

Luz Escamilla proposes the following substitute bill:

Boards and Commissions Revisions

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson S. Burton

Senate Sponsor: Calvin R. Musselman

LONG TITLE

General Description:

This bill amends provisions related to membership on a board, commission, committee, or council (board).

Highlighted Provisions:

This bill:

- eliminates the requirement that no more than a certain number of members of certain county and municipal boards may be a member of the same political party;
- for certain executive boards in which the governor is prohibited from appointing more than a certain number of members who are members of the same political party, authorizes the governor to appoint more than that number if the governor first consults with the minority leaders of the House of Representatives and the Senate;
- modifies appointment provisions and removes members who are legislators from certain boards;
- 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
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

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

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

29 **10-3-1004**, as last amended by Laws of Utah 2010, Chapter 378
 30 **17-28-2**, as last amended by Laws of Utah 2002, Chapter 158
 31 **17-30-3**, as last amended by Laws of Utah 2023, Chapter 15
 32 **17-30a-202**, as enacted by Laws of Utah 2014, Chapter 366
 33 **19-2-103**, as last amended by Laws of Utah 2024, Chapter 529
 34 **19-4-103**, as last amended by Laws of Utah 2024, Chapter 529
 35 **19-5-103**, 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
 37 **26B-1-426**, as last amended by Laws of Utah 2024, Chapter 529
 38 **32B-2-201**, as last amended by Laws of Utah 2022, Chapter 447
 39 **34A-1-205**, as last amended by Laws of Utah 2021, Chapter 345
 40 **35A-1-205**, as last amended by Laws of Utah 2021, Chapter 344
 41 **35A-1-206**, as last amended by Laws of Utah 2020, Chapter 365
 42 **36-2-4**, as last amended by Laws of Utah 2021, Chapter 382
 43 **40-6-4**, as last amended by Laws of Utah 2024, Chapter 529
 44 **51-7-16**, as last amended by Laws of Utah 2024, Chapter 529
 45 **53B-34-110**, as enacted by Laws of Utah 2024, Chapter 378
 46 **54-10a-202**, as last amended by Laws of Utah 2020, Chapter 154
 47 **63H-8-201**, as last amended by Laws of Utah 2024, Chapter 443
 48 **63M-15-201**, as enacted by Laws of Utah 2021, Chapter 91
 49 **63N-7-201**, 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
 51 **67-8-4**, as last amended by Laws of Utah 2020, Chapter 432
 52 **73-10-2**, as last amended by Laws of Utah 2023, Chapter 205
 53 **78A-12-201**, 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

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

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

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

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

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(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

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- 63 other important matters surrounding the creation of a visitor center at Bears Ears.
- 64 (2) As used in this section:
- 65 (a) "Advisory committee" means the Bears Ears Visitor Center Advisory Committee
- 66 created by this section.
- 67 (b) "Bears Ears" means the Bears Ears National Monument.
- 68 (3)(a) Subject to Subsection (3)(b), there is created the Bears Ears Visitor Center
- 69 Advisory Committee consisting of the following ~~[eight-]~~ voting members:
- 70 ~~[(i) five voting members as follows:]~~
- 71 ~~[(A) (i) a representative of the Navajo Nation, appointed by the Navajo Nation;~~
- 72 ~~[(B) (ii) a representative of the Ute Mountain Ute Tribe, appointed by the Ute~~
- 73 ~~Mountain Ute Tribe;~~
- 74 ~~[(C) (iii) a representative of the Hopi Nation, appointed by the Hopi Nation;~~
- 75 ~~[(D) (iv) a representative of the Zuni Tribe, appointed by the Zuni Tribe; and~~
- 76 ~~[(E) (v) a representative of the Ute Indian Tribe of the Uintah Ouray, appointed by~~
- 77 ~~the Ute Indian Tribe of the Uintah Ouray[; and] .~~
- 78 ~~[(ii) subject to Subsection (4), three nonvoting members as follows:]~~
- 79 ~~[(A) one member of the Senate, appointed by the president of the Senate; and]~~
- 80 ~~[(B) two members of the House of Representatives, appointed by the speaker of~~
- 81 ~~the House of Representatives.]~~
- 82 (b) The advisory committee is formed when all of the tribes described in Subsection (1)
- 83 have communicated to the other tribes and to the Division of Indian Affairs that the
- 84 tribe has appointed a member to the advisory committee.
- 85 (c)(i) The president of the Senate and the speaker of the House of Representatives
- 86 may each appoint to the advisory committee one nonvoting individual.
- 87 (ii) If an individual appointed under Subsection (3)(c)(i) is a member of the
- 88 Legislature, the member serves as a member of the public and not in the member's
- 89 legislative capacity.
- 90 ~~[(4) At least one of the three legislative members appointed under Subsection (3)(a)(ii) shall~~
- 91 ~~be from a minority party.]~~
- 92 ~~[(5)] (4) The advisory committee may select from the advisory committee members the~~
- 93 ~~chair or other officers of the advisory committee.~~
- 94 ~~[(6)] (5)(a) If a vacancy occurs in the membership of the advisory committee appointed~~
- 95 ~~under Subsection (3), the member shall be replaced in the same manner in which the~~
- 96 ~~original appointment was made.~~

97 (b) A member appointed under Subsection (3) serves until the member's successor is
98 appointed and qualified.

