



## HB0412S02 compared with HB0412S04

**includes a coordination clause merging changes made to Section 63H-8-201 in this bill and in H.B. 360, Housing Attainability Amendments, if both bills pass and become law; and**

11       ▶ makes technical and conforming changes.

21 **Money Appropriated in this Bill:**

22       None

23 **Other Special Clauses:**

24       This bill provides a coordination clause.

26 AMENDS:

27       **9-9-112 , as last amended by Laws of Utah 2022, Chapter 68 , as last amended by Laws of Utah 2022, Chapter 68**

28       **9-20-201** , as last amended by Laws of Utah 2024, Chapter 323 , as last amended by Laws of Utah 2024, Chapter 323

29       **10-3-1004** , as last amended by Laws of Utah 2010, Chapter 378 , as last amended by Laws of Utah 2010, Chapter 378

30       **17-28-2** , as last amended by Laws of Utah 2002, Chapter 158 , as last amended by Laws of Utah 2002, Chapter 158

31       **17-30-3** , as last amended by Laws of Utah 2023, Chapter 15 , as last amended by Laws of Utah 2023, Chapter 15

32       **17-30a-202** , as enacted by Laws of Utah 2014, Chapter 366 , as enacted by Laws of Utah 2014, Chapter 366

33       **19-2-103** , as last amended by Laws of Utah 2024, Chapter 529 , as last amended by Laws of Utah 2024, Chapter 529

34       **19-4-103** , as last amended by Laws of Utah 2024, Chapter 529 , as last amended by Laws of Utah 2024, Chapter 529

35       **19-5-103** , as last amended by Laws of Utah 2024, Chapter 529 , as last amended by Laws of Utah 2024, Chapter 529

36       **19-6-103** , as last amended by Laws of Utah 2020, Chapters 352, 373 , as last amended by Laws of Utah 2020, Chapters 352, 373

37       **26B-1-426** , as last amended by Laws of Utah 2024, Chapter 529 , as last amended by Laws of Utah 2024, Chapter 529

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32B-2-201 , as last amended by Laws of Utah 2022, Chapter 447 , as last amended by Laws of Utah 2022, Chapter 447

39 34A-1-205 , as last amended by Laws of Utah 2021, Chapter 345 , as last amended by Laws of Utah 2021, Chapter 345

40 35A-1-205 , as last amended by Laws of Utah 2021, Chapter 344 , as last amended by Laws of Utah 2021, Chapter 344

41 **35A-1-206 , as last amended by Laws of Utah 2020, Chapter 365 , as last amended by Laws of Utah 2020, Chapter 365**

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42 36-2-4 , as last amended by Laws of Utah 2021, Chapter 382 , as last amended by Laws of Utah 2021, Chapter 382

43 40-6-4 , as last amended by Laws of Utah 2024, Chapter 529 , as last amended by Laws of Utah 2024, Chapter 529

44 51-7-16 , as last amended by Laws of Utah 2024, Chapter 529 , as last amended by Laws of Utah 2024, Chapter 529

45 **53B-34-110 , as enacted by Laws of Utah 2024, Chapter 378 , as enacted by Laws of Utah 2024, Chapter 378**

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46 54-10a-202 , as last amended by Laws of Utah 2020, Chapter 154 , as last amended by Laws of Utah 2020, Chapter 154

47 63H-8-201 , as last amended by Laws of Utah 2024, Chapter 443 , as last amended by Laws of Utah 2024, Chapter 443

48 **63M-15-201 , as enacted by Laws of Utah 2021, Chapter 91 , as enacted by Laws of Utah 2021, Chapter 91**

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49 63N-7-201 , as last amended by Laws of Utah 2024, Chapter 529 , as last amended by Laws of Utah 2024, Chapter 529

50 **67-1-2.5 , as last amended by Laws of Utah 2024, Chapter 533 , as last amended by Laws of Utah 2024, Chapter 533**

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51 67-8-4 , as last amended by Laws of Utah 2020, Chapter 432 , as last amended by Laws of Utah 2020, Chapter 432

52 73-10-2 , as last amended by Laws of Utah 2023, Chapter 205 , as last amended by Laws of Utah 2023, Chapter 205

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78A-12-201 , as last amended by Laws of Utah 2022, Chapter 11 , as last amended by Laws of Utah 2022, Chapter 11

54 79-3-302 , as last amended by Laws of Utah 2020, Chapters 352, 373 , as last amended by Laws of Utah 2020, Chapters 352, 373

55 **Utah Code Sections affected by Coordination Clause:**

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

58 Section 1. Section 9-9-112 is amended to read:

### **9-9-112. Bears Ears Visitor Center Advisory Committee.**

- 59a (1) Utah extends an invitation to the Navajo Nation, the Ute Mountain Ute Tribe, the Hopi Nation, the Zuni Tribe, and the Ute Indian Tribe of the Uintah Ouray to form an advisory committee for the purpose of exploring the feasibility, location, functions, and other important matters surrounding the creation of a visitor center at Bears Ears.
- 59e (2) As used in this section:
- 59f (a) "Advisory committee" means the Bears Ears Visitor Center Advisory Committee created by this section.
- 59h (b) "Bears Ears" means the Bears Ears National Monument.
- 59i (3)
- (a) Subject to Subsection (3)(b), there is created the Bears Ears Visitor Center Advisory Committee consisting of the following ~~[eight]~~ voting members:
- 59k ~~[(i) five voting members as follows:]~~
- 59l ~~[(A)]~~ (i) a representative of the Navajo Nation, appointed by the Navajo Nation;
- 59m ~~[(B)]~~ (ii) a representative of the Ute Mountain Ute Tribe, appointed by the Ute Mountain Ute Tribe;
- 59o ~~[(C)]~~ (iii) a representative of the Hopi Nation, appointed by the Hopi Nation;
- 59p ~~[(D)]~~ (iv) a representative of the Zuni Tribe, appointed by the Zuni Tribe; and
- 59q ~~[(E)]~~ (v) a representative of the Ute Indian Tribe of the Uintah Ouray, appointed by the Ute Indian Tribe of the Uintah Ouray~~;~~ and .
- 59s ~~[(ii) subject to Subsection (4), three nonvoting members as follows:]~~
- 59t ~~[(A) one member of the Senate, appointed by the president of the Senate; and]~~
- 59u ~~[(B) two members of the House of Representatives, appointed by the speaker of the House of Representatives.]~~

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- 59w (b) The advisory committee is formed when all of the tribes described in Subsection (1) have communicated to the other tribes and to the Division of Indian Affairs that the tribe has appointed a member to the advisory committee.
- 59z (c)
- 59bb (i) The president of the Senate and the speaker of the House of Representatives may each appoint to the advisory committee one nonvoting individual.
- 59ee (ii) If an individual appointed under Subsection (3)(c)(i) is a member of the Legislature, the member serves as a member of the public and not in the member's legislative capacity.
- 59gg [~~(4) At least one of the three legislative members appointed under Subsection (3)(a)(ii) shall be from a minority party.~~]
- 59ii [~~(5)~~] (5)
- 59ll (a) If a vacancy occurs in the membership of the advisory committee appointed under Subsection (3), the member shall be replaced in the same manner in which the original appointment was made.
- 59nn (b) A member appointed under Subsection (3) serves until the member's successor is appointed and qualified.
- 59pp [~~(7)~~] (6)
- 59qq (a) A majority of the voting members of the advisory committee constitutes a quorum.
- 59rr (b) The action of a majority of a quorum constitutes an action of the advisory committee.
- 59ss [~~(8)~~]
- 59tt (a) ~~The salary and expenses of an advisory committee member who is a legislator shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.~~]
- 59uu [~~(b)~~] (7) An advisory committee member [~~who is not a legislator~~] may not receive compensation or benefits for the member's service on the advisory committee, but may receive per diem and reimbursement for travel expenses incurred as an advisory committee member at the rates established by the Division of Finance under:
- 59xx [(i)] (a) Sections 63A-3-106 and 63A-3-107; and
- 59yy [(ii)] (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- 59aaa

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~~[(9)]~~ (8) The advisory committee may invite the United States Forest Service, the Bureau of Land Management, the Division of State Parks, the Division of Outdoor Recreation, and the Utah Office of Tourism within the Governor's Office of Economic Opportunity, to serve as technical advisors to the advisory committee.

59eee ~~[(10)]~~ (9) The Division of Indian Affairs shall staff the advisory committee.

59fff ~~[(11)]~~ (10) The advisory committee shall study and make recommendations concerning:

59ggg (a) the need for a visitor center associated with Bears Ears;

59hhh (b) the feasibility of a visitor center associated with Bears Ears, including investigating:

59iii (i) potential locations for the visitor center;

59jjj (ii) purposes for the visitor center; and

59kkk (iii) sources of funding to build and maintain the visitor center;

59lll (c) whether a visitor center will increase visitorship to Bears Ears; and

59mmm (d) whether a visitor center at Bears Ears could function as a repository of traditional knowledge and practices.

59ooo ~~[(12)]~~ (11) The advisory committee may contract with one or more consultants to conduct work related to the issues raised in Subsection ~~[(11)]~~ (10) if the Legislature appropriates money expressly for the purpose of the advisory committee contracting with a consultant.

59rrr ~~[(13)]~~ (12) The advisory committee shall hold at least one public hearing to obtain public comment on the creation of a Bears Ears visitor center.

59ttt ~~[(14)]~~ (13) The advisory committee shall report the advisory committee's recommendations to one or more of the following:

59vvv (a) the Economic Development and Workforce Services Interim Committee;

59www (b) the House Economic Development and Workforce Services Committee; or

59xxx (c) the Senate Economic Development and Workforce Services Committee.

59yyy Section 2. Section **9-20-201** is amended to read:

59zzz **9-20-201. Creation -- Members -- Appointment -- Terms -- Vacancies -- Per diem and expenses.**

46 (1) There is created the Utah Commission on Service and Volunteerism consisting of 19 voting members and one nonvoting member.

48 (2) The 19 voting members of the commission are:

49 (a) the lieutenant governor;

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- 50 (b) the commissioner of higher education or the commissioner's designee;
- 51 (c) the state superintendent of public instruction or the superintendent's designee;
- 52 (d) the executive director of the Department of Cultural and Community Engagement or the executive  
director's designee;
- 54 (e) nine members appointed by the governor as follows:
- 55 (i) an individual with expertise in the educational, training, and developmental needs of youth,  
particularly disadvantaged youth;
- 57 (ii) an individual with experience in promoting the involvement of older adults in volunteer service;
- 59 (iii) a representative of a community-based agency or organization within the state;
- 60 (iv) a representative of local government;
- 61 (v) a representative of a local labor organization in the state;
- 62 (vi) a representative of business;
- 63 (vii) an individual between the ages of 16 and 25 years old who participates in a volunteer or service  
program;
- 65 (viii) a representative of a national service program; and
- 66 (ix) a representative of the volunteer sector; and
- 67 (f) six members appointed by the governor from among the following groups:
- 68 (i) local educators;
- 69 (ii) experts in the delivery of human, educational, cultural, environmental, or public safety services to  
communities and individuals;
- 71 (iii) representatives of Native American tribes;
- 72 (iv) representatives of organizations that assist out-of-school youth or other at-risk youth; or
- 74 (v) representatives of entities that receive assistance under the Domestic Volunteer Service Act of 1973,  
42 U.S.C. 4950 et seq.
- 76 (3) The nonvoting member of the commission is the regional representative of the corporation.
- 78 (4)
- (a) In appointing persons to serve on the commission, the governor shall ensure that ~~{f:}{}~~ ~~no more  
than five voting members of the commission are state government employees.~~
- 81 {f(i)} except as provided in Subsection 67-1-2.5(15)(a), no more than 10 voting members of the  
commission are members of the same political party; and
- 83 {f(ii)} no more than five voting members of the commission are state government employees.

