**
6594 (1) (a) Any applicant who has been denied a license to practice on the basis of
6595 credentials, character, or failure to pass a required examination, or who has been refused
6596 renewal or reinstatement of a license to practice on the basis that the applicant does not meet
6597 qualifications for continued licensure in any occupation or profession under the jurisdiction of
6598 the division may submit a request for agency review to the executive director within 30 days
6599 following notification of the denial of a license or refusal to renew or reinstate a license.

6600 (b) The executive director shall determine whether the circumstances for denying an
6601 application for an initial license or for renewal or reinstatement of a license would justify
6602 calling a special appeals board under Subsection (2). The executive director's decision is not
6603 subject to agency review.
6604 (2) A special appeals board shall consist of three members appointed by the executive
6605 director as follows:
6606 (a) one member from the occupation or profession in question who is not on the board
6607 of that occupation or profession;
6608 (b) one member from the general public who is neither an attorney nor a practitioner in
6609 an occupation or profession regulated by the division; and
6610 (c) one member who is a resident lawyer currently licensed to practice law in this state
6611 who shall serve as chair of the special appeals board.
6612 (3) The special appeals board shall comply with the procedures and requirements of
6613 Title 63G, Chapter 4, Administrative Procedures Act, in its proceedings.
6614 (4) (a) Within a reasonable amount of time following the conclusion of a hearing
6615 before a special appeals board, the board shall enter an order based upon the record developed
6616 at the hearing. The order shall state whether a legal basis exists for denying the application for
6617 an initial license or for renewal or reinstatement of a license that is the subject of the appeal.
6618 The order is not subject to further agency review.
6619 (b) The division or the applicant may obtain judicial review of the decision of the
6620 special appeals board in accordance with Sections 63G-4-401 and 63G-4-403.
6621 [~~(5) (a) Members shall receive no compensation or benefits for their services, but may~~
6622 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
6623 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6624 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
6625 (5) A member may not receive compensation or benefits for the member's service, but
6626 may receive per diem and travel expenses in accordance with:
6627 (a) Section 63A-3-106;
6628 (b) Section 63A-3-107; and
6629 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6630 63A-3-107.

6631 (6) If an applicant under Subsection (1) is not given a special appeals board, the
6632 applicant shall be given agency review under the ordinary agency review procedures specified
6633 by rule.
6634 Section 119. Section **58-54-3** is amended to read:
6635 **58-54-3. Board created -- Membership -- Duties.**
6636 (1) There is created a Radiology Technologist Licensing Board consisting of seven
6637 members as follows:
6638 (a) four licensed radiology technologists;
6639 (b) one licensed radiology practical technician;
6640 (c) one radiologist; and
6641 (d) one member from the general public.
6642 (2) The board shall be appointed in accordance with Section 58-1-201.
6643 (3) The duties and responsibilities of the board shall be in accordance with Sections
6644 58-1-202 and 58-1-203.
6645 (4) In accordance with Subsection 58-1-203(6), there is established an advisory peer
6646 committee to the board consisting of eight members broadly representative of the state and
6647 including:
6648 (a) one licensed physician and surgeon who is not a radiologist and who uses radiology
6649 equipment in a rural office-based practice, appointed from among recommendations of the
6650 Physicians Licensing Board;
6651 (b) one licensed physician and surgeon who is not a radiologist and who uses radiology
6652 equipment in an urban office-based practice, appointed from among recommendations of the
6653 Physicians Licensing Board;
6654 (c) one licensed physician and surgeon who is a radiologist practicing in radiology,
6655 appointed from among recommendations of the Physicians Licensing Board;
6656 (d) one licensed osteopathic physician, appointed from among recommendations of the
6657 Osteopathic Physicians Licensing Board;
6658 (e) one licensed chiropractic physician, appointed from among recommendations of the
6659 Chiropractors Licensing Board;
6660 (f) one licensed podiatric physician, appointed from among recommendations of the
6661 Podiatric Physician Board;

6662 (g) one representative of the state agency with primary responsibility for regulation of
6663 sources of radiation, recommended by that agency; and
6664 (h) one representative of a general acute hospital, as defined in Section 26-21-2, that is
6665 located in a rural area of the state.
6666 (5) (a) Except as required by Subsection (5)(b), members of the advisory peer
6667 committee shall be appointed to four-year terms by the director in collaboration with the board
6668 from among the recommendations.
6669 (b) Notwithstanding the requirements of Subsection (5)(a), the director shall, at the
6670 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
6671 committee members are staggered so that approximately half of the committee is appointed
6672 every two years.
6673 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
6674 appointed for the unexpired term.
6675 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~
6676 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
6677 ~~performance of the member's official duties at the rates established by the Division of Finance~~
6678 ~~under Sections 63A-3-106 and 63A-3-107.~~]
6679 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
6680 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
6681 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
6682 ~~incurred in the performance of their official duties from the committee at the rates established~~
6683 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6684 [~~(ii) State government officer and employee members may decline to receive per diem~~
6685 ~~and expenses for their service.~~]
6686 (6) A member may not receive compensation or benefits for the member's service, but
6687 may receive per diem and travel expenses in accordance with:
6688 (a) Section 63A-3-106;
6689 (b) Section 63A-3-107; and
6690 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6691 63A-3-107.
6692 (7) The duties, responsibilities, and scope of authority of the advisory peer committee

6693 are:
6694 (a) to advise the board with respect to the board's fulfillment of its duties, functions,
6695 and responsibilities under Sections 58-1-202 and 58-1-203; and
6696 (b) to advise the division with respect to the examination the division is to adopt by
6697 rule, by which a radiology practical technician may qualify for licensure under Section 58-54-5.
6698 Section 120. Section **58-55-103** is amended to read:
6699 **58-55-103. Construction Services Commission created -- Functions --**
6700 **Appointment -- Qualifications and terms of members -- Vacancies -- Expenses --**
6701 **Meetings.**
6702 (1) (a) There is created within the division the Construction Services Commission.
6703 (b) The commission shall:
6704 (i) with the concurrence of the director, make reasonable rules under Title 63G,
6705 Chapter 3, Utah Administrative Rulemaking Act, to administer and enforce this chapter which
6706 are consistent with this chapter including:
6707 (A) licensing of various licensees;
6708 (B) examination requirements and administration of the examinations, to include
6709 approving and establishing a passing score for applicant examinations;
6710 (C) standards of supervision for students or persons in training to become qualified to
6711 obtain a license in the trade they represent; and
6712 (D) standards of conduct for various licensees;
6713 (ii) approve or disapprove fees adopted by the division under Section 63J-1-504;
6714 (iii) except where the boards conduct them, conduct all administrative hearings not
6715 delegated to an administrative law judge relating to the licensing of any applicant;
6716 (iv) except as otherwise provided in Sections 38-11-207 and 58-55-503, with the
6717 concurrence of the director, impose sanctions against licensees and certificate holders with the
6718 same authority as the division under Section 58-1-401;
6719 (v) advise the director on the administration and enforcement of any matters affecting
6720 the division and the construction industry;
6721 (vi) advise the director on matters affecting the division budget;
6722 (vii) advise and assist trade associations in conducting construction trade seminars and
6723 industry education and promotion; and

6724 (viii) perform other duties as provided by this chapter.
6725 (2) (a) Initially the commission shall be comprised of the five members of the
6726 Contractors Licensing Board and two of the three chair persons from the Plumbers Licensing
6727 Board, the Alarm System Security and Licensing Board, and the Electricians Licensing Board.
6728 (b) The terms of office of the commission members who are serving on the Contractors
6729 Licensing Board shall continue as they serve on the commission.
6730 (c) Beginning July 1, 2004, the commission shall be comprised of nine members
6731 appointed by the executive director with the approval of the governor from the following
6732 groups:
6733 (i) one member shall be a licensed general engineering contractor;
6734 (ii) one member shall be a licensed general building contractor;
6735 (iii) two members shall be licensed residential and small commercial contractors;
6736 (iv) three members shall be the three chair persons from the Plumbers Licensing Board,
6737 the Alarm System Security and Licensing Board, and the Electricians Licensing Board; and
6738 (v) two members shall be from the general public, provided, however that the certified
6739 public accountant on the Contractors Licensing Board will continue to serve until the current
6740 term expires, after which both members under this Subsection (2)(c)(v) shall be appointed from
6741 the general public.
6742 (3) (a) Except as required by Subsection (3)(b), as terms of current commission
6743 members expire, the executive director with the approval of the governor shall appoint each
6744 new member or reappointed member to a four-year term ending June 30.
6745 (b) Notwithstanding the requirements of Subsection (3)(a), the executive director with
6746 the approval of the governor shall, at the time of appointment or reappointment, adjust the
6747 length of terms to stagger the terms of commission members so that approximately 1/2 of the
6748 commission members are appointed every two years.
6749 (c) A commission member may not serve more than two consecutive terms.
6750 (4) The commission shall elect annually one of its members as chair, for a term of one
6751 year.
6752 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
6753 appointed for the unexpired term.
6754 [~~(6) (a) Members may not receive compensation or benefits for their services, but may~~

6755 ~~receive per diem and expenses incurred in the performance of the members' official duties at~~
6756 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6757 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
6758 (6) A member may not receive compensation or benefits for the member's service, but
6759 may receive per diem and travel expenses in accordance with:
6760 (a) Section 63A-3-106;
6761 (b) Section 63A-3-107; and
6762 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6763 63A-3-107.
6764 (7) (a) The commission shall meet at least monthly unless the director determines
6765 otherwise.
6766 (b) The director may call additional meetings at the director's discretion, upon the
6767 request of the chair, or upon the written request of four or more commission members.
6768 (8) (a) Five members constitute a quorum for the transaction of business.
6769 (b) If a quorum is present when a vote is taken, the affirmative vote of commission
6770 members present is the act of the commission.
6771 (9) The commission shall comply with the procedures and requirements of Title 13,
6772 Chapter 1, Department of Commerce, and Title 63G, Chapter 4, Administrative Procedures
6773 Act, in all of its adjudicative proceedings.
6774 Section 121. Section **58-56-5** is amended to read:
6775 **58-56-5. Uniform Building Code Commission -- Composition of commission --**
6776 **Commission duties and responsibilities.**
6777 (1) There is established a Uniform Building Code Commission to advise the division
6778 with respect to the division's responsibilities in administering the codes under this chapter.
6779 (2) The commission shall be appointed by the executive director who shall submit
6780 those nominations to the governor for confirmation or rejection. If a nominee is rejected,
6781 alternative names shall be submitted until confirmation is received. Following confirmation by
6782 the governor, the appointment is effective.
6783 (3) The commission shall consist of 11 members who shall be appointed in accordance
6784 with the following:
6785 (a) one member shall be from among candidates nominated by the Utah League of

6786 Cities and Towns and the Utah Association of Counties;
6787 (b) one member shall be a licensed building inspector employed by a political
6788 subdivision of the state;
6789 (c) one member shall be a licensed professional engineer;
6790 (d) one member shall be a licensed architect;
6791 (e) one member shall be a fire official;
6792 (f) three members shall be contractors licensed by the state, of which one shall be a
6793 general contractor, one an electrical contractor, and one a plumbing contractor;
6794 (g) two members shall be from the general public and have no affiliation with the
6795 construction industry or real estate development industry; and
6796 (h) one member shall be from the Division of Facilities Construction Management,
6797 Department of Administrative Services.
6798 (4) (a) Except as required by Subsection (4)(b), as terms of current commission
6799 members expire, the executive director shall appoint each new member or reappointed member
6800 to a four-year term.
6801 (b) Notwithstanding the requirements of Subsection (4)(a), the executive director shall,
6802 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
6803 of commission members are staggered so that approximately half of the commission is
6804 appointed every two years.
6805 (5) When a vacancy occurs in the membership for any reason, the executive director
6806 shall appoint a replacement for the unexpired term.
6807 (6) No commission member may serve more than two full terms, and no commission
6808 member who ceases to serve may again serve on the commission until after the expiration of
6809 two years from the date of cessation of service.
6810 (7) A majority of the commission members shall constitute a quorum and may act on
6811 behalf of the commission.
6812 [~~(8) (a) (i) Members who are not government employees shall receive no compensation~~
6813 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
6814 ~~performance of the member's official duties at the rates established by the Division of Finance~~
6815 ~~under Sections 63A-3-106 and 63A-3-107.~~]
6816 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]

6817 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
6818 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
6819 ~~incurred in the performance of their official duties from the commission at the rates established~~
6820 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6821 [~~(ii) State government officer and employee members may decline to receive per diem~~
6822 ~~and expenses for their service.~~]
6823 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
6824 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
6825 ~~in the performance of their official duties at the rates established by the Division of Finance~~
6826 ~~under Sections 63A-3-106 and 63A-3-107.~~]
6827 [~~(ii) Local government members may decline to receive per diem and expenses for~~
6828 ~~their service.~~]
6829 (8) A member may not receive compensation or benefits for the member's service, but
6830 may receive per diem and travel expenses in accordance with:
6831 (a) Section 63A-3-106;
6832 (b) Section 63A-3-107; and
6833 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6834 63A-3-107.
6835 (9) (a) The commission shall annually designate one of its members to serve as chair of
6836 the commission.
6837 (b) The division shall provide a secretary to facilitate the function of the commission
6838 and to record its actions and recommendations.
6839 (10) The commission shall:
6840 (a) in accordance with Section 58-56-4, make a report to the Business and Labor
6841 Interim Committee by no later than November 30 of each year;
6842 (b) ensure that the report includes recommendations as to whether or not the
6843 Legislature should take legislative action, excluding any recommendations on the fire code;
6844 (c) offer an opinion regarding the interpretation of or the application of an adopted
6845 code, excluding the fire code, or an approved code if a party submits a request for an opinion;
6846 (d) act as an appeals board as provided in Section 58-56-8;
6847 (e) establish advisory peer committees on either a standing or ad hoc basis to advise the

6848 commission with respect to matters related to an adopted code, excluding the fire code, or
6849 approved code, including a committee to advise the commission regarding health matters
6850 related to the plumbing code; and
6851 (f) assist the division in overseeing code-related training in accordance with Section
6852 58-56-9.
6853 (11) A party requesting an opinion under Subsection (10)(c) shall submit a formal
6854 request clearly stating:
6855 (a) the facts in question;
6856 (b) the specific code citation at issue; and
6857 (c) the position taken by all parties.
6858 Section 122. Section **59-1-905** is amended to read:
6859 **59-1-905. Compensation of members -- Expenses -- Recommendations.**
6860 [~~(1) (a) (i) Members who are not government employees shall receive no compensation~~
6861 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
6862 ~~performance of the member's official duties at the rates established by the Division of Finance~~
6863 ~~under Sections 63A-3-106 and 63A-3-107.~~]
6864 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
6865 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
6866 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
6867 ~~incurred in the performance of their official duties from the commission at the rates established~~
6868 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
6869 [~~(ii) State government officer and employee members may decline to receive per diem~~
6870 ~~and expenses for their service.~~]
6871 [~~(c) Legislators on the committee shall receive compensation and expenses as provided~~
6872 ~~by law and legislative rule.~~]
6873 (1) A member may not receive compensation or benefits for the member's service, but
6874 may receive per diem and travel expenses in accordance with:
6875 (a) Section 63A-3-106;
6876 (b) Section 63A-3-107; and
6877 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6878 63A-3-107.

6879 (2) Prior to the convening of the Legislature in annual general session, the review
6880 commission shall submit its recommendations to the members of the Legislature and to the
6881 governor.
6882 Section 123. Section **61-1-18.5** is amended to read:
6883 **61-1-18.5. Securities Commission -- Transition.**
6884 (1) (a) There is created a Securities Commission.
6885 (b) The division shall provide staffing to the commission.
6886 (2) (a) The commission shall:
6887 (i) formulate and make recommendations to the director regarding policy and
6888 budgetary matters;
6889 (ii) submit recommendations regarding registration requirements;
6890 (iii) formulate and make recommendations to the director regarding the establishment
6891 of reasonable fees;
6892 (iv) act in an advisory capacity to the director with respect to the exercise of the
6893 director's duties, powers, and responsibilities;
6894 (v) conduct an administrative hearing under this chapter that is not:
6895 (A) delegated by the commission to an administrative law judge or the division relating
6896 to a violation of this chapter; or
6897 (B) expressly delegated to the division under this chapter;
6898 (vi) except as provided in Subsection (2)(b), impose a sanction as provided in this
6899 chapter;
6900 (vii) review rules made by the division for purposes of concurrence in accordance with
6901 Section 61-1-24; and
6902 (viii) perform other duties as this chapter provides.
6903 (b) (i) The commission may delegate to the division the authority to impose a sanction
6904 under this chapter.
6905 (ii) If under Subsection (2)(b)(i) the commission delegates to the division the authority
6906 to impose a sanction, a person who is subject to the sanction may petition the commission for
6907 review of the sanction.
6908 (iii) A person who is sanctioned by the division in accordance with this Subsection
6909 (2)(b) may seek agency review by the executive director only after the commission reviews the

6910 division's action.
6911 (3) (a) The governor shall appoint five members to the commission with the consent of
6912 the Senate as follows:
6913 (i) two members from the securities brokerage community:
6914 (A) who are not from the same broker-dealer or affiliate; and
6915 (B) who have at least five years prior experience in securities matters;
6916 (ii) one member from the securities section of the Utah State Bar:
6917 (A) whose practice primarily involves:
6918 (I) corporate securities; or
6919 (II) representation of plaintiffs in securities cases;
6920 (B) who does not routinely represent clients involved in:
6921 (I) civil or administrative litigation with the division; or
6922 (II) criminal cases brought under this chapter; and
6923 (C) who has at least five years prior experience in securities matters;
6924 (iii) one member who is an officer or director of a business entity not subject to the
6925 reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934 ; and
6926 (iv) one member from the public at large who has no active participation in the
6927 securities business.
6928 (b) A member may not serve more than two consecutive terms.
6929 (4) (a) Except as required by Subsection (4)(b) and subject to Subsection (4)(c), as
6930 terms of current members expire, the governor shall appoint a new member or reappointed
6931 member to a four-year term.
6932 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment
6933 or reappointment, adjust the length of terms to ensure that the terms of commission members
6934 are staggered so that approximately half of the commission is appointed every two years.
6935 (c) For purposes of making an appointment to the commission, the governor:
6936 (i) shall as of May 12, 2009:
6937 (A) appoint all five members of the commission; and
6938 (B) stagger the terms of the five members of the commission to comply with
6939 Subsection (4)(b); and
6940 (ii) may not consider the commission an extension of the previous Securities Advisory

6941 Board.
6942 (d) When a vacancy occurs in the membership for any reason, the governor shall
6943 appoint a replacement member for the unexpired term.
6944 (e) A member shall serve until the member's respective successor is appointed and
6945 qualified.
6946 (f) The commission shall annually select one member to serve as chair of the
6947 commission.
6948 (5) (a) The commission shall meet:
6949 (i) at least quarterly on a regular date to be fixed by the commission; and
6950 (ii) at such other times at the call of:
6951 (A) the director; or
6952 (B) any two members of the commission.
6953 (b) A majority of the commission shall constitute a quorum for the transaction of
6954 business.
6955 (c) An action of the commission requires a vote of a majority of members present.
6956 (6) A member of the commission shall, by sworn and written statement filed with the
6957 Department of Commerce and the lieutenant governor, disclose any position of employment or
6958 ownership interest that the member has with respect to an entity or business subject to the
6959 jurisdiction of the division or commission. This statement shall be filed upon appointment and
6960 must be appropriately amended whenever significant changes occur in matters covered by the
6961 statement.
6962 [~~(7) (a) A member may not receive compensation or benefits for the member's services,~~
6963 ~~but may receive per diem and expenses incurred in the performance of the member's official~~
6964 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
6965 ~~63A-3-107.~~]
6966 [~~(b) A member may decline to receive per diem and expenses for the member's~~
6967 ~~service.~~]
6968 (7) A member may not receive compensation or benefits for the member's service, but
6969 may receive per diem and travel expenses in accordance with:
6970 (a) Section 63A-3-106;
6971 (b) Section 63A-3-107; and

6972 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6973 63A-3-107.
6974 (8) (a) A rule or form made by the division under this section that is in effect on May
6975 11, 2009, is considered to have been concurred with by the commission as of May 12, 2009,
6976 until the commission acts on the rule or form.
6977 (b) For a civil or administrative action pending under this chapter as of May 12, 2009,
6978 brought under the authority of division under this chapter as in effect May 11, 2009 that may be
6979 brought only by the commission under this chapter as in effect on May 12, 2009:
6980 (i) the action shall be considered brought by the commission; and
6981 (ii) the commission may take any act authorized under this chapter regarding that
6982 action.
6983 Section 124. Section **61-2-5.5** is amended to read:
6984 **61-2-5.5. Real Estate Commission.**
6985 (1) There is created within the division a Real Estate Commission. The commission
6986 shall:
6987 (a) make rules for the administration of this chapter that are not inconsistent with this
6988 chapter, including:
6989 (i) licensing of:
6990 (A) principal brokers;
6991 (B) associate brokers;
6992 (C) sales agents;
6993 (D) real estate companies; and
6994 (E) branch offices;
6995 (ii) prelicensing and postlicensing education curricula;
6996 (iii) examination procedures;
6997 (iv) the certification and conduct of:
6998 (A) real estate schools;
6999 (B) course providers; and
7000 (C) instructors;
7001 (v) proper handling of funds received by real estate licensees;
7002 (vi) brokerage office procedures and recordkeeping requirements;

7003 (vii) property management;
7004 (viii) standards of conduct for real estate licensees;
7005 (ix) rules made under Section 61-2-26 regarding an undivided fractionalized long-term
7006 estate; and
7007 (x) if the commission determines necessary, rules as provided in Subsection 61-2-20(3)
7008 regarding legal forms;
7009 (b) establish, with the concurrence of the division, all fees as provided in this chapter
7010 and Title 61, Chapter 2a, Real Estate Recovery Fund Act;
7011 (c) conduct all administrative hearings not delegated by the commission to an
7012 administrative law judge or the division relating to the:
7013 (i) licensing of any applicant;
7014 (ii) conduct of any licensee;
7015 (iii) the certification or conduct of any real estate school, course provider, or instructor
7016 regulated under this chapter; or
7017 (iv) violation of this chapter by any person;
7018 (d) with the concurrence of the director, impose sanctions as provided in Section
7019 61-2-12;
7020 (e) advise the director on the administration and enforcement of any matters affecting
7021 the division and the real estate sales and property management industries;
7022 (f) advise the director on matters affecting the division budget;
7023 (g) advise and assist the director in conducting real estate seminars; and
7024 (h) perform other duties as provided by:
7025 (i) this chapter; and
7026 (ii) Title 61, Chapter 2a, Real Estate Recovery Fund Act.
7027 (2) (a) The commission shall be comprised of five members appointed by the governor
7028 and approved by the Senate.
7029 (b) Four of the commission members shall:
7030 (i) have at least five years' experience in the real estate business; and
7031 (ii) hold an active principal broker, associate broker, or sales agent license.
7032 (c) One commission member shall be a member of the general public.
7033 (d) No more than one commission member described in Subsection (2)(b) shall at the

7034 time of appointment reside in any given county in the state.
7035 (e) At least one commission member described in Subsection (2)(b) shall at the time of
7036 an appointment reside in a county that is not a county of the first or second class.
7037 (3) (a) Except as required by Subsection (3)(b), as terms of current commission
7038 members expire, the governor shall appoint each new member or reappointed member to a
7039 four-year term ending June 30.
7040 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
7041 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
7042 commission members are staggered so that approximately half of the commission is appointed
7043 every two years.
7044 (c) Upon the expiration of the term of a member of the commission, the member of the
7045 commission shall continue to hold office until a successor is appointed and qualified.
7046 (d) A commission member may not serve more than two consecutive terms.
7047 (e) Members of the commission shall annually select one member to serve as chair.
7048 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
7049 appointed for the unexpired term.
7050 [~~(5) (a) A member may not receive compensation or benefits for the member's services,~~
7051 ~~but may receive per diem and expenses incurred in the performance of the member's official~~
7052 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
7053 ~~63A-3-107.~~]
7054 [~~(b) A member may decline to receive per diem and expenses for the member's service.~~]
7055 (5) A member may not receive compensation or benefits for the member's service, but
7056 may receive per diem and travel expenses in accordance with:
7057 (a) Section 63A-3-106;
7058 (b) Section 63A-3-107; and
7059 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7060 63A-3-107.
7061 (6) (a) The commission shall meet at least monthly.
7062 (b) The director may call additional meetings:
7063 (i) at the director's discretion;
7064 (ii) upon the request of the chair; or

7065 (iii) upon the written request of three or more commission members.
7066 (7) Three members of the commission constitute a quorum for the transaction of
7067 business.
7068 Section 125. Section **61-2b-7** is amended to read:
7069 **61-2b-7. Real Estate Appraiser Licensing and Certification Board.**
7070 (1) (a) There is established a Real Estate Appraiser Licensing and Certification Board
7071 which shall consist of five regular members as follows:
7072 (i) one state-licensed or state-certified appraiser who may be either a residential or
7073 general licensee or certificate holder;
7074 (ii) one state-certified residential appraiser;
7075 (iii) one state-certified general appraiser;
7076 (iv) one member who is certified as either a state-certified residential appraiser or a
7077 state-certified general appraiser; and
7078 (v) one member of the general public.
7079 (b) A state-licensed or state-certified appraiser may be appointed as an alternate
7080 member of the board.
7081 (c) The governor shall appoint all members of the board with the consent of the Senate.
7082 (2) (a) Except as required by Subsection (2)(b), as terms of current board members
7083 expire, the governor shall appoint each new member or reappointed member to a four-year
7084 term beginning on July 1.
7085 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
7086 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
7087 board members are staggered so that approximately half of the board is appointed every two
7088 years.
7089 (c) Upon the expiration of a member's term, a member of the board shall continue to
7090 hold office until the appointment and qualification of the member's successor.
7091 (d) A person may not serve as a member of the board for more than two consecutive
7092 terms.
7093 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall
7094 be appointed for the unexpired term.
7095 (b) The governor may remove a board member for cause.

7096 (4) The public member of the board may not be licensed or certified under this chapter.
7097 (5) The board shall meet at least quarterly to conduct its business. Public notice shall
7098 be given for all board meetings.
7099 (6) The members of the board shall elect a chair annually from among the members to
7100 preside at board meetings.
7101 [~~(7) (a) A member who is not a government employee may not receive compensation~~
7102 ~~or benefits for the member's services, but may receive per diem and expenses incurred in the~~
7103 ~~performance of the member's official duties at the rates established by the Division of Finance~~
7104 ~~under Sections 63A-3-106 and 63A-3-107.~~]
7105 [~~(b) A member may decline to receive per diem and expenses for the member's~~
7106 ~~service.~~]
7107 (7) A member may not receive compensation or benefits for the member's service, but
7108 may receive per diem and travel expenses in accordance with:
7109 (a) Section 63A-3-106;
7110 (b) Section 63A-3-107; and
7111 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7112 63A-3-107.
7113 (8) (a) Three members of the board shall constitute a quorum for the transaction of
7114 business.
7115 (b) If a quorum of members is unavailable for any meeting, the alternate member of the
7116 board, if any, shall serve as a regular member of the board for that meeting if with the presence
7117 of the alternate member a quorum is present at the meeting.
7118 Section 126. Section **61-2c-104** is amended to read:
7119 **61-2c-104. Residential Mortgage Regulatory Commission.**
7120 (1) (a) There is created within the division the "Residential Mortgage Regulatory
7121 Commission" consisting of the following members appointed by the executive director with the
7122 approval of the governor:
7123 (i) four members who:
7124 (A) have at least three years of experience in transacting the business of residential
7125 mortgage loans; and
7126 (B) are licensed under this chapter at the time of and during appointment; and

7127 (ii) one member from the general public.
7128 (b) (i) The executive director with the approval of the governor may appoint an
7129 alternate member to the board.
7130 (ii) The alternate member shall:
7131 (A) at the time of the appointment, have at least three years of experience in transacting
7132 the business of residential mortgage loans; and
7133 (B) be licensed under this chapter at the time of and during appointment.
7134 (2) (a) Except as required by Subsection (2)(b), the executive director shall appoint a
7135 new member or reappointed member subject to appointment by the executive director to a
7136 four-year term ending June 30.
7137 (b) Notwithstanding the requirements of Subsection (2)(a), the executive director shall,
7138 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
7139 of commission members are staggered so that approximately half of the commission is
7140 appointed every two years.
7141 (c) If a vacancy occurs in the membership of the commission for any reason, the
7142 executive director shall appoint a replacement for the unexpired term.
7143 (d) A member shall remain on the commission until the member's successor is
7144 appointed and qualified.
7145 (3) Members of the commission shall annually select one member to serve as chair.
7146 (4) (a) The commission shall meet at least quarterly.
7147 (b) The director may call a meeting in addition to the meetings required by Subsection
7148 (4)(a):
7149 (i) at the discretion of the director;
7150 (ii) at the request of the chair of the commission; or
7151 (iii) at the written request of three or more commission members.
7152 (5) (a) Three members of the commission constitute a quorum for the transaction of
7153 business.
7154 (b) If a quorum of members is unavailable for any meeting and an alternate member is
7155 appointed to the commission by the executive director with the approval of the governor, the
7156 alternate member shall serve as a regular member of the commission for that meeting if with
7157 the presence of the alternate member there is a quorum present at the meeting.