99 ~~[(7)] (6)~~(a) A majority of the voting members of the advisory committee constitutes a
100 quorum.

101 (b) The action of a majority of a quorum constitutes an action of the advisory committee.

102 ~~[(8)(a) The salary and expenses of an advisory committee member who is a legislator
103 shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5,
104 Legislative Compensation and Expenses.]~~

105 ~~[(b)] (7)~~ An advisory committee member ~~[who is not a legislator]~~ may not receive
106 compensation or benefits for the member's service on the advisory committee, but may
107 receive per diem and reimbursement for travel expenses incurred as an advisory
108 committee member at the rates established by the Division of Finance under:

109 ~~[(i)] (a)~~ Sections 63A-3-106 and 63A-3-107; and

110 ~~[(ii)] (b)~~ rules made by the Division of Finance pursuant to Sections 63A-3-106 and
111 63A-3-107.

112 ~~[(9)] (8)~~ The advisory committee may invite the United States Forest Service, the Bureau of
113 Land Management, the Division of State Parks, the Division of Outdoor Recreation, and
114 the Utah Office of Tourism within the Governor's Office of Economic Opportunity, to
115 serve as technical advisors to the advisory committee.

116 ~~[(10)] (9)~~ The Division of Indian Affairs shall staff the advisory committee.

117 ~~[(11)] (10)~~ The advisory committee shall study and make recommendations concerning:

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

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

120 (i) potential locations for the visitor center;

121 (ii) purposes for the visitor center; and

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

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

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

126 ~~[(12)] (11)~~ The advisory committee may contract with one or more consultants to conduct
127 work related to the issues raised in Subsection ~~[(11)] (10)~~ if the Legislature appropriates
128 money expressly for the purpose of the advisory committee contracting with a consultant.

129 ~~[(13)] (12)~~ The advisory committee shall hold at least one public hearing to obtain public
130 comment on the creation of a Bears Ears visitor center.

131 ~~[(14)]~~ (13) The advisory committee shall report the advisory committee's recommendations
 132 to one or more of the following:

- 133 (a) the Economic Development and Workforce Services Interim Committee;
- 134 (b) the House Economic Development and Workforce Services Committee; or
- 135 (c) the Senate Economic Development and Workforce Services Committee.

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

137 **9-20-201 . Creation -- Members -- Appointment -- Terms -- Vacancies -- Per**
 138 **diem and expenses.**

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

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

- 142 (a) the lieutenant governor;
- 143 (b) the commissioner of higher education or the commissioner's designee;
- 144 (c) the state superintendent of public instruction or the superintendent's designee;
- 145 (d) the executive director of the Department of Cultural and Community Engagement or
- 146 the executive director's designee;
- 147 (e) nine members appointed by the governor as follows:
 - 148 (i) an individual with expertise in the educational, training, and developmental needs
 - 149 of youth, particularly disadvantaged youth;
 - 150 (ii) an individual with experience in promoting the involvement of older adults in
 - 151 volunteer service;
 - 152 (iii) a representative of a community-based agency or organization within the state;
 - 153 (iv) a representative of local government;
 - 154 (v) a representative of a local labor organization in the state;
 - 155 (vi) a representative of business;
 - 156 (vii) an individual between the ages of 16 and 25 years old who participates in a
 - 157 volunteer or service program;
 - 158 (viii) a representative of a national service program; and
 - 159 (ix) a representative of the volunteer sector; and
- 160 (f) six members appointed by the governor from among the following groups:
 - 161 (i) local educators;
 - 162 (ii) experts in the delivery of human, educational, cultural, environmental, or public
 - 163 safety services to communities and individuals;
 - 164 (iii) representatives of Native American tribes;