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- 85 (b) In appointing persons to serve on the commission, the governor shall strive for balance on the  
commission according to race, ethnicity, age, gender, disability characteristics, and geography.
- 88 (5)
- (a) Except as required by Subsection (5)(b), as terms of current commission members expire, the  
governor shall appoint each new member or reappointed member to a three-year term.
- 91 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of  
appointment or reappointment, adjust the length of terms to ensure that the terms of commission  
members are staggered so that approximately one-third of the commission is appointed every year.
- 95 (6) When a vacancy occurs in the membership, the replacement shall be appointed for the unexpired  
term.
- 97 (7) A member appointed by the governor may not serve more than two consecutive terms.
- 98 (8) A member may not receive compensation or benefits for the member's service, but may receive per  
diem and travel expenses in accordance with:
- 100 (a) Section 63A-3-106;
- 101 (b) Section 63A-3-107; and
- 102 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

59ffffff Section 3. Section **10-3-1004** is amended to read:

99ggggggg **10-3-1004. Qualifications of commissioners -- Salary -- Removal.**

[Not more than two members of the civil service commission shall at any one time  
be of the same political party.]

- 108 (1) No member of the civil service commission shall, during [his] the member's tenure of office;  
59lllllll (a) hold any other public office[;]; or  
mmmmm (b) be a candidate for any other public office.
- 110 (2) Each member shall receive \$25 for each meeting of the commission which [he] the member shall  
attend, but may not receive more than \$100 in any one month.
- 112 (3) In case of misconduct, inability or willful neglect in the performance of the duties of the office by  
any member, the member may be removed from office by the board of city commissioners by a  
majority vote of the entire membership, but the member shall, if [he] the member so desires, have an  
opportunity to be heard in defense.

59tttttt Section 4. Section **17-28-2** is amended to read:

99uuuuuu **17-28-2. Vacancies -- Compensation -- Removal from office.**

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- 118 (1) Any vacancy occurring on the County Fire Civil Service Council shall be filled by appointment by  
the county executive for the unexpired term.
- 120 [~~(2) Not more than two members of any council shall at any one time be affiliated with or a member of  
the same political party.~~]
- 122 [~~(3)~~ (2) A member of the council may not hold, during the term of [~~his~~] the member's office, any other  
public office or be a candidate for any other public office.
- 124 [~~(4)~~ (3)  
(a) Each council member shall receive \$50 for each meeting of the council attended by [~~him~~] the  
council member.
- 126 (b) The county legislative body may raise the compensation of [~~council members as it~~] a council  
member as the county legislative body considers appropriate.
- 128 (c) [~~This compensation and allowance~~] The compensation and allowance described in Subsections (3)  
(a) and (b) shall be a charge against the county and paid monthly.
- 130 [~~(5)~~ (4)  
(a) [~~In case of misconduct, willful neglect, or inability to perform the duties of his office, any council  
member may be removed from office by the county legislative body upon a majority vote of the  
body, but the member is entitled to an opportunity to be heard in his own defense.~~] In case of  
misconduct, willful neglect, or an inability to perform the duties of the council member's office, a  
council member may be removed from office by the county legislative body upon a majority vote of  
the county legislative body.
- 137 (b) A county legislative body that moves to remove a council member from office under Subsection (4)  
(a) shall provide the council member with the opportunity to be heard in the council member's own  
defense.

59rrrrrrr Section 5. Section **17-30-3** is amended to read:

59sssssss **17-30-3. Establishment of merit system commission -- Appointment, qualifications, and  
compensation of members.**

- 143 (1)  
(a) Each county with a population of 20,000 or more shall establish a merit system commission  
consisting of three members appointed as provided in Subsection (1)(b).
- 145 (b)  
(i) As used in this Subsection (1)(b):

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- 146 (A) "Police interlocal entity" means an interlocal entity, as defined in Section 11-13-103, that is  
created:
- 148 (I) under Title 11, Chapter 13, Interlocal Cooperation Act, by an agreement to which a county of the  
first class is a party; and
- 150 (II) to provide law enforcement service to an area that includes the unincorporated part of the county.
- 152 (B) "Police special district" means a special district, as defined in Section 17B-1-102:
- 154 (I) whose creation was initiated by the adoption of a resolution under Section 17B-1-203 by the  
legislative body of a county of the first class, alone or with one or more other legislative bodies; and
- 157 (II) that is created to provide law enforcement service to an area that includes the unincorporated part of  
the county.
- 159 (ii) For a county in which a police interlocal entity is created, whether or not a police special district is  
also created in the county:
- 161 (A) two members shall be appointed by the legislative body of the county; and
- 162 (B) one member shall be appointed by the governing body of the interlocal entity.
- 163 (iii) For a county in which a police special district is created but in which a police interlocal entity has  
not been created:
- 165 (A) two members shall be appointed by the legislative body of the county; and
- 166 (B) one member shall be appointed by the board of trustees of the police special district.
- 168 (iv) For each other county, all three members shall be appointed by the county legislative body.
- 170 [~~(e)~~ Not more than two members of the commission shall be affiliated with or members of the same  
political party.]
- 172 [~~(d)~~] (c) Of the original appointees, one member shall be appointed for a term ending February 1 of the  
first odd-numbered year after the date of appointment, and one each for terms ending two and four  
years thereafter.
- 175 [~~(e)~~] (d) Upon the expiration of any of the terms, a successor shall be appointed for a full term of six  
years.
- 177 [~~(f)~~] (e) Appointment to fill a vacancy resulting other than from expiration of term shall be for the  
unexpired portion of the term only.
- 179 (2) Members of a commission shall be citizens of the state, shall have been residents of the area  
embraced by the governmental unit from which appointed not less than five years next preceding the

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date of appointment, and shall hold no other office or employment under the governmental unit for which appointed.

- 183 (3) The county legislative body may compensate a member for service on the commission and reimburse the member for necessary expenses incurred in the performance of the member's duties.

59||||||| Section 6. Section **17-30a-202** is amended to read:

nm| Section **17-30a-202. Establishment of merit commission -- Appointment, qualifications, and compensation of members.**

189 (1)

(a) Except as provided in Subsection (1)(b), a county subject to this chapter shall establish a merit system commission consisting of three appointed members:

191 (i) two members appointed by the legislative body of the county; and

192 (ii) one member appointed by the governing body of a police interlocal entity.

193 (b) If there is no police interlocal entity within the county, the county legislative body shall appoint all three members of a commission described in Subsection (1)(a).

195 [~~(e) No more than two members of the commission may be affiliated with or members of the same political party.~~]

197 [~~(d)~~] (c)

(i) Of the original appointees described in Subsection (1)(a) or (b), one member shall be appointed for a term ending February 1 of the first odd-numbered year after the date of appointment, and one each for terms ending two and four years thereafter.

201 (ii) For a term subsequent to a term described in Subsection [~~(1)(d)~~] (1)(c), a commission member shall hold a term of six years.

203 [~~(e)~~] (d) If an appointed position described in Subsection (1)(a) or (b) is vacated for a cause other than expiration of the member's term, the position is filled by appointment for the unexpired portion of the term only.

206 (2) A member of the commission:

207 (a) shall be a resident of the state;

208 (b) for at least five years preceding the date of appointment a resident of:

209 (i) the county; or

210 (ii) if applicable, the area served by the police interlocal entity from which appointed; and

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(c) may not hold another office or employment with the county or, if applicable, in a municipality served by the police interlocal entity for which the member is appointed.

214 (3) The county legislative body or interlocal entity governing body may compensate a member for  
service on the commission and reimburse the member for necessary expenses incurred in the  
performance of the member's duties.

qqqqqqq Section 7. Section **19-2-103** is amended to read:

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

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

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

223 (i) the executive director; or

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

225 (b) the following eight voting members, who shall be appointed or reappointed by the governor with the  
advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies:

228 (i) one representative who:

229 (A) is not connected with industry;

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

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

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

234 (iii) one representative from the mining industry;

235 (iv) one representative from the fuels industry;

236 (v) one representative from the manufacturing industry;

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

238 (A) an environmental nongovernmental organization; or

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

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

243 (2) A member of the board shall:

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- (a) be knowledgeable about air pollution matters, as evidenced by a professional degree, a professional accreditation, or documented experience;
- 246 (b) be a resident of Utah;
- 247 (c) attend board meetings in accordance with the attendance rules made by the department under Subsection 19-1-201(1)(d)(i)(A); and
- 249 (d) comply with all applicable statutes, rules, and policies, including the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest, and the conflict of interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).
- 253 ~~{(3)}~~ Except as provided in Subsection 67-1-2.5(15)(a), no more than five of the appointed members of the board shall belong to the same political party.
- 255 ~~{(4)}~~ ~~{(3)}~~ A majority of the members of the board may not derive any significant portion of their income from persons subject to permits or orders under this chapter.
- 257 ~~{(5)}~~ ~~{(4)}~~
- (a) Members shall be appointed for a term of four years.
- 258 (b) Notwithstanding the requirements of Subsection ~~{(5)(a)}~~ ~~{(4)(a)}~~, the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that half of the appointed board is appointed every two years.
- 262 ~~{(6)}~~ ~~{(5)}~~ A member may serve more than one term.
- 263 ~~{(7)}~~ ~~{(6)}~~ A member shall hold office until the expiration of the member's term and until the member's successor is appointed, but not more than 90 days after the expiration of the member's term.
- 266 ~~{(8)}~~ ~~{(7)}~~ When a vacancy occurs in the membership for any reason, the governor shall, with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, appoint a replacement for the unexpired term.
- 269 ~~{(9)}~~ ~~{(8)}~~ The board shall elect annually a chair and a vice chair from its members.
- 270 ~~{(10)}~~ ~~{(9)}~~
- (a) The board shall meet at least quarterly.
- 271 (b) Special meetings may be called by the chair upon the chair's own initiative, upon the request of the director, or upon the request of three members of the board.
- 273 (c) Three days' notice shall be given to each member of the board before a meeting.
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{(11){+}} {(10)+} Five members constitute a quorum at a meeting, and the action of a majority of members present is the action of the board.

276 {(12){+}} {(11)+} A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

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

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

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

lddddddd Section 8. Section **19-4-103** is amended to read:

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

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

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

288 (i) the executive director; or

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

290 (b) the following eight voting members, who shall be appointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies:

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

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

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

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

300 (v) one representative from:

301 (A) the state water research community; or

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

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

305 (A) an environmental nongovernmental organization; or

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

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

310 (2) A member of the board shall:

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

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

314 (c) be a resident of Utah;

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

317 (e) comply with all applicable statutes, rules, and policies, including the conflict of interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B) and the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

321 ~~{(3)}~~ Except as provided in Subsection 67-1-2.5(15)(a), no { more than five appointed members of the board shall be from the same political party. }

323 ~~{(4)}~~ { (3) }

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

325 (b) Notwithstanding the requirements of Subsection ~~{(4)(a)}~~ { (3)(a) }, the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that half of the appointed board is appointed every two years.

329 (c)

(i) Notwithstanding Subsection ~~{(4)(a)}~~ { (3)(a) }, the term of a board member who is appointed before May 1, 2013, shall expire on April 30, 2013.