7158 (c) The action of a majority of a quorum present is an action of the commission.
7159 [~~(6) (a) (i) A member who is not a government employee may not receive~~
7160 ~~compensation or benefits for the member's services, but may receive per diem and expenses~~
7161 ~~incurred in the performance of the member's official duties at the rates established by the~~
7162 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
7163 [~~(ii) A member who is not a government employee may decline to receive per diem and~~
7164 ~~expenses for the member's service.~~]
7165 [~~(b) (i) A state government officer and employee member who does not receive salary,~~
7166 ~~per diem, or expenses from the member's agency for the member's service may receive per~~
7167 ~~diem and expenses incurred in the performance of the member's official duties from the~~
7168 ~~commission at the rates established by the Division of Finance under Sections 63A-3-106 and~~
7169 ~~63A-3-107.~~]
7170 [~~(ii) A state government officer and employee member may decline to receive per diem~~
7171 ~~and expenses for the member's service.~~]
7172 (6) A member may not receive compensation or benefits for the member's service, but
7173 may receive per diem and travel expenses in accordance with:
7174 (a) Section 63A-3-106;
7175 (b) Section 63A-3-107; and
7176 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7177 63A-3-107.
7178 (7) In addition to a duty or power expressly provided for elsewhere in this chapter, the
7179 commission shall:
7180 (a) except as provided in Subsection 61-2c-202(2), concur in the licensure or denial of
7181 licensure of a person under this chapter in accordance with Part 2, Licensure;
7182 (b) take disciplinary action with the concurrence of the director in accordance with Part
7183 4, Enforcement; and
7184 (c) advise the division concerning matters related to the administration and
7185 enforcement of this chapter.
7186 Section 127. Section **62A-1-107** is amended to read:
7187 **62A-1-107. Boards within department -- Members, appointment, terms,**
7188 **vacancies, chairperson, compensation, meetings, quorum.**

7189 (1) Each board described in Section 62A-1-105 shall have seven members who are
7190 appointed by the governor with the consent of the Senate.
7191 (2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a
7192 term of four years, and is eligible for one reappointment.
7193 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
7194 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
7195 board members are staggered so that approximately half of the board is appointed every two
7196 years.
7197 (c) Board members shall continue in office until the expiration of their terms and until
7198 their successors are appointed, which may not exceed 90 days after the formal expiration of a
7199 term.
7200 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
7201 appointed for the unexpired term.
7202 (3) No more than four members of any board may be from the same political party.
7203 Each board shall have diversity of gender, ethnicity, and culture; and members shall be chosen
7204 on the basis of their active interest, experience, and demonstrated ability to deal with issues
7205 related to their specific boards.
7206 (4) Each board shall annually elect a chairperson from its membership. Each board
7207 shall hold meetings at least once every three months. Within budgetary constraints, meetings
7208 may be held from time to time on the call of the chairperson or of the majority of the members
7209 of any board. Four members of a board are necessary to constitute a quorum at any meeting,
7210 and, if a quorum exists, the action of the majority of members present shall be the action of the
7211 board.
7212 [~~(5) (a) Members shall receive no compensation or benefits for their services, but may,~~
7213 ~~at the executive director's discretion, receive per diem and expenses incurred in the~~
7214 ~~performance of the member's official duties at the rates established by the Division of Finance~~
7215 ~~under Sections 63A-3-106 and 63A-3-107.~~]
7216 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
7217 (5) A member may not receive compensation or benefits for the member's service, but,
7218 at the executive director's discretion, may receive per diem and travel expenses in accordance
7219 with:

7220 (a) Section 63A-3-106;
7221 (b) Section 63A-3-107; and
7222 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7223 63A-3-107.
7224 (6) Each board shall adopt bylaws governing its activities. Bylaws shall include
7225 procedures for removal of a board member who is unable or unwilling to fulfill the
7226 requirements of his appointment.
7227 (7) The board has program policymaking authority for the division over which it
7228 presides.
7229 Section 128. Section **62A-3-107** is amended to read:
7230 **62A-3-107. Requirements for establishing division policy.**
7231 (1) The board is the program policymaking body for the division and for programs
7232 funded with state and federal money under Sections 62A-3-104.1 and 62A-3-104.2. In
7233 establishing policy and reviewing existing policy, the board shall seek input from local area
7234 agencies, consumers, providers, advocates, division staff, and other interested parties as
7235 determined by the board.
7236 (2) The board shall establish, by rule, procedures for developing its policies which
7237 ensure that local area agencies are given opportunity to comment and provide input on any new
7238 policy of the board and on any proposed changes in the board's existing policy. The board
7239 shall also provide a mechanism for review of its existing policy and for consideration of policy
7240 changes that are proposed by those local area agencies.
7241 [~~(3) Members shall receive no compensation or benefits for their services, but may, at~~
7242 ~~the executive director's discretion, receive per diem and expenses incurred in the performance~~
7243 ~~of the member's official duties at the rates established by the Division of Finance under~~
7244 ~~Sections 63A-3-106 and 63A-3-107.~~]
7245 (3) A member may not receive compensation or benefits for the member's service, but,
7246 at the executive director's discretion, may receive per diem and travel expenses in accordance
7247 with:
7248 (a) Section 63A-3-106;
7249 (b) Section 63A-3-107; and
7250 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

7251 63A-3-107.
7252 Section 129. Section **62A-4a-311** is amended to read:
7253 **62A-4a-311. Child Abuse Advisory Council -- Creation -- Membership --**
7254 **Expenses.**
7255 (1) (a) There is established the Child Abuse Advisory Council composed of no more
7256 than 25 members who are appointed by the division.
7257 (b) Except as required by Subsection (1)(c), as terms of current council members
7258 expire, the division shall appoint each new member or reappointed member to a four-year term.
7259 (c) Notwithstanding the requirements of Subsection (1)(b), the division shall, at the
7260 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
7261 council members are staggered so that approximately half of the council is appointed every two
7262 years.
7263 (d) The council shall have geographic, economic, gender, cultural, and philosophical
7264 diversity.
7265 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
7266 appointed for the unexpired term.
7267 (2) The council shall elect a chairperson from its membership at least biannually.
7268 [~~(3) (a) A member of the council who is not a government employee shall receive no~~
7269 ~~compensation or benefits for the member's services, but may:~~]
7270 [~~(i) receive per diem and expenses incurred in the performance of the member's official~~
7271 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
7272 ~~63A-3-107; or~~]
7273 [~~(ii) decline to receive per diem and expenses for the member's service.~~]
7274 [~~(b) A member of the council who is a state government officer or employee and who~~
7275 ~~does not receive salary, per diem, or expenses from the member's agency for the member's~~
7276 ~~service may:~~]
7277 [~~(i) receive per diem and expenses incurred in the performance of the member's official~~
7278 ~~duties from the commission at the rates established by the Division of Finance under Sections~~
7279 ~~63A-3-106 and 63A-3-107; or~~]
7280 [~~(ii) decline to receive per diem and expenses for the member's service.~~]
7281 (3) A member may not receive compensation or benefits for the member's service, but

7282 may receive per diem and travel expenses in accordance with:
7283 (a) Section 63A-3-106;
7284 (b) Section 63A-3-107; and
7285 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7286 63A-3-107.
7287 (4) The council shall hold a public meeting quarterly. Within budgetary constraints,
7288 meetings may also be held on the call of the chair, or of a majority of the members. A majority
7289 of the members currently appointed to the council constitute a quorum at any meeting and the
7290 action of the majority of the members present shall be the action of the council.
7291 (5) The council shall:
7292 (a) advise the division on matters relating to abuse and neglect; and
7293 (b) recommend to the division how funds contained in the Children's Trust Account
7294 should be allocated.
7295 Section 130. Section **62A-5a-103** is amended to read:
7296 **62A-5a-103. Coordinating Council for Persons with Disabilities -- Creation --**
7297 **Membership -- Expenses.**
7298 (1) There is created the Coordinating Council for Persons with Disabilities.
7299 (2) The council shall consist of:
7300 (a) the director of the Division of Services for People with Disabilities within the
7301 Department of Human Services, or his designee;
7302 (b) the director of family health services programs, appointed under Section 26-10-3,
7303 or his designee;
7304 (c) the executive director of the Utah State Office of Rehabilitation, or his designee;
7305 (d) the state director of special education, or his designee;
7306 (e) the director of the Division of Health Care Financing within the Department of
7307 Health, or his designee;
7308 (f) the director of the Division of Substance Abuse and Mental Health within the
7309 Department of Human Services, or his designee;
7310 (g) the superintendent of Schools for the Deaf and Blind, or his designee; and
7311 (h) a person with a disability, a family member of a person with a disability, or an
7312 advocate for persons with disabilities, appointed by the members listed in Subsections (2)(a)

7313 through (g).
7314 (3) (a) The council shall annually elect a chair from its membership.
7315 (b) Five members of the council are a quorum.
7316 [~~(4) (a) State government officer and employee members who do not receive salary, per~~
7317 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
7318 ~~incurred in the performance of their official duties from the council at the rates established by~~
7319 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
7320 [~~(b) State government officer and employee members may decline to receive per diem~~
7321 ~~and expenses for their service.~~]
7322 (4) A member may not receive compensation or benefits for the member's service, but
7323 may receive per diem and travel expenses in accordance with:
7324 (a) Section 63A-3-106;
7325 (b) Section 63A-3-107; and
7326 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7327 63A-3-107.
7328 Section 131. Section **62A-7-501** is amended to read:
7329 **62A-7-501. Youth Parole Authority -- Expenses -- Responsibilities -- Procedures.**
7330 (1) There is created within the division a Youth Parole Authority.
7331 (2) (a) The authority is composed of 10 part-time members and five pro tempore
7332 members who are residents of this state. No more than three pro tempore members may serve
7333 on the authority at any one time.
7334 (b) Throughout this section, the term "member" refers to both part-time and pro
7335 tempore members of the Youth Parole Authority.
7336 (3) (a) Except as required by Subsection (3)(b), members shall be appointed to
7337 four-year terms by the governor with the consent of the Senate.
7338 (b) The governor shall, at the time of appointment or reappointment, adjust the length
7339 of terms to ensure that the terms of authority members are staggered so that approximately half
7340 of the authority is appointed every two years.
7341 (4) Each member shall have training or experience in social work, law, juvenile or
7342 criminal justice, or related behavioral sciences.
7343 (5) When a vacancy occurs in the membership for any reason, the replacement member

7344 shall be appointed for the unexpired term.
7345 (6) During the tenure of his appointment, a member may not:
7346 (a) be an employee of the department, other than in his capacity as a member of the
7347 authority;
7348 (b) hold any public office;
7349 (c) hold any position in the state's juvenile justice system; or
7350 (d) be an employee, officer, advisor, policy board member, or subcontractor of any
7351 juvenile justice agency or its contractor.
7352 (7) In extraordinary circumstances or when a regular member is absent or otherwise
7353 unavailable, the chair may assign a pro tempore member to act in the absent member's place.
7354 [~~(8) (a) Members receive no compensation or benefits for their services, but may~~
7355 ~~receive per diem and expenses incurred in the performance of official duties at the rates~~
7356 ~~established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
7357 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
7358 (8) A member may not receive compensation or benefits for the member's service, but
7359 may receive per diem and travel expenses in accordance with:
7360 (a) Section 63A-3-106;
7361 (b) Section 63A-3-107; and
7362 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7363 63A-3-107.
7364 (9) The authority shall determine appropriate parole dates for youth offenders, based on
7365 guidelines established by the board. The board shall review and update policy guidelines
7366 annually.
7367 (10) Youth offenders may be paroled to their own homes, to a residential
7368 community-based program, to a nonresidential community-based treatment program, to an
7369 approved independent living setting, or to other appropriate residences, but shall remain on
7370 parole until parole is terminated by the authority.
7371 (11) The division's case management staff shall implement parole release plans and
7372 shall supervise youth offenders while on parole.
7373 (12) The division shall permit the authority to have reasonable access to youth
7374 offenders in secure facilities and shall furnish all pertinent data requested by the authority in

7375 matters of parole, revocation, and termination.
7376 Section 132. Section **62A-15-605** is amended to read:
7377 **62A-15-605. Forensic Mental Health Coordinating Council -- Establishment and**
7378 **purpose.**
7379 (1) There is established the Forensic Mental Health Coordinating Council composed of
7380 the following members:
7381 (a) the director or the director's appointee;
7382 (b) the superintendent of the state hospital or the superintendent's appointee;
7383 (c) the executive director of the Department of Corrections or the executive director's
7384 appointee;
7385 (d) a member of the Board of Pardons and Parole or its appointee;
7386 (e) the attorney general or the attorney general's appointee;
7387 (f) the director of the Division of Services for People with Disabilities or the director's
7388 appointee;
7389 (g) the director of the Division of Juvenile Justice Services or the director's appointee;
7390 (h) the director of the Commission on Criminal and Juvenile Justice or the director's
7391 appointee;
7392 (i) the state court administrator or the administrator's appointee;
7393 (j) the state juvenile court administrator or the administrator's appointee;
7394 (k) a representative from a local mental health authority or an organization, excluding
7395 the state hospital that provides mental health services under contract with the Division of
7396 Substance Abuse and Mental Health or a local mental health authority, as appointed by the
7397 director of the division;
7398 (l) the executive director of the Governor's Council for People with Disabilities or the
7399 director's appointee; and
7400 (m) other persons as appointed by the members described in Subsections (1)(a) through
7401 (l).
7402 [~~(2) (a) (i) Members who are not government employees shall receive no compensation~~
7403 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
7404 ~~performance of the member's official duties at the rates established by the Division of Finance~~
7405 ~~under Sections 63A-3-106 and 63A-3-107.~~]

7406 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
7407 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
7408 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
7409 ~~incurred in the performance of their official duties from the council at the rates established by~~
7410 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
7411 [~~(ii) State government officer and employee members may decline to receive per diem~~
7412 ~~and expenses for their service.~~]
7413 (2) A member may not receive compensation or benefits for the member's service, but
7414 may receive per diem and travel expenses in accordance with:
7415 (a) Section 63A-3-106;
7416 (b) Section 63A-3-107; and
7417 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7418 63A-3-107.
7419 (3) The purpose of the Forensic Mental Health Coordinating Council is to:
7420 (a) advise the director regarding admissions to the state hospital of persons in the
7421 custody of the Department of Corrections;
7422 (b) develop policies for coordination between the division and the Department of
7423 Corrections;
7424 (c) advise the executive director of the Department of Corrections regarding issues of
7425 care for persons in the custody of the Department of Corrections who are mentally ill;
7426 (d) promote communication between and coordination among all agencies dealing with
7427 persons with mental retardation, as defined in Section 62A-5-101, or mental illness who
7428 become involved in the civil commitment system or in the criminal or juvenile justice system;
7429 (e) study, evaluate, and recommend changes to laws and procedures relating to persons
7430 with mental retardation or mental illness who become involved in the civil commitment system
7431 or in the criminal or juvenile justice system;
7432 (f) identify and promote the implementation of specific policies and programs to deal
7433 fairly and efficiently with persons with mental retardation or mental illness who become
7434 involved in the civil commitment system or in the criminal or juvenile justice system; and
7435 (g) promote judicial education relating to persons with mental retardation or mental
7436 illness who become involved in the civil commitment system or in the criminal or juvenile

7437 justice system.
7438 Section 133. Section **63A-3-403** is amended to read:
7439 **63A-3-403. Utah Transparency Advisory Board -- Creation -- Membership --**
7440 **Duties.**
7441 (1) There is created within the division the Utah Transparency Advisory Board
7442 comprised of members knowledgeable about public finance or providing public access to
7443 public financial information as follows:
7444 (a) one member designated by the director of the Division of Finance;
7445 (b) one member designated by the director of the Governor's Office of Planning and
7446 Budget;
7447 (c) one member appointed by the governor on advice from the Judicial Council, who
7448 shall serve until June 30, 2009;
7449 (d) one member appointed by the governor on advice from the Legislative Fiscal
7450 Analyst;
7451 (e) one member of the Senate, appointed by the governor on advice from the president
7452 of the Senate;
7453 (f) one member of the House of Representatives, appointed by the governor on advice
7454 from the speaker of the House of Representatives;
7455 (g) one member designated by the director of the Department of Technology Services;
7456 (h) one member appointed by the governor from a state institution of higher education,
7457 who shall serve for one year beginning on July 1, 2009 and ending on June 30, 2010; and
7458 (i) three additional members appointed by the governor, who shall each serve one-year
7459 terms as follows:
7460 (i) for the term beginning on July 1, 2009 and ending on June 30, 2010, represent the
7461 following entities:
7462 (A) a school district;
7463 (B) a charter school; and
7464 (C) a public transit district created under Title 17B, Chapter 2a, Part 8, Public Transit
7465 District Act; and
7466 (ii) for the term beginning on July 1, 2010 and ending on June 30, 2011, represent the
7467 following entities:

7468 (A) a county;
7469 (B) a municipality; and
7470 (C) (I) a local district under Title 17B, Limited Purpose Local Government Entities -
7471 Local Districts, that is not a public transit district created under Title 17B, Chapter 2a, Part 8,
7472 Public Transit District Act; or
7473 (II) a special service district under Title 17D, Chapter 1, Special Service District Act.
7474 (2) The board shall:
7475 (a) advise the division on matters related to the implementation and administration of
7476 this part;
7477 (b) develop plans, make recommendations, and assist in implementing the provisions
7478 of this part;
7479 (c) determine what public financial information shall be provided by participating state
7480 and local entities, provided that the public financial information:
7481 (i) only includes records that:
7482 (A) are classified as public under Title 63G, Chapter 2, Government Records Access
7483 and Management Act;
7484 (B) are an accounting of monies, funds, accounts, bonds, loans, expenditures, or
7485 revenues, regardless of the source; and
7486 (C) are owned, held, or administered by the participating state or local entity that is
7487 required to provide the record; and
7488 (ii) is of the type or nature that should be accessible to the public via a website based
7489 on considerations of:
7490 (A) the cost effectiveness of providing the information;
7491 (B) the value of providing the information to the public; and
7492 (C) privacy and security considerations;
7493 (d) evaluate the cost effectiveness of implementing specific information resources and
7494 features on the website;
7495 (e) establish size or budget thresholds to identify those local entities that qualify as
7496 participating local entities as defined in this part, giving special consideration to the budget and
7497 resource limitations of an entity with a current annual budget of less than $10,000,000;
7498 (f) require participating local entities to provide public financial information in

7499 accordance with the requirements of this part, with a specified content, reporting frequency,
7500 and form;
7501 (g) require a participating local entity's website to be accessible by link or other direct
7502 route from the Utah Public Finance Website if the participating local entity does not use the
7503 Utah Public Finance Website; and
7504 (h) determine the search methods and the search criteria that shall be made available to
7505 the public as part of a website used by a participating local entity under the requirements of this
7506 part, which criteria may include:
7507 (i) fiscal year;
7508 (ii) expenditure type;
7509 (iii) name of the agency;
7510 (iv) payee;
7511 (v) date; and
7512 (vi) amount.
7513 (3) The board shall annually elect a chair and a vice chair from its members.
7514 (4) (a) Except for a member appointed under Subsections (1)(c) and (h), each member
7515 shall serve a two-year term.
7516 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
7517 appointed for the remainder of the unexpired term.
7518 (5) The board shall meet as it determines necessary to accomplish its duties.
7519 (6) Reasonable notice shall be given to each member of the board before any meeting.
7520 (7) A majority of the board constitutes a quorum for the transaction of business.
7521 [~~(8) (a) (i) Members who are not government employees shall receive no compensation~~
7522 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
7523 ~~performance of the member's official duties at the rates established by the Division of Finance~~
7524 ~~under Sections 63A-3-106 and 63A-3-107.~~]
7525 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
7526 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
7527 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
7528 ~~incurred in the performance of their official duties from the board at the rates established by the~~
7529 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]

7530 [~~(ii) State government officer and employee members may decline to receive per diem~~
7531 ~~and expenses for their service.~~]
7532 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
7533 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
7534 ~~in the performance of their official duties at the rates established by the Division of Finance~~
7535 ~~under Sections 63A-3-106 and 63A-3-107.~~]
7536 [~~(ii) Local government officer and employee members may decline to receive per diem~~
7537 ~~and expenses for their service.~~]
7538 (8) A member may not receive compensation or benefits for the member's service, but
7539 may receive per diem and travel expenses in accordance with:
7540 (a) Section 63A-3-106;
7541 (b) Section 63A-3-107; and
7542 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7543 63A-3-107.
7544 Section 134. Section **63A-5-101** is amended to read:
7545 **63A-5-101. Creation -- Composition -- Appointment -- Per diem and expenses --**
7546 **Administrative services.**
7547 (1) (a) There is created a State Building Board composed of eight members, seven of
7548 whom shall be appointed by the governor for terms of four years.
7549 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the
7550 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
7551 board members are staggered so that approximately half of the board is appointed every two
7552 years.
7553 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
7554 appointed for the unexpired term.
7555 (3) The director of the Governor's Office of Planning and Budget or the director's
7556 designee is a nonvoting member of the board.
7557 (4) Each member shall hold office until a successor is appointed and qualified, but no
7558 member shall serve more than two consecutive terms.
7559 (5) One member shall be designated by the governor as chair.
7560 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~

7561 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
7562 ~~performance of the member's official duties at the rates established by the Division of Finance~~
7563 ~~under Sections 63A-3-106 and 63A-3-107.~~]
7564 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
7565 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
7566 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
7567 ~~incurred in the performance of their official duties from the board at the rates established by the~~
7568 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
7569 [~~(ii) State government officer and employee members may decline to receive per diem~~
7570 ~~and expenses for their service.~~]
7571 (6) A member may not receive compensation or benefits for the member's service, but
7572 may receive per diem and travel expenses in accordance with:
7573 (a) Section 63A-3-106;
7574 (b) Section 63A-3-107; and
7575 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7576 63A-3-107.
7577 (7) The members of the board are not required to give bond for the performance of
7578 their official duties.
7579 (8) The department shall provide administrative and staff services to enable the board
7580 to exercise its powers and discharge its duties, and shall provide necessary space and
7581 equipment for the board.
7582 Section 135. Section **63A-9-301** is amended to read:
7583 **63A-9-301. Motor Vehicle Review Committee -- Composition.**
7584 (1) There is created a Motor Vehicle Review Committee to advise the division.
7585 (2) The committee shall be composed of nine members as follows:
7586 (a) the executive director of the Department of Administrative Services or the director's
7587 designee;
7588 (b) a member from a state agency other than higher education, the Department of
7589 Transportation, the Department of Public Safety, or the Department of Natural Resources, who
7590 uses the division's services;
7591 (c) the director of the Division of Purchasing and General Services or the director's

7592 designee; [~~and~~]
7593 (d) one member from:
7594 (i) higher education, designated annually by the executive director of the Department
7595 of Administrative Services;
7596 (ii) the Department of Transportation, designated annually by the executive director of
7597 the Department of Administrative Services;
7598 (iii) the Department of Public Safety, designated annually by the executive director of
7599 the Department of Administrative Services; and
7600 (iv) the Department of Natural Resources, designated annually by the executive
7601 director of the Department of Administrative Services; and
7602 (e) two public members with experience in fleet operations and maintenance appointed
7603 by the governor.
7604 (3) (a) Except as required by Subsection (3)(b), the governor shall appoint each public
7605 member to a four-year term.
7606 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
7607 time of appointment, adjust the length of terms to ensure that the terms of public members are
7608 staggered so that one of the public members is appointed every two years.
7609 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
7610 appointed for the unexpired term.
7611 [~~(4) (a) (i) Members who are not government employees shall receive no compensation~~
7612 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
7613 ~~performance of the member's official duties at the rates established by the Division of Finance~~
7614 ~~under Sections 63A-3-106 and 63A-3-107.~~]
7615 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
7616 [~~(b) (i) State government members who do not receive salary, per diem, or expenses~~
7617 ~~from their agency for their service may receive per diem and expenses incurred in the~~
7618 ~~performance of their official duties from the committee at the rates established by the Division~~
7619 ~~of Finance under Sections 63A-3-106 and 63A-3-107.~~]
7620 [~~(ii) State government members may decline to receive per diem and expenses for their~~
7621 ~~service.~~]
7622 [~~(c) (i) Higher education members who do not receive salary, per diem, or expenses~~

7623 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
7624 ~~in the performance of their official duties from the committee at the rates established by the~~
7625 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
7626 [~~(ii) Higher education members may decline to receive per diem and expenses for their~~
7627 ~~service.~~]
7628 (4) A member may not receive compensation or benefits for the member's service, but
7629 may receive per diem and travel expenses in accordance with:
7630 (a) Section 63A-3-106;
7631 (b) Section 63A-3-107; and
7632 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7633 63A-3-107.
7634 (5) Five members of the committee are a quorum.
7635 (6) The executive director of the Department of Administrative Services is chair of the
7636 committee.
7637 Section 136. Section **63B-1-201** is amended to read:
7638 **63B-1-201. Members -- Powers and duties -- Per diem.**
7639 (1) There is created a State Bonding Commission composed of:
7640 (a) the governor;
7641 (b) the state treasurer; and
7642 (c) a third person appointed by the governor to serve a four-year term, who is a
7643 member of a political party different from that of the governor.
7644 (d) When the at-large position becomes vacant for any reason, the replacement shall be
7645 appointed for the unexpired term.
7646 (2) The commission shall exercise the powers and perform the duties prescribed for the
7647 commission by statute.
7648 [~~(3) (a) State government officer and employee members who do not receive salary, per~~
7649 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
7650 ~~incurred in the performance of their official duties from the commission at the rates established~~
7651 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
7652 [~~(b) State government officer and employee members may decline to receive per diem~~
7653 ~~and expenses for their service.~~]

7654 (3) A member may not receive compensation or benefits for the member's service, but
7655 may receive per diem and travel expenses in accordance with:
7656 (a) Section 63A-3-106;
7657 (b) Section 63A-3-107; and
7658 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7659 63A-3-107.
7660 Section 137. Section **63B-1-304** is amended to read:
7661 **63B-1-304. State Building Ownership Authority created -- Members --**
7662 **Compensation -- Location in Department of Administrative Services.**
7663 (1) There is created a body politic and corporate to be known as the State Building
7664 Ownership Authority composed of:
7665 (a) the governor;
7666 (b) the state treasurer; and
7667 (c) the chair of the State Building Board created under Section 63A-5-101.
7668 [~~(2) (a) (i) Members who are not government employees shall receive no compensation~~
7669 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
7670 ~~performance of the member's official duties at the rates established by the Division of Finance~~
7671 ~~under Sections 63A-3-106 and 63A-3-107.~~]
7672 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
7673 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
7674 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
7675 ~~incurred in the performance of their official duties from the authority at the rates established by~~
7676 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
7677 [~~(ii) State government officer and employee members may decline to receive per diem~~
7678 ~~and expenses for their service.~~]
7679 (2) A member may not receive compensation or benefits for the member's service, but
7680 may receive per diem and travel expenses in accordance with:
7681 (a) Section 63A-3-106;
7682 (b) Section 63A-3-107; and
7683 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7684 63A-3-107.