- 165 (iv) representatives of organizations that assist out-of-school youth or other at-risk
166 youth; or
- 167 (v) representatives of entities that receive assistance under the Domestic Volunteer
168 Service Act of 1973, 42 U.S.C. 4950 et seq.
- 169 (3) The nonvoting member of the commission is the regional representative of the
170 corporation.
- 171 (4)(a) In appointing persons to serve on the commission, the governor shall ensure that:
- 172 (i) except as provided in Subsection 67-1-2.5(15)(a), no more than 10 voting
173 members of the commission are members of the same political party; and
- 174 (ii) no more than five voting members of the commission are state government
175 employees.
- 176 (b) In appointing persons to serve on the commission, the governor shall strive for
177 balance on the commission according to race, ethnicity, age, gender, disability
178 characteristics, and geography.
- 179 (5)(a) Except as required by Subsection (5)(b), as terms of current commission members
180 expire, the governor shall appoint each new member or reappointed member to a
181 three-year term.
- 182 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
183 time of appointment or reappointment, adjust the length of terms to ensure that the
184 terms of commission members are staggered so that approximately one-third of the
185 commission is appointed every year.
- 186 (6) When a vacancy occurs in the membership, the replacement shall be appointed for the
187 unexpired term.
- 188 (7) A member appointed by the governor may not serve more than two consecutive terms.
- 189 (8) A member may not receive compensation or benefits for the member's service, but may
190 receive per diem and travel expenses in accordance with:
- 191 (a) Section 63A-3-106;
- 192 (b) Section 63A-3-107; and
- 193 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
194 63A-3-107.

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

196 **10-3-1004 . Qualifications of commissioners -- Salary -- Removal.**

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

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

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

210 **17-28-2 . Vacancies -- Compensation -- Removal from office.**

- 211 (1) Any vacancy occurring on the County Fire Civil Service Council shall be filled by
 212 appointment by the county executive for the unexpired term.
- 213 [~~(2) Not more than two members of any council shall at any one time be affiliated with or a~~
 214 ~~member of the same political party.]~~
- 215 [~~(3)~~] (2) A member of the council may not hold, during the term of [~~his~~] the member's office,
 216 any other public office or be a candidate for any other public office.
- 217 [~~(4)~~] (3)(a) Each council member shall receive \$50 for each meeting of the council
 218 attended by [~~him~~] the council member.
- 219 (b) The county legislative body may raise the compensation of [~~council members as it~~] a
 220 council member as the county legislative body considers appropriate.
- 221 (c) [~~This compensation and allowance~~] The compensation and allowance described in
 222 Subsections (3)(a) and (b) shall be a charge against the county and paid monthly.
- 223 [~~(5)~~] (4)(a) [~~In case of misconduct, willful neglect, or inability to perform the duties of~~
 224 ~~his office, any council member may be removed from office by the county~~
 225 ~~legislative body upon a majority vote of the body, but the member is entitled to an~~
 226 ~~opportunity to be heard in his own defense.] In case of misconduct, willful neglect, or
 227 an inability to perform the duties of the council member's office, a council member
 228 may be removed from office by the county legislative body upon a majority vote of
 229 the county legislative body.~~
- 230 (b) A county legislative body that moves to remove a council member from office under
 231 Subsection (4)(a) shall provide the council member with the opportunity to be heard
 232 in the council member's own defense.

233 Section 5. Section 17-30-3 is amended to read:

234 **17-30-3 . Establishment of merit system commission -- Appointment,**
235 **qualifications, and compensation of members.**

236 (1)(a) Each county with a population of 20,000 or more shall establish a merit system
237 commission consisting of three members appointed as provided in Subsection (1)(b).

238 (b)(i) As used in this Subsection (1)(b):

239 (A) "Police interlocal entity" means an interlocal entity, as defined in Section
240 11-13-103, that is created:

241 (I) under Title 11, Chapter 13, Interlocal Cooperation Act, by an agreement to
242 which a county of the first class is a party; and

243 (II) to provide law enforcement service to an area that includes the
244 unincorporated part of the county.

245 (B) "Police special district" means a special district, as defined in Section
246 17B-1-102:

247 (I) whose creation was initiated by the adoption of a resolution under Section
248 17B-1-203 by the legislative body of a county of the first class, alone or
249 with one or more other legislative bodies; and

250 (II) that is created to provide law enforcement service to an area that includes
251 the unincorporated part of the county.

252 (ii) For a county in which a police interlocal entity is created, whether or not a police
253 special district is also created in the county:

254 (A) two members shall be appointed by the legislative body of the county; and

255 (B) one member shall be appointed by the governing body of the interlocal entity.

256 (iii) For a county in which a police special district is created but in which a police
257 interlocal entity has not been created:

258 (A) two members shall be appointed by the legislative body of the county; and

259 (B) one member shall be appointed by the board of trustees of the police special
260 district.

261 (iv) For each other county, all three members shall be appointed by the county
262 legislative body.

263 ~~[(e) Not more than two members of the commission shall be affiliated with or members~~
264 ~~of the same political party.]~~

265 ~~[(d)]~~ (c) Of the original appointees, one member shall be appointed for a term ending
266 February 1 of the first odd-numbered year after the date of appointment, and one each

- 267 for terms ending two and four years thereafter.
- 268 ~~[(e)]~~ (d) Upon the expiration of any of the terms, a successor shall be appointed for a full
 269 term of six years.
- 270 ~~[(f)]~~ (e) Appointment to fill a vacancy resulting other than from expiration of term shall
 271 be for the unexpired portion of the term only.
- 272 (2) Members of a commission shall be citizens of the state, shall have been residents of the
 273 area embraced by the governmental unit from which appointed not less than five years
 274 next preceding the date of appointment, and shall hold no other office or employment
 275 under the governmental unit for which appointed.
- 276 (3) The county legislative body may compensate a member for service on the commission
 277 and reimburse the member for necessary expenses incurred in the performance of the
 278 member's duties.