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

333 ~~{(5)}~~ { (4) } When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

335 ~~{(6)}~~ { (5) } When the governor makes a new appointment or reappointment under Subsection ~~{(4)(a)}~~ { (3)(a) }, or a vacancy appointment under Subsection ~~{(5)}~~ { (4) }, the governor's new

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appointment, reappointment, or vacancy appointment shall be with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

339 ~~{(7)}~~ ~~{(6)}~~ Each member holds office until the expiration of the member's term, and until a  
successor is appointed, but not for more than 90 days after the expiration of the term.

341 ~~{(8)}~~ ~~{(7)}~~ The board shall elect annually a chair and a vice chair from its members.

342 ~~{(9)}~~ ~~{(8)}~~

(a) The board shall meet at least quarterly.

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

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

346 ~~{(10)}~~ ~~{(9)}~~ Five members constitute a quorum at any meeting and the action of the majority of  
the members present is the action of the board.

348 ~~{(11)}~~ ~~{(10)}~~ A member may not receive compensation or benefits for the member's service, but  
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 63A-3-107.

xxxxxxx Section 9. Section **19-5-103** is amended to read:

yyyyyyyy **19-5-103. Water Quality Board -- Members of board -- Appointment -- Terms --**

**Organization -- Meetings -- Per diem and expenses.**

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

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

360 (i) the executive director; or

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

362 (b) the following eight voting members, who shall be appointed or reappointed by the governor with the  
advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies:

365 (i) one representative who:

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

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

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- 369 (C) represents local and special service districts in the state;
- 370 (ii) two government representatives who do not represent the federal government;
- 371 (iii) one representative from the mineral industry;
- 372 (iv) one representative from the manufacturing industry;
- 373 (v) one representative who represents agricultural and livestock interests;
- 374 (vi) one representative from the public who represents:
- 375 (A) an environmental nongovernmental organization; or
- 376 (B) a nongovernmental organization that represents community interests and does not represent industry  
interests; and
- 378 (vii) one representative from the public who is trained and experienced in public health.
- 380 (2) A member of the board shall:
- 381 (a) be knowledgeable about water quality matters, as evidenced by a professional degree, a professional  
accreditation, or documented experience;
- 383 (b) be a resident of Utah;
- 384 (c) attend board meetings in accordance with the attendance rules made by the department under  
Subsection 19-1-201(1)(d)(i)(A); and
- 386 (d) comply with all applicable statutes, rules, and policies, including the conflict of interest rules made  
by the department under Subsection 19-1-201(1)(d)(i)(B) and the conflict of interest provisions  
described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 390 ~~{(3)}~~ [No] Except as provided in Subsection 67-1-2.5(15)(a), no more than five of the appointed  
members may be from the same political party.
- 391 ~~{(4)}~~ ~~{(3)}~~ When a vacancy occurs in the membership for any reason, the governor shall, with  
the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies,  
appoint a replacement for the unexpired term.
- 394 ~~{(5)}~~ ~~{(4)}~~
- (a) A member shall be appointed for a term of four years and is eligible for reappointment.
- 396 (b) Notwithstanding the requirements of Subsection ~~{(5)(a)}~~ ~~{(4)(a)}~~, the governor shall, at the  
time of appointment or reappointment, adjust the length of terms to ensure that the terms of board  
members are staggered so that half of the appointed board is appointed every two years.
- 400 ~~{(6)}~~ ~~{(5)}~~ A member shall hold office until the expiration of the member's term and until the  
member's successor is appointed, not to exceed 90 days after the formal expiration of the term.

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- 403     ~~{(7){}}~~ ~~{(6)}~~ The board shall:
- 404     (a) organize and annually select one of its members as chair and one of its members as vice chair;
- 406     (b) hold at least four regular meetings each calendar year; and
- 407     (c) keep minutes of its proceedings which are open to the public for inspection.
- 408     ~~{(8){}}~~ ~~{(7)}~~ The chair may call a special meeting upon the request of three or more members of the board.
- 410     ~~{(9){}}~~ ~~{(8)}~~ Each member of the board and the director shall be notified of the time and place of each meeting.
- 412     ~~{(10){}}~~ ~~{(9)}~~ Five members of the board constitute a quorum for the transaction of business, and the action of a majority of members present is the action of the board.
- 414     ~~{(11){}}~~ ~~{(10)}~~ A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- 416     (a) Section 63A-3-106;
- 417     (b) Section 63A-3-107; and
- 418     (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 10. Section **19-6-103** is amended to read:

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

- 423     (1) The board consists of the following 12 members:
- 424     (a) the following non-voting member, except that the member may vote to break a tie vote between the voting members:
- 426     (i) the executive director; or
- 427     (ii) an employee of the department designated by the executive director; and
- 428     (b) the following 11 voting members appointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies:
- 430     (i) one representative who is:
- 431     (A) not connected with industry; and
- 432     (B) a Utah-licensed professional engineer;
- 433     (ii) two government representatives who do not represent the federal government;
- 434     (iii) one representative from the manufacturing, mining, or fuel industry;
- 435     (iv) one representative from the private solid or hazardous waste disposal industry;

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- 436 (v) one representative from the private hazardous waste recovery industry;
- 437 (vi) one representative from the radioactive waste management industry;
- 438 (vii) one representative from the uranium milling industry;
- 439 (viii) one representative from the public who represents:
- 440 (A) an environmental nongovernmental organization; or
- 441 (B) a nongovernmental organization that represents community interests and does not represent industry interests;
- 443 (ix) one representative from the public who is trained and experienced in public health and a licensed:
- 445 (A) medical doctor; or
- 446 (B) dentist; and
- 447 (x) one representative who is:
- 448 (A) a medical physicist or a health physicist; or
- 449 (B) a professional employed in the field of radiation safety.
- 450 (2) A member of the board shall:
- 451 (a) be knowledgeable about solid and hazardous waste matters and radiation safety and protection as evidenced by a professional degree, a professional accreditation, or documented experience;
- 454 (b) be a resident of Utah;
- 455 (c) attend board meetings in accordance with the attendance rules made by the department under Subsection 19-1-201(1)(d)(i)(A); and
- 457 (d) comply with all applicable statutes, rules, and policies, including the conflict of interest rules made by the department in accordance with Subsection 19-1-201(1)(d)(i)(B) and the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 461 ~~{(3)}~~ Except as provided in Subsection 67-1-2.5(15)(a), no more than six of the appointed members may be from the same political party.
- 462 ~~{(4)}~~ ~~{(3)}~~
- 463 (a) Members shall be appointed for terms of four years each.
- 463 (b) Notwithstanding the requirements of Subsection ~~{(4)(a)}~~ ~~{(3)(a)}~~, the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that half of the appointed board is appointed every two years.
- 467 ~~{(5)}~~ ~~{(4)}~~ Each member is eligible for reappointment.
- 468

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

471 {(7){+} {(6)+} When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor, after considering recommendations of the board and with the advice and consent of the Senate.

474 {(8){+} {(7)+} The board shall elect a chair and vice chair on or before April 1 of each year from its membership.

476 {(9){+} {(8)+} A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

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

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

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

482 {(10){+} {(9)+}

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

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

486 {(11){+} {(10)+} Six members constitute a quorum at any meeting, and the action of the majority of members present is the action of the board.

Section 11. Section **26B-1-426** is amended to read:

**26B-1-426. Board of Aging and Adult Services -- Members, appointment, terms, vacancies, chairperson, compensation, meetings, quorum.**

491 (1) The Board of Aging and Adult Services created in Section 26B-1-204 shall have seven members who are appointed or reappointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

494 (2)

(a) Except as required by Subsection (2)(b), each member shall be appointed for a term of four years, and is eligible for one reappointment.

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

500

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(c) Board members shall continue in office until the expiration of their terms and until their successors are appointed, which may not exceed 90 days after the formal expiration of a term.

503 (d) When a vacancy occurs in the membership for any reason, the governor shall, with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, appoint a replacement for the unexpired term.

506 ~~{(3)}~~

~~{(a) }[No] Except as provided in Subsection 67-1-2.5(15)(a), no{ more than four members of the board may be from the same political party. }~~

507 ~~{(b){} {3}}~~ The board shall have diversity of gender, ethnicity, and culture; and members shall be chosen on the basis of their active interest, experience, and demonstrated ability to deal with issues related to the Board of Aging and Adult Services.

510 (4)

(a) The board shall annually elect a chairperson from the board's membership.

511 (b) The board shall hold meetings at least once every three months.

512 (c) Within budgetary constraints, meetings may be held from time to time on the call of the chairperson or of the majority of the members of the board.

514 (d) Four members of the board are necessary to constitute a quorum at any meeting, and, if a quorum exists, the action of the majority of members present shall be the action of the board.

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

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

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

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

524 (6)

(a) The board shall adopt bylaws governing its activities.

525 (b) The bylaws described in Subsection (6)(a) shall include procedures for removal of a board member who is unable or unwilling to fulfill the requirements of the board member's appointment.

528 (7) The board has program policymaking authority for the division over which the board presides.

530 (8) A member of the board shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

vvvvvvv Section 12. Section **32B-2-201** is amended to read:

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### 32B-2-201. Alcoholic Beverage Services Commission created.

- 534 (1)
- (a) There is created the "Alcoholic Beverage Services Commission."
- 535 (b) The commission is the governing board over the department.
- 536 (2)
- {(a)} The commission is composed of seven part-time commissioners appointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 539 {(b)} ~~No~~ Except as provided in Subsection 67-1-2.5(15)(a), no {more than four commissioners may be of the same political party.}
- 540 (3)
- (a) Except as required by Subsection (3)(b), as terms of commissioners expire, the governor shall appoint each new commissioner or reappointed commissioner to a four-year term.
- 543 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of no more than three commissioners expire in a fiscal year.
- 546 (4)
- (a) When a vacancy occurs on the commission for any reason, the governor shall appoint a replacement for the unexpired term with the advice and consent of the Senate.
- 549 (b) Unless removed in accordance with Subsection (6), a commissioner shall remain on the commission after the expiration of a term until a successor is appointed by the governor, with the advice and consent of the Senate.
- 552 (5) A commissioner shall take the oath of office.
- 553 (6)
- (a) The governor may remove a commissioner from the commission for cause, neglect of duty, inefficiency, or malfeasance after a public hearing conducted by:
- 555 (i) the governor; or
- 556 (ii) an impartial hearing examiner appointed by the governor to conduct the hearing.
- 557 (b) At least 10 days before the hearing described in Subsection (6)(a), the governor shall provide the commissioner notice of:
- 559 (i) the date, time, and place of the hearing; and
- 560 (ii) the alleged grounds for the removal.

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- 561 (c) The commissioner shall have an opportunity to:
- 562 (i) attend the hearing;
- 563 (ii) present witnesses and other evidence; and
- 564 (iii) confront and cross examine witnesses.
- 565 (d) After a hearing under this Subsection (6):
- 566 (i) the person conducting the hearing shall prepare written findings of fact and conclusions of law; and
- 568 (ii) the governor shall serve a copy of the prepared findings and conclusions upon the commissioner.
- 570 (e) If a hearing under this Subsection (6) is held before a hearing examiner, the hearing examiner shall issue a written recommendation to the governor in addition to complying with Subsection (6)(d).
- 573 (f) A commissioner has five days from the day on which the commissioner receives the findings and conclusions described in Subsection (6)(d) to file written objections to the recommendation before the governor issues a final order.
- 576 (g) The governor shall:
- 577 (i) issue the final order under this Subsection (6) in writing; and
- 578 (ii) serve the final order upon the commissioner.
- 579 (7) A commissioner may not receive compensation or benefits for the commissioner's service, but may receive per diem and travel expenses in accordance with:
- 581 (a) Section 63A-3-106;
- 582 (b) Section 63A-3-107; and
- 583 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- 585 (8)
- (a)
- (i) The governor shall annually appoint the chair of the commission.
- 586 (ii) A commissioner serves as chair to the commission at the pleasure of the governor.
- 587 (iii) If removed as chair, the commissioner continues to serve as a commissioner unless removed as a commissioner under Subsection (6).
- 589 (b) The commission shall elect:
- 590 (i) another commissioner to serve as vice chair; and
- 591 (ii) other commission officers as the commission considers advisable.
- 592 (c) A commissioner elected under Subsection (8)(b) shall serve in the office to which the commissioner is elected at the pleasure of the commission.