7685 (3) (a) Upon request, the division shall provide staff support to the State Building
7686 Ownership Authority.
7687 (b) The State Building Ownership Authority may seek and obtain independent financial
7688 advice, support, and information from the state financial advisor created under Section
7689 67-4-16.
7690 Section 138. Section **63C-4-101** is amended to read:
7691 **63C-4-101. Creation of Constitutional Defense Council -- Membership --**
7692 **Vacancies -- Reports -- Per diem and funding.**
7693 (1) There is created the Constitutional Defense Council.
7694 (2) (a) The defense council shall consist of the following members:
7695 (i) the governor or the lieutenant governor, who shall serve as chair of the council;
7696 (ii) the president of the Senate or the president of the Senate's designee who shall serve
7697 as vice chair of the council;
7698 (iii) the speaker of the House or the speaker of the House's designee who shall serve as
7699 vice chair of the council;
7700 (iv) the minority leader of the Senate or the minority leader of the Senate's designee;
7701 (v) the minority leader of the House or the minority leader of the House's designee;
7702 (vi) the attorney general or the attorney general's designee, who shall be one of the
7703 attorney general's appointees, not a current career service employee;
7704 (vii) the director of the School and Institutional Trust Lands Administration;
7705 (viii) four elected county commissioners, county council members, or county
7706 executives from different counties who are selected by the Utah Association of Counties, at
7707 least one of whom shall be from a county of the first or second class;
7708 (ix) the executive director of the Department of Natural Resources, who may not vote;
7709 (x) the commissioner of the Department of Agriculture and Food, who may not vote;
7710 (xi) the director of the Governor's Office of Economic Development, who may not
7711 vote; and
7712 (xii) two elected county commissioners, county council members, or county executives
7713 from different counties appointed by the Utah Association of Counties, who may not vote.
7714 (b) The council vice chairs shall conduct a council meeting in the absence of the chair.
7715 (c) If both the governor and the lieutenant governor are absent from a meeting of the

7716 council, the governor may designate a person to attend the meeting solely for the purpose of
7717 casting a vote on any matter on the governor's behalf.
7718 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
7719 appointed for the unexpired term in the same manner as the original appointment.
7720 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), the defense council shall meet at
7721 least monthly or more frequently as needed.
7722 (ii) The defense council need not meet monthly if the chair, after polling the members,
7723 determines that a majority of the members do not wish to meet.
7724 (b) The governor or any six members of the council may call a meeting of the council.
7725 (c) Before calling a meeting, the governor or council members shall solicit items for
7726 the agenda from other members of the council.
7727 (d) (i) The Constitutional Defense Council shall require that any entity that receives
7728 monies from the Constitutional Defense Restricted Account provide financial reports and
7729 litigation reports to the Council.
7730 (ii) Nothing in this Subsection (4)(d) prohibits the council from closing a meeting
7731 under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the council from
7732 complying with Title 63G, Chapter 2, Government Records Access and Management Act.
7733 (e) A majority of the voting membership on the defense council is required for a
7734 quorum to conduct council business. A majority vote of the quorum is required for any action
7735 taken by the defense council.
7736 (5) The Office of the Attorney General shall advise the defense council.
7737 [~~(6) (a) (i) State government officer and employee members who do not receive salary,~~
7738 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~
7739 ~~incurred in the performance of their official duties from the council at the rates established by~~
7740 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
7741 [~~(ii) State government officer and employee members may decline to receive per diem~~
7742 ~~and expenses for their service.~~]
7743 [~~(b) (i) Local government members who do not receive salary, per diem, or expenses~~
7744 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
7745 ~~in the performance of their official duties at the rates established by the Division of Finance~~
7746 ~~under Sections 63A-3-106 and 63A-3-107.~~]

7747 [~~(ii) Local government members may decline to receive per diem and expenses for~~
7748 ~~their service.~~]
7749 [~~(c) Legislators on the committee shall receive compensation and expenses as provided~~
7750 ~~by law and legislative rule.~~]
7751 (6) A member may not receive compensation or benefits for the member's service, but
7752 may receive per diem and travel expenses in accordance with:
7753 (a) Section 63A-3-106;
7754 (b) Section 63A-3-107; and
7755 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7756 63A-3-107.
7757 (7) (a) The council shall be funded from the Constitutional Defense Restricted Account
7758 created in Section 63C-4-103.
7759 (b) Monies appropriated for or received by the council may be expended by the
7760 governor in consultation with the council.
7761 Section 139. Section **63C-6-103** is amended to read:
7762 **63C-6-103. Compensation of members -- Per diem.**
7763 [~~(1) (a) Members who are not government employees shall receive no compensation or~~
7764 ~~benefits for their services, but may receive per diem and expenses incurred in the performance~~
7765 ~~of the member's official duties at the rates established by the Division of Finance under~~
7766 ~~Sections 63A-3-106 and 63A-3-107.~~]
7767 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
7768 [~~(2) (a) State government officer and employee members who do not receive salary, per~~
7769 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
7770 ~~incurred in the performance of their official duties from the commission at the rates established~~
7771 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
7772 [~~(b) State government officer and employee members may decline to receive per diem~~
7773 ~~and expenses for their service.~~]
7774 [~~(3) Legislators on the committee shall receive compensation and expenses as provided~~
7775 ~~by law and legislative rule.~~]
7776 A member may not receive compensation or benefits for the member's service, but may
7777 receive per diem and travel expenses in accordance with:

7778 (1) Section 63A-3-106;
7779 (2) Section 63A-3-107; and
7780 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7781 63A-3-107.
7782 Section 140. Section **63C-8-103** is amended to read:
7783 **63C-8-103. Medical Education Council.**
7784 (1) There is created the Medical Education Council consisting of the following
7785 members appointed by the governor:
7786 (a) the dean of the school of medicine at the University of Utah;
7787 (b) a person who represents graduate medical education at the University of Utah;
7788 (c) a person from each institution, other than the University of Utah, that sponsors an
7789 accredited clinical education program;
7790 (d) a person from the health care insurance industry; and
7791 (e) three members of the general public who are not employed by or affiliated with any
7792 institution that offers, sponsors, or finances health care or medical education; however, the
7793 governor may appoint an additional member of the public under this Subsection (1)(e) for each
7794 person the governor appoints that increases the total number of persons appointed under
7795 Subsection (1)(c) beyond two.
7796 (2) Except as provided in Subsection (1)(a) and (b), no two council members may be
7797 employed by or affiliated with the same:
7798 (a) institution of higher education;
7799 (b) state agency outside of higher education; or
7800 (c) private entity.
7801 (3) The dean of the school of medicine at the University of Utah:
7802 (a) shall chair the council;
7803 (b) may not be counted in determining the existence of a quorum; and
7804 (c) may only cast a vote on a matter before the council if the vote of the other council
7805 members results in a tied vote.
7806 (4) The council shall annually elect a vice chair from among the members of the
7807 council.
7808 (5) (a) Consistent with Subsection (6)(b), a majority of the council members constitute

7809 a quorum.
7810 (b) The action of a majority of a quorum is the action of the council.
7811 (6) (a) Except as provided in Subsection (6)(b), members are appointed to four-year
7812 terms of office.
7813 (b) Notwithstanding Subsection (6)(a), the governor shall, at the time of the initial
7814 appointment, adjust the length of terms to ensure that the terms of council members are
7815 staggered so that approximately half of the council is appointed every two years.
7816 (c) If a vacancy occurs in the membership for any reason, the replacement shall be
7817 appointed by the governor for the unexpired term in the same manner as the original
7818 appointment was made.
7819 [~~(7) (a) Per diem and expenses incurred in the performance of official duties may be~~
7820 ~~paid at the rates established by the Division of Finance under Section 63A-3-106 and Section~~
7821 ~~63A-3-107 to a council member:~~]
7822 [~~(i) who is not a government employee; or~~]
7823 [~~(ii) who is a government employee, but does not receive salary, per diem, or expenses~~
7824 ~~from the council member's employing unit for service to the council.~~]
7825 [~~(b) A council member may decline to receive per diem and expenses for service to the~~
7826 ~~council.~~]
7827 (7) A member may not receive compensation or benefits for the member's service, but
7828 may receive per diem and travel expenses in accordance with:
7829 (a) Section 63A-3-106;
7830 (b) Section 63A-3-107; and
7831 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7832 63A-3-107.
7833 Section 141. Section **63C-9-202** is amended to read:
7834 **63C-9-202. Terms -- Vacancies -- Chair -- Vice chair -- Meetings --**
7835 **Compensation.**
7836 (1) (a) The governor, president of the Senate, speaker of the House, chief justice, state
7837 treasurer, state attorney general, and state historic preservation officer shall serve terms
7838 coterminous with their office.
7839 (b) The other members shall serve two-year terms.

7840 (2) Vacancies in the appointed positions shall be filled by the original appointing
7841 authority for the unexpired term.
7842 (3) (a) Except as provided in Subsection (3)(b), the governor is chair of the board.
7843 (b) When the governor is absent from meetings of the board, the vice chair is chair of
7844 the board.
7845 (c) The governor shall appoint a member of the board to serve as vice chair with the
7846 approval of a majority of the members of the board.
7847 (4) The board shall meet at least quarterly and at other times at the call of the governor
7848 or at the request of four members of the board.
7849 [~~(5) (a) (i) Members who are not government employees shall receive no compensation~~
7850 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
7851 ~~performance of the member's official duties at the rates established by the Division of Finance~~
7852 ~~under Sections 63A-3-106 and 63A-3-107.~~]
7853 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
7854 [~~(b) (i) State government officers and employee members who do not receive salary,~~
7855 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~
7856 ~~incurred in the performance of their official duties from the committee at the rates established~~
7857 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
7858 [~~(ii) State government officers and employee members may decline to receive per diem~~
7859 ~~and expenses for their service.~~]
7860 [~~(c) Legislative members receive the expenses authorized by legislative rule.~~]
7861 (5) A member may not receive compensation or benefits for the member's service, but
7862 may receive per diem and travel expenses in accordance with:
7863 (a) Section 63A-3-106;
7864 (b) Section 63A-3-107; and
7865 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7866 63A-3-107.
7867 Section 142. Section **63C-9-702** is amended to read:
7868 **63C-9-702. Art Placement Subcommittee to the State Capitol Preservation Board**
7869 **-- Created -- Membership -- Operations.**
7870 (1) (a) There is created an Art Placement Subcommittee to the State Capitol

7871 Preservation Board composed of 11 members appointed as provided in this Subsection (1).
7872 (b) (i) The governor shall appoint:
7873 (A) an architect, from a list of three architects submitted by the American Institute of
7874 Architects;
7875 (B) an artist, from a list of three artists submitted by the Utah Arts Council Board of
7876 Directors;
7877 (C) an historian, from a list of three historians submitted by the Board of State History;
7878 and
7879 (D) a citizen to represent the public at large who is not a member of the State Capitol
7880 Preservation Board.
7881 (ii) The governor, as chair of the board, with the concurrence of the board, shall
7882 appoint a member of the board as a voting member of the subcommittee.
7883 (c) The president of the Senate shall appoint three members, two from the majority
7884 party and one from the minority party.
7885 (d) The speaker of the House of Representatives shall appoint three members, two
7886 from the majority party and one from the minority party.
7887 (2) (a) (i) (A) Subcommittee members appointed by the governor shall serve four-year
7888 terms and may serve up to two consecutive terms.
7889 (B) The board member appointed by the governor under Subsection (1)(b)(ii) shall
7890 serve a two-year term, and may be reappointed.
7891 (ii) Subcommittee members appointed by the president of the Senate and the speaker of
7892 the House of Representatives shall serve two-year terms and may be reappointed.
7893 (b) In appointing members to the first subcommittee, the governor shall designate two
7894 members to serve a two-year term and two members to serve four-year terms.
7895 (3) (a) Each subcommittee member shall hold office until his successor has been
7896 appointed and qualified.
7897 (b) If a vacancy occurs in the subcommittee because of death, resignation, or otherwise,
7898 the appointing authority shall appoint a successor, who shall hold office for the unexpired term.
7899 (c) Six voting members of the subcommittee are a quorum for the purpose of
7900 organizing and conducting the business of the subcommittee.
7901 (d) The vote of a majority of members voting when a quorum is present is necessary

7902 for the subcommittee to take action.
7903 (4) (a) At the initial meeting of the subcommittee, the subcommittee shall select one of
7904 its number to serve as chair of the subcommittee.
7905 (b) The executive director of the board shall assist the subcommittee in their duties and
7906 shall provide staff services to the subcommittee.
7907 [~~(5) (a) Members of the subcommittee shall receive per diem and may be reimbursed~~
7908 ~~for expenses incurred in the performance of their official duties as established by the Division~~
7909 ~~of Finance.~~]
7910 (5) A member may not receive compensation or benefits for the member's service, but
7911 may receive per diem and travel expenses in accordance with:
7912 (a) Section 63A-3-106;
7913 (b) Section 63A-3-107; and
7914 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7915 63A-3-107.
7916 [~~(b)~~] (6) The subcommittee shall meet at least quarterly.
7917 Section 143. Section **63C-10-102** is amended to read:
7918 **63C-10-102. Governor's Rural Partnership Board -- Creation -- Membership --**
7919 **Vacancies -- Chairs -- Expenses.**
7920 (1) There is created the Governor's Rural Partnership Board composed of 15 members
7921 as follows:
7922 (a) the governor or the governor's designee;
7923 (b) a rural member of the Utah Association of Counties' Board of Directors, appointed
7924 by the association's board;
7925 (c) a rural member of the Utah League of Cities and Towns' Board of Directors,
7926 appointed by the league's board;
7927 (d) the vice president of Utah State University's Extension Services or the vice
7928 president's designee;
7929 (e) the president of Southern Utah University or the president's designee;
7930 (f) the chair of the Utah Rural Development Council;
7931 (g) a rural representative of agriculture;
7932 (h) a rural representative of the travel industry;

7933 (i) a representative of rural utilities;
7934 (j) a representative from the oil, gas, or mineral extraction industry; and
7935 (k) five rural members appointed by the governor, at least one of which shall be a
7936 representative from a rural private business.
7937 (2) (a) Except as required by Subsection (2)(b), board members identified in
7938 Subsections (1)(b), (c), (g), (h), (i), (j), and (k) shall be appointed for four-year terms.
7939 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
7940 time of appointment or reappointment for members appointed under Subsection (1)(k), adjust
7941 the length of terms to ensure that the terms of these members are staggered so that
7942 approximately half of these five members are appointed every two years.
7943 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
7944 appointed for the unexpired term in the same manner as the vacated member was chosen.
7945 (d) Once initial board appointments are made pursuant to Subsection (1)(k),
7946 recommendations for filling vacancies for any reason of those five board positions shall be
7947 made to the governor from a nominating committee consisting of:
7948 (i) three individuals selected by the Steering Committee of the Rural Coordinating
7949 Committee; and
7950 (ii) three individuals selected by the Governor's Rural Partnership Board from the Utah
7951 Rural Development Council membership.
7952 (3) (a) The governor or the governor's designee shall serve as cochair of the board.
7953 (b) The chair of the Utah Rural Development Council shall serve as cochair of the
7954 board.
7955 (4) The board shall meet at the call of the cochairs, but at least semiannually.
7956 (5) (a) A majority of the members of the board constitute a quorum.
7957 (b) The action of a majority of a quorum constitutes the action of the board.
7958 [~~(6) Members receive no compensation or benefits for their services on the board, but~~
7959 ~~may receive per diem and expenses incurred in the performance of the member's official duties~~
7960 ~~at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
7961 (6) A member may not receive compensation or benefits for the member's service, but
7962 may receive per diem and travel expenses in accordance with:
7963 (a) Section 63A-3-106;

7964 (b) Section 63A-3-107; and
7965 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7966 63A-3-107.
7967 Section 144. Section **63C-11-201** is amended to read:
7968 **63C-11-201. Commission -- Creation -- Appointments -- Terms -- Expenses --**
7969 **Quorum.**
7970 (1) There is created within the Governor's Office of Economic Development the Pete
7971 Suazo Utah Athletic Commission consisting of five members.
7972 (2) (a) The governor shall appoint three commission members.
7973 (b) The president of the Senate and the speaker of the House of Representatives shall
7974 each appoint one commission member.
7975 (c) The commission members may not be licensees under this chapter.
7976 (d) A member of the commission serving on June 30, 2009, shall continue as a member
7977 of the commission until the expiration of the member's term then existing, or until the
7978 expiration of any subsequent term to which the member is appointed.
7979 (3) (a) Except as required by Subsection (3)(b), as terms of current members expire, the
7980 governor, president, or speaker, respectively, shall appoint each new member or reappointed
7981 member to a four-year term.
7982 (b) The governor shall, at the time of appointment or reappointment, adjust the length
7983 of the governor's appointees' terms to ensure that the terms of members are staggered so that
7984 approximately half of the commission is appointed every two years.
7985 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
7986 appointed for the unexpired term.
7987 (d) If a commission member fails or refuses to fulfill the responsibilities and duties of a
7988 commission member, including the attendance at commission meetings, the governor,
7989 president, or speaker, respectively, with the approval of the commission, may remove the
7990 commission member and replace the member in accordance with this section.
7991 (4) (a) A majority of the commission members constitutes a quorum.
7992 (b) A majority of a quorum is sufficient authority for the commission to act.
7993 [~~(5) (a) (i) Members who are not government employees shall receive no compensation~~
7994 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~

7995 ~~performance of the members' official duties at the rates established by the Division of Finance~~
7996 ~~under Sections 63A-3-106 and 63A-3-107.~~]
7997 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
7998 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
7999 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
8000 ~~incurred in the performance of their official duties at the rates established by the Division of~~
8001 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
8002 [~~(ii) State government officer and employee members may decline to receive per diem~~
8003 ~~and expenses for their service.~~]
8004 (5) A member may not receive compensation or benefits for the member's service, but
8005 may receive per diem and travel expenses in accordance with:
8006 (a) Section 63A-3-106;
8007 (b) Section 63A-3-107; and
8008 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8009 63A-3-107.
8010 (6) The commission shall annually designate one of its members to serve as chair for a
8011 one-year period.
8012 Section 145. Section **63C-12-105** is repealed and reenacted to read:
8013 **63C-12-105. Compensation of members -- Expenses.**
8014 A member of the council may not receive compensation or benefits for the member's
8015 service, but may receive per diem and travel expenses in accordance with:
8016 (1) Section 63A-3-106;
8017 (2) Section 63A-3-107; and
8018 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8019 63A-3-107.
8020 Section 146. Section **63F-1-202** is amended to read:
8021 **63F-1-202. Technology Advisory Board -- Membership -- Duties.**
8022 (1) There is created the Technology Advisory Board to the chief information officer.
8023 The board shall have seven members as follows:
8024 (a) three members appointed by the governor who are individuals actively involved in
8025 business planning for state agencies;

8026 (b) one member appointed by the governor who is actively involved in business
8027 planning for higher education or public education;
8028 (c) one member appointed by the speaker of the House of Representatives and
8029 president of the Senate from the Legislative Automation Committee of the Legislature to
8030 represent the legislative branch;
8031 (d) one member appointed by the Judicial Council to represent the judicial branch; and
8032 (e) one member appointed by the governor who represents private sector business
8033 needs in the state, but who is not an information technology vendor for the state.
8034 (2) (a) The members of the advisory board shall elect a chair from the board by
8035 majority vote.
8036 (b) The department shall provide staff to the board.
8037 (c) (i) A majority of the members of the board constitutes a quorum.
8038 (ii) Action by a majority of a quorum of the board constitutes an action of the board.
8039 (3) The board shall meet as necessary to advise the chief information officer and assist
8040 the chief information officer and executive branch agencies in coming to consensus on:
8041 (a) the development and implementation of the state's information technology strategic
8042 plan;
8043 (b) critical information technology initiatives for the state;
8044 (c) the development of standards for state information architecture;
8045 (d) identification of the business and technical needs of state agencies;
8046 (e) the department's performance measures for service agreements with executive
8047 branch agencies and subscribers of services; and
8048 (f) the efficient and effective operation of the department.
8049 [~~(4) (a) (i) Members of the board who are not state government employees shall receive~~
8050 ~~no compensation or benefits for their services, but may receive per diem and expenses incurred~~
8051 ~~in the performance of the member's official duties at the rates established by the Division of~~
8052 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
8053 [~~(ii) Members may decline to receive per diem and expense for their service.~~]
8054 [~~(b) (i) State government officers and employee members who do not receive salary,~~
8055 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~
8056 ~~incurred in the performance of their official duties at the rates established by the Division of~~

8057 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
8058 [~~(ii) State government officer and employee members may decline to receive per diem~~
8059 ~~and expenses for the member's service.~~]
8060 (4) A member may not receive compensation or benefits for the member's service, but
8061 may receive per diem and travel expenses in accordance with:
8062 (a) Section 63A-3-106;
8063 (b) Section 63A-3-107; and
8064 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8065 63A-3-107.
8066 Section 147. Section **63G-2-501** is amended to read:
8067 **63G-2-501. State Records Committee created -- Membership -- Terms --**
8068 **Vacancies -- Expenses.**
8069 (1) There is created the State Records Committee within the Department of
8070 Administrative Services to consist of the following seven individuals:
8071 (a) an individual in the private sector whose profession requires him to create or
8072 manage records that if created by a governmental entity would be private or controlled;
8073 (b) the state auditor or the auditor's designee;
8074 (c) the director of the Division of State History or the director's designee;
8075 (d) the governor or the governor's designee;
8076 (e) one citizen member;
8077 (f) one elected official representing political subdivisions; and
8078 (g) one individual representing the news media.
8079 (2) The members specified in Subsections (1)(a), (e), (f), and (g) shall be appointed by
8080 the governor with the consent of the Senate.
8081 (3) (a) Except as required by Subsection (3)(b), as terms of current committee members
8082 expire, the governor shall appoint each new member or reappointed member to a four-year
8083 term.
8084 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
8085 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
8086 committee members are staggered so that approximately half of the committee is appointed
8087 every two years.

8088 (c) Each appointed member is eligible for reappointment for one additional term.
8089 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
8090 appointed for the unexpired term.
8091 [~~(5) (a) (i) Members who are not government employees shall receive no compensation~~
8092 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
8093 ~~performance of the member's official duties at the rates established by the Division of Finance~~
8094 ~~under Sections 63A-3-106 and 63A-3-107.~~]
8095 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
8096 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
8097 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
8098 ~~incurred in the performance of their official duties from the committee at the rates established~~
8099 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8100 [~~(ii) State government officer and employee members may decline to receive per diem~~
8101 ~~and expenses for their service.~~]
8102 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
8103 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
8104 ~~in the performance of their official duties at the rates established by the Division of Finance~~
8105 ~~under Sections 63A-3-106 and 63A-3-107.~~]
8106 [~~(ii) Local government members may decline to receive per diem and expenses for~~
8107 ~~their service.~~]
8108 (5) A member may not receive compensation or benefits for the member's service, but
8109 may receive per diem and travel expenses in accordance with:
8110 (a) Section 63A-3-106;
8111 (b) Section 63A-3-107; and
8112 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8113 63A-3-107.
8114 Section 148. Section **63G-2-502** is amended to read:
8115 **63G-2-502. State Records Committee -- Duties.**
8116 (1) The records committee shall:
8117 (a) meet at least once every three months;
8118 (b) review and approve retention and disposal of records;

8119 (c) hear appeals from determinations of access as provided by Section 63G-2-403; and
8120 (d) appoint a chairman from among its members.
8121 (2) The records committee may:
8122 (a) make rules to govern its own proceedings as provided by Title 63G, Chapter 3,
8123 Utah Administrative Rulemaking Act; and
8124 (b) by order, after notice and hearing, reassign classification and designation for any
8125 record series by a governmental entity if the governmental entity's classification or designation
8126 is inconsistent with this chapter.
8127 (3) The records committee shall annually appoint an executive secretary to the records
8128 committee. The executive secretary may not serve as a voting member of the committee.
8129 (4) Five members of the records committee are a quorum for the transaction of
8130 business.
8131 (5) The state archives shall provide staff and support services for the records
8132 committee.
8133 [~~(6) Unless otherwise reimbursed, the citizen member, the individual in the private~~
8134 ~~sector, and the representative of the news media shall receive a per diem as established by the~~
8135 ~~Division of Finance in Section 63A-3-106.~~]
8136 (6) A member may not receive compensation or benefits for the member's service, but
8137 may receive per diem and travel expenses in accordance with:
8138 (a) Section 63A-3-106;
8139 (b) Section 63A-3-107; and
8140 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8141 63A-3-107.
8142 (7) If the records committee reassigns the classification or designation of a record or
8143 record series under Subsection (2)(b), any affected governmental entity or any other interested
8144 person may appeal the reclassification or redesignation to the district court. The district court
8145 shall hear the matter de novo.
8146 (8) The Office of the Attorney General shall provide counsel to the records committee
8147 and shall review proposed retention schedules.
8148 Section 149. Section **63G-6-201** is amended to read:
8149 **63G-6-201. Creation of procurement policy board.**

8150 (1) (a) There is created a state procurement policy board.
8151 (b) The policy board shall consist of eight members who shall be appointed as follows:
8152 (i) an employee of a state institution of higher education, appointed by the board of
8153 regents;
8154 (ii) an employee of the Department of Human Services, appointed by the executive
8155 director of that department;
8156 (iii) an employee of the Department of Transportation, appointed by the executive
8157 director of that department;
8158 (iv) an employee of a school district appointed by a cooperative purchasing entity for
8159 school districts;
8160 (v) an employee of the Division of Facilities Construction and Management appointed
8161 by the director of that division;
8162 (vi) an employee of a county, appointed by the Utah Association of Counties;
8163 (vii) an employee of a city, appointed by the Utah League of Cities and Towns; and
8164 (viii) an employee of a local district or special service district, appointed by the Utah
8165 Association of Special Districts.
8166 (c) Members of the policy board shall be knowledgeable and experienced in, and have
8167 supervisory responsibility for, procurement in their official positions.
8168 (2) Members shall be appointed to four-year staggered terms.
8169 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
8170 appointed for the unexpired term.
8171 (4) (a) The policy board shall:
8172 (i) adopt rules of procedure for conducting its business; and
8173 (ii) elect a chair to serve for one year.
8174 (b) The chair may be elected to succeeding terms.
8175 (c) The chief procurement officer shall serve as the nonvoting secretary to the policy
8176 board.
8177 [~~(5) (a) (i) Members who are not government employees shall receive no compensation~~
8178 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
8179 ~~performance of the member's official duties at the rates established by the Division of Finance~~
8180 ~~under Sections 63A-3-106 and 63A-3-107.~~]

8181 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
8182 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
8183 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
8184 ~~incurred in the performance of their official duties from the board at the rates established by the~~
8185 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8186 [~~(ii) State government officer and employee members may decline to receive per diem~~
8187 ~~and expenses for their service.~~]
8188 [~~(c) (i) Higher education members who do not receive salary, per diem, or expenses~~
8189 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
8190 ~~in the performance of their official duties from the committee at the rates established by the~~
8191 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8192 [~~(ii) Higher education members may decline to receive per diem and expenses for their~~
8193 ~~service.~~]
8194 [~~(d) (i) Local government members who do not receive salary, per diem, or expenses~~
8195 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
8196 ~~in the performance of their official duties at the rates established by the Division of Finance~~
8197 ~~under Sections 63A-3-106 and 63A-3-107.~~]
8198 [~~(ii) Local government members may decline to receive per diem and expenses for~~
8199 ~~their service.~~]
8200 (5) A member may not receive compensation or benefits for the member's service, but
8201 may receive per diem and travel expenses in accordance with:
8202 (a) Section 63A-3-106;
8203 (b) Section 63A-3-107; and
8204 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8205 63A-3-107.
8206 Section 150. Section **63G-6-807** is amended to read:
8207 **63G-6-807. Creation of Procurement Appeals Board.**
8208 (1) (a) A Procurement Appeals Board is created in the executive branch. The
8209 Procurement Appeals Board shall be composed of a chair and one other member, to be
8210 appointed by the governor, and a third member to be designated by the two appointed members
8211 on a case-by-case basis.