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

280 **17-30a-202 . Establishment of merit commission -- Appointment, qualifications,**
 281 **and compensation of members.**

- 282 (1)(a) Except as provided in Subsection (1)(b), a county subject to this chapter shall
 283 establish a merit system commission consisting of three appointed members:
- 284 (i) two members appointed by the legislative body of the county; and
 285 (ii) one member appointed by the governing body of a police interlocal entity.
- 286 (b) If there is no police interlocal entity within the county, the county legislative body
 287 shall appoint all three members of a commission described in Subsection (1)(a).
- 288 ~~[(e) No more than two members of the commission may be affiliated with or members
 289 of the same political party.]~~
- 290 ~~[(d)]~~ (c)(i) Of the original appointees described in Subsection (1)(a) or (b), one
 291 member shall be appointed for a term ending February 1 of the first odd-numbered
 292 year after the date of appointment, and one each for terms ending two and four
 293 years thereafter.
- 294 (ii) For a term subsequent to a term described in Subsection ~~[(1)(d)]~~ (1)(c), a
 295 commission member shall hold a term of six years.
- 296 ~~[(e)]~~ (d) If an appointed position described in Subsection (1)(a) or (b) is vacated for a
 297 cause other than expiration of the member's term, the position is filled by
 298 appointment for the unexpired portion of the term only.
- 299 (2) A member of the commission:
 300 (a) shall be a resident of the state;

- 301 (b) for at least five years preceding the date of appointment a resident of:
302 (i) the county; or
303 (ii) if applicable, the area served by the police interlocal entity from which appointed;
304 and
305 (c) may not hold another office or employment with the county or, if applicable, in a
306 municipality served by the police interlocal entity for which the member is appointed.
- 307 (3) The county legislative body or interlocal entity governing body may compensate a
308 member for service on the commission and reimburse the member for necessary
309 expenses incurred in the performance of the member's duties.

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

311 **19-2-103 . Members of board -- Appointment -- Terms -- Organization -- Per**
312 **diem and expenses.**

- 313 (1) The board consists of the following nine members:
314 (a) the following non-voting member, except that the member may vote to break a tie
315 vote between the voting members:
316 (i) the executive director; or
317 (ii) an employee of the department designated by the executive director; and
318 (b) the following eight voting members, who shall be appointed or reappointed by the
319 governor with the advice and consent of the Senate in accordance with Title 63G,
320 Chapter 24, Part 2, Vacancies:
321 (i) one representative who:
322 (A) is not connected with industry;
323 (B) is an expert in air quality matters; and
324 (C) is a Utah-licensed physician, a Utah-licensed professional engineer, or a
325 scientist with relevant training and experience;
326 (ii) two government representatives who do not represent the federal government;
327 (iii) one representative from the mining industry;
328 (iv) one representative from the fuels industry;
329 (v) one representative from the manufacturing industry;
330 (vi) one representative from the public who represents:
331 (A) an environmental nongovernmental organization; or
332 (B) a nongovernmental organization that represents community interests and does
333 not represent industry interests; and
334 (vii) one representative from the public who is trained and experienced in public

- 335 health.
- 336 (2) A member of the board shall:
- 337 (a) be knowledgeable about air pollution matters, as evidenced by a professional degree,
- 338 a professional accreditation, or documented experience;
- 339 (b) be a resident of Utah;
- 340 (c) attend board meetings in accordance with the attendance rules made by the
- 341 department under Subsection 19-1-201(1)(d)(i)(A); and
- 342 (d) comply with all applicable statutes, rules, and policies, including the conflict of
- 343 interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest,
- 344 and the conflict of interest rules made by the department under Subsection 19-1-201
- 345 (1)(d)(i)(B).
- 346 (3) ~~[Nø]~~ Except as provided in Subsection 67-1-2.5(15)(a), no more than five of the
- 347 appointed members of the board shall belong to the same political party.
- 348 (4) A majority of the members of the board may not derive any significant portion of their
- 349 income from persons subject to permits or orders under this chapter.
- 350 (5)(a) Members shall be appointed for a term of four years.
- 351 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
- 352 time of appointment or reappointment, adjust the length of terms to ensure that the
- 353 terms of board members are staggered so that half of the appointed board is
- 354 appointed every two years.
- 355 (6) A member may serve more than one term.
- 356 (7) A member shall hold office until the expiration of the member's term and until the
- 357 member's successor is appointed, but not more than 90 days after the expiration of the
- 358 member's term.
- 359 (8) When a vacancy occurs in the membership for any reason, the governor shall, with the
- 360 advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,
- 361 Vacancies, appoint a replacement for the unexpired term.
- 362 (9) The board shall elect annually a chair and a vice chair from its members.
- 363 (10)(a) The board shall meet at least quarterly.
- 364 (b) Special meetings may be called by the chair upon the chair's own initiative, upon the
- 365 request of the director, or upon the request of three members of the board.
- 366 (c) Three days' notice shall be given to each member of the board before a meeting.
- 367 (11) Five members constitute a quorum at a meeting, and the action of a majority of
- 368 members present is the action of the board.