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- 594 (9)
- (a) Each commissioner has equal voting rights on a commission matter when in attendance at a commission meeting.
- 596 (b) Four commissioners is a quorum for conducting commission business.
- 597 (c) A majority vote of the quorum present at a meeting is required for the commission to act.
- 599 (d) A commissioner shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 601 (10)
- (a) The commission shall meet at least monthly, but may hold other meetings at times and places as scheduled by:
- 603 (i) the commission;
- 604 (ii) the chair; or
- 605 (iii) three commissioners upon filing a written request for a meeting with the chair.
- 606 (b)
- (i) Notice of the time and place of a commission meeting shall be given to each commissioner, and to the public in compliance with Title 52, Chapter 4, Open and Public Meetings Act.
- 609 (ii) A commission meeting is open to the public, except for a commission meeting or portion of a commission meeting that is closed by the commission as authorized by Sections 52-4-204 and 52-4-205.
- ryyyyyyy Section 13. Section **34A-1-205** is amended to read:
- zzzzzzzz **34A-1-205. Appeals Board -- Chair -- Appointment -- Compensation -- Qualifications.**
- 615 (1)
- (a) There is created the Appeals Board within the commission consisting of three members.
- 617 (b) The board may call and preside at adjudicative proceedings to review an order or decision that is subject to review by the Appeals Board under this title.
- 619 (2)
- (a) With the advice and consent of the Senate and in accordance with this section, the governor shall appoint:
- 621 (i) one member of the board to represent employers; and
- 622 (ii) one member of the board to represent employees.
- 623

## HB0412S02 compared with HB0412S04

(b) With the advice and consent of the Senate and in accordance with this section, the governor may appoint:

625 (i) one alternate member of the board to represent employers in the event that the member representing employers is unavailable; or

627 (ii) one alternate member of the board to represent employees in the event that the member representing employees is unavailable.

629 (c) In making the appointments described in this subsection, the governor shall:

630 (i) when appointing a member or alternate member to represent employers, consider nominations from employer organizations;

ssssssss (ii) ~~{-and~~  
632 ~~{(ii)}~~ when appointing a member or alternate member to represent employees, consider nominations from employee organizations~~{(i)} ;~~

634 ~~{(iii)}~~ except as provided in Subsection 67-1-2.5(15)(a), {ensure that no more than two members belong to the same political party; and}

635 ~~{(iv)}~~ ensure that an alternate member belongs to the same political party as the member for whom the alternate stands in.}

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

640 (3)

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

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

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

650 (4) A member and alternate member shall be part-time and receive compensation as provided by Title 63A, Chapter 17, Utah State Personnel Management Act.

652 (5)

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

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

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

657 (7)

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

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

Section 14. Section **35A-1-205** is amended to read:

### **35A-1-205. Workforce Appeals Board -- Chair -- Appointment -- Compensation --**

#### **Qualifications.**

664 (1) There is created the Workforce Appeals Board within the department consisting of one or more panels to hear and decide appeals from the decision of an administrative law judge.

667 (2)

{f(a)} A panel shall consist of three impartial members appointed by the governor as follows:

669 {f(i)} {a} the board chair, appointed in accordance with Subsection (5);

670 {f(ii)} {b} one member appointed to represent employers; and in making this appointment, the governor shall consider nominations from employer organizations; and

672 {f(iii)} {c} one member appointed to represent employees; and in making this appointment, the governor shall consider nominations from employee organizations.

674 {f(b)} Except as provided in Subsection 67-1-2.5(15)(a), no { more than two members of a panel may belong to the same political party. }

675 (3)

(a)

(i) The term of a member shall be six years beginning on March 1 of the year the member is appointed, except as otherwise provided in Subsection (3)(a)(ii).

677 (ii) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of members are staggered so that approximately one third of the members are appointed every two years.

680

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- (b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- 682 (c) The governor may remove a member for inefficiency, neglect of duty, malfeasance or misfeasance  
in office, or other good and sufficient cause.
- 684 (d) A member shall hold office until a successor is appointed and has qualified.
- 685 (4)
- (a) Except as provided in Subsection (4)(b), a member may not receive compensation or benefits for the  
member's service, but may receive per diem and travel expenses in accordance with:
- 688 (i) Section 63A-3-106;
- 689 (ii) Section 63A-3-107; and
- 690 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- 692 (b) The member appointed as board chair in accordance with Subsection (5) shall be compensated at an  
hourly rate determined by the Division of Human Resource Management in accordance with Title  
63A, Chapter 17, Utah State Personnel Management Act.
- 696 (5)
- (a) The chief officer of the board shall be the chair, who shall serve as the executive and administrative  
head of the board.
- 698 (b) The chair shall be appointed by the governor to represent the public and may be removed from that  
position at the will of the governor.
- 700 (c) The chair shall be experienced in administration and possess any additional qualifications  
determined by the governor.
- 702 (6)
- (a) The chair shall designate an alternate from a panel appointed under this section:
- 703 (i) in the absence of a regular member or the chair; or
- 704 (ii) if the regular member or the chair has a conflict of interest.
- 705 (b) Each case shall be decided by a full three-member panel.
- 706 (7) The department shall provide the Workforce Appeals Board necessary staff support, except, the  
board may employ, retain, or appoint legal counsel.

SSSSSSSS  
Section 15. Section 35A-1-206 is amended to read:

**35A-1-206. State Workforce Development Board -- Appointment -- Membership -- Terms of  
members -- Compensation.**

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- 60b (1) There is created within the department the State Workforce Development Board in accordance with the provisions of the Workforce Innovation and Opportunity Act, 29 U.S.C. Sec. 3101 et seq.
- 60e (2) The board shall consist of the following [38] members:
- 60f (a) the governor or the governor's designee;
- 60g [~~(b) one member of the Senate, appointed by the president of the Senate;~~]
- 60h [~~(c) one representative of the House of Representatives, appointed by the speaker of the House of Representatives;~~]
- 60j [~~(d)~~] (b) the executive director or the executive director's designee;
- 60k [~~(e)~~] (c) the executive director of the Department of Health and Human Services or the executive director's designee;
- 60m [~~(f)~~] (d) the director of the Utah State Office of Rehabilitation or the director's designee;
- 60n [~~(g)~~] (e) the state superintendent of public instruction or the superintendent's designee;
- 60o [~~(h)~~] (f) the commissioner of higher education or the commissioner's designee;
- 60p [~~(i)~~] (g) the executive director of the Governor's Office of Economic Opportunity or the executive director's designee;
- 60r [~~(j)~~] (h) the executive director of the Department of Veterans and Military Affairs or the executive director's designee; and
- 60t [~~(k)~~] (i) the following members appointed by the governor:
- 60u (i) 20 representatives of business in the state, selected among the following:
- 60v (A) owners of businesses, chief executive or operating officers of businesses, or other business executives or employers with policymaking or hiring authority;
- 60x (B) representatives of businesses, including small businesses, that provide employment opportunities that include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the state; and
- 60aa (C) representatives of businesses appointed from among individuals nominated by state business organizations or business trade associations;
- 60cc (ii) six representatives of the workforce within the state, which:
- 60dd (A) shall include at least two representatives of labor organizations who have been nominated by state labor federations;
- 60ff (B) shall include at least one representative from a registered apprentice program;
- 60gg

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(C) may include one or more representatives from a community-based organization that has demonstrated experience and expertise in addressing the employment, training, or educational needs of individuals with barriers to employment; and

60kk (D) may include one or more representatives from an organization that has demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including organizations that serve out of school youth; and

60oo (iii) two elected officials that represent a city or a county.

60pp (3)

(a) The governor shall appoint one of the appointed business representatives as chair of the board.

60rr (b) The chair shall serve at the pleasure of the governor.

60ss (4)

(a) The governor shall ensure that members appointed to the board represent diverse geographic areas of the state, including urban, suburban, and rural areas.

60uu (b) A member appointed by the governor shall serve a term of four years and may be reappointed to one additional term.

60ww (c) A member shall continue to serve until the member's successor has been appointed and qualified.

60yy (d) Except as provided in Subsection (4)(e), as terms of board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

60aaa (e) Notwithstanding the requirements of Subsection (4)(d), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately one half of the board is appointed every two years.

60eee (f) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

60ggg (g) The executive director shall terminate the term of any governor-appointed member of the board if the member leaves the position that qualified the member for the appointment.

60jjj (5) A majority of members constitutes a quorum for the transaction of business.

60kkk (6)

~~[(a)]~~ A member of the board ~~[who is not a legislator]~~ may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:

60nnn ~~[(i)]~~ (a) Section 63A-3-106;

60ooo ~~[(ii)]~~ (b) Section 63A-3-107; and

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- 60ppp      [(iii)] (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
- 60rrr      [~~(b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.~~]
- 60uuu      (7) The department shall provide staff and administrative support to the board at the direction of the executive director.
- 60www      (8) The board has the duties, responsibilities, and powers described in 29 U.S.C. Sec. 3111, including:
- 60yyy      (a) identifying opportunities to align initiatives in education, training, workforce development, and economic development;
- 60aaa      (b) developing and implementing the state workforce services plan described in Section 35A-1-207;
- 60ccc      (c) utilizing strategic partners to ensure the needs of industry are met, including the development of expanded strategies for partnerships for in-demand occupations and understanding and adapting to economic changes;
- 60fff      (d) developing strategies for staff training;
- 60ggg      (e) developing and improving employment centers; and
- 60hhh      (f) performing other responsibilities within the scope of workforce services as requested by:
- 60jjj      (i) the Legislature;
- 60kkk      (ii) the governor; or
- 60lll      (iii) the executive director.

0mmmm      Section 16. Section **36-2-4** is amended to read:

60nnn      **36-2-4. Legislative Compensation Commission created -- Governor's considerations in appointments -- Organization and expenses.**

60ppp      (1)

711      (a) ~~{(1)}~~ There is created a state Legislative Compensation Commission composed of seven members appointed by the governor[, not more than four of whom shall be from the same political party].

60sss      (b) Except as provided in Subsection 67-1-2.5(15)(a), no more than four members of the commission may be a member of the same political party.

714      (2)

(a) Except as required by Subsection (2)(b), the members shall be appointed for four-year terms.

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

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- 720 (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for  
the unexpired term in the same manner as the vacated member was chosen.
- 723 (3) In appointing members of the commission, the governor shall give consideration to achieving  
representation from the major geographic areas of the state, and representation from a broad cross  
section of occupational, professional, employee, and management interests.
- 727 (4) The commission shall select a chair. Four members of the commission shall constitute a quorum.  
The commission shall not make any final determination without the concurrence of a majority of the  
commission's members appointed and serving on the commission being present.
- 731 (5) A member may not receive compensation or benefits for the member's service, but may receive per  
diem and travel expenses in accordance with:
- 733 (a) Section 63A-3-106;
- 734 (b) Section 63A-3-107; and
- 735 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- 737 (6)
- (a) The commission shall be a citizen commission and no member or employee of the legislative,  
judicial, or executive branch is eligible for appointment to the commission.
- 740 (b) The executive director of the Governor's Office of Planning and Budget:
- 741 (i) shall provide staff to the commission; and
- 742 (ii) is responsible for administration, budgeting, procurement, and related management functions for the  
commission.