8212 (b) None of the members of the Procurement Appeals Board shall otherwise be
8213 full-time employees of the state.
8214 (c) The appointed members of the Procurement Appeals Board shall have been
8215 members in good standing of the state bar for at least five years and shall be experienced in
8216 contract or commercial matters.
8217 (d) The designated member shall possess the technical expertise and experience needed
8218 for the proper disposition of the factual issues presented by the case.
8219 (2) (a) Except as required by Subsection (2)(b), as terms of current board members
8220 expire, the governor shall appoint each new member or reappointed member to a four-year
8221 term.
8222 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
8223 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
8224 board members are staggered so that approximately half of the board is appointed every two
8225 years.
8226 (c) The designated member shall serve for the case on which designated until the final
8227 disposition of the case.
8228 (d) Appointed members may be reappointed for succeeding terms and may continue to
8229 serve after the expiration of their terms until a successor takes office.
8230 (e) Qualified persons may be redesignated as members.
8231 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
8232 appointed for the unexpired term.
8233 [~~(4) (a) Members shall receive no compensation or benefits for their services, but may~~
8234 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
8235 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8236 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
8237 (4) A member may not receive compensation or benefits for the member's service, but
8238 may receive per diem and travel expenses in accordance with:
8239 (a) Section 63A-3-106;
8240 (b) Section 63A-3-107; and
8241 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8242 63A-3-107.

8243 Section 151. Section **63H-2-202** is amended to read:
8244 **63H-2-202. Authority board.**
8245 (1) There is created a board of the authority that consists of seven members, appointed
8246 by the governor, except that the governor shall appoint:
8247 (a) one member from the Governor's Office of Economic Development;
8248 (b) three members from a public utility or electric interlocal entity that operates electric
8249 transmission facilities within the state as follows:
8250 (i) one member is to be appointed from recommendations from an investor-owned
8251 electric corporation that operates in this state;
8252 (ii) one member is to be appointed from recommendations from a wholesale electrical
8253 cooperative in the state; and
8254 (iii) one member is to be appointed from recommendations from an electric interlocal
8255 entity;
8256 (c) one member of the School and Institutional Trust Lands Board of Trustees created
8257 in Section 53C-1-202;
8258 (d) one representative of a business entity that produces a renewable energy source; and
8259 (e) one member of the general public.
8260 (2) (a) The term of a board member is four years.
8261 (b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment
8262 or reappointment, adjust the length of terms to ensure that the terms of board members are
8263 staggered so that approximately half of the board is appointed every two years.
8264 (c) The governor may remove a member of the board for cause.
8265 (d) The governor shall fill a vacancy in the board in the same manner under this section
8266 as the appointment of the member whose vacancy is being filled.
8267 (e) An individual appointed to fill a vacancy shall serve the remaining unexpired term
8268 of the member whose vacancy the individual is filling.
8269 (f) A board member shall serve until a successor is appointed and qualified.
8270 (3) The governor shall appoint a member of the board to be the chair of the board,
8271 except that the member appointed as chair must be the member appointed under Subsection
8272 (1)(a).
8273 (4) (a) Four members of the board is a quorum for conducting board business.

8274 (b) A majority vote of the quorum present is required for an action to be taken by the
8275 board.
8276 (5) (a) The board shall meet at least quarterly on a date the board sets.
8277 (b) The chair of the board or any two members of the board may call additional
8278 meetings.
8279 [~~(6) (a) (i) A member who is not a government employee may not receive~~
8280 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~
8281 ~~incurred in the performance of the member's official duties at the rates established by the~~
8282 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8283 [~~(ii) A member who is not a government employee may decline to receive per diem and~~
8284 ~~expenses for the member's service.~~]
8285 [~~(b) (i) A state government officer or employee member who does not receive salary,~~
8286 ~~per diem, or expenses from the agency the member represents for the member's service may~~
8287 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
8288 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8289 [~~(ii) A state government officer or employee member may decline to receive per diem~~
8290 ~~and expenses for the member's service.~~]
8291 (6) A member may not receive compensation or benefits for the member's service, but
8292 may receive per diem and travel expenses in accordance with:
8293 (a) Section 63A-3-106;
8294 (b) Section 63A-3-107; and
8295 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8296 63A-3-107.
8297 Section 152. Section **63I-3-206** is repealed and reenacted to read:
8298 **63I-3-206. Per diem and expenses of members.**
8299 A member may not receive compensation or benefits for the member's service, but may
8300 receive per diem and travel expenses in accordance with:
8301 (1) Section 63A-3-106;
8302 (2) Section 63A-3-107; and
8303 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8304 63A-3-107.

8305 Section 153. Section **63I-4-201** is amended to read:

8306 **63I-4-201. Privatization Policy Board -- Created -- Membership -- Operations --**
8307 **Expenses.**

8308 (1) (a) There is created a Privatization Policy Board composed of 17 members.

8309 (b) The governor shall appoint board members as follows:

8310 (i) two senators, one each from the majority and minority political parties, from names
8311 recommended by the president of the Senate;

8312 (ii) two representatives, one each from the majority and minority political parties, from
8313 names recommended by the speaker of the House of Representatives;

8314 (iii) two members representing public employees, from names recommended by the
8315 largest public employees' association;

8316 (iv) one member from state management;

8317 (v) eight members from the private business community;

8318 (vi) one member representing the Utah League of Cities and Towns from names
8319 recommended by the Utah League of Cities and Towns; and

8320 (vii) one member representing the Utah Association of Counties from names
8321 recommended by the Utah Association of Counties.

8322 (2) (a) Except as required by Subsection (2)(b), a board member:

8323 (i) appointed under Subsection (1)(b)(i) or (ii) shall serve a two-year term; and

8324 (ii) appointed under Subsections (1)(b)(iii) through (vii) shall serve a four-year term.

8325 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
8326 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
8327 board members are staggered so that approximately half of the board is appointed every two
8328 years.

8329 (c) The governor shall on or before July 1, 2008 change the appointments to the board
8330 to reflect the membership requirements of Subsection (1)(b).

8331 (3) (a) A board member shall hold office until the board member's successor is
8332 appointed and qualified.

8333 (b) When a vacancy occurs in the membership for any reason, a replacement shall be
8334 appointed for the unexpired term.

8335 (c) Nine members of the board constitute a quorum.

8336 (d) The vote of a majority of board members voting when a quorum is present is
8337 necessary for the board to act.
8338 (4) (a) The board shall select one of the members to serve as chair of the board.
8339 (b) A chair shall serve as chair for a term of one-year, and may be selected as chair for
8340 more than one term.
8341 (5) The chief procurement officer or the chief procurement officer's designee shall staff
8342 the board.
8343 (6) The board shall meet:
8344 (a) at least quarterly; and
8345 (b) as necessary to conduct its business, as called by the chair.
8346 [~~(7) (a) (i) A member who is not a government employee may not receive compensation~~
8347 ~~or benefits for the member's services, but may receive per diem and expenses incurred in the~~
8348 ~~performance of the member's official duties at the rates established by the Division of Finance~~
8349 ~~under Sections 63A-3-106 and 63A-3-107.~~]
8350 [~~(ii) A member who is not a government employee may decline to receive per diem and~~
8351 ~~expenses for the member's service.~~]
8352 [~~(b) (i) A state government officer and employee member who does not receive salary,~~
8353 ~~per diem, or expenses from the member's agency for the member's service may receive per~~
8354 ~~diem and expenses incurred in the performance of the member's official duties from the board~~
8355 ~~at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8356 [~~(ii) A government officer and employee member may decline to receive per diem and~~
8357 ~~expenses for the member's service.~~]
8358 [~~(c) (i) A local government member who does not receive salary, per diem, or expenses~~
8359 ~~from the entity that the member represents for the member's service may receive per diem and~~
8360 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
8361 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8362 [~~(ii) A local government member may decline to receive per diem and expenses for the~~
8363 ~~member's service.~~]
8364 [~~(d) Legislators on the board shall receive compensation and expenses as provided by~~
8365 ~~law and legislative rule.~~]
8366 (7) A member may not receive compensation or benefits for the member's service, but

8367 may receive per diem and travel expenses in accordance with:
8368 (a) Section 63A-3-106;
8369 (b) Section 63A-3-107; and
8370 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8371 63A-3-107.
8372 Section 154. Section **63J-4-502** is amended to read:
8373 **63J-4-502. Membership -- Terms -- Chair -- Expenses.**
8374 (1) The Resource Development Coordinating Committee shall consist of the following
8375 25 members:
8376 (a) the state science advisor;
8377 (b) a representative from the Department of Agriculture and Food appointed by the
8378 executive director;
8379 (c) a representative from the Department of Community and Culture appointed by the
8380 executive director;
8381 (d) a representative from the Department of Environmental Quality appointed by the
8382 executive director;
8383 (e) a representative from the Department of Natural Resources appointed by the
8384 executive director;
8385 (f) a representative from the Department of Transportation appointed by the executive
8386 director;
8387 (g) a representative from the Governor's Office of Economic Development appointed
8388 by the director;
8389 (h) a representative from the Division of Housing and Community Development
8390 appointed by the director;
8391 (i) a representative from the Division of State History appointed by the director;
8392 (j) a representative from the Division of Air Quality appointed by the director;
8393 (k) a representative from the Division of Drinking Water appointed by the director;
8394 (l) a representative from the Division of Environmental Response and Remediation
8395 appointed by the director;
8396 (m) a representative from the Division of Radiation appointed by the director;
8397 (n) a representative from the Division of Solid and Hazardous Waste appointed by the

8398 director;
8399 (o) a representative from the Division of Water Quality appointed by the director;
8400 (p) a representative from the Division of Oil, Gas, and Mining appointed by the
8401 director;
8402 (q) a representative from the Division of Parks and Recreation appointed by the
8403 director;
8404 (r) a representative from the Division of Forestry, Fire, and State Lands appointed by
8405 the director;
8406 (s) a representative from the Utah Geological Survey appointed by the director;
8407 (t) a representative from the Division of Water Resources appointed by the director;
8408 (u) a representative from the Division of Water Rights appointed by the director;
8409 (v) a representative from the Division of Wildlife Resources appointed by the director;
8410 (w) a representative from the School and Institutional Trust Lands Administration
8411 appointed by the director;
8412 (x) a representative from the Division of Facilities Construction and Management
8413 appointed by the director; and
8414 (y) a representative from the Division of Homeland Security appointed by the director.
8415 (2) (a) As particular issues require, the committee may, by majority vote of the
8416 members present, and with the concurrence of the state planning coordinator, appoint
8417 additional temporary members to serve as ex officio voting members.
8418 (b) Those ex officio members may discuss and vote on the issue or issues for which
8419 they were appointed.
8420 (3) A chair shall be selected by a majority vote of committee members with the
8421 concurrence of the state planning coordinator.
8422 [~~(4) (a) (i) Members who are not government employees shall receive no compensation~~
8423 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
8424 ~~performance of the member's official duties at the rates established by the Division of Finance~~
8425 ~~under Sections 63A-3-106 and 63A-3-107.~~]
8426 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
8427 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
8428 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~

8429 ~~incurred in the performance of their official duties from the council at the rates established by~~
8430 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8431 [~~(ii) State government officer and employee members may decline to receive per diem~~
8432 ~~and expenses for their service.~~]
8433 (4) A member may not receive compensation or benefits for the member's service, but
8434 may receive per diem and travel expenses in accordance with:
8435 (a) Section 63A-3-106;
8436 (b) Section 63A-3-107; and
8437 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8438 63A-3-107.
8439 Section 155. Section **63K-3-201** is amended to read:
8440 **63K-3-201. Emergency Management Administration Council created -- Function**
8441 **-- Composition -- Expenses.**
8442 (1) There is created the Emergency Management Administration Council to provide
8443 advice and coordination for state and local government agencies on government emergency
8444 prevention, mitigation, preparedness, response, and recovery actions and activities.
8445 (2) The council shall meet at the call of the chair, but at least quarterly.
8446 (3) The council shall be made up of the:
8447 (a) lieutenant governor, or the lieutenant governor's designee;
8448 (b) attorney general, or the attorney general's designee;
8449 (c) heads of the following state agencies, or their designees:
8450 (i) Department of Public Safety;
8451 (ii) Division of Homeland Security;
8452 (iii) Department of Transportation;
8453 (iv) Department of Health;
8454 (v) Department of Environmental Quality;
8455 (vi) Department of Community and Economic Development; and
8456 (vii) Department of Natural Resources;
8457 (d) adjutant general of the National Guard or the adjutant general's designee;
8458 (e) commissioner of agriculture and food or the commissioner's designee;
8459 (f) two representatives with expertise in emergency management appointed by the Utah

8460 League of Cities and Towns;
8461 (g) two representatives with expertise in emergency management appointed by the
8462 Utah Association of Counties;
8463 (h) up to four additional members with expertise in homeland security, critical
8464 infrastructure, or key resources as these terms are defined under 6 U.S. Code Section 101
8465 appointed from the private sector, by the chair of the council; and
8466 (i) two representatives appointed by the Utah Emergency Management Association.
8467 (4) The commissioner of Public Safety and the lieutenant governor shall serve as
8468 co-chairs of the council.
8469 [~~(5) (a) State government officer and employee members who do not receive salary, per~~
8470 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
8471 ~~incurred in the performance of their official duties from the council at the rates established by~~
8472 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8473 [~~(b) State government officer and employee members may decline to receive per diem~~
8474 ~~and expenses for their service.~~]
8475 (5) A member may not receive compensation or benefits for the member's service, but
8476 may receive per diem and travel expenses in accordance with:
8477 (a) Section 63A-3-106;
8478 (b) Section 63A-3-107; and
8479 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8480 63A-3-107.
8481 (6) The council shall coordinate with existing emergency management related entities
8482 including:
8483 (a) the Homeland Security Regional Committees established by the Department of
8484 Public Safety;
8485 (b) the Statewide Mutual Aid Committee established under Section 53-2-503; and
8486 (c) the Hazardous Chemical Emergency Response Commission designated under
8487 Section 63K-3-301.
8488 (7) The council may establish other committees and task forces as determined
8489 necessary by the council to carry out the duties of the council.
8490 Section 156. Section **63K-3-301** is amended to read:

8491 **63K-3-301. Hazardous Chemical Emergency Response Commission -- Allocation**
8492 **of responsibilities -- Local planning committees -- Specified federal law considered law of**
8493 **state -- Application to federal agencies and facilities.**
8494 (1) (a) The commissioner of the Department of Public Safety and the executive director
8495 of the Department of Environmental Quality, or their respective designees, are designated as
8496 the state's Hazardous Chemical Emergency Response Commission for purposes of carrying out
8497 all requirements of the federal Emergency Planning and Community Right To Know Act of
8498 1986.
8499 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
8500 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
8501 ~~incurred in the performance of their official duties from the commission at the rates established~~
8502 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8503 [~~(ii) State government officer and employee members may decline to receive per diem~~
8504 ~~and expenses for their service.~~]
8505 (b) A member may not receive compensation or benefits for the member's service, but
8506 may receive per diem and travel expenses in accordance with:
8507 (i) Section 63A-3-106;
8508 (ii) Section 63A-3-107; and
8509 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8510 63A-3-107.
8511 (2) The Department of Public Safety has primary responsibility for all emergency
8512 planning activities under the federal Emergency Planning and Community Right To Know Act
8513 of 1986, and shall prepare policy and procedure and make rules necessary for implementation
8514 of that act in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
8515 (3) The Department of Environmental Quality has primary responsibility for receiving,
8516 processing, and managing hazardous chemical information and notifications under the federal
8517 Emergency Planning and Community Right To Know Act of 1986, including preparation of
8518 policy and procedure, and promulgation of rules necessary for implementation of that act.
8519 Funding for this program must be from the appropriation acts.
8520 (4) The Department of Public Safety and the Department of Environmental Quality
8521 shall enter into an interagency agreement providing for exchange of information and

8522 coordination of their respective duties and responsibilities under this section.
8523 (5) (a) The Hazardous Chemical Emergency Response Commission shall appoint a
8524 local planning committee for each local planning district that it establishes, as required by the
8525 federal Emergency Planning and Community Right To Know Act of 1986, and to the extent
8526 possible, shall use an existing local governmental organization as the local planning committee.
8527 (b) (i) Local government members who do not receive salary, per diem, or expenses
8528 from the entity that they represent for their service may receive per diem and expenses incurred
8529 in the performance of their official duties at the rates established by the Division of Finance
8530 under Sections 63A-3-106 and 63A-3-107.
8531 (ii) Local government members may decline to receive per diem and expenses for their
8532 service.
8533 (6) Requirements of the federal Emergency Planning and Community Right To Know
8534 Act of 1986 pertaining to notification and submission of information are the law of this state,
8535 and apply equally to federal agencies, departments, installations, and facilities located in this
8536 state, as well as to other facilities that are subject to that act.
8537 Section 157. Section **63M-1-302** is amended to read:
8538 **63M-1-302. Members -- Meetings -- Expenses.**
8539 (1) (a) The board shall consist of 15 members appointed by the governor to four-year
8540 terms of office with the consent of the Senate.
8541 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the
8542 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
8543 board members are staggered so that approximately half of the board is appointed every two
8544 years.
8545 (c) The members may not serve more than two full consecutive terms except where the
8546 governor determines that an additional term is in the best interest of the state.
8547 (2) Not more than eight members of the board may be from one political party.
8548 (3) The members shall be representative of all areas of the state.
8549 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
8550 appointed for the unexpired term.
8551 (5) Eight members of the board constitute a quorum for conducting board business and
8552 exercising board power.

8553 (6) The governor shall select one of the board members as its chair.
8554 [~~(7) (a) Members shall receive no compensation or benefits for their services, but may~~
8555 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
8556 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8557 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
8558 (7) A member may not receive compensation or benefits for the member's service, but
8559 may receive per diem and travel expenses in accordance with:
8560 (a) Section 63A-3-106;
8561 (b) Section 63A-3-107; and
8562 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8563 63A-3-107.
8564 Section 158. Section **63M-1-604** is amended to read:
8565 **63M-1-604. Members -- Appointment -- Terms -- Qualifications -- Vacancies --**
8566 **Chair and vice chair -- Executive secretary -- Executive committee -- Quorum --**
8567 **Expenses.**
8568 (1) The council comprises the following nonvoting members or their designees:
8569 (a) the adviser;
8570 (b) the executive director of the Department of Natural Resources;
8571 (c) the executive director of the Department of Community and Culture;
8572 (d) the executive director of the Department of Health;
8573 (e) the executive director of the Department of Environmental Quality;
8574 (f) the commissioner of agriculture and food;
8575 (g) the commissioner of higher education;
8576 (h) the state planning coordinator; and
8577 (i) the executive director of the Department of Transportation.
8578 (2) The governor may appoint other voting members, not to exceed 12.
8579 (3) (a) Except as required by Subsection (3)(b), as terms of current council members
8580 expire, the governor shall appoint each new member or reappointed member to a four-year
8581 term.
8582 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
8583 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

8584 council members are staggered so that approximately half of the council is appointed every two
8585 years.
8586 (4) The governor shall consider all institutions of higher education in the state in the
8587 appointment of council members.
8588 (5) The voting members of the council shall be experienced or knowledgeable in the
8589 application of science and technology to business, industry, or public problems and have
8590 demonstrated their interest in and ability to contribute to the accomplishment of the purposes of
8591 this part.
8592 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
8593 appointed for the unexpired term.
8594 (7) (a) Each year the council shall select from its membership a chair and a vice chair.
8595 (b) The chair and vice chair shall hold office for one year or until a successor is
8596 appointed and qualified.
8597 (8) The adviser serves as executive secretary of the council.
8598 (9) An executive committee shall be established consisting of the chair, vice chair, and
8599 the adviser.
8600 (10) (a) In order to conduct business matters of the council at regularly convened
8601 meetings, a quorum consisting of a simple majority of the total voting membership of the
8602 council is required.
8603 (b) All matters of business affecting public policy require not less than a simple
8604 majority of affirmative votes of the total membership.
8605 [~~(11) (a) (i) Members who are not government employees shall receive no~~
8606 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
8607 ~~the performance of the member's official duties at the rates established by the Division of~~
8608 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
8609 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
8610 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
8611 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
8612 ~~incurred in the performance of their official duties from the council at the rates established by~~
8613 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8614 [~~(ii) State government officer and employee members may decline to receive per diem~~

8615 ~~and expenses for their service.~~]
8616 [~~(c) (i) Higher education members who do not receive salary, per diem, or expenses~~
8617 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
8618 ~~in the performance of their official duties from the committee at the rates established by the~~
8619 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8620 [~~(ii) Higher education members may decline to receive per diem and expenses for their~~
8621 ~~service.~~]
8622 (11) A member may not receive compensation or benefits for the member's service, but
8623 may receive per diem and travel expenses in accordance with:
8624 (a) Section 63A-3-106;
8625 (b) Section 63A-3-107; and
8626 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8627 63A-3-107.
8628 Section 159. Section **63M-1-1205** is amended to read:
8629 **63M-1-1205. Board members -- Meetings -- Expenses.**
8630 (1) (a) The board shall consist of five members.
8631 (b) Of the five members:
8632 (i) one shall be the state treasurer;
8633 (ii) one shall be the director or the director's designee; and
8634 (iii) three shall be appointed by the governor and confirmed by the Senate.
8635 (c) The three members appointed by the governor shall serve four-year staggered terms
8636 with the initial terms of the first three members to be four years for one member, three years for
8637 one member, and two years for one member.
8638 (2) When a vacancy occurs in the membership of the board for any reason, the vacancy
8639 shall be:
8640 (a) filled in the same manner as the appointment of the original member; and
8641 (b) for the unexpired term of the board member being replaced.
8642 (3) Appointed members of the board may not serve more than two full consecutive
8643 terms except where the governor determines that an additional term is in the best interest of the
8644 state.
8645 (4) Three members of the board constitute a quorum for conducting business and

8646 exercising board power, provided that a minimum of three affirmative votes is required for
8647 board action and at least one of the affirmative votes is cast by either the director or the
8648 director's designee or the state treasurer.
8649 [~~(5) (a) Members of the board may not receive compensation or benefits for their~~
8650 ~~services, but may receive per diem and expenses incurred in the performance of the members'~~
8651 ~~official duties at rates established by the Division of Finance under Sections 63A-3-106 and~~
8652 ~~63A-3-107.~~]
8653 [~~(b) Members of the board may decline to receive per diem and expenses for their~~
8654 ~~services.~~]
8655 (5) A member may not receive compensation or benefits for the member's service, but
8656 may receive per diem and travel expenses in accordance with:
8657 (a) Section 63A-3-106;
8658 (b) Section 63A-3-107; and
8659 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8660 63A-3-107.
8661 (6) Members of the board shall be selected on the basis of demonstrated expertise and
8662 competence in:
8663 (a) the supervision of investment managers;
8664 (b) the fiduciary management of investment funds; or
8665 (c) the management and administration of tax credit allocation programs.
8666 (7) The board and its members are considered to be a governmental entity with all of
8667 the rights, privileges, and immunities of a governmental entity of the state, including all of the
8668 rights and benefits conferred under Title 63G, Chapter 7, Governmental Immunity Act of Utah.
8669 (8) Meetings of the board, except to the extent necessary to protect the information
8670 identified in Subsection 63M-1-1224(3), are subject to Title 52, Chapter 4, Open and Public
8671 Meetings Act.
8672 Section 160. Section **63M-1-1402** is amended to read:
8673 **63M-1-1402. Members -- Meetings -- Expenses.**
8674 (1) (a) The board shall consist of 13 members appointed by the governor to four-year
8675 terms of office with the consent of the Senate.
8676 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the

8677 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
8678 board members are staggered so that approximately half of the board is appointed every two
8679 years.
8680 (2) The members may not serve more than two full consecutive terms unless the
8681 governor determines that an additional term is in the best interest of the state.
8682 (3) Not more than seven members of the board may be of the same political party.
8683 (4) (a) The members shall be representative of:
8684 (i) all areas of the state with six being appointed from separate geographical areas as
8685 provided in Subsection (4)(b); and
8686 (ii) a diverse mix of business ownership or executive management of tourism related
8687 industries.
8688 (b) The geographical representatives shall be appointed as follows:
8689 (i) one member from Salt Lake, Tooele, or Morgan County;
8690 (ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;
8691 (iii) one member from Utah, Summit, Juab, or Wasatch County;
8692 (iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;
8693 (v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and
8694 (vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.
8695 (c) The tourism industry representatives of ownership or executive management shall
8696 be appointed as follows:
8697 (i) one member from ownership or executive management of the lodging industry, as
8698 recommended by the lodging industry for the governor's consideration;
8699 (ii) one member from ownership or executive management of the restaurant industry,
8700 as recommended by the restaurant industry for the governor's consideration;
8701 (iii) one member from ownership or executive management of the ski industry, as
8702 recommended by the ski industry for the governor's consideration; and
8703 (iv) one member from ownership or executive management of the motor vehicle rental
8704 industry, as recommended by the motor vehicle rental industry for the governor's consideration.
8705 (d) One member shall be appointed at large from ownership or executive management
8706 of business, finance, economic policy, or the academic media marketing community.
8707 (e) One member shall be appointed from the Utah Tourism Industry Coalition as

8708 recommended by the coalition for the governor's consideration.
8709 (f) One member shall be appointed to represent the state's counties as recommended by
8710 the Utah Association of Counties for the governor's consideration.
8711 (g) (i) The governor may choose to disregard a recommendation made for a board
8712 member under Subsections (4)(c), (e), and (f).
8713 (ii) The governor shall request additional recommendations if recommendations are
8714 disregarded under Subsection (4)(g)(i).
8715 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
8716 appointed for the unexpired term from the same geographic area or industry representation as
8717 the member whose office was vacated.
8718 (6) Seven members of the board constitute a quorum for conducting board business and
8719 exercising board powers.
8720 (7) The governor shall select one of the board members as chair and one of the board
8721 members as vice chair, each for a four-year term as recommended by the board for the
8722 governor's consideration.
8723 [~~(8) (a) Members shall receive no compensation or benefits for their services, but may~~
8724 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
8725 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8726 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
8727 (8) A member may not receive compensation or benefits for the member's service, but
8728 may receive per diem and travel expenses in accordance with:
8729 (a) Section 63A-3-106;
8730 (b) Section 63A-3-107; and
8731 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8732 63A-3-107.
8733 (9) The board shall meet monthly or as often as the board determines to be necessary at
8734 various locations throughout the state.
8735 (10) Members who may have a potential conflict of interest in consideration of fund
8736 allocation decisions shall identify the potential conflict prior to voting on the issue.
8737 (11) (a) The board shall determine attendance requirements for maintaining a
8738 designated board seat.