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

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

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

373 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
374 63A-3-107.

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

376 **19-4-103 . Drinking Water Board -- Members -- Organization -- Meetings -- Per**
377 **diem and expenses.**

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

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

381 (i) the executive director; or

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

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

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

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

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

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

393 (v) one representative from:

394 (A) the state water research community; or

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

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

398 (A) an environmental nongovernmental organization; or

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

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

- 403 (2) A member of the board shall:
- 404 (a) be knowledgeable about drinking water and public water systems, as evidenced by a
- 405 professional degree, a professional accreditation, or documented experience;
- 406 (b) represent different geographical areas within the state insofar as practicable;
- 407 (c) be a resident of Utah;
- 408 (d) attend board meetings in accordance with the attendance rules made by the
- 409 department under Subsection 19-1-201(1)(d)(i)(A); and
- 410 (e) comply with all applicable statutes, rules, and policies, including the conflict of
- 411 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B) and the
- 412 conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of
- 413 Interest.
- 414 (3) ~~[Nø]~~ Except as provided in Subsection 67-1-2.5(15)(a), no more than five appointed
- 415 members of the board shall be from the same political party.
- 416 (4)(a) As terms of current board members expire, the governor shall appoint each new
- 417 member or reappointed member to a four-year term.
- 418 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
- 419 time of appointment or reappointment, adjust the length of terms to ensure that the
- 420 terms of board members are staggered so that half of the appointed board is
- 421 appointed every two years.
- 422 (c)(i) Notwithstanding Subsection (4)(a), the term of a board member who is
- 423 appointed before May 1, 2013, shall expire on April 30, 2013.
- 424 (ii) On May 1, 2013, the governor shall appoint or reappoint board members in
- 425 accordance with this section.
- 426 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
- 427 appointed for the unexpired term.
- 428 (6) When the governor makes a new appointment or reappointment under Subsection (4)(a),
- 429 or a vacancy appointment under Subsection (5), the governor's new appointment,
- 430 reappointment, or vacancy appointment shall be with the advice and consent of the
- 431 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 432 (7) Each member holds office until the expiration of the member's term, and until a
- 433 successor is appointed, but not for more than 90 days after the expiration of the term.
- 434 (8) The board shall elect annually a chair and a vice chair from its members.
- 435 (9)(a) The board shall meet at least quarterly.
- 436 (b) Special meetings may be called by the chair upon the chair's own initiative, upon the

- 437 request of the director, or upon the request of three members of the board.
- 438 (c) Reasonable notice shall be given to each member of the board before any meeting.
- 439 (10) Five members constitute a quorum at any meeting and the action of the majority of the
- 440 members present is the action of the board.
- 441 (11) A member may not receive compensation or benefits for the member's service, but
- 442 may receive per diem and travel expenses in accordance with:
- 443 (a) Section 63A-3-106;
- 444 (b) Section 63A-3-107; and
- 445 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 446 63A-3-107.

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

448 **19-5-103 . Water Quality Board -- Members of board -- Appointment -- Terms --**
 449 **Organization -- Meetings -- Per diem and expenses.**

- 450 (1) The board consists of the following nine members:
- 451 (a) the following non-voting member, except that the member may vote to break a tie
- 452 vote between the voting members:
- 453 (i) the executive director; or
- 454 (ii) an employee of the department designated by the executive director; and
- 455 (b) the following eight voting members, who shall be appointed or reappointed by the
- 456 governor with the advice and consent of the Senate in accordance with Title 63G,
- 457 Chapter 24, Part 2, Vacancies:
- 458 (i) one representative who:
- 459 (A) is an expert and has relevant training and experience in water quality matters;
- 460 (B) is a Utah-licensed physician, a Utah-licensed professional engineer, or a
- 461 scientist with relevant training and experience; and
- 462 (C) represents local and special service districts in the state;
- 463 (ii) two government representatives who do not represent the federal government;
- 464 (iii) one representative from the mineral industry;
- 465 (iv) one representative from the manufacturing industry;
- 466 (v) one representative who represents agricultural and livestock interests;
- 467 (vi) one representative from the public who represents:
- 468 (A) an environmental nongovernmental organization; or
- 469 (B) a nongovernmental organization that represents community interests and does
- 470 not represent industry interests; and