60yyyyy Section 17. Section **40-6-4** is amended to read:

60zzzzz **40-6-4. Board of Oil, Gas, and Mining created -- Functions -- Appointment of members --  
Terms -- Chair -- Quorum -- Expenses.**

- 747 (1)
- (a) There is created within the Department of Natural Resources the Board of Oil, Gas, and Mining.
- 749 (b) The board shall be the policy making body for the Division of Oil, Gas, and Mining.
- 750 (2)
- (a) The board shall consist of seven members appointed by the governor with the advice and consent of  
the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 753 {(b) } [No] Except as provided in Subsection 67-1-2.5(15)(a), no { more than four members } of the  
board { shall be from the same political party. }

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- 754 ~~{(c)}~~ ~~{(b)}~~ In accordance with the requirements of Section 79-2-203, the members appointed  
under Subsection (2)(a) shall include the following:
- 756 (i) two members who are knowledgeable in mining matters;
- 757 (ii) two members who are knowledgeable in oil and gas matters;
- 758 (iii) one member who is knowledgeable in ecological and environmental matters;
- 759 (iv) one member who:
- 760 (A) is a private land owner;
- 761 (B) owns a mineral or royalty interest; and
- 762 (C) is knowledgeable in mineral or royalty interests; and
- 763 (v) one member who is knowledgeable in geological matters.
- 764 (3)
- (a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.
- 767 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
- 771 (c) A member shall hold office until the expiration of the member's term and until the member's successor is appointed, but not more than 90 days after the expiration of the member's term.
- 774 (4)
- (a) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor with the advice and consent of the Senate.
- 777 (b) The person appointed shall have the same qualifications as the person's predecessor.
- 778 (5) When the governor makes a new appointment or reappointment under Subsection (3)(a), or a vacancy appointment under Subsection (4)(a), the governor's new appointment, reappointment, or vacancy appointment shall be made with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 782 (6)
- (a) The board shall appoint its chair from the membership.
- 783 (b) Four members of the board shall constitute a quorum for the transaction of business and the holding of hearings.

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

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

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

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

791 (8) A member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

Section 18. Section **51-7-16** is amended to read:

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

797 (1)

(a) There is created a State Money Management Council composed of five members appointed or reappointed by the governor after consultation with the state treasurer and with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

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

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

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

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

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

811 ~~{(c)}~~ Except as provided in Subsection 67-1-2.5(15)(a), no ~~{ more than three members of the council may be from the same political party.}~~

812 (2)

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

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

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- (c) When a vacancy occurs in the membership for any reason, the governor shall, with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, appoint a replacement for the unexpired term.
- 821 (d) All members shall serve until their successors are appointed and qualified.
- 822 (3)
- (a) The council members shall elect a chair and vice chair.
- 823 (b) The state treasurer shall serve as executive secretary of the council without vote.
- 824 (4)
- (a) The council shall meet at least once per quarter at a regular date to be fixed by the council and at other times at the call of the chair, the state treasurer, or any two members of the council.
- 827 (b) Three members are a quorum for the transaction of business.
- 828 (c) Actions of the council require a vote of a majority of those present.
- 829 (d) All meetings of the council and records of its proceedings are open for inspection by the public at the state treasurer's office during regular business hours except for:
- 831 (i) reports of the commissioner of financial institutions concerning the identity, liquidity, or financial condition of qualified depositories and the amount of public funds each is eligible to hold; and
- 834 (ii) reports of the director concerning the identity, liquidity, or financial condition of certified dealers.
- 836 (5)
- (a) Each member of the council shall file a sworn or written statement with the lieutenant governor that discloses any position or employment or ownership interest that the member has in any financial institution or investment organization.
- 839 (b) Each member shall file the statement required by this Subsection (5) when the member becomes a member of the council and when substantial changes in the member's position, employment, or ownership interests occur.
- 842 (c) Each member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 844 (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- 846 (a) Section 63A-3-106;
- 847 (b) Section 63A-3-107; and
- 848 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

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Section 19. Section 53B-34-110 is amended to read:

**53B-34-110. Talent advisory councils.**

- 61a (1) As used in this section:
- 61b (a) "Advisory council" means an advisory council the talent board creates under Subsection (10).
- 61d (b) "Institution of higher education" means the same as the term is defined in Section 53B-1-102.
- 61f (c) "Talent initiative" means an initiative the board creates under Subsection (2).
- 61g (2)
- (a) Subject to legislative appropriations and in accordance with the proposal process and other provisions of this section, the board shall develop and oversee one or more talent initiatives that include providing funding for expanded programs at an institution of higher education related to the talent initiative.
- 61k (b) The board shall ensure that a talent initiative the board creates:
- 61l (i) uses a name for the talent initiative that reflects the area the initiative is targeting;
- 61m (ii) contains an outline of the disciplines, industries, degrees, certifications, credentials, and types of skills the talent initiative will target; and
- 61o (iii) uses a corresponding advisory council created in Subsection (10).
- 61p (3) In creating a talent initiative, the board shall facilitate collaborations between an institution of higher education and participating employers that:
- 61r (a) create expanded, multidisciplinary programs or stackable credential programs offered at a technical college, undergraduate, or graduate level of study; and
- 61t (b) prepare students to be workforce participants in jobs requiring skills related to a talent initiative.
- 61v (4)
- (a) An institution of higher education seeking to partner with one or more participating employers to create a program related to a talent initiative shall submit a proposal to the talent board through a process the talent board creates.
- 61y (b) An institution of higher education shall submit a proposal that contains:
- 61z (i) a description of the proposed program, including:
- 61aa (A) implementation timelines for the program;
- 61bb (B) a demonstration of how the program will be responsive to the talent needs related to the talent initiative;

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(C) an outline of relevant industry involvement that includes at least one participating employer that partners with the institution of higher education; and

61ff (D) an explanation of how the program addresses an unmet regional workforce need related to a talent initiative;

61hh (ii) an estimate of:

61ii (A) projected student enrollment and completion rates for a program;

61jj (B) the academic credit or credentials that a program will provide; and

61kk (C) occupations for which a graduate will qualify;

61ll (iii) evidence that each participating employer is committed to participating and contributing to the program by providing any combination of:

61nn (A) instruction;

61oo (B) curriculum review;

61pp (C) feedback regarding effectiveness of program graduates as employees;

61qq (D) work-based learning opportunities; or

61rr (E) mentoring;

61ss (iv) a description of any resources a participating employer will provide within the program; and

61uu (v) the amount of funding requested for the program, including:

61vv (A) the justification for the funding; and

61ww (B) the cost per student served as estimated under Subsection (4)(b)(ii).

61xx (5) In reviewing a proposal, the talent board shall provide a proposal to the relevant advisory council described in Subsections (10) and (11).

61zz (6) The relevant advisory council shall:

61aaa (a) review and prioritize each proposal the advisory council receives; and

61bbb (b) recommend to the talent board whether the proposal should be funded and the funding amount based on:

61ddd (i) the quality and completeness of the elements of the proposal described in Subsection (4)(b);

61fff (ii) to what extent the proposed program:

61ggg (A) would expand the capacity to meet state or regional workforce needs related to the talent initiative;

61iii (B) would integrate industry-relevant competencies with disciplinary expertise;

61jjj (C) would incorporate internships or significant project experiences, including team-based experiences;

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(D) identifies how industry professionals would participate in elements described in Subsection (4)(b) (iii); and

61nnn (E) would be cost effective; and

61ooo (iii) other relevant criteria as the relevant advisory council and the talent board determines.

61qqq (7) The board shall review the recommendations of an advisory council and may provide funding for a program related to a talent initiative using the criteria described in Subsection (6)(b).

61ttt (8) In a form that the board approves, each institution of higher education that receives funding shall annually provide written information to the board regarding the activities, successes, and challenges related to administering the program related to the talent initiative, including:

61xxx (a) specific entities that received funding under this section;

61yyy (b) the amount of funding provided to each entity;

61zzz (c) the number of participating students in each program;

61aaaa (d) the number of graduates of the program;

61bbbb (e) the number of graduates of the program employed in jobs requiring skills related to the talent initiative; and

61ddd (f) progress and achievements relevant to the implementation timeline submitted under Subsection (4) (b)(i)(A).

61fff (9) On or before October 1 of each year, the board shall provide an annual written report containing the information described in Subsection (8) to the:

61hhh (a) Education Interim Committee; and

61iii (b) Higher Education Appropriations Subcommittee.

61jjj (10) The talent board shall create a talent advisory council for each talent initiative created under Subsection (2) to make recommendations to the board regarding the administration of a talent initiative including:

1mmmm (a) a deep technology initiative;

61nnnn (b) a life sciences workforce initiative; and

61oooo (c) health professions initiatives including a nursing initiative.

61pppp (11) An advisory council shall consist of the following members:

61qqqq (a) four members who have extensive experience in the talent initiative's subject matter from the private sector whom the chair of the talent board appoints and the board approves;

61tttt (b) a representative of the board described in Section 53B-1-402 whom the chair of the board appoints;

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- 61vvvv (c) a representative of the Governor's Office of Economic Opportunity whom the executive director of the Governor's Office of Economic Opportunity appoints;
- 61xxxx (d) a representative from Talent Ready Utah; and
- 61yyyy [~~(e) one member of the Senate whom the president of the Senate appoints;~~]
- 61zzzz [~~(f) one member of the House of Representatives whom the speaker of the House of Representatives appoints; and~~]
- 61bbbb [~~(g)~~ (e) any other specialized industry experts whom a majority of the advisory council may invite to participate as needed as nonvoting members.
- 61dddd (12) Talent Ready Utah shall provide staff support for an advisory council.
- 61eeee (13)
- (a) Two advisory council members appointed under Subsection (11)(a) shall serve an initial term of two years.
- 61gggg (b) Except as described in Subsection (13)(a), all other advisory council members shall serve an initial term of four years.
- 61iiii (c) Successor advisory council members upon appointment or reappointment shall each serve a term of four years.
- 61kkkk (d) When a vacancy occurs in the membership for any reason, the initial appointing authority shall appoint a replacement for the unexpired term.
- nmmmm (e) An advisory council member may not serve more than two consecutive terms.
- 61nnnn (14) A vote of a majority of the advisory council members constitutes an action of the advisory council.
- 61pppp (15) The duties of the advisory council include reviewing, prioritizing, and making recommendations to the board regarding proposals for funding under the talent initiative created in accordance with Subsection (2) for which the council was created.
- 61ssss (16) An advisory council member may not receive compensation or benefits for the member's service, but [~~an advisory council member who is not a legislator~~] may receive per diem and travel expenses in accordance with:
- 61vvvv (a) Sections 63A-3-106 and 63A-3-107; and
- wwwww (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- 61yyyy (17) The board may discontinue a talent initiative and the related talent advisory council by majority vote.
- 61aaaa Section 20. Section **54-10a-202** is amended to read:

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### 54-10a-202. Committee of Consumer Services.