8739 (b) If a board member fails to attend according to the requirements established
8740 pursuant to Subsection (11)(a), the board member shall be replaced upon written certification
8741 from the board chair or vice chair to the governor.
8742 (c) A replacement appointed by the governor under Subsection (11)(b) shall serve for
8743 the remainder of the board member's unexpired term.
8744 (12) The board's office shall be in Salt Lake City.
8745 Section 161. Section **63M-1-1503** is amended to read:
8746 **63M-1-1503. Advisory board.**
8747 (1) (a) There is created within the office the Utah Pioneer Communities Advisory
8748 Board.
8749 (b) The Permanent Community Impact Fund Board created in Section 9-4-304 shall act
8750 as the advisory board.
8751 (2) The advisory board shall have the powers and duties described in Section
8752 63M-1-1504 and shall operate the Utah Pioneer Communities Program in accordance with
8753 Section 63M-1-1505.
8754 (3) The director shall designate an employee of the office to serve as a nonvoting
8755 secretary for the advisory board.
8756 [~~(4) (a) (i) Members who are not government employees shall receive no compensation~~
8757 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
8758 ~~performance of the member's official duties at the rates established by the Division of Finance~~
8759 ~~under Sections 63A-3-106 and 63A-3-107.~~]
8760 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
8761 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
8762 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
8763 ~~incurred in the performance of their official duties from the board at the rates established by the~~
8764 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8765 [~~(ii) State government officer and employee members may decline to receive per diem~~
8766 ~~and expenses for their service.~~]
8767 [~~(c) (i) Higher education members who do not receive salary, per diem, or expenses~~
8768 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
8769 ~~in the performance of their official duties from the committee at the rates established by the~~

8770 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8771 [~~(ii) Higher education members may decline to receive per diem and expenses for their~~
8772 ~~service.~~]
8773 [~~(d) (i) Local government members who do not receive salary, per diem, or expenses~~
8774 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
8775 ~~in the performance of their official duties at the rates established by the Division of Finance~~
8776 ~~under Sections 63A-3-106 and 63A-3-107.~~]
8777 [~~(ii) Local government members may decline to receive per diem and expenses for~~
8778 ~~their service.~~]
8779 (4) A member may not receive compensation or benefits for the member's service, but
8780 may receive per diem and travel expenses in accordance with:
8781 (a) Section 63A-3-106;
8782 (b) Section 63A-3-107; and
8783 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8784 63A-3-107.
8785 Section 162. Section **63M-1-2611** is amended to read:
8786 **63M-1-2611. Advisory committee.**
8787 (1) The director may appoint an advisory committee comprised of:
8788 (a) representatives of:
8789 (i) the affected department for the proposal;
8790 (ii) a directly affected state entity or school district;
8791 (iii) the Department of Human Resource Management; and
8792 (iv) the Division of Risk Management;
8793 (b) members of the public; and
8794 (c) other members.
8795 [~~(2) Members of an advisory committee shall receive no compensation or benefits for~~
8796 ~~their services, but may receive per diem and expenses incurred in the performance of the~~
8797 ~~members' official duties at the rates established by the Division of Finance under Sections~~
8798 ~~63A-3-106 and 63A-3-107.~~]
8799 [~~(3) Members of an advisory committee may decline to receive per diem and expenses~~
8800 ~~for their service.~~]

8801 (2) A member of an advisory committee may not receive compensation or benefits for
8802 the member's service, but may receive per diem and travel expenses in accordance with:
8803 (a) Section 63A-3-106;
8804 (b) Section 63A-3-107; and
8805 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8806 63A-3-107.
8807 [~~(4)~~] (3) An advisory committee appointed in accordance with Subsection (1) may not
8808 participate in the final decision-making of the committee or the board.
8809 [~~(5)~~] (4) The staff, any outside consultant, and any advisory subcommittee shall:
8810 (a) provide the committee and the board with professional services, including
8811 architectural, engineering, legal, and financial services, to develop rules and guidelines to
8812 implement the program described in this part; and
8813 (b) assist the committee and the board in:
8814 (i) reviewing and commenting on initial proposals;
8815 (ii) reviewing and commenting on detailed proposals; and
8816 (iii) preparing and negotiating the terms of any project agreement.
8817 Section 163. Section **63M-1-2706** is amended to read:
8818 **63M-1-2706. Utah Business Resource Centers Advisory Board -- Creation --**
8819 **Membership -- Vacancies -- Chairs.**
8820 (1) There is created the Utah Business Resource Centers Advisory Board, composed of
8821 at least nine members appointed by the executive director of the Governor's Office of
8822 Economic Development.
8823 (2) The executive director shall appoint:
8824 (a) [~~shall appoint~~] one member from each host institution;
8825 (b) [~~shall appoint~~] three members from urban areas in the state; and
8826 (c) [~~shall appoint~~] two members from rural areas in the state.
8827 (3) Each board member shall have a background or expertise in any one or all of the
8828 following:
8829 (a) state or local economic development;
8830 (b) business networking, growth, or development;
8831 (c) entrepreneurship;

8832 (d) business management or administration; or
8833 (e) the establishment of partnerships or collaborative efforts with state, local, and
8834 federal agencies and institutions, as well as private entities.
8835 (4) (a) The executive director shall appoint board members for four-year terms.
8836 (b) The board shall, at the time of appointment or reappointment, adjust the length of
8837 terms to ensure that the terms of these members are staggered so that approximately half of the
8838 members are appointed every two years.
8839 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
8840 appointed by the executive director for the unexpired term in the same manner as the vacated
8841 member was chosen.
8842 (5) The board shall elect one of its members as a chair of the board for a two-year term.
8843 (6) The board shall meet at the call of the chair, but at least quarterly.
8844 (7) (a) A majority of the members of the board constitute a quorum.
8845 (b) The action of a majority of a quorum constitutes the action of the board.
8846 [~~(8) (a) A board member may not receive compensation or benefits for the member's~~
8847 ~~service, but may receive per diem and expenses incurred in the performance of the member's~~
8848 ~~official duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
8849 ~~63A-3-107.~~]
8850 [~~(b) A member may decline to receive per diem and expenses authorized under Section~~
8851 ~~(8)(a).~~]
8852 (8) A member may not receive compensation or benefits for the member's service, but
8853 may receive per diem and travel expenses in accordance with:
8854 (a) Section 63A-3-106;
8855 (b) Section 63A-3-107; and
8856 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8857 63A-3-107.
8858 Section 164. Section **63M-2-301** is amended to read:
8859 **63M-2-301. The Utah Science Technology and Research Governing Authority --**
8860 **Creation -- Membership -- Meetings -- Staff.**
8861 (1) There is created the Utah Science Technology and Research Governing Authority
8862 consisting of the state treasurer, the executive director of the Governor's Office of Economic

8863 Development, and the following eight members appointed as follows with the consent of the
8864 Senate:
8865 (a) three appointed by the governor;
8866 (b) two appointed by the president of the Senate;
8867 (c) two appointed by the speaker of the House of Representatives; and
8868 (d) one appointed by the commissioner of higher education.
8869 (2) (a) (i) The eight appointed members shall serve four-year staggered terms.
8870 (ii) The appointed members may not serve more than two full consecutive terms.
8871 (b) Notwithstanding Subsection (2)(a)(i), the terms of the first members of the
8872 governing authority shall be staggered by lot so that half of the initial members serve two-year
8873 terms and half serve four-year terms.
8874 (3) Vacancies in the appointed positions on the governing authority shall be filled by
8875 the appointing authority with consent of the Senate for the unexpired term.
8876 (4) (a) The governor shall select the chair of the governing authority to serve a one-year
8877 term.
8878 (b) The executive director of the Governor's Office of Economic Development shall
8879 serve as the vice chair of the governing authority.
8880 (5) The governing authority shall meet at least monthly and may meet more frequently
8881 at the request of a majority of the members of the governing authority.
8882 (6) Five members of the governing authority are a quorum.
8883 [~~(7) (a) Members who are not government employees shall receive no compensation or~~
8884 ~~benefits for their services, but may receive per diem and expenses incurred in the performance~~
8885 ~~of the member's official duties at the rates established by the Division of Finance under~~
8886 ~~Sections 63A-3-106 and 63A-3-107.~~]
8887 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
8888 (7) A member may not receive compensation or benefits for the member's service, but
8889 may receive per diem and travel expenses in accordance with:
8890 (a) Section 63A-3-106;
8891 (b) Section 63A-3-107; and
8892 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8893 63A-3-107.

8894 (8) (a) (i) The governing authority shall hire a full-time executive director to provide
8895 staff support for the governing authority.
8896 (ii) The executive director is an at-will employee who may be terminated without cause
8897 by the governor or by majority vote of the governing authority.
8898 (b) The Governor's Office of Economic Development shall provide office space and
8899 administrative support for the executive director.
8900 Section 165. Section **63M-2-303** is amended to read:
8901 **63M-2-303. Utah Science Technology and Research Governing Authority**
8902 **Advisory Council -- Chair -- Meetings.**
8903 (1) There is created the Utah Science Technology and Research Governing Authority
8904 Advisory Council consisting of 12 members appointed as follows:
8905 (a) one member appointed by the director of the Governor's Office of Economic
8906 Development;
8907 (b) one member appointed by the Utah Information Technology Association;
8908 (c) one member appointed by the Utah Nanotechnology Initiative;
8909 (d) one member appointed by the Economic Development Corporation of Utah;
8910 (e) one member appointed by the Utah Life Science Association;
8911 (f) one member appointed by the Salt Lake Area Chamber of Commerce;
8912 (g) one member appointed by the Provo-Orem Chamber of Commerce;
8913 (h) one member appointed by the Davis Area Chamber of Commerce;
8914 (i) one member appointed by the Ogden-Weber Chamber of Commerce;
8915 (j) one member appointed by the Cache Chamber of Commerce;
8916 (k) one member appointed by the St. George Area Chamber of Commerce; and
8917 (l) one member appointed by the Vernal Chamber of Commerce.
8918 (2) The governing authority shall consult with the advisory council about the project.
8919 (3) The advisory council shall select a chair from among its members to serve a
8920 two-year term.
8921 (4) The advisory council shall convene whenever the governing authority requests a
8922 meeting for consultation.
8923 [~~(5) (a) (i) Members who are not government employees shall receive no compensation~~
8924 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~

8925 ~~performance of the member's official duties at the rates established by the Division of Finance~~
8926 ~~under Sections 63A-3-106 and 63A-3-107.~~]
8927 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
8928 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
8929 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
8930 ~~incurred in the performance of their official duties from the committee at the rates established~~
8931 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8932 [~~(ii) State government officer and employee members may decline to receive per diem~~
8933 ~~and expenses for their service.~~]
8934 (5) A member may not receive compensation or benefits for the member's service, but
8935 may receive per diem and travel expenses in accordance with:
8936 (a) Section 63A-3-106;
8937 (b) Section 63A-3-107; and
8938 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8939 63A-3-107.
8940 Section 166. Section **63M-7-207** is repealed and reenacted to read:
8941 **63M-7-207. Members serve without pay -- Reimbursement for expenses.**
8942 A member may not receive compensation or benefits for the member's service, but may
8943 receive per diem and travel expenses in accordance with:
8944 (1) Section 63A-3-106;
8945 (2) Section 63A-3-107; and
8946 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8947 63A-3-107.
8948 Section 167. Section **63M-7-302** is amended to read:
8949 **63M-7-302. Chair -- Vacancies -- Quorum -- Expenses.**
8950 (1) The Utah Substance Abuse and Anti-Violence Coordinating Council shall annually
8951 select one of its members to serve as chair.
8952 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
8953 appointed for the unexpired term in the same manner as the position was originally filled.
8954 (3) A majority of the members of the council constitutes a quorum.
8955 [~~(4) (a) (i) Members who are not government employees shall receive no compensation~~

8956 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
8957 ~~performance of the member's official duties at the rates established by the Division of Finance~~
8958 ~~under Sections 63A-3-106 and 63A-3-107.~~]
8959 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
8960 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
8961 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
8962 ~~incurred in the performance of their official duties from the council at the rates established by~~
8963 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8964 [~~(ii) State government officer and employee members may decline to receive per diem~~
8965 ~~and expenses for their service.~~]
8966 [~~(c) Legislators on the council shall receive compensation and expenses as provided by~~
8967 ~~law and legislative rule.~~]
8968 [~~(d) (i) Local government members who do not receive salary, per diem, or expenses~~
8969 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
8970 ~~in the performance of their official duties at the rates established by the Division of Finance~~
8971 ~~under Sections 63A-3-106 and 63A-3-107.~~]
8972 [~~(ii) Local government members may decline to receive per diem and expenses for~~
8973 ~~their service.~~]
8974 (4) A member may not receive compensation or benefits for the member's service, but
8975 may receive per diem and travel expenses in accordance with:
8976 (a) Section 63A-3-106;
8977 (b) Section 63A-3-107; and
8978 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
8979 63A-3-107.
8980 (5) The council may establish subcommittees as needed to assist in accomplishing its
8981 duties under Section 63M-7-303.
8982 Section 168. Section **63M-7-304** is amended to read:
8983 **63M-7-304. Chair -- Vacancies -- Quorum -- Expenses.**
8984 (1) The members of each subcommittee established by the council shall annually select
8985 a chair or co-chairs from among the members of the subcommittee.
8986 (2) When a vacancy occurs in the membership for any reason, the replacement shall be

8987 appointed for the unexpired term in the same manner as the position was originally filled.
8988 (3) A majority of the members of a subcommittee constitutes a quorum for the
8989 transaction of business by the subcommittee.
8990 [~~(4) (a) (i) Members who are not government employees shall receive no compensation~~
8991 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
8992 ~~performance of the member's official duties at the rates established by the Division of Finance~~
8993 ~~under Sections 63A-3-106 and 63A-3-107.~~]
8994 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
8995 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
8996 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
8997 ~~incurred in the performance of their official duties from the committee at the rates established~~
8998 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
8999 [~~(ii) State government officer and employee members may decline to receive per diem~~
9000 ~~and expenses for their service.~~]
9001 [~~(c) Legislators on the subcommittee shall receive compensation and expenses as~~
9002 ~~provided by law and legislative rule.~~]
9003 [~~(d) Members from higher education may not receive per diem or expenses for their~~
9004 ~~service.~~]
9005 [~~(e) (i) Local government members who do not receive salary, per diem, or expenses~~
9006 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
9007 ~~in the performance of their official duties at the rates established by the Division of Finance~~
9008 ~~under Sections 63A-3-106 and 63A-3-107.~~]
9009 [~~(ii) Local government members may decline to receive per diem and expenses for~~
9010 ~~their service.~~]
9011 (4) A member may not receive compensation or benefits for the member's service, but
9012 may receive per diem and travel expenses in accordance with:
9013 (a) Section 63A-3-106;
9014 (b) Section 63A-3-107; and
9015 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9016 63A-3-107.
9017 Section 169. Section **63M-7-405** is amended to read:

9018 **63M-7-405. Compensation of members -- Reports to the Legislature, the courts,**
9019 **and the governor.**
9020 [~~(1) (a) (i) Members who are not government employees shall receive no compensation~~
9021 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
9022 ~~performance of the member's official duties at the rates established by the Division of Finance~~
9023 ~~under Sections 63A-3-106 and 63A-3-107.~~]
9024 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
9025 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
9026 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
9027 ~~incurred in the performance of their official duties from the commission at the rates established~~
9028 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
9029 [~~(ii) State government officer and employee members may decline to receive per diem~~
9030 ~~and expenses for their service.~~]
9031 (1) A member may not receive compensation or benefits for the member's service, but
9032 may receive per diem and travel expenses in accordance with:
9033 (a) Section 63A-3-106;
9034 (b) Section 63A-3-107; and
9035 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9036 63A-3-107.
9037 (2) The commission shall submit to the Legislature, the courts, and to the governor at
9038 least 60 days prior to the annual general session of the Legislature its reports and
9039 recommendations for sentencing guidelines and amendments. It is intended that the
9040 commission utilize existing data and resources from state criminal justice agencies. The
9041 commission is authorized to employ professional assistance and other staff members as it
9042 considers necessary or desirable.
9043 (3) The commission shall be responsive to all three branches of government, but be
9044 part of the Commission on Criminal and Juvenile Justice for coordination on criminal and
9045 juvenile justice issues, budget, and administrative support.
9046 Section 170. Section **63M-7-504** is amended to read:
9047 **63M-7-504. Crime Victim Reparations Board -- Members.**
9048 (1) (a) A Crime Victim Reparations Board is created, consisting of seven members

9049 appointed by the governor with the consent of the Senate.
9050 (b) The membership of the board shall consist of:
9051 (i) a member of the bar of this state;
9052 (ii) a victim of criminally injurious conduct;
9053 (iii) a licensed physician;
9054 (iv) a representative of law enforcement;
9055 (v) a mental health care provider; and
9056 (vi) two other private citizens.
9057 (c) The governor may appoint a chair of the board who shall serve for a period of time
9058 prescribed by the governor, not to exceed the length of the chair's term. The board may elect a
9059 vice chair to serve in the absence of the chair.
9060 (d) The board may hear appeals from administrative decisions as provided in rules
9061 adopted pursuant to Section 63M-7-515.
9062 (2) (a) Except as required by Subsection (2)(b), as terms of current board members
9063 expire, the governor shall appoint each new member or reappointed member to a four-year
9064 term.
9065 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
9066 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
9067 board members are staggered so that approximately half of the board is appointed every two
9068 years.
9069 (c) A member may be reappointed to one successive term.
9070 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall
9071 be appointed for the unexpired term.
9072 (b) A member resigning from the board shall serve until the member's successor is
9073 appointed and qualified.
9074 [~~(4) (a) (i) Members who are not government employees shall receive no compensation~~
9075 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
9076 ~~performance of the member's official duties at the rates established by the Division of Finance~~
9077 ~~under Sections 63A-3-106 and 63A-3-107.~~]
9078 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
9079 [~~(b) (i) State government officer and employee members who do not receive salary, per~~

9080 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
9081 ~~incurred in the performance of their official duties from the board at the rates established by the~~
9082 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
9083 [~~(ii) State government officer and employee members may decline to receive per diem~~
9084 ~~and expenses for their service.~~]
9085 (4) A member may not receive compensation or benefits for the member's service, but
9086 may receive per diem and travel expenses in accordance with:
9087 (a) Section 63A-3-106;
9088 (b) Section 63A-3-107; and
9089 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9090 63A-3-107.
9091 (5) The board shall meet at least once quarterly but may meet more frequently as
9092 necessary.
9093 Section 171. Section **63M-7-604** is repealed and reenacted to read:
9094 **63M-7-604. Compensation of members.**
9095 A member may not receive compensation or benefits for the member's service, but may
9096 receive per diem and travel expenses in accordance with:
9097 (1) Section 63A-3-106;
9098 (2) Section 63A-3-107; and
9099 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9100 63A-3-107.
9101 Section 172. Section **63M-8-202** is amended to read:
9102 **63M-8-202. Members -- Appointment -- Terms -- Vacancies -- Expenses.**
9103 (1) (a) Except as required by Subsection (1)(b), the commission shall consist of up to
9104 15 members to be appointed by the governor for a four-year term.
9105 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the
9106 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
9107 commission members are staggered so that approximately half of the commission is appointed
9108 every two years.
9109 (c) Members may serve two consecutive appointments.
9110 (d) In making appointments, the governor shall insure that no more than one more than

9111 half the membership is from the same political party.
9112 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
9113 appointed by the governor for the remainder of the unexpired term.
9114 [~~(3) (a) Members shall receive no compensation or benefits for their services, but may~~
9115 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
9116 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
9117 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
9118 (3) A member may not receive compensation or benefits for the member's service, but
9119 may receive per diem and travel expenses in accordance with:
9120 (a) Section 63A-3-106;
9121 (b) Section 63A-3-107; and
9122 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9123 63A-3-107.
9124 Section 173. Section **63M-9-201** is amended to read:
9125 **63M-9-201. Families, Agencies, and Communities Together State Council --**
9126 **Composition -- Duties -- Interagency case management team.**
9127 (1) (a) There is created within state government the Families, Agencies, and
9128 Communities Together State Council composed of:
9129 (i) the state superintendent of public instruction;
9130 (ii) the executive director of the Department of Health;
9131 (iii) the executive director of the Department of Human Services;
9132 (iv) the state court administrator; and
9133 (v) the executive director of the Department of Workforce Services.
9134 (b) The council members listed in Subsection (1)(a) shall appoint to a four-year term
9135 the following nonvoting members:
9136 (i) a representative of community-based service organizations appointed to a four-year
9137 term;
9138 (ii) a parent representative from a rural community; and
9139 (iii) a parent representative from an urban community.
9140 (c) If a vacancy occurs with respect to a council member appointed under Subsection
9141 (1)(b), council members listed in Subsection (1)(a) shall appoint a replacement for the

9142 unexpired term.
9143 (d) Appointments and reappointments under [~~Subsection~~] Subsections (1)(b) and (c)
9144 shall be made within 60 days of a vacancy.
9145 (2) (a) The council shall annually elect a chair from its membership.
9146 (b) All voting members of the council are necessary to constitute a quorum at any
9147 meeting.
9148 (c) The action of a majority of a quorum is the action of the council, except that a
9149 unanimous vote of the council is required to appoint or remove a nonvoting council member.
9150 (d) The council shall meet quarterly or more frequently as determined by the chair.
9151 [~~(3) (a) State government officer and employee members who do not receive salary, per~~
9152 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
9153 ~~incurred in the performance of their official duties from the council at the rates established by~~
9154 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
9155 [~~(b) Members who are not government employees may not receive compensation or~~
9156 ~~benefits for their services, but may receive per diem and expenses incurred in the performance~~
9157 ~~of the member's official duties from the council at rates established by the Division of Finance~~
9158 ~~under Sections 63A-3-106 and 63A-3-107.~~]
9159 [~~(c) Council members may decline to receive per diem and expenses for their service.~~]
9160 (3) A member may not receive compensation or benefits for the member's service, but
9161 may receive per diem and travel expenses in accordance with:
9162 (a) Section 63A-3-106;
9163 (b) Section 63A-3-107; and
9164 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9165 63A-3-107.
9166 (4) The council shall:
9167 (a) provide leadership to increase and enhance efficient and effective services to Utah's
9168 children and youth at risk by:
9169 (i) cooperatively planning, funding, monitoring, evaluating, and marketing innovative
9170 and individualized service delivery and funding strategies;
9171 (ii) recommending legislative, executive, and judicial policy and procedural changes,
9172 including joint budget proposals as described in Section 63J-1-201;

9173 (iii) developing incentives and strategies to increase family involvement, collaboration,
9174 and public-private partnerships in the planning and delivery of services at the state and local
9175 level;
9176 (iv) promoting prevention and early intervention services;
9177 (v) increasing public understanding of and advocating for the needs of Utah's children
9178 and youth who are at risk; and
9179 (vi) establishing policies to remove administrative barriers to collaboration in
9180 communities;
9181 (b) compile and disseminate information regarding effective service delivery and
9182 funding strategies for replication;
9183 (c) receive and act upon recommendations of the steering committee;
9184 (d) approve the establishment of collaborative service delivery systems under Section
9185 63M-9-402 and adopt performance goals for those systems;
9186 (e) recommend to the governor for each fiscal year funds contained in an agency's base
9187 budget and building block request that can be identified for collaborative service delivery
9188 systems established under Section 63M-9-402;
9189 (f) [~~(i)~~] develop model administrative and governance structures to be established by
9190 communities that at least:
9191 [~~(A)~~] (i) ensure accountability for public funds;
9192 [~~(B)~~] (ii) are voluntarily adopted and modified by communities, based on community
9193 needs;
9194 [~~(C)~~] (iii) ensure collaboration on matters of policy and administrative processes in
9195 operating programs under this chapter between the state, school districts, and counties;
9196 [~~(D)~~] (iv) establish a board consisting of heads of state and local government agencies,
9197 private agencies, and school districts that provide services under this chapter; and
9198 [~~(E)~~] (v) ensure equity in the scope, duration, and level of services throughout a
9199 prescribed geographical area;
9200 [~~(ii) the council may, through contracts that provide funding for programs under this~~
9201 ~~chapter, give incentives to communities to establish an administrative and governance structure~~
9202 ~~that meets the requirements of Subsection (4)(f)(i) and to designate the geographical area~~
9203 ~~within which that administrative and governance structure will operate;~~]

9204 (g) review the structure and function of the steering committee before December 1,
9205 1999, to determine the effectiveness of the steering committee in:
9206 (i) achieving the purposes and carrying out the responsibilities of the committee; and
9207 (ii) assisting communities to establish collaborative service delivery systems;
9208 (h) forward to the Legislature for the 2000 General Session recommendations for
9209 restructuring the size, membership, and function of the steering committee based on the review
9210 conducted under Subsection (4)(g); and
9211 (i) report to the governor and the Legislature on an annual basis.
9212 (5) The council may, through contracts that provide funding for programs under this
9213 chapter, give incentives to communities to establish an administrative and governance structure
9214 that meets the requirements of Subsection (4)(f) and to designate the geographical area within
9215 which that administrative and governance structure will operate.
9216 [~~(5)~~] (6) The council shall ensure that projects selected under Section 63M-9-401 have
9217 outcomes that:
9218 (a) focus all project activities on the prevention of academic failure and social
9219 misbehaviors;
9220 (b) involve parents in planning, implementation, and evaluation of services;
9221 (c) allow frequent opportunities for planning between teachers, parents, school
9222 administrators, and representatives of agencies and community-based service organizations that
9223 provide services; and
9224 (d) provide frequent monitoring and assessment of each child's and youth's progress.
9225 [~~(6)~~] (7) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
9226 Act, the council shall make rules to ensure cooperative development of individualized and
9227 coordinated service plans by local interagency councils and case management teams for
9228 children or youth at risk and their families who receive services under this chapter.
9229 (b) For purposes of developing and implementing individualized and coordinated
9230 plans, the members of the local interagency councils and case management teams shall be
9231 considered to be employees of each agency represented on the team and entitled to review and
9232 discuss agency records as necessary in planning and providing services under a plan.
9233 (c) Records shared by the teams remain the property of the supplying agency and may
9234 not be incorporated in the records of another agency unless transferred in accordance with

9235 standard procedures for transfer of records of the type in question.
9236 Section 174. Section **63M-9-202** is amended to read:
9237 **63M-9-202. Steering committee -- Membership -- Duties.**
9238 (1) As used in this section, "Council of Mental Health Programs" means a council
9239 consisting of all of the directors of Utah public mental health centers.
9240 (2) There is established a Families, Agencies, and Communities Together Steering
9241 Committee.
9242 (3) The steering committee shall include at least 18 voting members as follows:
9243 (a) the director of the Division of Health Care Financing within the Department of
9244 Health;
9245 (b) a representative annually designated by the Council of Mental Health Programs;
9246 (c) the director of the Division of Substance Abuse and Mental Health within the
9247 Department of Human Services;
9248 (d) the director of the Division of Juvenile Justice Services within the Department of
9249 Human Services;
9250 (e) the state director of special education;
9251 (f) the person responsible for programs for at risk students within the Utah State Office
9252 of Education, if that person is not the state director of special education;
9253 (g) the Juvenile Court Administrator;
9254 (h) a representative annually designated by substance abuse directors;
9255 (i) the director of the Division of Child and Family Services within the Department of
9256 Human Services;
9257 (j) the director of family health services programs;
9258 (k) a representative annually designated by the Utah School Superintendents
9259 Association;
9260 (l) a juvenile court judge designated by the presiding officer of the state Judicial
9261 Council;
9262 (m) a representative annually designated by the local health officers;
9263 (n) a representative annually designated by the executive director of the Department of
9264 Workforce Services;
9265 (o) three at-large members appointed by a majority of the committee to four-year

9266 terms, who represent a statewide perspective on children and youth issues; and
9267 (p) parent representatives appointed by members specified in Subsections (3)(a)
9268 through (o).
9269 (4) Additional members may be selected by a majority of the committee to serve as
9270 voting members for four-year terms.
9271 (5) (a) Except as required by Subsection (5)(b), as terms of current at-large committee
9272 members expire, the committee shall appoint each new member or reappointed member to a
9273 four-year term.
9274 (b) Notwithstanding the requirements of Subsection (5)(a), the committee shall, at the
9275 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
9276 at-large committee members are staggered so that approximately half of the at-large committee
9277 members are appointed every two years.
9278 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
9279 appointed for the unexpired term.
9280 (7) The members shall annually elect a chair and vice chair.
9281 (8) A majority of committee members are necessary to constitute a quorum and to
9282 transact the business of the committee.
9283 [~~(9) (a) (i) Members who are not government employees may not receive compensation~~
9284 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
9285 ~~performance of the member's official duties at the rates established by the Division of Finance~~
9286 ~~under Sections 63A-3-106 and 63A-3-107.~~]
9287 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
9288 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
9289 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
9290 ~~incurred in the performance of their official duties from the committee at the rates established~~
9291 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
9292 [~~(ii) State government officer and employee members may decline to receive per diem~~
9293 ~~and expenses for their service.~~]
9294 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
9295 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
9296 ~~in the performance of their official duties at the rates established by the Division of Finance~~