- 471 (vii) one representative from the public who is trained and experienced in public
472 health.
- 473 (2) A member of the board shall:
- 474 (a) be knowledgeable about water quality matters, as evidenced by a professional
475 degree, a professional accreditation, or documented experience;
- 476 (b) be a resident of Utah;
- 477 (c) attend board meetings in accordance with the attendance rules made by the
478 department under Subsection 19-1-201(1)(d)(i)(A); and
- 479 (d) comply with all applicable statutes, rules, and policies, including the conflict of
480 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B) and the
481 conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of
482 Interest.
- 483 (3) ~~[No]~~ Except as provided in Subsection 67-1-2.5(15)(a), no more than five of the
484 appointed members may be from the same political party.
- 485 (4) When a vacancy occurs in the membership for any reason, the governor shall, with the
486 advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,
487 Vacancies, appoint a replacement for the unexpired term.
- 488 (5)(a) A member shall be appointed for a term of four years and is eligible for
489 reappointment.
- 490 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
491 time of appointment or reappointment, adjust the length of terms to ensure that the
492 terms of board members are staggered so that half of the appointed board is
493 appointed every two years.
- 494 (6) A member shall hold office until the expiration of the member's term and until the
495 member's successor is appointed, not to exceed 90 days after the formal expiration of the
496 term.
- 497 (7) The board shall:
- 498 (a) organize and annually select one of its members as chair and one of its members as
499 vice chair;
- 500 (b) hold at least four regular meetings each calendar year; and
- 501 (c) keep minutes of its proceedings which are open to the public for inspection.
- 502 (8) The chair may call a special meeting upon the request of three or more members of the
503 board.
- 504 (9) Each member of the board and the director shall be notified of the time and place of

505 each meeting.

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

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

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

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

512 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
513 63A-3-107.

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

515 **19-6-103 . Waste Management and Radiation Control Board -- Members --**
516 **Terms -- Organization -- Meetings -- Per diem and expenses.**

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

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

520 (i) the executive director; or

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

522 (b) the following 11 voting members appointed by the governor with the advice and
523 consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies:

524 (i) one representative who is:

525 (A) not connected with industry; and

526 (B) a Utah-licensed professional engineer;

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

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

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

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

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

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

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

534 (A) an environmental nongovernmental organization; or

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

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

- 539 (A) medical doctor; or
540 (B) dentist; and
541 (x) one representative who is:
542 (A) a medical physicist or a health physicist; or
543 (B) a professional employed in the field of radiation safety.
- 544 (2) A member of the board shall:
545 (a) be knowledgeable about solid and hazardous waste matters and radiation safety and
546 protection as evidenced by a professional degree, a professional accreditation, or
547 documented experience;
548 (b) be a resident of Utah;
549 (c) attend board meetings in accordance with the attendance rules made by the
550 department under Subsection 19-1-201(1)(d)(i)(A); and
551 (d) comply with all applicable statutes, rules, and policies, including the conflict of
552 interest rules made by the department in accordance with Subsection
553 19-1-201(1)(d)(i)(B) and the conflict of interest provisions described in Title 63G,
554 Chapter 24, Part 3, Conflicts of Interest.
- 555 (3) ~~[No]~~ Except as provided in Subsection 67-1-2.5(15)(a), no more than six of the
556 appointed members may be from the same political party.
- 557 (4)(a) Members shall be appointed for terms of four years each.
558 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
559 time of appointment or reappointment, adjust the length of terms to ensure that the
560 terms of board members are staggered so that half of the appointed board is
561 appointed every two years.
- 562 (5) Each member is eligible for reappointment.
- 563 (6) Board members shall continue in office until the expiration of their terms and until their
564 successors are appointed, but not more than 90 days after the expiration of their terms.
- 565 (7) When a vacancy occurs in the membership for any reason, the replacement shall be
566 appointed for the unexpired term by the governor, after considering recommendations of
567 the board and with the advice and consent of the Senate.
- 568 (8) The board shall elect a chair and vice chair on or before April 1 of each year from its
569 membership.
- 570 (9) A member may not receive compensation or benefits for the member's service, but may
571 receive per diem and travel expenses in accordance with:
572 (a) Section 63A-3-106;