- 852 (1)
- 854 (a) There is created within the office a committee known as the "Committee of Consumer Services."
- 856 (b) A member of the committee shall maintain the member's principal residence within Utah.
- 858 (2)
- 861 (a) The governor shall appoint five members to the committee subject to Subsection (3).
- 865 (b) Except as required by Subsection (2)(c), as terms of current committee members expire, the governor shall appoint a new member or reappointed member to a four-year term.
- 867 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.
- 870 (d) When a vacancy occurs in the membership for any reason, the governor shall appoint a replacement for the unexpired term.
- 871 (3) Members of the committee shall represent the following consumer interests:
- 873 (a) one member shall be an individual with experience and understanding of issues affecting low-income residents;
- 875 (b) one member shall be a retired person;
- 876 (c) one member shall be an individual with experience and understanding of issues affecting small commercial consumers;
- 877 (d) one member shall be a farmer or rancher who uses electric power to pump water in the member's farming or ranching operation; and
- 878 (e) one member shall be a residential consumer.
- 879 ~~{(4)}~~
- 880 ~~{(a)}~~ Except as provided in Subsection 67-1-2.5(15)(a), no more than three members of the committee may be from the same political party.
- 881 ~~{(b)}~~ ~~{(4)}~~ Subject to Subsection (3), for a member of the committee appointed on or after May 12, 2009, the governor shall appoint, to the extent possible, an individual with expertise or experience in:
- 882 ~~{(i)}~~ ~~{(a)}~~ public utility matters related to consumers;
- 883 ~~{(ii)}~~ ~~{(b)}~~ economics;
- 884 ~~{(iii)}~~ ~~{(c)}~~ accounting;

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- 884     ~~{(iv)}~~ ~~{(d)}~~ financing;
- 885     ~~{(v)}~~ ~~{(e)}~~ engineering; or
- 886     ~~{(vi)}~~ ~~{(f)}~~ public utilities law.
- 887     (5) The governor shall designate one member as chair of the committee.
- 888     (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- 890         (a) Section 63A-3-106;
- 891         (b) Section 63A-3-107; and
- 892         (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- 894     (7)
- (a) The committee may hold monthly meetings.
- 895         (b) The committee may hold other meetings, at the times and places the chair and a majority of the committee determine.
- 897     (8)
- (a) Three members of the committee constitute a quorum of the committee.
- 898         (b) A majority of members voting when a quorum is present constitutes an action of the committee.
- yyyyyyy         Section 21. Section **63H-8-201** is amended to read:
- 1zzzzzzz         **63H-8-201. Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers -- Quorum -- Per diem and expenses -- Annual conflict of interest disclosure statement -- Penalties.**
- 904     (1)
- (a) There is created an independent body politic and corporate, constituting a public corporation, known as the "Utah Housing Corporation."
- 906         (b) The corporation may also be known and do business as the:
- 907                 (i) Utah Housing Finance Association; and
- 908                 (ii) Utah Housing Finance Agency in connection with a contract entered into when that was the corporation's legal name.
- 910         (c) No other entity may use the names described in Subsections (1)(a) and (b) without the express approval of the corporation.
- 912     (2) The corporation is governed by a board of trustees composed of the following nine trustees:
- 914         (a) the executive director of the Department of Workforce Services or the executive director's designee;
- 916         (b) the commissioner of the Department of Financial Institutions or the commissioner's designee;

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- 918 (c) the state treasurer or the treasurer's designee; and
- 919 (d) six public trustees, who are private citizens of the state, as follows:
- 920 (i) two people who represent the mortgage lending industry;
- 921 (ii) two people who represent the home building and real estate industry; and
- 922 (iii) two people who represent the public at large.
- 923 (3) The governor shall:
- 924 (a) appoint the six public trustees of the corporation with the advice and consent of the Senate in  
accordance with Title 63G, Chapter 24, Part 2, Vacancies; and
- 926 (b) ensure that ~~{f: {}} -the six public trustees are from different counties and are residents of the state.}~~
- 928 ~~{(i) the six public trustees are from different counties and are residents of the state; and}~~
- 930 ~~{(ii) } [not] except as provided in Subsection 67-1-2.5(15)(a), no { more than three of the public trustees  
are members of the same political party. }~~
- 931 (4)
- (a) Except as required by Subsection (4)(b), the governor shall appoint the six public trustees to terms  
of office of four years each.
- 933 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of  
appointment or reappointment, adjust the length of terms to ensure that the terms of corporation  
trustees are staggered so that approximately half of the board is appointed every two years.
- 937 (5)
- (a) A public trustee of the corporation may be removed from office for cause either by the governor or  
by an affirmative vote of six trustees of the corporation.
- 939 (b) When a vacancy occurs in the board of trustees for any reason, the replacement shall be appointed  
for the unexpired term.
- 941 (c) A public trustee shall hold office for the term of appointment and until the trustee's successor has  
been appointed and qualified.
- 943 (d) A public trustee is eligible for reappointment but may not serve more than two full consecutive  
terms.
- 945 (6)
- (a) The governor shall select the chair of the corporation.
- 946 (b) The trustees shall elect from among their number a vice chair and other officers they may determine.
- 948 (7)

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- (a) Five trustees of the corporation constitute a quorum for transaction of business.
- 949 (b) An affirmative vote of at least five trustees is necessary for any action to be taken by the corporation.
- 951 (c) A vacancy in the board of trustees does not impair the right of a quorum to exercise all rights and perform all duties of the corporation.
- 953 (8) A trustee may not receive compensation or benefits for the trustee's service, but may receive per diem and travel expenses in accordance with:
- 955 (a) Section 63A-3-106;
- 956 (b) Section 63A-3-107; and
- 957 (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
- 959 (9) A trustee shall, no sooner than January 1 and no later than January 31 of each year during which the trustee holds office on the board of trustees:
- 961 (a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
- 963 (b) submit the written disclosure statement to the administrator or clerk of the board of trustees.
- 965 (10)
- (a) No later than 10 business days after the date on which the trustee submits the written disclosure statement described in Subsection (9) to the administrator or clerk of the board of trustees, the administrator or clerk shall:
- 968 (i) post a copy of the written disclosure statement on the corporation's website; and
- 969 (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (10)(a)(i).
- 971 (b) The administrator or clerk shall ensure that the trustee's written disclosure statement remains posted on the corporation's website until the trustee leaves office.
- 973 (11) The administrator or clerk of the board of trustees shall take the action described in Subsection (12) if:
- 975 (a) a trustee fails to timely file the written disclosure statement described in Subsection (9); or
- 977 (b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(6).
- 979 (12) If a circumstance described in Subsection (11) occurs, the administrator or clerk of the board of trustees shall, within five days after the day on which the administrator or clerk determines that a

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violation occurred, notify the trustee of the violation and direct the trustee to submit an amended written disclosure statement correcting the problem.

- 983 (13)
- (a) It is unlawful for a trustee to fail to submit or amend a written disclosure statement within seven days after the day on which the trustee receives the notice described in Subsection (12).
- 986 (b) A trustee who violates Subsection (13)(a) is guilty of a class B misdemeanor.
- 987 (c) The administrator or clerk of the board of trustees shall report a violation of Subsection (13)(a) to the attorney general.
- 989 (d) In addition to the criminal penalty described in Subsection (13)(b), the administrator or clerk of the board of trustees shall impose a civil fine of \$100 against a member who violates Subsection (13)(a).
- 992 (14) The administrator or clerk of the board shall deposit a fine collected under this section into the corporation's account to pay for the costs of administering this section.
- 994 (15) In addition to the written disclosure statement described in Subsection (9), a trustee described in Subsection (2)(d) shall also comply with the conflict of interest provisions described in Section 63G-24-301.

qqqqqqq Section 22. Section 63M-15-201 is amended to read:

**63M-15-201. Composition -- Appointments -- Terms -- Removal.**

- 62a (1) There is created within the governor's office the ["]Utah Marriage Commission.["]
- 62b [~~2~~] The commission comprises at least 10 members but no more than 30 members, appointed as follows:]
- 62d [~~(a)~~] the president of the Senate shall appoint two members of the Senate;]
- 62e [~~(b)~~] the speaker of the House of Representatives shall appoint two members of the House of Representatives;]
- 62g [~~(e)~~] (2) [the] The governor, or commission leadership under Section 63M-15-202, shall appoint up to 28 commission members that:
- 62i [~~(i)~~] (a) may come from the following groups:
- 62j [~~(A)~~] (i) non-profit organizations or governmental agencies;
- 62k [~~(B)~~] (ii) social workers who are, or have been, licensed under Title 58, Chapter 60, Part 2, Social Worker Licensing Act;

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- 62o [(C)] (iii) psychologists who are, or have been, licensed under Title 58, Chapter 61, Psychologist Licensing Act;
- 62r [(D)] (iv) physicians who are, or have been, board certified in psychiatry and are, or have been, licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 62t [(E)] (v) marriage and family therapists who are, or have been, licensed under Title 58, Chapter 60, Part 3, Marriage and Family Therapist Licensing Act;
- 62u [(F)] (vi) representatives of faith communities;
- 62v [(G)] (vii) public health professionals;
- 62w [(H)] (viii) representatives of domestic violence prevention organizations;
- 62aa [(I)] (ix) academics from marriage and family studies departments, social or behavioral sciences departments, health sciences departments, colleges of law, or other related and supporting departments at institutions of higher education in this state;
- 62bb [(J)] (x) the general public;
- 62cc [(K)] (xi) individuals with marketing or public relations experience; and
- 62dd [(L)] (xii) legal professionals; or
- 62ff [(M)] (b) have skills or expertise the commission requires to fulfill the commission's duties described in Section 63M-15-204.
- 62hh (3)
- 62ii (a) An individual appointed under Subsection [(2)(e)] (2) shall serve for a term of four years.
- 62ll (b) If approved by the commission, an individual may be appointed for subsequent terms.
- 62nn (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed by the applicable appointing authority for the remainder of the unexpired term of the original appointment.
- 62qq (d) Upon majority vote within commission leadership, commission leadership may remove a member of the commission if the member is unable to serve.
- 62rr (e) Commission leadership may appoint as many non-voting members as necessary if the individuals appointed have skills or expertise related to the commission's duties, described in Section 63M-15-204.
- 62rr Section 23. Section **63N-7-201** is amended to read:
- 62rr **63N-7-201. Board of Tourism created -- Members -- Meetings -- Expenses.**
- 999 (1) There is created within the tourism office the Board of Tourism Development.