9297 ~~under Sections 63A-3-106 and 63A-3-107.~~]
9298 [~~(ii) Local government members may decline to receive per diem and expenses for~~
9299 ~~their service.~~]
9300 (9) A member may not receive compensation or benefits for the member's service, but
9301 may receive per diem and travel expenses in accordance with:
9302 (a) Section 63A-3-106;
9303 (b) Section 63A-3-107; and
9304 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9305 63A-3-107.
9306 (10) The committee shall:
9307 (a) assist the council in fulfilling its duties set out in Section 63M-9-201;
9308 (b) monitor, solicit input for policy changes, and provide technical assistance to local
9309 collaborative programs; and
9310 (c) report any formal recommendations to the council.
9311 Section 175. Section **63M-11-206** is repealed and reenacted to read:
9312 **63M-11-206. Members serve without pay -- Reimbursement for expenses.**
9313 A member may not receive compensation or benefits for the member's service, but may
9314 receive per diem and travel expenses in accordance with:
9315 (1) Section 63A-3-106;
9316 (2) Section 63A-3-107; and
9317 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9318 63A-3-107.
9319 Section 176. Section **65A-1-3** is amended to read:
9320 **65A-1-3. Forestry, Fire, and State Lands Advisory Council -- Membership --**
9321 **Chair -- Terms -- Quorum -- Per diem and expenses -- Duties.**
9322 (1) (a) The Forestry, Fire, and State Lands Advisory Council shall be composed of 12
9323 members as follows:
9324 (i) one representative from Rich County;
9325 (ii) one representative from Utah County;
9326 (iii) four individuals representing the combination of Box Elder, Davis, Salt Lake,
9327 Tooele, and Weber counties, two of whom shall be representatives of industries concerned with

9328 sovereign lands;
9329 (iv) one individual representing the combination of Cache, Emery, Garfield, Grand,
9330 Kane, San Juan, and Uintah counties;
9331 (v) four individuals representing the state at large, one of whom shall be representative
9332 of environmental concerns and one of whom shall be representative of sporting concerns; and
9333 (vi) the director of the division.
9334 (b) The director of the division:
9335 (i) shall serve as chair; and
9336 (ii) may not vote except as may be necessary to break a tie vote.
9337 (2) (a) Except as required by Subsection (2)(b), as terms of current council members
9338 expire, the governor shall appoint each new member or reappointed member to a four-year
9339 term.
9340 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
9341 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
9342 council members are staggered so that approximately half of the council is appointed every two
9343 years.
9344 (3) Seven members of the council constitute a quorum.
9345 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
9346 appointed for the unexpired term.
9347 (5) Meetings may be called by the chair or by a quorum of the council.
9348 (6) The council shall meet not less than every six months.
9349 [~~(7) (a) (i) Members who are not government employees shall receive no compensation~~
9350 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
9351 ~~performance of the member's official duties at the rates established by the Division of Finance~~
9352 ~~under Sections 63A-3-106 and 63A-3-107.~~]
9353 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
9354 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
9355 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
9356 ~~incurred in the performance of their official duties from the council at the rates established by~~
9357 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
9358 [~~(ii) State government officer and employee members may decline to receive per diem~~

9359 ~~and expenses for their service.~~]
9360 (7) A member may not receive compensation or benefits for the member's service, but
9361 may receive per diem and travel expenses in accordance with:
9362 (a) Section 63A-3-106;
9363 (b) Section 63A-3-107; and
9364 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9365 63A-3-107.
9366 (8) (a) The council shall consider public comment and concern in formulating advice
9367 and counsel for the division.
9368 (b) Council meetings shall be widely advertised, with affected state agencies and public
9369 and private interests being directly notified of meeting schedules and agendas.
9370 (9) (a) The council may provide written recommendations to the director.
9371 (b) The director shall provide a written explanation of any written council
9372 recommendation the director chooses to disregard.
9373 Section 177. Section **65A-8-306** is amended to read:
9374 **65A-8-306. Heritage Trees Advisory Committee -- Members -- Officers --**
9375 **Expenses -- Functions.**
9376 (1) There is created a Heritage Trees Advisory Committee composed of five persons
9377 appointed by the division from among persons who are members of the Utah Community
9378 Forestry Council.
9379 (2) (a) Except as required by Subsection (2)(b), as terms of current committee members
9380 expire, the division shall appoint each new member or reappointed member to a four-year term.
9381 (b) Notwithstanding the requirements of Subsection (2)(a), the division shall, at the
9382 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
9383 committee members are staggered so that approximately half of the committee is appointed
9384 every two years.
9385 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
9386 appointed for the unexpired term.
9387 (4) (a) The committee shall elect a chair who is responsible to call and conduct
9388 meetings.
9389 (b) Three members present at a duly called meeting constitute a quorum for the

9390 transaction of official business.
9391 (c) Members of the committee may meet as often as considered necessary.
9392 (d) The urban forestry staff person of the division shall serve as secretary to the
9393 committee.
9394 [~~(5) (a) Members shall receive no compensation or benefits for their services, but may~~
9395 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
9396 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
9397 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
9398 (5) A member may not receive compensation or benefits for the member's service, but
9399 may receive per diem and travel expenses in accordance with:
9400 (a) Section 63A-3-106;
9401 (b) Section 63A-3-107; and
9402 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9403 63A-3-107.
9404 (6) The committee shall:
9405 (a) publish guidelines for division use in granting or denying applications for the
9406 designation of heritage trees;
9407 (b) publish an annual register of designated heritage trees and distribute it to public
9408 utilities, tree service companies, municipal forestry and parks departments, and the public; and
9409 (c) develop a system for visibly identifying designated heritage trees.
9410 Section 178. Section **67-1-8.1** is amended to read:
9411 **67-1-8.1. Executive Residence Commission -- Recommendations as to restoration**
9412 **of executive residence.**
9413 (1) The Legislature finds and declares that:
9414 (a) the state property known as the Kearns' mansion, the executive residence, is an
9415 irreplaceable historic landmark possessing special and unique architectural qualities that should
9416 be preserved; and
9417 (b) the deterioration that has taken place will continue unless remedial restoration
9418 measures are undertaken.
9419 (2) (a) An Executive Residence Commission is established to make recommendations
9420 to the Legislature for the budgeting of renovation, upkeep, historical maintenance, and

9421 restoration of the executive residence.
9422 (b) The commission shall consist of three private citizens appointed by the governor,
9423 all of whom have demonstrated an interest in historical preservation.
9424 (c) The commission shall also consist of one assigned representative from the Board of
9425 the Utah Arts Council, one from the Board of State History, one from the building board, an
9426 interior designer selected by the Utah chapter of ASID, and an architect selected by the Utah
9427 chapter of the AIA.
9428 (3) (a) Except as required by Subsection (3)(b), as terms of current commission
9429 members expire, the governor shall appoint each new member or reappointed member to a
9430 four-year term ending on March 1.
9431 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
9432 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
9433 commission members are staggered so that approximately half of the commission is appointed
9434 every two years.
9435 (4) (a) The governor shall appoint a chair from among the membership of the
9436 commission.
9437 (b) Five members of the commission shall constitute a quorum, and either the chair or
9438 two other members of the commission may call meetings of the commission.
9439 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
9440 appointed for the unexpired term.
9441 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~
9442 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
9443 ~~performance of the member's official duties at the rates established by the Division of Finance~~
9444 ~~under Sections 63A-3-106 and 63A-3-107.~~]
9445 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
9446 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
9447 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
9448 ~~incurred in the performance of their official duties from the commission at the rates established~~
9449 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
9450 [~~(ii) State government officer and employee members may decline to receive per diem~~
9451 ~~and expenses for their service.~~]

9452 (6) A member may not receive compensation or benefits for the member's service, but
9453 may receive per diem and travel expenses in accordance with:
9454 (a) Section 63A-3-106;
9455 (b) Section 63A-3-107; and
9456 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9457 63A-3-107.
9458 Section 179. Section **67-1a-10** is amended to read:
9459 **67-1a-10. Commission on Civic and Character Education -- Membership -- Chair**
9460 **-- Expenses.**
9461 (1) There is created within the lieutenant governor's office the Commission on Civic
9462 and Character Education.
9463 (2) The commission consists of seven members appointed as follows:
9464 (a) the lieutenant governor, as chief election officer of the state, or a designee;
9465 (b) one member of the House of Representatives, appointed by the speaker of the
9466 House;
9467 (c) one member of the Senate, appointed by the president of the Senate;
9468 (d) one member of the State Board of Education, appointed by the chair;
9469 (e) one member of the State Board of Regents, appointed by the chair;
9470 (f) one member of the public with expertise in the area of civic and character education
9471 appointed by the other members of the commission to serve for a two year term; and
9472 (g) one justice of the Supreme Court or one appellate court judge appointed by the
9473 Supreme Court.
9474 (3) (a) The lieutenant governor shall serve as chairperson or if the lieutenant governor
9475 is unable to serve, the commission shall annually elect a chairperson from its membership.
9476 (b) The commission shall hold meetings as needed to carry out its duties. A meeting
9477 may be held on the call of the chair or a majority of the commission members.
9478 (c) Three commission members are necessary to constitute a quorum at any meeting
9479 and, if a quorum exists, the action of a majority of members present shall be the action of the
9480 commission.
9481 (4) (a) An appointed commission member shall be appointed for a two-year term or
9482 until their successors are appointed.

9483 (b) When a vacancy occurs in the appointed membership for any reason, the
9484 replacement shall be appointed for the unexpired term.
9485 [~~(5) (a) Commission members who are not government employees may not receive~~
9486 ~~compensation or benefits for the services, but may receive per diem and expenses incurred in~~
9487 ~~the performance of their official duties at rates established by the Division of Finance under~~
9488 ~~Sections 63A-3-106 and 63A-3-107.~~]
9489 [~~(b) A commission member may decline to receive per diem and expenses for service~~
9490 ~~to the commission.~~]
9491 (5) A member may not receive compensation or benefits for the member's service, but
9492 may receive per diem and travel expenses in accordance with:
9493 (a) Section 63A-3-106;
9494 (b) Section 63A-3-107; and
9495 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9496 63A-3-107.
9497 (6) The duties of the lieutenant governor's office shall include leadership of the
9498 commission.
9499 (7) The funding of the commission shall be a separate line item to the lieutenant
9500 governor's office in the annual appropriations act.
9501 Section 180. Section **67-5a-3** is repealed and reenacted to read:
9502 **67-5a-3. Per diem and travel expenses.**
9503 A member may not receive compensation or benefits for the member's service, but may
9504 receive per diem and travel expenses in accordance with:
9505 (1) Section 63A-3-106;
9506 (2) Section 63A-3-107; and
9507 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9508 63A-3-107.
9509 Section 181. Section **67-5a-8** is amended to read:
9510 **67-5a-8. Administration.**
9511 (1) (a) The administration costs of this chapter, including council staff compensation,
9512 shall be funded from appropriations made by the Legislature to the Office of the Attorney
9513 General for the support of the council from the Public Safety Support Account established in

9514 Section 51-9-404.
9515 (b) Funds available from other sources may also be appropriated by the Legislature to
9516 the Office of the Attorney General for the administration of this chapter.
9517 (2) In exercising its duties, the council shall minimize costs of administration and
9518 utilize existing training facilities and resources where possible so the greatest portion of the
9519 funds available are expended for training prosecuting attorneys.
9520 [~~(3) The council may reimburse council staff for travel and per diem expenses from the~~
9521 ~~appropriations made from the Public Safety Support Account to the Office of the Attorney~~
9522 ~~General for the support of the council, in an amount not to exceed the amounts approved by the~~
9523 ~~director of the Division of Finance.~~]
9524 (3) Common staff may receive per diem and travel expenses in accordance with:
9525 (a) Section 63A-3-106;
9526 (b) Section 63A-3-107; and
9527 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9528 63A-3-107.
9529 Section 182. Section **67-8-4** is amended to read:
9530 **67-8-4. State Elected Official and Judicial Compensation Commission created --**
9531 **Composition -- Appointment -- Terms -- Organization -- Vacancies -- Quorum --**
9532 **Compensation -- Secretary.**
9533 (1) There is created a state Elected Official and Judicial Compensation Commission
9534 comprised of six members, not more than three of whom may be from the same political party,
9535 appointed as follows:
9536 (a) one member appointed by the governor;
9537 (b) one member appointed by the president of the Senate;
9538 (c) one member appointed by the speaker of the House of Representatives;
9539 (d) two members appointed by the other three appointed members; and
9540 (e) one member appointed by the State Bar Commission.
9541 (2) (a) Except as required by Subsection (2)(b), all persons appointed to the
9542 commission shall serve four-year terms or until their successors are duly appointed and
9543 qualified.
9544 (b) Notwithstanding the requirements of Subsection (2)(a), the appointing authority

9545 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
9546 terms of commission members are staggered so that approximately half of the commission is
9547 appointed every two years.
9548 (3) (a) The commission shall select a chair and a vice chair from opposite political
9549 parties at its first meeting.
9550 (b) Four members of the commission shall constitute a quorum.
9551 (c) The commission shall take no action nor make any determination without the
9552 concurrence of a majority of its members being present.
9553 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
9554 appointed for the unexpired term.
9555 (5) No member or employee of the legislative, judicial, or executive branch of
9556 government is eligible for appointment to the commission. The legislative fiscal analyst shall
9557 serve as an ex officio, nonvoting secretary of the commission.
9558 [~~(6) (a) Members shall receive no compensation or benefits for their services, but may~~
9559 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
9560 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
9561 [~~(b) Legislators on the committee shall receive compensation and expenses as provided~~
9562 ~~by law and legislative rule.~~]
9563 (6) A member may not receive compensation or benefits for the member's service, but
9564 may receive per diem and travel expenses in accordance with:
9565 (a) Section 63A-3-106;
9566 (b) Section 63A-3-107; and
9567 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9568 63A-3-107.
9569 Section 183. Section **67-19a-201** is amended to read:
9570 **67-19a-201. Career Service Review Board created -- Members -- Appointment --**
9571 **Removal -- Terms -- Organization -- Per diem and expenses.**
9572 (1) There is created a Career Service Review Board.
9573 (2) (a) The governor shall appoint five members to the board no more than three of
9574 which are members of the same political party.
9575 (b) The governor shall appoint members whose gender and ethnicity represent the

9576 career service work force.
9577 (3) (a) The governor may remove any board member for cause.
9578 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
9579 appointed for the unexpired term.
9580 (4) The governor shall ensure that appointees to the board:
9581 (a) are qualified by knowledge of employee relations and merit system principles in
9582 public employment; and
9583 (b) are not:
9584 (i) members of any local, state, or national committee of a political party;
9585 (ii) officers or members of a committee in any partisan political club; and
9586 (iii) holding or a candidate for a paid public office.
9587 (5) (a) Except as required by Subsection (5)(b), the governor shall appoint board
9588 members to serve four-year terms beginning January 1.
9589 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
9590 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
9591 board members are staggered so that approximately half of the board is appointed every two
9592 years.
9593 (c) The members of the board shall serve until their successors are appointed and
9594 qualified.
9595 (6) Each year, the board shall choose a chair and vice chair from its own members.
9596 (7) (a) Three members of the board are a quorum for the transaction of business.
9597 (b) Action by a majority of members when a quorum is present is action of the board.
9598 [~~(8) (a) Members shall receive no compensation or benefits for their services, but may~~
9599 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
9600 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
9601 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
9602 (8) A member may not receive compensation or benefits for the member's service, but
9603 may receive per diem and travel expenses in accordance with:
9604 (a) Section 63A-3-106;
9605 (b) Section 63A-3-107; and
9606 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

9607 63A-3-107.
9608 Section 184. Section **67-19d-202** is amended to read:
9609 **67-19d-202. Board of trustees of the State Post-Retirement Benefits Trust Fund.**
9610 (1) (a) There is created a board of trustees of the State Post-Retirement Benefits Trust
9611 Fund composed of three members:
9612 (i) the state treasurer;
9613 (ii) the director of the Division of Finance; and
9614 (iii) the director of the Governor's Office of Planning and Budget.
9615 (b) The state treasurer is chair of the board.
9616 (c) Three members of the board are a quorum.
9617 [~~(d) (i) State government officer and employee members who do not receive salary, per~~
9618 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
9619 ~~incurred in the performance of their official duties from the board at the rates established by the~~
9620 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
9621 [~~(ii) State government officer and employee members may decline to receive per diem~~
9622 ~~and expenses for their service.~~]
9623 (d) A member may not receive compensation or benefits for the member's service, but
9624 may receive per diem and travel expenses in accordance with:
9625 (i) Section 63A-3-106;
9626 (ii) Section 63A-3-107; and
9627 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9628 63A-3-107.
9629 (e) (i) Except as provided in Subsection (1)(e)(ii), the state treasurer shall staff the
9630 board of trustees.
9631 (ii) The Division of Finance shall provide accounting services for the trust fund.
9632 (2) The board shall:
9633 (a) on behalf of the state, act as trustee of the trust fund and exercise the state's
9634 fiduciary responsibilities;
9635 (b) meet at least twice per year;
9636 (c) review and approve all policies, projections, rules, criteria, procedures, forms,
9637 standards, performance goals, and actuarial reports;

9638 (d) review and approve the trust fund budget;
9639 (e) review financial records of the trust fund, including trust fund receipts,
9640 expenditures, and investments;
9641 (f) commission and obtain actuarial studies of the trust fund liabilities;
9642 (g) establish labor additive rates to charge all federal, state, and other programs to
9643 cover:
9644 (i) the annual required contribution as determined by actuary; and
9645 (ii) the administrative expenses of the trust fund; and
9646 (h) do any other things necessary to perform the [~~state of Utah's~~] state's fiduciary
9647 obligations under the trust fund.
9648 (3) The attorney general shall:
9649 (a) act as legal counsel and provide legal representation to the board of trustees; and
9650 (b) attend, or direct an attorney from the Office of the Attorney General to attend, each
9651 meeting of the board of trustees.
9652 Section 185. Section **68-4-5** is amended to read:
9653 **68-4-5. Creation -- Members -- Terms -- General counsel -- Vacancies -- Per diem**
9654 **and expenses.**
9655 (1) The "Utah Commission on Uniform State Laws" consists of the following members
9656 of the Utah Bar in good standing:
9657 (a) (i) Two members shall serve in the Legislature at the time of the appointment and
9658 during the legislator's service on the commission. The governor shall appoint one member
9659 from the Senate and one member from the House of Representatives. The service of the
9660 legislative members of the commission shall be a four-year term as provided in Subsection
9661 (1)(a)(iii), or when the term of office as a legislator ends, whichever occurs first.
9662 (ii) Two members of the Utah Bar shall be appointed by the governor.
9663 (iii) Except as required by Subsection (1)(a)(iv), as terms of current commission
9664 members expire, the governor shall appoint each new member or reappointed member to a
9665 four-year term with the consent of the Senate.
9666 (iv) Notwithstanding the requirements of Subsection (1)(a)(ii), the governor shall, at
9667 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
9668 commission members are staggered so that approximately half of the commission is appointed

9669 every two years.
9670 (v) Each commissioner shall serve until his successor is appointed.
9671 (b) In addition to the members appointed under Subsection (1)(a), the Legislature's
9672 general counsel shall serve as a commissioner during the appointment as general counsel. The
9673 Legislature's general counsel may appoint a designee from the Office of Legislative Research
9674 and General Counsel to serve in the place of the Legislature's general counsel. The designee
9675 shall serve at the will of the Legislature's general counsel.
9676 (c) Any commissioner who has been elected as a life member of the National
9677 Conference of Commissioners on Uniform State Laws because of long service as a
9678 commissioner with the National Conference shall continue as a commissioner as provided in
9679 Subsection 68-4-6(3).
9680 (2) When a vacancy occurs in the membership as outlined in Section 68-4-6, the
9681 replacement shall be appointed for the unexpired term.
9682 [~~(3) (a) (i) A member who is not a government employee may not receive~~
9683 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~
9684 ~~incurred in the performance of the member's official duties at the rates established by the~~
9685 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
9686 [~~(ii) A member may decline to receive per diem and expenses for the member's~~
9687 ~~service.~~]
9688 [~~(b) (i) A state government officer and employee member who does not receive salary,~~
9689 ~~per diem, or expenses from the agency the member represents for the member's service, may~~
9690 ~~receive per diem and expenses incurred in the performance of the member's official duties for~~
9691 ~~the commission at the rates established by the Division of Finance under Sections 63A-3-106~~
9692 ~~and 63A-3-107.~~]
9693 [~~(ii) A state government officer and employee member may decline to receive per diem~~
9694 ~~and expenses for the member's service.~~]
9695 [~~(c) A legislative member shall receive compensation and expenses as provided by law~~
9696 ~~and legislative rule.~~]
9697 (3) A member may not receive compensation or benefits for the member's service, but
9698 may receive per diem and travel expenses in accordance with:
9699 (a) Section 63A-3-106;

9700 (b) Section 63A-3-107; and
9701 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9702 63A-3-107.
9703 Section 186. Section **68-4-9** is amended to read:
9704 **68-4-9. Expenditures -- Oversight by Office of Legislative Research and General**
9705 **Counsel.**
9706 [~~(1) No member of the commission may receive any compensation for that member's~~
9707 ~~services. However, each member shall receive a per diem and shall be paid the actual traveling~~
9708 ~~and other necessary expenses incurred in the discharge of the commissioner's official duties.~~]
9709 (1) A member of the commission may not receive compensation or benefits for the
9710 member's service, but may receive per diem and travel expenses in accordance with:
9711 (a) Section 63A-3-106;
9712 (b) Section 63A-3-107; and
9713 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9714 63A-3-107.
9715 (2) The Legislature shall make appropriations to the Office of Legislative Research and
9716 General Counsel to pay the necessary expenses of the commissioners and to make appropriate
9717 contribution on behalf of this state to the National Conference of Commissioners on Uniform
9718 State Laws, including any expenses of a commissioner who has been elected as a life member
9719 of the National Conference of Commissioners on Uniform State Laws.
9720 (3) The commissioners shall keep a full account of their expenditures in the discharge
9721 of their official duties and shall report the account to the Office of Legislative Research and
9722 General Counsel.
9723 Section 187. Section **71-7-4** is amended to read:
9724 **71-7-4. Veterans' Memorial Park Board -- Members -- Appointment -- Meetings**
9725 **-- Per diem.**
9726 (1) There is created a Veterans' Memorial Park Board to serve as an advisory body to
9727 the Department of Veterans' Affairs on matters relating to the establishment and operation of a
9728 veterans' cemetery and memorial park.
9729 (2) The board shall consist of the following five members:
9730 (a) one representative recommended by the state commander of the Veterans of

9731 Foreign Wars;
9732 (b) one representative recommended by the state commander of the American Legion;
9733 (c) one representative recommended by the state commander of the Disabled American
9734 Veterans;
9735 (d) the director of the Department of Veterans' Affairs; and
9736 (e) one person not affiliated with any of the organizations referred to in this Subsection
9737 (2).
9738 (3) (a) Except as required by Subsection (3)(b), the governor shall appoint members in
9739 Subsections (2)(a), (b), (c), and (e) above for four-year terms. The governor shall make final
9740 appointments to the board by June 30 of any year in which appointments are to be made under
9741 this chapter.
9742 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
9743 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
9744 board members are staggered so that approximately half of the board is appointed every two
9745 years.
9746 (c) All members shall serve until their successors are appointed.
9747 (d) Members may not serve more than two consecutive terms.
9748 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
9749 appointed for the unexpired term in the same manner as the original appointment.
9750 (5) (a) The board shall select a chair annually from among its members at its first
9751 meeting after July 1.
9752 (b) Three members of the board constitute a quorum to transact business.
9753 (c) The board shall meet at least quarterly on a regular date fixed by the board.
9754 (d) The chair or three members of the board may call additional meetings.
9755 (6) The board shall provide copies of all minutes and an annual report of its activities
9756 by June 30 of each year to the Veterans' Advisory Council created in Section 71-8-4.
9757 [~~(7) (a) (i) Members who are not government employees shall receive no compensation~~
9758 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
9759 ~~performance of the member's official duties at the rates established by the Division of Finance~~
9760 ~~under Sections 63A-3-106 and 63A-3-107.~~]
9761 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]

9762 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
9763 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
9764 ~~incurred in the performance of their official duties from the board at the rates established by the~~
9765 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
9766 [~~(ii) State government officer and employee members may decline to receive per diem~~
9767 ~~and expenses for their service.~~]
9768 (7) A member may not receive compensation or benefits for the member's service, but
9769 may receive per diem and travel expenses in accordance with:
9770 (a) Section 63A-3-106;
9771 (b) Section 63A-3-107; and
9772 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9773 63A-3-107.
9774 Section 188. Section **71-8-4** is amended to read:
9775 **71-8-4. Veterans' Advisory Council -- Membership -- Duties and responsibilities**
9776 **-- Per diem and expenses.**
9777 (1) There is created a Veterans' Advisory Council whose purpose is to advise the
9778 executive director of the Department of Veterans' Affairs on issues relating to veterans.
9779 (2) The council shall consist of 11 voting members and one nonvoting member,
9780 designated as follows:
9781 (a) five members appointed by the governor to serve four-year terms:
9782 (i) four veterans at large; and
9783 (ii) a representative from the Office of the Governor;
9784 (b) the director of the VA Health Care System or his designee;
9785 (c) the director of the VA Benefits Administration Regional Office in Salt Lake City,
9786 or his designee;
9787 (d) a representative from the Veterans' Memorial Park Board for the duration of his
9788 appointment to the board;
9789 (e) the commanders or their designees of the three largest veterans service
9790 organizations in the state[~~. Their~~], whose terms shall last as long as they hold the required
9791 office; and
9792 (f) the executive director shall be a nonvoting member of the council.

9793 (3) (a) Except as required by Subsection (3)(b), as terms of current council members
9794 expire, the governor shall appoint each new or reappointed member to a four-year term
9795 commencing on July 1.
9796 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
9797 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
9798 council members are staggered so that approximately half of the members appointed by the
9799 governor are appointed every two years.
9800 (4) When a vacancy occurs in the membership for any reason, the governor shall
9801 appoint a replacement for the unexpired term within 60 days of receiving notice.
9802 (5) Members appointed by the governor may not serve more than two consecutive
9803 terms.
9804 (6) (a) Any veterans' group or veteran may provide the executive director with a list of
9805 recommendations for members on the council.
9806 (b) The executive director shall provide the governor with the list of recommendations
9807 for members to be appointed to the council.
9808 (c) The governor shall make final appointments to the council by June 30 of any year in
9809 which appointments are to be made under this chapter.
9810 (7) The council shall elect a chair from among its members every two years. The chair
9811 shall be a veteran.
9812 (8) (a) The council shall meet at least once every quarter.
9813 (b) The executive director of the Department of Veterans' Affairs may convene
9814 additional meetings, as necessary.
9815 (9) The department shall provide staff to the council.
9816 (10) Six voting members are a quorum for the transaction of business.
9817 (11) The council shall:
9818 (a) solicit input concerning veterans issues from veterans' groups throughout the state;
9819 (b) report issues received to the executive director of the Department of Veterans'
9820 Affairs and make recommendations concerning them;
9821 (c) keep abreast of federal developments that affect veterans locally and advise the
9822 executive director of them; and
9823 (d) approve, by a majority vote, the use of monies generated from veterans' license

9824 plates under Section 41-1a-422 for veterans' programs.
9825 [~~(12) (a) Members shall receive no compensation or benefits for their services, but may~~
9826 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
9827 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
9828 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
9829 (12) A member may not receive compensation or benefits for the member's service, but
9830 may receive per diem and travel expenses in accordance with:
9831 (a) Section 63A-3-106;
9832 (b) Section 63A-3-107; and
9833 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9834 63A-3-107.
9835 Section 189. Section **71-11-7** is amended to read:
9836 **71-11-7. Veterans' Nursing Home Advisory Boards.**
9837 (1) (a) Each home shall have a Veterans' Nursing Home Advisory Board to act as a
9838 liaison between the residents, members of the public, and the administration of the home.
9839 (b) The board shall interview candidates for the position of nursing home administrator
9840 and make a recommendation to the department.
9841 (2) Each board shall consist of the following seven members:
9842 (a) one resident of the home appointed by the governor;
9843 (b) two members of the Veterans' Advisory Council, designated by the governor, one
9844 of which shall specifically be designated as the board's representative to the council;
9845 (c) one veteran from the area in which the home is located appointed by the governor;
9846 (d) one representative from the VA Health Care System, appointed by its director;
9847 (e) one representative from the Department of Health, appointed by its executive
9848 director; and
9849 (f) one representative from the United States Department of Veterans Affairs regional
9850 office.
9851 (3) (a) (i) Members shall serve for four-year terms.
9852 (ii) Except as required by Subsection (3)(b), as terms of current board members expire,
9853 the governor shall appoint each new or reappointed member to a four-year term beginning on
9854 July 1.