- 573 (b) Section 63A-3-107; and
- 574 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 575 63A-3-107.
- 576 (10)(a) The board shall hold a meeting at least once every three months including one
- 577 meeting during each annual general session of the Legislature.
- 578 (b) Meetings shall be held on the call of the chair, the director, or any three of the
- 579 members.
- 580 (11) Six members constitute a quorum at any meeting, and the action of the majority of
- 581 members present is the action of the board.
- 582 Section 11. Section **26B-1-426** is amended to read:
- 583 **26B-1-426 . Board of Aging and Adult Services -- Members, appointment, terms,**
- 584 **vacancies, chairperson, compensation, meetings, quorum.**
- 585 (1) The Board of Aging and Adult Services created in Section 26B-1-204 shall have seven
- 586 members who are appointed or reappointed by the governor with the advice and consent
- 587 of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 588 (2)(a) Except as required by Subsection (2)(b), each member shall be appointed for a
- 589 term of four years, and is eligible for one reappointment.
- 590 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
- 591 time of appointment or reappointment, adjust the length of terms to ensure that the
- 592 terms of board members are staggered so that approximately half of the board is
- 593 appointed every two years.
- 594 (c) Board members shall continue in office until the expiration of their terms and until
- 595 their successors are appointed, which may not exceed 90 days after the formal
- 596 expiration of a term.
- 597 (d) When a vacancy occurs in the membership for any reason, the governor shall, with
- 598 the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part
- 599 2, Vacancies, appoint a replacement for the unexpired term.
- 600 (3)(a) ~~[NØ]~~ Except as provided in Subsection 67-1-2.5(15)(a), no more than four
- 601 members of the board may be from the same political party.
- 602 (b) The board shall have diversity of gender, ethnicity, and culture; and members shall
- 603 be chosen on the basis of their active interest, experience, and demonstrated ability to
- 604 deal with issues related to the Board of Aging and Adult Services.
- 605 (4)(a) The board shall annually elect a chairperson from the board's membership.
- 606 (b) The board shall hold meetings at least once every three months.

- 607 (c) Within budgetary constraints, meetings may be held from time to time on the call of
608 the chairperson or of the majority of the members of the board.
- 609 (d) Four members of the board are necessary to constitute a quorum at any meeting, and,
610 if a quorum exists, the action of the majority of members present shall be the action
611 of the board.
- 612 (5) A member may not receive compensation or benefits for the member's service, but, at
613 the executive director's discretion, may receive per diem and travel expenses in
614 accordance with:
- 615 (a) Section 63A-3-106;
616 (b) Section 63A-3-107; and
617 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
618 63A-3-107.
- 619 (6)(a) The board shall adopt bylaws governing its activities.
- 620 (b) The bylaws described in Subsection (6)(a) shall include procedures for removal of a
621 board member who is unable or unwilling to fulfill the requirements of the board
622 member's appointment.
- 623 (7) The board has program policymaking authority for the division over which the board
624 presides.
- 625 (8) A member of the board shall comply with the conflict of interest provisions described in
626 Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 627 Section 12. Section **32B-2-201** is amended to read:
- 628 **32B-2-201 . Alcoholic Beverage Services Commission created.**
- 629 (1)(a) There is created the "Alcoholic Beverage Services Commission."
- 630 (b) The commission is the governing board over the department.
- 631 (2)(a) The commission is composed of seven part-time commissioners appointed by the
632 governor with the advice and consent of the Senate in accordance with Title 63G,
633 Chapter 24, Part 2, Vacancies.
- 634 (b) ~~[Nø]~~ Except as provided in Subsection 67-1-2.5(15)(a), no more than four
635 commissioners may be of the same political party.
- 636 (3)(a) Except as required by Subsection (3)(b), as terms of commissioners expire, the
637 governor shall appoint each new commissioner or reappointed commissioner to a
638 four-year term.
- 639 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
640 time of appointment or reappointment, adjust the length of terms to ensure that the

- 641 terms of no more than three commissioners expire in a fiscal year.
- 642 (4)(a) When a vacancy occurs on the commission for any reason, the governor shall
643 appoint a replacement for the unexpired term with the advice and consent of the
644 Senate.
- 645 (b) Unless removed in accordance with Subsection (6), a commissioner shall remain on
646 the commission after the expiration of a term until a successor is appointed by the
647 governor, with the advice and consent of the Senate.
- 648 (5) A commissioner shall take the oath of office.
- 649 (6)(a) The governor may remove a commissioner from the commission for cause,
650 neglect of duty, inefficiency, or malfeasance after a public hearing conducted by:
- 651 (i) the governor; or
652 (ii) an impartial hearing examiner appointed by the governor to conduct the hearing.
- 653 (b) At least 10 days before the hearing described in Subsection (6)(a), the governor shall
654 provide the commissioner notice of:
- 655 (i) the date, time, and place of the hearing; and
656 (ii) the alleged grounds for the removal.
- 657 (c) The commissioner shall have an opportunity to:
- 658 (i) attend the hearing;
659 (ii) present witnesses and other evidence; and
660 (iii) confront and cross examine witnesses.
- 661 (d) After a hearing under this Subsection (6):
- 662 (i) the person conducting the hearing shall prepare written findings of fact and
663 conclusions of law; and
664 (ii) the governor shall serve a copy of the prepared findings and conclusions upon the
665 commissioner.
- 666 (e) If a hearing under this Subsection (6) is held before a hearing examiner, the hearing
667 examiner shall issue a written recommendation to the governor in addition to
668 complying with Subsection (6)(d).
- 669 (f) A commissioner has five days from the day on which the commissioner receives the
670 findings and conclusions described in Subsection (6)(d) to file written objections to
671 the recommendation before the governor issues a final order.
- 672 (g) The governor shall:
- 673 (i) issue the final order under this Subsection (6) in writing; and
674 (ii) serve the final order upon the commissioner.