## HB0412S02 compared with HB0412S04

- 1000 (2)
- (a) The board shall consist of 15 members appointed or reappointed by the governor to four-year terms with the advice and consent of the Senate.
- 1002 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
- 1006 (3) The members may not serve more than two full consecutive terms unless the governor determines that an additional term is in the best interest of the state.
- 1008 ~~{(4)}~~ Not Except as provided in Subsection 67-1-2.5(15)(a), no { more than eight members of the board may be from the same political party. }
- 1009 ~~{(5)}~~ { } ~~{(4)}~~ { }
- (a) The members shall be representative of:
- 1010 (i) all areas of the state with six being appointed from separate geographical areas as provided in Subsection ~~{(5)(b)}~~ { } ~~(4)(b)~~; and
- 1012 (ii) a diverse mix of business ownership or executive management of tourism related industries.
- 1014 (b) The geographical representatives shall be appointed as follows:
- 1015 (i) one member from Salt Lake, Tooele, or Morgan County;
- 1016 (ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;
- 1017 (iii) one member from Utah, Summit, Juab, or Wasatch County;
- 1018 (iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;
- 1019 (v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and
- 1020 (vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.
- 1021 (c) The tourism industry representatives of ownership or executive management shall be appointed as follows:
- 1023 (i) one member from ownership or executive management of the lodging industry, as recommended by the tourism industry for the governor's consideration;
- 1025 (ii) one member from ownership or executive management of the restaurant industry, as recommended by the restaurant industry for the governor's consideration;
- 1027 (iii) one member from ownership or executive management of the ski industry, as recommended by the ski industry for the governor's consideration; and
- 1029

## HB0412S02 compared with HB0412S04

- (iv) one member from ownership or executive management of a tourism-related transportation provider, as recommended by the tourism industry for the governor's consideration.
- 1032 (d) One member shall be appointed at large from ownership or executive management of business, finance, economic policy, or the academic media marketing community.
- 1034 (e) One member shall be appointed from the Utah Tourism Industry Association, as recommended by the association for the governor's consideration.
- 1036 (f) One member shall be appointed to represent the state's counties, as recommended by the Utah Association of Counties for the governor's consideration.
- 1038 (g) One member shall be appointed from an arts and cultural organization, as recommended by the arts and cultural community for the governor's consideration.
- 1040 (h) One member shall be appointed to represent the outdoor recreation industry, as recommended by the outdoor recreation industry for the governor's consideration.
- 1042 (i)
- (i) The governor may choose to disregard a recommendation made for the board members described in Subsections ~~{(5)(c)}~~ ~~{(4)(e)}~~, (e), and (f) through (h).
- 1044 (ii) The governor shall request additional recommendations if recommendations are disregarded under Subsection ~~{(5)(i)(i)}~~ ~~{(4)(i)}~~.
- 1046 ~~{(6)}~~ ~~{(5)}~~ When a vacancy occurs in the membership for any reason, the governor shall, with the advice and consent of the Senate, appoint a replacement for the unexpired term from the same geographic area or industry representation as the member whose office was vacated.
- 1050 ~~{(7)}~~ ~~{(6)}~~ Eight members of the board constitute a quorum for conducting board business and exercising board powers.
- 1052 ~~{(8)}~~ ~~{(7)}~~ The governor shall select one of the board members as chair and one of the board members as vice chair, each for a four-year term as recommended by the board for the governor's consideration.
- 1055 ~~{(9)}~~ ~~{(8)}~~ A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- 1057 (a) Section 63A-3-106;
- 1058 (b) Section 63A-3-107; and
- 1059 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 1060

## HB0412S02 compared with HB0412S04

{(10){}} {(9){}} The board shall meet monthly or as often as the board determines to be necessary at various locations throughout the state.

1062 {(11){}} {(10){}} Members who may have a potential conflict of interest in consideration of fund allocation decisions shall identify the potential conflict prior to voting on the issue.

1064 {(12){}} {(11){}}

(a) The board shall determine attendance requirements for maintaining a designated board seat.

1066 (b) If a board member fails to attend according to the requirements established pursuant to Subsection (12)(a), the board member shall be replaced upon written certification from the board chair or vice chair to the governor.

1069 (c) A replacement appointed by the governor under Subsection (12)(b) shall serve for the remainder of the board member's unexpired term.

1071 {(13){}} {(12){}}

(a) The board's office shall be in Salt Lake City.

1072 (b) The tourism office shall provide staff support to the board.

62ppppp Section 24. Section 67-1-2.5 is amended to read:

62qqqqq **67-1-2.5. Executive boards -- Database -- Governor's review of new boards -- Creation of boards and commissions -- Inactive boards.**

62sssss (1) As used in this section:

62ttttt (a) "Administrator" means the boards and commissions administrator designated under Subsection (3).

62vvvvv (b) "Executive board" means an executive branch board, commission, council, committee, working group, task force, study group, advisory group, or other body:

62xxxxx (i) with a defined limited membership;

62yyyyy (ii) that is created by the constitution, by statute, by executive order, by the governor, lieutenant governor, attorney general, state auditor, or state treasurer or by the head of a department, division, or other administrative subunit of the executive branch of state government; and

62ccccc (iii) that is created to operate for more than six months.

62ddddd (c) "Inactive board" means a board that does not need to function at the present time, but may need to function in the future.

62fffff (d) "Interim committee" means the same as that term is defined in Legislative Joint Rules, Title 7, Chapter 1, Part 2, Creation and Organization of Legislative Committees.

62iiiiii (2)

## HB0412S02 compared with HB0412S04

(a) Except as provided in Subsection (2)(c), before August 1 of the calendar year following the year in which a new executive board is created in statute, the governor shall:

(i) review the executive board to evaluate:

(A) whether the executive board accomplishes a substantial governmental interest; and

(B) whether it is necessary for the executive board to continue to exist;

(ii) in the governor's review described in Subsection (2)(a)(i), consider:

(A) the funding required for the executive board;

(B) the staffing resources required for the executive board;

(C) the time members of the executive board are required to commit to serve on the executive board; and

(D) whether the responsibilities of the executive board could reasonably be accomplished through an existing entity or without statutory direction; and

(iii) submit a report to the Government Operations Interim Committee recommending that the Legislature:

(A) repeal the executive board;

(B) add a sunset provision or future repeal date to the executive board;

(C) make other changes to make the executive board more efficient; or

(D) make no changes to the executive board.

(b) In conducting the evaluation described in Subsection (2)(a), the governor shall give deference to:

(i) reducing the size of government; and

(ii) making governmental programs more efficient and effective.

(c) The governor is not required to conduct the review or submit the report described in Subsection (2)(a) for an executive board that is scheduled for repeal under Title 63I, Chapter 1, Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal Dates by Title Act.

(3)

(a) The governor shall designate a board and commissions administrator from the governor's staff to maintain a computerized database containing information about all executive boards.

(b) The administrator shall ensure that the database contains:

(i) the name of each executive board;

(ii) the current statutory or constitutional authority for the creation of the executive board;

(iii) the sunset date on which each executive board's statutory authority expires;

## HB0412S02 compared with HB0412S04

- 62sssssss (iv) the state officer or department and division of state government under whose jurisdiction the executive board operates or with which the executive board is affiliated, if any;
- rvvvvvvv (v) the name, address, gender, telephone number, and county of each individual currently serving on the executive board, along with a notation of all vacant or unfilled positions;
- yyyyyyyy (vi) the title of the position held by the person who appointed each member of the executive board;
- aaaaaaaa (vii) the length of the term to which each member of the executive board was appointed and the month and year that each executive board member's term expires;
- ddddddd (viii) whether members appointed to the executive board require the advice and consent of the Senate;
- 62ffffff (ix) the organization, interest group, profession, local government entity, or geographic area that an individual appointed to an executive board represents, if any;
- 62iiiiiii (x) the party affiliation of an individual appointed to an executive board, if the statute or executive order creating the position requires representation from political parties;
- 62lllllll (xi) whether each executive board is a policy board or an advisory board;
- mmmmm (xii) whether the executive board has or exercises rulemaking authority, or is a rulemaking board as defined in Section 63G-24-102; and
- oooooooo (xiii) any compensation and expense reimbursement that members of the executive board are authorized to receive.
- qqqqqqq (4) The administrator shall ensure the governor's website includes:
- 62rrrrrrr (a) the information contained in the database, except for an individual's:
- 2sssssss (i) physical address;
- 62ttttttt (ii) email address; and
- uuuuuuu (iii) telephone number;
- rvvvvvvv (b) a portal, accessible on each executive board's web page within the governor's website, through which a member of the public may provide input on:
- xxxxxxx (i) an individual appointed to serve on the executive board; or
- yyyyyyyy (ii) a sitting member of the executive board;
- zzzzzzz (c) each report the administrator receives under Subsection (5); and
- aaaaaaaa (d) the summary report described in Subsection (6).
- bbbbbbb (5)
- (a) Before August 1, in each even-numbered year, each executive board shall prepare and submit to the administrator a report that includes:

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- (i) the name of the executive board;
  - (ii) a description of the executive board's official function and purpose;
  - (iii) a description of the actions taken by the executive board since the last report the executive board submitted to the administrator under this Subsection (5);
  - (iv) recommendations on whether any statutory, rule, or other changes are needed to make the executive board more effective; and
  - (v) an indication of whether the executive board should continue to exist.
- (b) The administrator shall compile and post the reports described in Subsection (5)(a) to the governor's website before September 1 of a calendar year in which the administrator receives a report described in Subsection (5)(a).
- (6)
- (a) Before September 1 of a calendar year in which the administrator receives a report described in Subsection (5)(a), the administrator shall prepare a report that includes:
- (i) as of July 1 of that year, the total number of executive boards that exist;
  - (ii) a summary of the reports submitted to the administrator under Subsection (5), including:
    - (A) a list of each executive board that submitted a report under Subsection (5);
    - (B) a list of each executive board that failed to timely submit a report under Subsection (5);
    - (C) an indication of any recommendations made under Subsection (5)(a)(iv);
    - (D) a list of any executive boards that indicated under Subsection (5)(a)(v) that the executive board should no longer exist; and
    - (E) a recommendation regarding whether the administrator recommends the executive board should continue to exist; and
  - (iii) a list of each executive board, identified and reported by the Division of Archives and Record Services under Section 63A-16-601, that did not post a notice of a public meeting on the Utah Public Notice Website during the previous fiscal year.
- (b) On or before September 1 of a calendar year in which the administrator prepares a report described in Subsection (6)(a), in accordance with Section 68-3-14, the administrator shall submit the report to:
- (i) the president of the Senate;
  - (ii) the speaker of the House of Representatives; and
  - (iii) the Government Operations Interim Committee.

## HB0412S02 compared with HB0412S04

- kkkkkkk (c)
- nnnnnnn (i) Within 60 days after the day on which an executive board fails to timely submit a report under Subsection (5), a legislative interim committee shall conduct a review to determine whether to recommend repeal of the executive board.
- qqqqqqq (ii) The Office of Legislative Research and General Counsel shall notify the chairs of an interim committee whose subject area most closely relates to an executive board described in Subsection (6)(c)(i) of:
- rrrrrrrrr (A) the name of the board;
- sssssssss (B) information regarding the function of the board; and
- uuuuuuuu (C) the deadline by which the interim committee is required to conduct a review described in Subsection (6)(c)(i).
- yyyyyyyy (iii) If there is not an interim committee with a subject area relating to the executive board, or if the interim committee described in Subsection (6)(c)(ii) is unable to timely conduct the review described in Subsection (6)(c), the Government Operations Interim Committee shall conduct the review.
- bbbbbbbb (iv) If an interim committee recommends that an executive board described in Subsection (6)(c)(i) be repealed, the Office of Legislative Research and General Counsel shall draft a bill repealing the executive board.
- ddddd (7) The Legislature may not create an executive board except through a bill that receives a favorable recommendation by unanimous vote of an interim committee.
- ggggggg (8) Except for an executive board created by the Utah Constitution, an interim committee may determine that an executive board is an inactive board and recommend that the governor deactivate the executive board.
- iiiiiiiiii (9) Except for an executive board created by the Utah Constitution, an interim committee may recommend that the governor reactivate a deactivated executive board.
- llllllllll (10) If an interim committee recommends that the governor deactivate or reactivate an executive board, the chairs of the interim committee shall submit a written notice identifying the name of the executive board and the reason for the recommendation to:
- mmmmmm (a) the governor;
- nnnnnnn (b) the chairs of the Legislative Management Committee;
- (c) the administrator, as defined in Section 67-1-2.5; and

## HB0412S02 compared with HB0412S04

(d) the executive branch agency that oversees the board.

(11) Except for an executive board created by the Utah Constitution, the Legislature may deactivate or reactivate an executive board by concurrent resolution.

(12)

(a) Except as provided in Subsection (12)(c), the governor may determine that an executive board is an inactive board:

(i) in response to the recommendation of an interim committee; or

(ii) based on the governor's own determination.

(b) Except as provided in Subsection (12)(c), if the governor determines that an executive board is an inactive board, the governor may deactivate the executive board.

(c) The governor may not deactivate an executive board if:

(i) the executive board is created by the Utah Constitution;

(ii) within the previous one-year period, the Legislature created the executive board, reauthorized the executive board, or, by concurrent resolution, reactivated the executive board; or

(iii) the board is created by a statute that expressly prohibits the governor from deactivating the executive board.

