

**GUBERNATORIAL APPOINTMENT POWERS**

**AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: Patrick Painter

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**LONG TITLE**

**General Description:**

This bill addresses the effect of the Senate's lack of consent to a gubernatorial appointment within certain time periods.

**Highlighted Provisions:**

This bill:

▶ provides that a gubernatorial nomination for which Senate consent is required is considered rejected if not acted upon within:

- 90 days for permanent appointments; and
- 30 days for certain interim appointments; and

▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**67-1-1.5**, as last amended by Laws of Utah 2002, Chapter 176

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



28 Section 1. Section **67-1-1.5** is amended to read:

29 **67-1-1.5. Gubernatorial appointment powers.**

30 (1) As used in this section:

31 (a) "Board member" means each gubernatorial appointee to any state board, committee,  
32 commission, council, or authority.

33 (b) "Executive branch management position" includes department executive directors,  
34 division directors, and any other administrative position in state government where the person  
35 filling the position:

36 (i) works full-time performing managerial and administrative functions;

37 (ii) is appointed by the governor with the consent of the Senate.

38 (c) (i) "Executive branch policy position" means any person other than a person filling  
39 an executive branch management position, who is appointed by the governor with the consent  
40 of the Senate.

41 (ii) "Executive branch policy position" includes each member of any state board and  
42 commission appointed by the governor with the consent of the Senate.

43 (2) (a) Whenever a vacancy occurs in any executive branch policy position or in any  
44 executive branch management position, the governor shall submit the name of a nominee to the  
45 Senate for consent no later than three months after the ~~[date]~~ day on which the vacancy  
46 ~~[occurred]~~ occurs.

47 (b) If the Senate fails to consent to that person~~;~~ within 90 days after the day on which  
48 the governor submits the nominee's name to the Senate for consent:

49 (i) the nomination is considered rejected; and

50 (ii) the governor shall submit the name of ~~[another]~~ a different nominee to the Senate  
51 for consent no later than one month after the date on which the nomination was rejected by the  
52 Senate.

53 (3) (a) Whenever a vacancy occurs in any executive branch management position, the  
54 governor may either:

55 (i) appoint an interim manager who meets the qualifications of the vacant position to  
56 exercise the powers and duties of the vacant position for three months, pending consent of a  
57 person to permanently fill that position by the Senate; or

58 (ii) appoint an interim manager who does not meet the qualifications of the vacant

59 position and submit that person's name to the Senate for consent as interim manager within one  
60 month of the appointment.

61 (b) If the Senate fails to consent to the interim manager appointed under Subsection  
62 (3)(a)(ii)[;] within 30 days after the day on which the governor submits the nominee's name to  
63 the Senate for consent:

64 (i) the nomination is considered rejected; and

65 (ii) the governor may appoint [another] a different interim manager under Subsection  
66 (3)(a).

67 (c) If, after an interim manager has served three months, no one has been appointed and  
68 received Senate consent to permanently fill the position, the governor shall:

69 (i) appoint a new interim manager who meets the qualifications of the vacant position  
70 to exercise the powers and duties of the vacant position for three months; or

71 (ii) submit the name of the first interim manager to the Senate for consent as an interim  
72 manager for a three-month term.

73 (d) (i) If the Senate fails to consent to a nominee whose name is submitted under  
74 Subsection (3)(c)(ii) within 30 days after the day on which the governor submits the name to  
75 the Senate, the nomination is considered rejected.

76 (ii) If the Senate rejects the governor's appointment of an interim manager, the  
77 governor shall appoint a different interim manager in the manner required by Subsection (3)(a).

78 (4) The governor may not make a temporary appointment to fill a vacant executive  
79 branch policy position.

80 (5) (a) Before appointing any person to serve as a board member, the governor shall  
81 ask the person whether or not the person wishes to receive per diem, expenses, or both for  
82 serving as a board member.

83 (b) If the person declines to receive per diem, expenses, or both, the governor shall  
84 notify the agency administering the board, commission, committee, council, or authority and  
85 direct the agency to implement the board member's request.

86 (6) A gubernatorial nomination upon which the Senate has not acted to give consent or  
87 refuse to give consent is void when a vacancy in the office of governor occurs.

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**Legislative Review Note**  
as of 1-18-10 3:25 PM

**Office of Legislative Research and General Counsel**

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**S.B. 93 - Gubernatorial Appointment Powers Amendments**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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