9855 (b) The governor shall, at the time of appointment or reappointment, adjust the length
9856 of terms to ensure that the terms of board members are staggered so that approximately half of
9857 the board is appointed every two years.
9858 (c) The governor shall make final appointments to the board by June 30 of any year in
9859 which appointments are to be made under this chapter.
9860 (4) Vacancies shall be filled by the governor within 60 days of receiving notice of a
9861 vacancy, but only for the unexpired term of the vacated member.
9862 (5) (a) Except as provided in Subsection (5)(b), members may not serve more than two
9863 consecutive terms.
9864 (b) Members appointed by the VA Health Care System and the United States
9865 Department of Veterans Affairs are exempt from the term limit requirement.
9866 (6) Each board shall elect a chair annually from among its members at its first meeting
9867 after July 1.
9868 (7) Each board shall meet at least quarterly.
9869 (8) Four members of the board constitute a quorum for the transaction of business.
9870 (9) Each board shall provide copies of all minutes and an annual report of its activities
9871 by June 30 of each year to the executive director of the Department of Veterans' Affairs, and
9872 the Veterans' Advisory Council.
9873 [~~(10) (a) (i) Members who are not government employees shall receive no~~
9874 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
9875 ~~the performance of the member's official duties at the rates established by the Division of~~
9876 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
9877 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
9878 [~~(b) State government officer and employee members who do not receive salary, per~~
9879 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
9880 ~~incurred in the performance of their official duties from the board at the rates established by the~~
9881 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
9882 (10) A member may not receive compensation or benefits for the member's service, but
9883 may receive per diem and travel expenses in accordance with:
9884 (a) Section 63A-3-106;
9885 (b) Section 63A-3-107; and

9886 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9887 63A-3-107.
9888 Section 190. Section **72-1-301** is amended to read:
9889 **72-1-301. Transportation Commission created -- Members, appointment, terms --**
9890 **Qualifications -- Pay and expenses -- Chair -- Quorum -- Surety bond.**
9891 (1) (a) There is created the Transportation Commission which shall consist of seven
9892 members.
9893 (b) The members of the commission shall be residents of Utah.
9894 (c) The members of the commission shall be selected on a nonpartisan basis.
9895 (d) (i) The commissioners shall be appointed by the governor, with the consent of the
9896 Senate, for a term of six years, beginning on April 1 of odd-numbered years, except as provided
9897 under Subsection (1)(d)(ii).
9898 (ii) The first two additional commissioners serving on the seven member commission
9899 shall be appointed for terms of two years nine months and four years nine months, respectively,
9900 initially commencing on July 1, 1996, and subsequently commencing as specified under
9901 Subsection (1)(d)(i).
9902 (e) The commissioners serve on a part-time basis.
9903 (f) Each commissioner shall remain in office until a successor is appointed and
9904 qualified.
9905 (2) (a) Except as provided in Subsection (2)(b), the selection of the commissioners
9906 shall be as follows:
9907 (i) one commissioner from Box Elder, Cache, or Rich county;
9908 (ii) one commissioner from Salt Lake or Tooele county;
9909 (iii) one commissioner from Carbon, Emery, Grand, or San Juan county;
9910 (iv) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete,
9911 Sevier, Washington, or Wayne county;
9912 (v) one commissioner from Weber, Davis, or Morgan county;
9913 (vi) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or
9914 Daggett county; and
9915 (vii) one commissioner selected from the state at large.
9916 (b) Beginning with the appointment of commissioners on or after July 1, 2009 and

9917 subject to the restriction in Subsection (2)(d), the selection of commissioners shall be as
9918 follows:
9919 (i) four commissioners with one commissioner selected from each of the four regions
9920 established by the department; and
9921 (ii) subject to the restriction in Subsection (2)(c), three commissioners selected from
9922 the state at large.
9923 (c) (i) At least one of the three commissioners appointed under Subsection (2)(b)(ii)
9924 shall be selected from a rural county.
9925 (ii) For purposes of this Subsection (2)(c), a rural county includes a county of the third,
9926 fourth, fifth, or sixth class.
9927 (d) No more than two commissioners appointed under Subsection (2)(b) may be
9928 selected from any one of the four regions established by the department.
9929 [~~(3) (a) Members appointed before May 2, 1996, shall continue to receive the~~
9930 ~~compensation, per diem, expenses, and benefits they were receiving as of January 1, 1996.~~]
9931 [~~(b) Members appointed after May 2, 1996, shall receive no compensation or benefits~~
9932 ~~for their services, but may receive per diem and expenses incurred in the performance of the~~
9933 ~~member's official duties at the rates established by the Division of Finance under Sections~~
9934 ~~63A-3-106 and 63A-3-107.~~]
9935 [~~(c) Members may decline to receive compensation, benefits, per diem, and expenses~~
9936 ~~for their service.~~]
9937 (3) A member may not receive compensation or benefits for the member's service, but
9938 may receive per diem and travel expenses in accordance with:
9939 (a) Section 63A-3-106;
9940 (b) Section 63A-3-107; and
9941 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9942 63A-3-107.
9943 (4) (a) One member of the commission shall be designated by the governor as chair.
9944 (b) The commission shall select one member as vice chair to act in the chair's absence.
9945 (5) Any four commissioners constitute a quorum.
9946 (6) (a) Each member of the commission shall qualify by:
9947 (i) taking the constitutional oath of office; and

9948 (ii) giving a surety bond.
9949 (b) The Division of Finance of the Department of Administrative Services shall
9950 determine the form and amount of the bond, and the state shall pay the bond premium.
9951 Section 191. Section **72-4-302** is amended to read:
9952 **72-4-302. Utah State Scenic Byway Committee -- Creation -- Membership --**
9953 **Meetings -- Expenses.**
9954 (1) There is created the Utah State Scenic Byway Committee.
9955 (2) (a) The committee shall consist of the following 15 members:
9956 (i) a representative from each of the following entities appointed by the governor:
9957 (A) the Governor's Office of Economic Development;
9958 (B) the Utah Department of Transportation;
9959 (C) the Department of Community and Culture;
9960 (D) the Division of State Parks and Recreation;
9961 (E) the Federal Highway Administration;
9962 (F) the National Park Service;
9963 (G) the National Forest Service; and
9964 (H) the Bureau of Land Management;
9965 (ii) one local government tourism representative appointed by the governor;
9966 (iii) a representative from the private business sector appointed by the governor;
9967 (iv) three local elected officials from a county, city, or town within the state appointed
9968 by the governor;
9969 (v) a member from the House of Representatives appointed by the speaker of the
9970 House of Representatives; and
9971 (vi) a member from the Senate appointed by the president of the Senate.
9972 (b) Except as provided in Subsection (2)(c), the members appointed in this Subsection
9973 (2) shall be appointed for a four-year term of office.
9974 (c) The governor shall, at the time of appointment or reappointment for appointments
9975 made under Subsection (2)(a)(i), (ii), (iii), or (iv) adjust the length of terms to ensure that the
9976 terms of committee members are staggered so that approximately half of the committee is
9977 appointed every two years.
9978 (d) (i) The appointments made under Subsection (2)(a)(v) and (2)(a)(vi) by the speaker

9979 of the House and the president of the Senate may not be from the same political party.
9980 (ii) The speaker of the House and the president of the Senate shall alternate the
9981 appointments made under Subsections (2)(a)(v) and (2)(a)(vi) as follows:
9982 (A) if the speaker appoints a member under Subsection (2)(a)(v), the next appointment
9983 made by the speaker following the expiration of the existing member's four-year term of office
9984 shall be from a different political party; and
9985 (B) if the president appoints a member under Subsection (2)(a)(vi), the next
9986 appointment made by the president following the expiration of the existing member's four-year
9987 term of office shall be from a different political party.
9988 (3) (a) The representative from the Governor's Office of Economic Development shall
9989 chair the committee.
9990 (b) The members appointed under Subsections (2)(a)(i)(E) through (H) serve as
9991 nonvoting, ex officio members of the committee.
9992 (4) The Governor's Office of Economic Development and the department shall provide
9993 staff support to the committee.
9994 (5) (a) The chair may call a meeting of the committee only with the concurrence of the
9995 department.
9996 (b) A majority of the voting members of the committee constitute a quorum.
9997 (c) Action by a majority vote of a quorum of the committee constitutes action by the
9998 committee.
9999 [~~(6) (a) (i) Members who are not state government employees shall receive no~~
10000 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
10001 ~~the performance of the member's official duties at the rates established by the Division of~~
10002 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
10003 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
10004 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
10005 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
10006 ~~incurred in the performance of their official duties at the rates established by the Division of~~
10007 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
10008 [~~(ii) State government officer and employee members may decline to receive per diem~~
10009 ~~and expenses for their service.~~]

10010 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
10011 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
10012 ~~in the performance of their official duties at the rates established by the Division of Finance~~
10013 ~~under Sections 63A-3-106 and 63A-3-107.~~]
10014 [~~(ii) Local government members may decline to receive per diem and expenses for~~
10015 ~~their service.~~]
10016 [~~(d) Legislators on the committee receive compensation and expenses as provided by~~
10017 ~~law and legislative rule.~~]
10018 (6) A member may not receive compensation or benefits for the member's service, but
10019 may receive per diem and travel expenses in accordance with:
10020 (a) Section 63A-3-106;
10021 (b) Section 63A-3-107; and
10022 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10023 63A-3-107.
10024 Section 192. Section **72-6-115** is amended to read:
10025 **72-6-115. Traffic Management Committee -- Appointment -- Duties.**
10026 (1) As used in this section, "committee" means the Traffic Management Committee
10027 created in this section.
10028 (2) (a) There is created within the Department of Transportation the Traffic
10029 Management Committee comprising up to 13 members knowledgeable about traffic
10030 engineering, traffic flow, air quality, or intelligent transportation systems as follows:
10031 (i) two members designated by the executive director of the department;
10032 (ii) one member designated by the Utah Association of Counties;
10033 (iii) one member designated by the Department of Environmental Quality;
10034 (iv) one member designated by the Wasatch Front Regional Council;
10035 (v) one member designated by the Mountainland Association of Governments;
10036 (vi) one member designated by the Commissioner of Public Safety; [~~and~~]
10037 (vii) one member designated by the Utah League of Cities and Towns;
10038 (viii) one member designated by the general manager of a public transit district with
10039 more than 200,000 people residing within the public transit district boundaries;
10040 (ix) up to four additional members designated by the committee for one-year terms;

10041 and
10042 (x) a designating entity under Subsections (2)(a)(i) through (viii) may designate an
10043 alternative member to serve in the absence of its designated member.
10044 (b) The committee shall:
10045 (i) advise the department on matters related to the implementation and administration
10046 of this section;
10047 (ii) make recommendations to law enforcement agencies related to traffic flow and
10048 incident management during heavy traffic periods;
10049 (iii) make recommendations to the department, counties, and municipalities on
10050 increasing the safety and efficiency of highways using current traffic management systems,
10051 including traffic signal coordination, traffic monitoring, freeway ramp metering, variable
10052 message signing, and incident management; and
10053 (iv) evaluate the cost effectiveness of implementing a specific traffic management
10054 system on a highway considering:
10055 (A) existing traffic volume in the area;
10056 (B) the necessity and potential of reducing vehicle emissions in the area;
10057 (C) the feasibility of the traffic management system on the highway; and
10058 (D) whether traffic congestion will be reduced by the system.
10059 (c) The committee shall annually elect a chair and a vice chair from its members.
10060 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
10061 appointed.
10062 (e) The committee shall meet as it determines necessary to accomplish its duties.
10063 (f) Reasonable notice shall be given to each member of the committee prior to any
10064 meeting.
10065 (g) A majority of the committee constitutes a quorum for the transaction of business.
10066 [~~(h) (i) (A) Members who are not government employees shall receive no~~
10067 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
10068 ~~the performance of the member's official duties at the rates established by the Division of~~
10069 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]
10070 [~~(B) Members may decline to receive per diem and expenses for their service.~~]
10071 [~~(ii) (A) State government officer and employee members who do not receive salary,~~

10072 ~~per diem, or expenses from their agency for their service may receive per diem and expenses~~
10073 ~~incurred in the performance of their official duties from the committee at the rates established~~
10074 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
10075 [~~(B) State government officer and employee members may decline to receive per diem~~
10076 ~~and expenses for their service.~~]
10077 [~~(iii) (A) Local government members who do not receive salary, per diem, or expenses~~
10078 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
10079 ~~in the performance of their official duties at the rates established by the Division of Finance~~
10080 ~~under Sections 63A-3-106 and 63A-3-107.~~]
10081 [~~(B) Local government members may decline to receive per diem and expenses for~~
10082 ~~their service.~~]
10083 (h) A member may not receive compensation or benefits for the member's service, but
10084 may receive per diem and travel expenses in accordance with:
10085 (i) Section 63A-3-106;
10086 (ii) Section 63A-3-107; and
10087 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10088 63A-3-107.
10089 (3) (a) The Department of Transportation shall implement and administer traffic
10090 management systems to facilitate the efficient flow of motor vehicle traffic on state highways
10091 to improve regional mobility, and to reduce motor vehicle emissions where those
10092 improvements are cost effective, as determined by the committee in accordance with criteria
10093 under Subsection (2)(b).
10094 (b) A traffic management system shall be designed to allow safe, efficient, and
10095 effective:
10096 (i) integration of existing traffic management systems;
10097 (ii) additions of highways and intersections under county and city administrative
10098 jurisdiction;
10099 (iii) incorporation of other traffic management systems; and
10100 (iv) adaptation to future traffic needs.
10101 (4) (a) The cost of implementing and administering a traffic management system shall
10102 be shared pro rata by the department and the counties and municipalities using it.

10103 (b) The department shall enter into an agreement or contract under Title 11, Chapter
10104 13, Interlocal Cooperation Act, with a county or municipality to share costs incurred under this
10105 section.
10106 (5) Additional highways and intersections under the administrative jurisdiction of a
10107 county or municipality may be added to a traffic management system upon application of the
10108 county or municipality after:
10109 (a) a recommendation of the committee;
10110 (b) approval by the department;
10111 (c) determination of the appropriate cost share of the addition under Subsection (4)(a);
10112 and
10113 (d) an agreement under Subsection (4)(b).
10114 (6) The committee may establish technical advisory committees as needed to assist in
10115 accomplishing its duties under this section.
10116 Section 193. Section **72-9-201** is amended to read:
10117 **72-9-201. Motor Carrier Advisory Board created -- Appointment -- Terms --**
10118 **Meetings -- Per diem and expenses -- Duties.**
10119 (1) There is created within the department the Motor Carrier Advisory Board
10120 consisting of five members appointed by the governor.
10121 (2) Each member of the board shall:
10122 (a) represent experience and expertise in the areas of motor carrier transportation,
10123 commerce, agriculture, economics, shipping, or highway safety;
10124 (b) be selected at large on a nonpartisan basis; and
10125 (c) have been a legal resident of the state for at least one year immediately preceding
10126 the date of appointment.
10127 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
10128 expire, the governor shall appoint each new member or reappointed member to a four-year
10129 term.
10130 (b) The governor shall, at the time of appointment or reappointment, adjust the length
10131 of terms to ensure that the terms of board members are staggered so that approximately half of
10132 the board is appointed every two years.
10133 (c) A member shall serve from the date of appointment until a replacement is

10134 appointed.
10135 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
10136 appointed for the unexpired term beginning the day following the expiration of the preceding
10137 term.
10138 (5) The board shall elect its own chair and vice chair at the first regular meeting of each
10139 calendar year.
10140 (6) The board shall meet at least quarterly or as needed when called by the chair.
10141 (7) Any three voting members constitute a quorum for the transaction of business that
10142 comes before the board.
10143 [~~(8) (a) Members shall receive no compensation or benefits for their services, but may~~
10144 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
10145 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
10146 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
10147 (8) A member may not receive compensation or benefits for the member's service, but
10148 may receive per diem and travel expenses in accordance with:
10149 (a) Section 63A-3-106;
10150 (b) Section 63A-3-107; and
10151 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10152 63A-3-107.
10153 (9) The board shall advise the department and the commission on interpretation,
10154 adoption, and implementation of this chapter and other motor carrier related issues.
10155 (10) The department shall provide staff support to the board.
10156 Section 194. Section **72-11-204** is amended to read:
10157 **72-11-204. Vacancies -- Expenses -- Reimbursement -- Use of facilities of**
10158 **Department of Transportation -- Functions, powers, duties, rights, and responsibilities.**
10159 (1) When a vacancy occurs in the membership for any reason, the replacement shall be
10160 appointed for the unexpired term.
10161 [~~(2) (a) (i) Members who are not government employees may not receive any~~
10162 ~~compensation or benefits for their services, but may receive per diem and expenses incurred in~~
10163 ~~the performance of the member's official duties at the rates established by the Division of~~
10164 ~~Finance under Sections 63A-3-106 and 63A-3-107.~~]

10165 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
10166 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
10167 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
10168 ~~incurred in the performance of their official duties from the committee at the rates established~~
10169 ~~by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
10170 [~~(ii) State government officer and employee members may decline to receive per diem~~
10171 ~~and expenses for their service.~~]
10172 (2) A member may not receive compensation or benefits for the member's service, but
10173 may receive per diem and travel expenses in accordance with:
10174 (a) Section 63A-3-106;
10175 (b) Section 63A-3-107; and
10176 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10177 63A-3-107.
10178 (3) Reimbursement shall be made from fees collected by the committee for services
10179 rendered by it.
10180 (4) The Department of Transportation shall supply the committee with office
10181 accommodation, space, equipment, and secretarial assistance the executive director considers
10182 adequate for the committee.
10183 (5) In addition to the functions, powers, duties, rights, and responsibilities granted to it
10184 under this chapter, the committee shall assume and have all of the functions, powers, duties,
10185 rights, and responsibilities of the Board of Parks and Recreation created in Section 79-4-301 in
10186 relation to passenger ropeway systems pursuant to that chapter.
10187 Section 195. Section **73-10-2** is amended to read:
10188 **73-10-2. Board of Water Resources -- Members -- Appointment -- Terms --**
10189 **Vacancies.**
10190 (1) (a) The Board of Water Resources shall be comprised of eight members to be
10191 appointed by the governor with the consent of the Senate.
10192 (b) In addition to the requirements of Section 79-2-203, not more than four members
10193 shall be from the same political party.
10194 (2) One member of the board shall be appointed from each of the following districts:
10195 (a) Bear River District, comprising the counties of Box Elder, Cache, and Rich;

10196 (b) Weber District, comprising the counties of Weber, Davis, Morgan, and Summit;
10197 (c) Salt Lake District, comprising the counties of Salt Lake and Tooele;
10198 (d) Provo River District, comprising the counties of Juab, Utah, and Wasatch;
10199 (e) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute,
10200 and Wayne;
10201 (f) Green River District, comprising the counties of Daggett, Duchesne, and Uintah;
10202 (g) Upper Colorado River District, comprising the counties of Carbon, Emery, Grand,
10203 and San Juan; and
10204 (h) Lower Colorado River District, comprising the counties of Beaver, Garfield, Iron,
10205 Washington, and Kane.
10206 (3) (a) Except as required by Subsection (3)(b), all appointments shall be for terms of
10207 four years.
10208 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
10209 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
10210 board members are staggered so that approximately half of the board is appointed every two
10211 years.
10212 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
10213 appointed for the unexpired term with the consent of the Senate and shall be from the same
10214 district as such person.
10215 [~~(4) (a) Members shall receive no compensation or benefits for their services, but may~~
10216 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
10217 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
10218 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
10219 (4) A member may not receive compensation or benefits for the member's service, but
10220 may receive per diem and travel expenses in accordance with:
10221 (a) Section 63A-3-106;
10222 (b) Section 63A-3-107; and
10223 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10224 63A-3-107.
10225 Section 196. Section **73-10c-3** is amended to read:
10226 **73-10c-3. Water Development Coordinating Council created -- Purpose --**

10227 **Members.**
10228 (1) (a) There is created within the Department of Natural Resources a Water
10229 Development Coordinating Council. The council comprises:
10230 (i) the director of the Division of Water Resources;
10231 (ii) the executive secretary of the Water Quality Board;
10232 (iii) the executive secretary of the Drinking Water Board;
10233 (iv) the executive director of the Department of Community and Culture or the
10234 executive director's designee; and
10235 (v) the state treasurer or the treasurer's designee.
10236 (b) The council shall choose a chair and vice chair from among its own members.
10237 [~~(c) (i) State government officer and employee members who do not receive salary, per~~
10238 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
10239 ~~incurred in the performance of their official duties from the council at the rates established by~~
10240 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
10241 [~~(ii) State government officer and employee members may decline to receive per diem~~
10242 ~~and expenses for their service.~~]
10243 (c) A member may not receive compensation or benefits for the member's service, but
10244 may receive per diem and travel expenses in accordance with:
10245 (i) Section 63A-3-106;
10246 (ii) Section 63A-3-107; and
10247 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10248 63A-3-107.
10249 (2) The purposes of the council are to:
10250 (a) coordinate the use and application of the funds available to the state to give
10251 financial assistance to political subdivisions of this state so as to promote the conservation,
10252 development, treatment, restoration, and protection of the waters of this state;
10253 (b) promote the coordination of the financial assistance programs administered by the
10254 state and the use of the financing alternative most economically advantageous to the state and
10255 its political subdivisions;
10256 (c) promote the consideration by the Board of Water Resources, Drinking Water
10257 Board, and Water Quality Board of regional solutions to the water and wastewater needs of

10258 individual political subdivisions of this state; and
10259 (d) assess the adequacy and needs of the state and its political subdivisions with respect
10260 to water-related infrastructures and advise the governor and the Legislature on those funding
10261 needs.
10262 Section 197. Section **73-16-4** is amended to read:
10263 **73-16-4. Members of commission.**
10264 (1) There shall be three members of the Bear River Compact commission from the
10265 state of Utah.
10266 (2) One member shall be the interstate stream commissioner of Utah and he shall be
10267 chairman of the Utah delegation. The other two commissioners from Utah shall be appointed
10268 by the state water and power board with the consent of the governor, and they shall hold office
10269 at the pleasure of the water and power board and until their successors shall have been
10270 appointed and qualified.
10271 (3) Each member shall be a bona fide resident of the state of Utah and one shall be a
10272 landowner and irrigator actually residing on and operating a farm within the lower division as
10273 defined by the compact and one shall be a landowner and irrigator actually residing on and
10274 operating a farm within the upper division as defined by the compact.
10275 (4) The Utah water and power board may with the consent of the governor appoint two
10276 alternate members of the Bear River commission.
10277 (a) One such alternate shall be a bona fide resident of the state of Utah and a landowner
10278 and irrigator actually residing on and operating a farm within the lower division as defined by
10279 the compact and he shall be entitled to act at all regular and special meetings of the Bear River
10280 commission whenever the regular member of the commission from this same area is unable to
10281 serve and act.
10282 (b) One such alternate shall be a bona fide resident of the state of Utah and shall be a
10283 landowner and irrigator actually residing on and operating a farm within the upper division as
10284 defined by the compact and he shall be entitled to act at all regular and special meetings of the
10285 Bear River commission whenever the regular member of the commission from this same area
10286 is unable to serve and act. [~~Each member of the commission from Utah shall receive a per~~
10287 ~~diem plus necessary expenses, as provided by law.~~]
10288 (5) A member may not receive compensation or benefits for the member's service, but

10289 may receive per diem and travel expenses in accordance with:
10290 (a) Section 63A-3-106;
10291 (b) Section 63A-3-107; and
10292 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10293 63A-3-107.
10294 Section 198. Section **77-27-2** is amended to read:
10295 **77-27-2. Board of Pardons and Parole -- Creation -- Compensation -- Functions.**
10296 (1) There is created the Board of Pardons and Parole. The board shall consist of five
10297 full-time members and five pro tempore members to be appointed by the governor with the
10298 consent of the Senate as provided in this section. The members of the board shall be resident
10299 citizens of the state. The governor shall establish salaries for the members of the board within
10300 the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
10301 (2) (a) (i) The full-time board members shall serve terms of five years. The terms of
10302 the full-time members shall be staggered so one board member is appointed for a term of five
10303 years on March 1 of each year.
10304 (ii) The pro tempore members shall serve terms of five years. The five pro tempore
10305 members added by Subsection (1) shall be appointed to terms that both commence on May 1,
10306 1996, and respectively end on February 28, 1999, and February 29, 2000. These terms are
10307 reduced by two and one years respectively so that the appointment of one pro tempore member
10308 expires every year beginning in 1996. Terms previously set to expire will now expire the last
10309 day of February of their respective years.
10310 (b) All vacancies occurring on the board for any cause shall be filled by the governor
10311 with the consent of the Senate pursuant to this section for the unexpired term of the vacating
10312 member.
10313 (c) The governor may at any time remove any member of the board for inefficiency,
10314 neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing.
10315 (d) A member of the board may not hold any other office in the government of the
10316 United States, this state or any other state, or of any county government or municipal
10317 corporation within a state. A member may not engage in any occupation or business
10318 inconsistent with his duties.
10319 (e) A majority of the board constitutes a quorum for the transaction of business,

10320 including the holding of hearings at any time or any place within or without the state, or for the
10321 purpose of exercising any duty or authority of the board. Action taken by a majority of the
10322 board regarding whether parole, pardon, commutation, termination of sentence, or remission of
10323 fines or forfeitures may be granted or restitution ordered in individual cases is deemed the
10324 action of the board. A majority vote of the five full-time members of the board is required for
10325 adoption of rules or policies of general applicability as provided by statute. However, a
10326 vacancy on the board does not impair the right of the remaining board members to exercise any
10327 duty or authority of the board as long as a majority of the board remains.
10328 (f) Any investigation, inquiry, or hearing that the board has authority to undertake or
10329 hold may be conducted by any board member or an examiner appointed by the board. When
10330 any of these actions are approved and confirmed by the board and filed in its office, they are
10331 considered to be the action of the board and have the same effect as if originally made by the
10332 board.
10333 (g) When a full-time board member is absent or in other extraordinary circumstances
10334 the chair may, as dictated by public interest and efficient administration of the board, assign a
10335 pro tempore member to act in the place of a full-time member. [~~Pro tempore members shall~~
10336 ~~receive a per diem rate of compensation as established by the Division of Finance and all actual~~
10337 ~~and necessary expenses incurred in attending to official business.~~]
10338 (h) A pro tempore member may not receive compensation or benefits for the member's
10339 service, but may receive per diem and travel expenses in accordance with:
10340 (i) Section 63A-3-106;
10341 (ii) Section 63A-3-107; and
10342 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10343 63A-3-107.
10344 [~~(h)~~] (i) The chair may request staff and administrative support as necessary from the
10345 Department of Corrections.
10346 (3) (a) Except as provided in Subsection (3)(c), the Commission on Criminal and
10347 Juvenile Justice shall:
10348 (i) recommend five applicants to the governor for appointment to the Board of Pardons
10349 and Parole; and
10350 (ii) consider applicants' knowledge of the criminal justice system, state and federal