(d) An executive board that the governor deactivates under Subsection (12)(b), or that the Legislature deactivates by concurrent resolution, may not take an action or fulfill a duty that the executive board is otherwise statutorily authorized to take or fulfill.

(13)

(a) Except as provided in Subsection (13)(c), the governor may determine that a deactivated executive board should be reactivated.

(b) Except as provided in Subsection (13)(c), if the governor determines that a deactivated executive board should be reactivated, the governor may reactivate the executive board.

(c) The governor may not reactivate an executive board if:

(i) within the previous one-year period, the Legislature deactivated the executive board by concurrent resolution; or

(ii) the board is created by a statute that expressly prohibits the governor from reactivating the executive board.

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(d) An executive board that the governor reactivates under Subsection (13)(b), or that the Legislature reactivates by concurrent resolution, may take an action or fulfill a duty that the executive board is statutorily authorized to take or fulfill.

(14) Before the governor deactivates or reactivates an executive board under this section, the governor shall submit a written notice identifying the name of the board and the reason the governor has determined to deactivate or reactivate the executive board to:

- (a) the chairs of the Legislative Management Committee;
- (b) the chairs of the Government Operations Interim Committee;
- (c) the administrator, as defined in Section 67-1-2.5; and
- (d) the executive branch agency that oversees the board.

(15)

(a) Except as provided in Subsection (15)(b), if the governor is prohibited from appointing more than a certain number of individuals to an executive board who are members of the same political party, the governor may appoint more than that number if, before making the appointment, the governor first consults with the minority leader of the House of Representatives and the minority leader of the Senate to determine if there are other individuals the governor may consider appointing to the executive board.

(b) Subsection (15)(a) does not apply to:

- (i) the Public Service Commission created in Section 54-1-1; or
- (ii) an executive board that is required to have a legislator as a member.

Section 25. Section **67-8-4** is amended to read:

### **67-8-4. State Elected Official and Judicial Compensation Commission created --**

**Composition -- Appointment -- Terms -- Organization -- Vacancies -- Quorum -- Compensation -- Staff.**

(1) There is created a state Elected Official and Judicial Compensation Commission comprised of six members~~[, not more than three of whom may be from the same political party,]~~ appointed as follows:

- (a) one member appointed by the governor;
- (b) one member appointed by the president of the Senate;
- (c) one member appointed by the speaker of the House of Representatives;
- (d) two members appointed by the other three appointed members; and

## HB0412S02 compared with HB0412S04

- 1084 (e) one member appointed by the State Bar Commission.
- 1085 (2)
- (a) Except as required by Subsection (2)(b), all persons appointed to the commission shall serve four-year terms or until their successors are duly appointed and qualified.
- 1087 (b) Notwithstanding the requirements of Subsection (2)(a), the appointing authority shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.
- 1091 (3)
- (a) The commission shall select a chair and a vice chair from opposite political parties at its first meeting.
- 1093 (b) Four members of the commission constitute a quorum.
- 1094 (c) The action of a majority of a quorum constitutes the action of the commission.
- 1095 (4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- 1097 (5) An individual may not serve as a member of the commission if the individual is a member or employee of the legislative branch, judicial branch, or executive branch.
- 1099 (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- 1101 (a) Section 63A-3-106;
- 1102 (b) Section 63A-3-107; and
- 1103 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- 1105 (7) A nonpartisan office of the Legislature, selected by the president of the Senate and the speaker of the House of Representatives, shall staff the commission.

tttttttttt Section 26. Section **73-10-2** is amended to read:

uuuuuuuu **73-10-2. Board of Water Resources -- Members -- Appointment -- Terms -- Vacancies.**

- 1110 (1)
- {f(a)} The Board of Water Resources shall be comprised of nine members to be appointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1113

## HB0412S02 compared with HB0412S04

{(b) }~~In addition to the requirements of Section 79-2-203, not~~ Except as provided in Subsection 67-1-2.5(15)(a), no { more than five members } of the board { shall be from the same political party. }

- 1115 (2) [The] Subject to Section 79-2-203, the Board of Water Resources shall consist of:
- 1116 (a) one member appointed from each of the following districts:
- 1117 (i) Bear River District, comprising the counties of Box Elder, Cache, and Rich;
- 1118 (ii) Weber District, comprising the counties of Weber, Davis, Morgan, and Summit;
- 1119 (iii) Salt Lake District, comprising the counties of Salt Lake and Tooele;
- 1120 (iv) Provo River District, comprising the counties of Juab, Utah, and Wasatch;
- 1121 (v) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute, and Wayne;
- 1122 (vi) Green River District, comprising the counties of Daggett, Duchesne, and Uintah;
- 1124 (vii) Upper Colorado River District, comprising the counties of Carbon, Emery, Grand, and San Juan;
- and
- 1126 (viii) Lower Colorado River District, comprising the counties of Beaver, Garfield, Iron, Washington, and Kane; and
- 1128 (b) one member that represents the interests of the Great Salt Lake.
- 1129 (3)
- (a) Except as required by Subsection (3)(b), all appointments shall be for terms of four years.
- 1131 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
- 1135 (c) When a vacancy occurs in the membership for any reason, the governor shall appoint a replacement member for the unexpired term, with the advice and consent of the Senate, who:
- 1138 (i) is from the same district as the individual leaving the board; or
- 1139 (ii) if the individual leaving the board is appointed under Subsection (2)(b), represents the interests of the Great Salt Lake.
- 1141 (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- 1143 (a) Section 63A-3-106;
- 1144 (b) Section 63A-3-107; and
- 1145 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

## HB0412S02 compared with HB0412S04

1147 (5) A member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24,  
Part 3, Conflicts of Interest.

kkkkkkkk Section 27. Section **78A-12-201** is amended to read:

lllllllllll **78A-12-201. Judicial Performance Evaluation Commission -- Creation -- Membership.**

1152 (1) There is created an independent commission called the Judicial Performance Evaluation  
Commission consisting of 13 members, as follows:

1154 (a) two members appointed by the president of the Senate, only one of whom may be a member of the  
Utah State Bar;

1156 (b) two members appointed by the speaker of the House of Representatives, only one of whom may be a  
member of the Utah State Bar;

1158 (c) four members appointed by the members of the Supreme Court, at least one of whom, but not more  
than two of whom, may be a member of the Utah State Bar;

1160 (d) four members appointed by the governor, at least one of whom, but not more than two of whom,  
may be a member of the Utah State Bar; and

1162 (e) the executive director of the Commission on Criminal and Juvenile Justice.

1163 (2)

(a) The president of the Senate and the speaker of the House of Representatives shall confer when  
appointing members under Subsections (1)(a) and (b) to ensure that there is at least one member  
from among their four appointees who is a member of the Utah State Bar.

1167 ~~{(b)}~~ {Each of the appointing authorities} Except as provided in Subsection (3), each appointing  
authority{ may appoint no more than half of the appointing authority's members from the same  
political party.}

1169 ~~{(c)}~~ ~~{(b)}~~ A sitting legislator or a sitting judge may not serve as a commission member.

gggggggg (3) An appointing authority described in Subsection (1)(a), (b), or (d), may appoint more than half of  
the appointing authority's members from the same political party if, before making the appointment,  
the appointing authority first consults with the minority leader of the House of Representatives and  
the minority leader of the Senate to determine if there are other individuals the appointing authority  
may consider appointing to the commission.

1170 ~~{(3)}~~ (4)

(a) A member appointed under Subsection (1) shall be appointed for a four-year term.

1171 (b) A member may serve no more than three consecutive terms.

## HB0412S02 compared with HB0412S04

- 1172 ~~[(4)]~~ (5) At the time of appointment, the terms of commission members shall be staggered so that approximately half of commission members' terms expire every two years.
- 1174 ~~[(5)]~~ (6) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the same appointing authority that appointed the member creating the vacancy.
- 1177 ~~[(6)]~~ (7)
- (a) Eight members of the commission constitute a quorum.
- 1178 (b) The action of a majority of the quorum constitutes the action of the commission, except that the commission may not make a determination that a judge meets or exceeds minimum performance standards, or that a judge does not meet or exceed minimum performance standards, by a vote of less than six members.
- 1182 (c) If, because of absences, the commission is unable to make a determination described in Subsection ~~[(6)(b)]~~ (7)(b) by at least six votes, the commission may meet a second time to make a determination.
- 1185 (d) If a vote on the question of whether a judge meets or exceeds minimum performance standards or does not meet or exceed minimum performance standards ends in a tie or does not pass by at least six votes, the record shall reflect that the commission made no determination in relation to that judge.

gggggggg  
hhhhhhh  
Section 28. Section **79-3-302** is amended to read:

**79-3-302. Members of board -- Qualifications and appointment -- Vacancies -- Organization -- Meetings -- Financial gain prohibited -- Expenses.**

- 1192 (1) The board consists of seven members appointed by the governor, with the advice and consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 1194 (2) In addition to the requirements of Section 79-2-203, the members shall have the following qualifications:
- 1196 (a) one member knowledgeable in the field of geology as applied to the practice of civil engineering;
- 1198 (b) four members knowledgeable and representative of various segments of the mineral industry throughout the state, such as hydrocarbons, solid fuels, metals, and industrial minerals;
- 1201 (c) one member knowledgeable of the economic or scientific interests of the mineral industry in the state; and
- 1203 (d) one member who is interested in the goals of the survey and from the public at large.

## HB0412S02 compared with HB0412S04

- 1204 (3) The director of the School and Institutional Trust Lands Administration is an ex officio member of the board but without any voting privileges.
- 1206 (4)
- (a) Except as required by Subsection (4)(b), members are appointed for terms of four years.
- 1208 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
- 1212 ~~{(c)}~~ Except as provided in Subsection 67-1-2.5(15)(a), no ~~{~~ more than four members may be of the same political party. ~~}~~
- 1213 ~~{(d)}~~ ~~{(e)}~~ When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor with the advice and consent of the Senate.
- 1216 (5) The board shall select from its members a chair and such officers and committees as it considers necessary.
- 1218 (6)
- (a) The board shall hold meetings at least quarterly on such dates as may be set by its chair.
- 1220 (b) Special meetings may be held upon notice of the chair or by a majority of its members.
- 1222 (c) A majority of the members of the board present at a meeting constitutes a quorum for the transaction of business.
- 1224 (7)
- (a) Members of the board may not obtain financial gain by reason of information obtained during the course of their official duties.
- 1226 (b) A member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 1228 (8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- 1230 (a) Section 63A-3-106;
- 1231 (b) Section 63A-3-107; and
- 1232 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 29. **Effective date.**

Effective Date.

This bill takes effect on May 7, 2025.

## HB0412S02 compared with HB0412S04

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### Section 30. Coordinating H.B. 412 with H.B. 360.

If H.B. 412, Boards and Commissions Revisions, and H.B. 360, Housing Attainability Amendments, both pass and become law, the Legislature intends that, on July 1, 2025:

(1) the coordination clause in H.B. 360 affecting Subsection 63H-8-201(3)(b) not be implemented; and

(2) Subsection 63H-8-201(3)(b) in H.B. 412 and H.B. 360 be amended to read:

\_\_\_\_\_(b) ensure that:

\_\_\_\_\_(i) [~~the six public trustees are from different counties and are residents of the state~~] among the six public trustees, no more than two are from the same county and all are residents of the state; and

\_\_\_\_\_(ii) [~~not~~] except as provided in Subsection 67-1-2.5(15)(a), no more than three of the public trustees are members of the same political party."

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