10351 criminal law, judicial procedure, corrections policies and procedures, and behavioral sciences.
10352 (b) The procedures and requirements of Subsection (3)(a) do not apply if the governor
10353 appoints a sitting board member to a new term of office.
10354 (4) (a) The board shall appoint an individual to serve as its mental health adviser and
10355 may appoint other staff necessary to aid it in fulfilling its responsibilities under Title 77,
10356 Chapter 16a, Commitment and Treatment of Mentally Ill Persons. The adviser shall prepare
10357 reports and recommendations to the board on all persons adjudicated as guilty and mentally ill,
10358 in accordance with Title 77, Chapter 16a.
10359 (b) The mental health adviser shall possess the qualifications necessary to carry out the
10360 duties imposed by the board and may not be employed by the Department of Corrections or the
10361 Utah State Hospital.
10362 (i) The Board of Pardons and Parole may review outside employment by the mental
10363 health advisor.
10364 (ii) The Board of Pardons and Parole shall develop rules governing employment with
10365 entities other than the board by the mental health advisor for the purpose of prohibiting a
10366 conflict of interest.
10367 (c) The mental health adviser shall:
10368 (i) act as liaison for the board with the Department of Human Services and local mental
10369 health authorities;
10370 (ii) educate the members of the board regarding the needs and special circumstances of
10371 mentally ill persons in the criminal justice system;
10372 (iii) in cooperation with the Department of Corrections, monitor the status of persons
10373 in the prison who have been found guilty and mentally ill;
10374 (iv) monitor the progress of other persons under the board's jurisdiction who are
10375 mentally ill;
10376 (v) conduct hearings as necessary in the preparation of reports and recommendations;
10377 and
10378 (vi) perform other duties as assigned by the board.
10379 Section 199. Section **77-32-401** is amended to read:
10380 **77-32-401. Indigent Defense Funds Board -- Members -- Administrative support.**
10381 (1) There is created within the Division of Finance the Indigent Defense Funds Board

10382 composed of the following nine members:
10383 (a) two members who are current commissioners or county executives of participating
10384 counties appointed by the board of directors of the Utah Association of Counties;
10385 (b) one member at large appointed by the board of directors of the Utah Association of
10386 Counties;
10387 (c) two members who are current county attorneys of participating counties appointed
10388 by the Utah Prosecution Council;
10389 (d) the director of the Division of Finance or his designee;
10390 (e) one member appointed by the Administrative Office of the Courts; and
10391 (f) two members who are private attorneys engaged in or familiar with the criminal
10392 defense practice appointed by the members of the board listed in Subsections (1)(a) through
10393 (e).
10394 (2) Members shall serve four-year terms; however, one of the county commissioners,
10395 and one of the county attorneys appointed to the initial board shall serve two-year terms and the
10396 remaining other members of the initial board shall be appointed for four-year terms.
10397 (3) A vacancy is created if a member appointed under:
10398 (a) Subsection (1)(a) no longer serves as a county commissioner or county executive;
10399 or
10400 (b) Subsection (1)(c) no longer serves as a county attorney.
10401 (4) When a vacancy occurs in the membership for any reason, a replacement shall be
10402 appointed for the remaining unexpired term in the same manner as the original appointment.
10403 (5) The board may contract for administrative support for up to $15,000 annually to be
10404 paid proportionally from each fund.
10405 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~
10406 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
10407 ~~performance of the member's official duties at the rates established by the Division of Finance~~
10408 ~~under Sections 63A-3-106 and 63A-3-107.~~]
10409 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
10410 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
10411 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
10412 ~~incurred in the performance of their official duties from the board at the rates established by the~~

10413 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
10414 [~~(ii) State government officer and employee members may decline to receive per diem~~
10415 ~~and expenses for their service.~~]
10416 [~~(c) (i) Local government members who do not receive salary, per diem, or expenses~~
10417 ~~from the entity that they represent for their service may receive per diem and expenses incurred~~
10418 ~~in the performance of their official duties at the rates established by the Division of Finance~~
10419 ~~under Sections 63A-3-106 and 63A-3-107.~~]
10420 [~~(ii) Local government members may decline to receive per diem and expenses for~~
10421 ~~their service.~~]
10422 (6) A member may not receive compensation or benefits for the member's service, but
10423 may receive per diem and travel expenses in accordance with:
10424 (a) Section 63A-3-106;
10425 (b) Section 63A-3-107; and
10426 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10427 63A-3-107.
10428 (7) Per diem and expenses for board members shall be paid proportionally from each
10429 fund.
10430 (8) Five members shall constitute a quorum and, if a quorum is present, the action of a
10431 majority of the members present shall constitute the action of the board.
10432 Section 200. Section **77-32-401.5** is amended to read:
10433 **77-32-401.5. Interim board -- Members -- Administrative support -- Duties.**
10434 (1) Until the Indigent Defense Funds Board authorized by Section 77-32-401 is
10435 constituted after achieving the number of participating counties required by Sections 77-32-604
10436 and 77-32-704, an interim board may be created within the Division of Finance composed of
10437 the following three members:
10438 (a) a county commissioner from a county participating in the Indigent Inmate Trust
10439 Fund pursuant to Section 77-32-502 appointed by the Utah Association of Counties;
10440 (b) a county attorney from a county participating in the Indigent Inmate Trust Fund
10441 pursuant to Section 77-32-502 appointed by the Utah Association of Counties; and
10442 (c) a representative appointed by the Administrative Office of the Courts.
10443 (2) The Division of Finance shall provide administrative support to the interim board.

10444 (3) (a) Members shall serve until the Indigent Defense Funds Board is constituted.
10445 (b) When a vacancy occurs in the membership for any reason, a replacement shall be
10446 appointed for the remaining unexpired term in the same manner as the original appointment.
10447 [~~(4) (a) Compensation for members shall be the same as provided in Subsection~~
10448 ~~77-32-401(6).~~]
10449 (4) A member may not receive compensation or benefits for the member's service, but
10450 may receive per diem and travel expenses in accordance with:
10451 (a) Section 63A-3-106;
10452 (b) Section 63A-3-107; and
10453 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10454 63A-3-107.
10455 [~~(b) Per diem and~~] (5) The per diem and travel expenses for board members under
10456 Subsection (4) shall be paid from the Indigent Inmate Trust Fund in Section 77-32-502.
10457 [~~(5)~~] (6) Until the Indigent Defense Funds Board is constituted, the interim board shall
10458 be authorized to carry out any responsibility provided to the Indigent Defense Funds Board in
10459 statute as it relates to Chapter 32, Part 5, Indigent Inmates.
10460 [~~(6)~~] (7) The action by two members present shall constitute the action of the board.
10461 Section 201. Section **78A-2-502** is amended to read:
10462 **78A-2-502. Creation of policy board -- Membership -- Terms -- Chair -- Quorum**
10463 **-- Expenses.**
10464 (1) There is created a 13 member policy board to be known as the "Online Court
10465 Assistance Program Policy Board" which shall:
10466 (a) identify the subject matter included in the Online Court Assistance Program;
10467 (b) develop information and forms in conformity with the rules of procedure and
10468 evidence; and
10469 (c) advise the Administrative Office of the Courts regarding the administration of the
10470 program.
10471 (2) The voting membership shall consist of:
10472 (a) two members of the House of Representatives designated by the speaker, with one
10473 member from each party;
10474 (b) two members of the Senate designated by the president, with one member from

10475 each party;
10476 (c) two attorneys actively practicing in domestic relations designated by the Family
10477 Law Section of the Utah State Bar;
10478 (d) one attorney actively practicing in civil litigation designated by the Civil Litigation
10479 Section of the Utah State Bar;
10480 (e) one court commissioner designated by the chief justice of the Utah Supreme Court;
10481 (f) one district court judge designated by the chief justice of the Utah Supreme Court;
10482 (g) one attorney from Utah Legal Services designated by its director;
10483 (h) one attorney from Legal Aid designated by its director; and
10484 (i) two persons from the Administrative Office of the Courts designated by the state
10485 court administrator.
10486 (3) (a) The terms of the members shall be four years and staggered so that
10487 approximately half of the board expires every two years.
10488 (b) The board shall meet as needed.
10489 (4) The board shall select one of its members to serve as chair.
10490 (5) A majority of the members of the board constitutes a quorum.
10491 [~~(6) (a) (i) Members who are not government employees shall receive no compensation~~
10492 ~~or benefits for their services, but may receive per diem and expenses incurred in the~~
10493 ~~performance of the member's official duties at the rates established by the Division of Finance~~
10494 ~~under Sections 63A-3-106 and 63A-3-107.~~]
10495 [~~(ii) Members may decline to receive per diem and expenses for their service.~~]
10496 [~~(b) (i) State government officer and employee members who do not receive salary, per~~
10497 ~~diem, or expenses from their agency for their service may receive per diem and expenses~~
10498 ~~incurred in the performance of their official duties from the board at the rates established by the~~
10499 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
10500 [~~(ii) State government officer and employee members may decline to receive per diem~~
10501 ~~and expenses for their service.~~]
10502 [~~(c) Legislators on the committee shall receive compensation and expenses as provided~~
10503 ~~by law and legislative rule.~~]
10504 (6) A member may not receive compensation or benefits for the member's service, but
10505 may receive per diem and travel expenses in accordance with:

10506 (a) Section 63A-3-106;
10507 (b) Section 63A-3-107; and
10508 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10509 63A-3-107.
10510 Section 202. Section **78A-6-1208** is amended to read:
10511 **78A-6-1208. Youth Court Board -- Membership -- Responsibilities.**
10512 (1) The Utah attorney general's office shall provide staff support and assistance to a
10513 Youth Court Board comprised of the following:
10514 (a) the Utah attorney general or his designee;
10515 (b) one member of the Utah Prosecution Council;
10516 (c) one member from the Board of Juvenile Court Judges;
10517 (d) the juvenile court administrator or his designee;
10518 (e) one person from the Office of Juvenile Justice and Delinquency Prevention;
10519 (f) the state superintendent of education or his designee;
10520 (g) two representatives from Youth Courts based primarily in schools;
10521 (h) two representatives from Youth Courts based primarily in communities;
10522 (i) one member from the law enforcement community; and
10523 (j) one member from the community at large.
10524 (2) The members selected to fill the positions in Subsections (1)(a) through (f) shall
10525 jointly select the members to fill the positions in Subsections (1)(g) through (j).
10526 (3) Members shall serve two-year staggered terms beginning July 1, 1999, except the
10527 initial terms of the members designated by Subsections (1)(a), (c), (e), and (i), and one of the
10528 members from Subsections (1)(g) and (h) shall serve one-year terms, but may be reappointed
10529 for a full two-year term upon the expiration of their initial term.
10530 (4) The Youth Court Board shall meet at least quarterly to:
10531 (a) set minimum standards for the establishment of Youth Courts, including an
10532 application process, membership and training requirements, and the qualifications for the adult
10533 coordinator;
10534 (b) review certification applications; and
10535 (c) provide for a process to recertify each Youth Court every three years.
10536 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

10537 Youth Court Board shall make rules to accomplish the requirements of Subsection (3).
10538 (6) The Youth Court Board may deny certification or recertification, or withdraw the
10539 certification of any Youth Court for failure to comply with program requirements.
10540 [~~(7) (a) Members shall receive no compensation or benefits for their services, but may~~
10541 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
10542 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
10543 [~~(b) Members may decline to receive per diem and expenses for their service.~~]
10544 (7) A member may not receive compensation or benefits for the member's service, but
10545 may receive per diem and travel expenses in accordance with:
10546 (a) Section 63A-3-106;
10547 (b) Section 63A-3-107; and
10548 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10549 63A-3-107.
10550 (8) The Youth Court Board shall provide a list of certified Youth Courts to the Board
10551 of Juvenile Court Judges, all law enforcement agencies in the state, all school districts, and the
10552 Utah Prosecution Council by December 31 of each year.
10553 Section 203. Section **78A-10-205** is repealed and reenacted to read:
10554 **78A-10-205. Expenses -- Per diem.**
10555 A member may not receive compensation or benefits for the member's service, but may
10556 receive per diem and travel expenses in accordance with:
10557 (1) Section 63A-3-106;
10558 (2) Section 63A-3-107; and
10559 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10560 63A-3-107.
10561 Section 204. Section **78A-10-305** is repealed and reenacted to read:
10562 **78A-10-305. Expenses -- Per diem.**
10563 A member may not receive compensation or benefits for the member's service, but may
10564 receive per diem and travel expenses in accordance with:
10565 (1) Section 63A-3-106;
10566 (2) Section 63A-3-107; and
10567 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

10568 63A-3-107.
10569 Section 205. Section **78A-11-104** is repealed and reenacted to read:
10570 **78A-11-104. Expenses -- Per diem.**
10571 A member may not receive compensation or benefits for the member's service, but may
10572 receive per diem and travel expenses in accordance with:
10573 (1) Section 63A-3-106;
10574 (2) Section 63A-3-107; and
10575 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10576 63A-3-107.
10577 Section 206. Section **78A-12-202** is amended to read:
10578 **78A-12-202. Salary and expenses -- Staff.**
10579 [~~(1) (a) (i) A member who is not a government employee receives no compensation or~~
10580 ~~benefits for the member's service, but may receive per diem and expenses incurred in the~~
10581 ~~performance of the member's official duties at the rates established by the Division of Finance~~
10582 ~~under Sections 63A-3-106 and 63A-3-107.~~]
10583 [~~(ii) A member may decline to receive per diem and expenses for the member's~~
10584 ~~service.~~]
10585 [~~(b) (i) A state government officer or employee member who does not receive salary,~~
10586 ~~per diem, or expenses from the member's agency for the member's service may receive per~~
10587 ~~diem and expenses incurred in the performance of their official duties from the commission at~~
10588 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
10589 [~~(ii) A state government officer or employee member may decline to receive per diem~~
10590 ~~and expenses for the member's service.~~]
10591 (1) A member may not receive compensation or benefits for the member's service, but
10592 may receive per diem and travel expenses in accordance with:
10593 (a) Section 63A-3-106;
10594 (b) Section 63A-3-107; and
10595 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10596 63A-3-107.
10597 (2) The commission shall elect a chair from among its members.
10598 (3) The commission shall employ an executive director and may employ additional

10599 staff as necessary within budgetary constraints.
10600 (4) The commission shall be located in the Commission on Criminal and Juvenile
10601 Justice.
10602 Section 207. Section **78B-3-416** is amended to read:
10603 **78B-3-416. Division to provide panel -- Exemption -- Procedures -- Statute of**
10604 **limitations tolled -- Composition of panel -- Expenses -- Division authorized to set license**
10605 **fees.**
10606 (1) (a) The division shall provide a hearing panel in alleged medical liability cases
10607 against health care providers as defined in Section 78B-3-403, except dentists.
10608 (b) (i) The division shall establish procedures for prelitigation consideration of medical
10609 liability claims for damages arising out of the provision of or alleged failure to provide health
10610 care.
10611 (ii) The division may establish rules necessary to administer the process and
10612 procedures related to prelitigation hearings and the conduct of prelitigation hearings in
10613 accordance with Sections 78B-3-416 through 78B-3-420.
10614 (c) The proceedings are informal, nonbinding, and are not subject to Title 63G, Chapter
10615 4, Administrative Procedures Act, but are compulsory as a condition precedent to commencing
10616 litigation.
10617 (d) Proceedings conducted under authority of this section are confidential, privileged,
10618 and immune from civil process.
10619 (2) (a) The party initiating a medical liability action shall file a request for prelitigation
10620 panel review with the division within 60 days after the service of a statutory notice of intent to
10621 commence action under Section 78B-3-412.
10622 (b) The request shall include a copy of the notice of intent to commence action. The
10623 request shall be mailed to all health care providers named in the notice and request.
10624 (3) (a) The filing of a request for prelitigation panel review under this section tolls the
10625 applicable statute of limitations until the earlier of 60 days following the division's issuance of
10626 an opinion by the prelitigation panel, or 60 days following the termination of jurisdiction by the
10627 division as provided in this Subsection (3). The division shall send any opinion issued by the
10628 panel to all parties by regular mail.
10629 (b) (i) The division shall complete a prelitigation hearing under this section within 180

10630 days after the filing of the request for prelitigation panel review, or within any longer period as
10631 agreed upon in writing by all parties to the review.
10632 (ii) If the prelitigation hearing has not been completed within the time limits
10633 established in Subsection (3)(b)(i), the division has no further jurisdiction over the matter
10634 subject to review and the claimant is considered to have complied with all conditions precedent
10635 required under this section prior to the commencement of litigation.
10636 (c) (i) The claimant and any respondent may agree by written stipulation that no useful
10637 purpose would be served by convening a prelitigation panel under this section.
10638 (ii) When the stipulation is filed with the division, the division shall within 10 days
10639 after receipt enter an order divesting itself of jurisdiction over the claim, as it concerns the
10640 stipulating respondent, and stating that the claimant has complied with all conditions precedent
10641 to the commencement of litigation regarding the claim.
10642 (4) The division shall provide for and appoint an appropriate panel or panels to hear
10643 complaints of medical liability and damages, made by or on behalf of any patient who is an
10644 alleged victim of medical liability. The panels are composed of:
10645 (a) one member who is a resident lawyer currently licensed and in good standing to
10646 practice law in this state and who shall serve as chairman of the panel, who is appointed by the
10647 division from among qualified individuals who have registered with the division indicating a
10648 willingness to serve as panel members, and a willingness to comply with the rules of
10649 professional conduct governing lawyers in the state [~~of Utah~~], and who has completed division
10650 training regarding conduct of panel hearings;
10651 (b) (i) one member who is a licensed health care provider listed under Section
10652 78B-3-403, who is practicing and knowledgeable in the same specialty as the proposed
10653 defendant, and who is appointed by the division in accordance with Subsection (5); or
10654 (ii) in claims against only hospitals or their employees, one member who is an
10655 individual currently serving in a hospital administration position directly related to hospital
10656 operations or conduct that includes responsibility for the area of practice that is the subject of
10657 the liability claim, and who is appointed by the division; and
10658 (c) a lay panelist who is not a lawyer, doctor, hospital employee, or other health care
10659 provider, and who is a responsible citizen of the state, selected and appointed by the division
10660 from among individuals who have completed division training with respect to panel hearings.

10661 (5) (a) Each person listed as a health care provider in Section 78B-3-403 and practicing
10662 under a license issued by the state, is obligated as a condition of holding that license to
10663 participate as a member of a medical liability prelitigation panel at reasonable times, places,
10664 and intervals, upon issuance, with advance notice given in a reasonable time frame, by the
10665 division of an Order to Participate as a Medical Liability Prelitigation Panel Member.
10666 (b) A licensee may be excused from appearance and participation as a panel member
10667 upon the division finding participation by the licensee will create an unreasonable burden or
10668 hardship upon the licensee.
10669 (c) A licensee whom the division finds failed to appear and participate as a panel
10670 member when so ordered, without adequate explanation or justification and without being
10671 excused for cause by the division, may be assessed an administrative fine not to exceed $5,000.
10672 (d) A licensee whom the division finds intentionally or repeatedly failed to appear and
10673 participate as a panel member when so ordered, without adequate explanation or justification
10674 and without being excused for cause by the division, may be assessed an administrative fine not
10675 to exceed $5,000, and is guilty of unprofessional conduct.
10676 (e) All fines collected under Subsections (5)(c) and (d) shall be deposited in the
10677 Physicians Education Fund created in Section 58-67a-1.
10678 (6) Each person selected as a panel member shall certify, under oath, that he has no
10679 bias or conflict of interest with respect to any matter under consideration.
10680 [~~(7) Members of the prelitigation hearing panels shall receive per diem compensation~~
10681 ~~and travel expenses for attending panel hearings as established by rules of the division.~~]
10682 (7) A member of the prelitigation hearing panel may not receive compensation or
10683 benefits for the member's service, but may receive per diem and travel expenses in accordance
10684 with:
10685 (a) Section 63A-3-106;
10686 (b) Section 63A-3-107; and
10687 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10688 63A-3-107.
10689 (8) (a) In addition to the actual cost of administering the licensure of health care
10690 providers, the division may set license fees of health care providers within the limits
10691 established by law equal to their proportionate costs of administering prelitigation panels.

10692 (b) The claimant bears none of the costs of administering the prelitigation panel except
10693 under Section 78B-3-420.
10694 Section 208. Section **78B-12-403** is repealed and reenacted to read:
10695 **78B-12-403. Compensation -- Expenses -- Per diem.**
10696 A member may not receive compensation or benefits for the member's service, but may
10697 receive per diem and travel expenses in accordance with:
10698 (1) Section 63A-3-106;
10699 (2) Section 63A-3-107; and
10700 (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10701 63A-3-107.
10702 Section 209. Section **79-3-302** is amended to read:
10703 **79-3-302. Members of board -- Qualifications and appointment -- Vacancies --**
10704 **Organization -- Meetings -- Financial gain prohibited -- Expenses.**
10705 (1) The board consists of seven members appointed by the governor, with the consent
10706 of the Senate.
10707 (2) In addition to the requirements of Section 79-2-203, the members shall have the
10708 following qualifications:
10709 (a) one member knowledgeable in the field of geology as applied to the practice of civil
10710 engineering;
10711 (b) four members knowledgeable and representative of various segments of the mineral
10712 industry throughout the state, such as hydrocarbons, solid fuels, metals, and industrial minerals;
10713 (c) one member knowledgeable of the economic or scientific interests of the mineral
10714 industry in the state; and
10715 (d) one member who is interested in the goals of the survey and from the public at
10716 large.
10717 (3) The director of the School and Institutional Trust Lands Administration is an ex
10718 officio member of the board but without any voting privileges.
10719 (4) (a) Except as required by Subsection (4)(b), members are appointed for terms of
10720 four years.
10721 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
10722 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

10723 board members are staggered so that approximately half of the board is appointed every two
10724 years.
10725 (c) No more than four members may be of the same political party.
10726 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
10727 appointed for the unexpired term by the governor with the consent of the Senate.
10728 (5) The board shall select from its members a chair and such officers and committees
10729 as it considers necessary.
10730 (6) (a) The board shall hold meetings at least quarterly on such dates as may be set by
10731 its chair.
10732 (b) Special meetings may be held upon notice of the chair or by a majority of its
10733 members.
10734 (c) A majority of the members of the board present at a meeting constitutes a quorum
10735 for the transaction of business.
10736 (7) Members of the board may not obtain financial gain by reason of information
10737 obtained during the course of their official duties.
10738 [~~(8) (a) (i) A member who is not a government employee may not receive~~
10739 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~
10740 ~~incurred in the performance of the member's official duties at the rates established by the~~
10741 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
10742 [~~(ii) A member may decline to receive per diem and expenses for the member's~~
10743 ~~service.~~]
10744 [~~(b) (i) A state government officer and employee member who does not receive salary,~~
10745 ~~per diem, or expenses from the agency the member represents for the member's service may~~
10746 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
10747 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
10748 [~~(ii) A state government officer and employee member may decline to receive per diem~~
10749 ~~and expenses for the member's service.~~]
10750 (8) A member may not receive compensation or benefits for the member's service, but
10751 may receive per diem and travel expenses in accordance with:
10752 (a) Section 63A-3-106;
10753 (b) Section 63A-3-107; and

10754 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10755 63A-3-107.
10756 Section 210. Section **79-4-302** is amended to read:
10757 **79-4-302. Board appointment and terms of members -- Expenses.**
10758 (1) (a) The board is composed of nine members appointed by the governor, with the
10759 consent of the Senate, to four-year terms.
10760 (b) In addition to the requirements of Section 79-2-203, the governor shall:
10761 (i) appoint one member from each judicial district and one member from the public at
10762 large;
10763 (ii) ensure that not more than five members are from the same political party; and
10764 (iii) appoint persons who have an understanding of and demonstrated interest in parks
10765 and recreation.
10766 (c) Notwithstanding the term requirements of Subsection (1)(a), the governor may
10767 adjust the length of terms to ensure that the terms of board members are staggered so that
10768 approximately half of the board is appointed every two years.
10769 (2) When vacancies occur because of death, resignation, or other cause, the governor,
10770 with the consent of the Senate, shall:
10771 (a) appoint a person to complete the unexpired term of the person whose office was
10772 vacated; and
10773 (b) if the person was appointed from a judicial district, appoint the replacement from
10774 the judicial district from which the person whose office has become vacant was appointed.
10775 (3) The board shall appoint its chair from its membership.
10776 [~~(4) (a) A member may not receive compensation or benefits for the member's service,~~
10777 ~~but may receive per diem and expenses incurred in the performance of the member's official~~
10778 ~~duties at the rates established by the Division of Finance under Sections 63A-3-106 and~~
10779 ~~63A-3-107.~~]
10780 [~~(b) A member may decline to receive per diem and expenses for the member's~~
10781 ~~service.~~]
10782 (4) A member may not receive compensation or benefits for the member's service, but
10783 may receive per diem and travel expenses in accordance with:
10784 (a) Section 63A-3-106;

10785 (b) Section 63A-3-107; and
10786 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10787 63A-3-107.
10788 Section 211. Section **79-5-202** is amended to read:
10789 **79-5-202. Council membership -- Expenses.**
10790 (1) The council shall consist of nine members knowledgeable about muscle-powered
10791 recreational activities as follows:
10792 (a) five members shall represent the public at large;
10793 (b) one member, nominated by the Utah League of Cities and Towns, shall represent
10794 city government;
10795 (c) one member, nominated by the Utah Association of Counties, shall represent
10796 county government;
10797 (d) one member shall represent the United States Forest Service; and
10798 (e) one member shall represent the Bureau of Land Management.
10799 (2) (a) Except as required by Subsection (2)(b), as terms of current council members
10800 expire, the division shall appoint each new member or reappointed member to a four-year term.
10801 (b) Notwithstanding the requirements of Subsection (2)(a), the division shall, at the
10802 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
10803 council members are staggered so that approximately half of the council is appointed every two
10804 years.
10805 (3) The council shall elect annually a chair and a vice chair from its members.
10806 (4) When a vacancy occurs in the membership for any reason, the division shall
10807 appoint the replacement for the unexpired term.
10808 [~~(5) (a) (i) A member who is not a government employee may not receive~~
10809 ~~compensation or benefits for the member's service, but may receive per diem and expenses~~
10810 ~~incurred in the performance of the member's official duties at the rates established by the~~
10811 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
10812 [~~(ii) A member may decline to receive per diem and expenses for the member's~~
10813 ~~service.~~]
10814 [~~(b) (i) A state government officer and employee member who does not receive salary,~~
10815 ~~per diem, or expenses from the agency the member represents for the member's service may~~

10816 ~~receive per diem and expenses incurred in the performance of the member's official duties at~~
10817 ~~the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
10818 [~~(ii) A state government officer and employee member may decline to receive per diem~~
10819 ~~and expenses for the member's service.~~]
10820 [~~(c) (i) A local government member who does not receive salary, per diem, or expenses~~
10821 ~~from the entity that the member represents for the member's service may receive per diem and~~
10822 ~~expenses incurred in the performance of the member's official duties at the rates established by~~
10823 ~~the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~]
10824 [~~(ii) A local government member may decline to receive per diem and expenses for the~~
10825 ~~member's service.~~]
10826 (5) A member may not receive compensation or benefits for the member's service, but
10827 may receive per diem and travel expenses in accordance with:
10828 (a) Section 63A-3-106;
10829 (b) Section 63A-3-107; and
10830 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
10831 63A-3-107.

Legislative Review Note
as of 11-18-09 12:10 PM

Office of Legislative Research and General Counsel

H.B. 27 - Per Diem and Travel Expense Modifications

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill reduces Board of Pardons & Parole expenditures by $12,500 in FY 2011 and $25,000 in FY 2012.

	FY 2010 Approp.	FY 2011 Approp.	FY 2012 Approp.	FY 2010 Revenue	FY 2011 Revenue	FY 2012 Revenue
General Fund	$0	($25,000)	($25,000)	$0	$0	$0
General Fund, One-Time	$0	$12,500	$0	$0	$0	$0
Total	**$0**	**($12,500)**	**($25,000)**	**$0**	**$0**	**$0**

Individual, Business and/or Local Impact

Certain individuals may cease to receive per diem and travel reimbursement. Businesses and local governments are unaffected.