- 675 (7) A commissioner may not receive compensation or benefits for the commissioner's
676 service, but may receive per diem and travel expenses in accordance with:
677 (a) Section 63A-3-106;
678 (b) Section 63A-3-107; and
679 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
680 63A-3-107.
- 681 (8)(a)(i) The governor shall annually appoint the chair of the commission.
682 (ii) A commissioner serves as chair to the commission at the pleasure of the governor.
683 (iii) If removed as chair, the commissioner continues to serve as a commissioner
684 unless removed as a commissioner under Subsection (6).
- 685 (b) The commission shall elect:
686 (i) another commissioner to serve as vice chair; and
687 (ii) other commission officers as the commission considers advisable.
- 688 (c) A commissioner elected under Subsection (8)(b) shall serve in the office to which the
689 commissioner is elected at the pleasure of the commission.
- 690 (9)(a) Each commissioner has equal voting rights on a commission matter when in
691 attendance at a commission meeting.
- 692 (b) Four commissioners is a quorum for conducting commission business.
- 693 (c) A majority vote of the quorum present at a meeting is required for the commission to
694 act.
- 695 (d) A commissioner shall comply with the conflict of interest provisions described in
696 Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 697 (10)(a) The commission shall meet at least monthly, but may hold other meetings at
698 times and places as scheduled by:
699 (i) the commission;
700 (ii) the chair; or
701 (iii) three commissioners upon filing a written request for a meeting with the chair.
- 702 (b)(i) Notice of the time and place of a commission meeting shall be given to each
703 commissioner, and to the public in compliance with Title 52, Chapter 4, Open and
704 Public Meetings Act.
- 705 (ii) A commission meeting is open to the public, except for a commission meeting or
706 portion of a commission meeting that is closed by the commission as authorized
707 by Sections 52-4-204 and 52-4-205.
- 708 Section 13. Section **34A-1-205** is amended to read:

709 **34A-1-205 . Appeals Board -- Chair -- Appointment -- Compensation --**710 **Qualifications.**

- 711 (1)(a) There is created the Appeals Board within the commission consisting of three
712 members.
- 713 (b) The board may call and preside at adjudicative proceedings to review an order or
714 decision that is subject to review by the Appeals Board under this title.
- 715 (2)(a) With the advice and consent of the Senate and in accordance with this section, the
716 governor shall appoint:
- 717 (i) one member of the board to represent employers; and
718 (ii) one member of the board to represent employees.
- 719 (b) With the advice and consent of the Senate and in accordance with this section, the
720 governor may appoint:
- 721 (i) one alternate member of the board to represent employers in the event that the
722 member representing employers is unavailable; or
723 (ii) one alternate member of the board to represent employees in the event that the
724 member representing employees is unavailable.
- 725 (c) In making the appointments described in this subsection, the governor shall:
- 726 (i) when appointing a member or alternate member to represent employers, consider
727 nominations from employer organizations;
728 (ii) when appointing a member or alternate member to represent employees, consider
729 nominations from employee organizations;
730 (iii) except as provided in Subsection 67-1-2.5(15)(a), ensure that no more than two
731 members belong to the same political party; and
732 (iv) ensure that an alternate member belongs to the same political party as the
733 member for whom the alternate stands in.
- 734 (d) The governor shall, at the time of appointment or reappointment, make appointments
735 to the board so that at least two of the members of the board are members of the Utah
736 State Bar in good standing or resigned from the Utah State Bar in good standing.
- 737 (3)(a) The term of a member and an alternate member shall be six years beginning on
738 March 1 of the year the member or alternate member is appointed, except that the
739 governor shall, at the time of appointment or reappointment, adjust the length of
740 terms to ensure that the terms of members and alternate members are staggered so
741 that one member and alternate member is appointed every two years.
- 742 (b) The governor may remove a member or alternate member only for inefficiency,

743 neglect of duty, malfeasance or misfeasance in office, or other good and sufficient
744 cause.

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

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

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

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

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

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

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

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

759 **35A-1-205 . Workforce Appeals Board -- Chair -- Appointment -- Compensation**
760 **-- Qualifications.**

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

764 (2)(a) A panel shall consist of three impartial members appointed by the governor as
765 follows:

766 (i) the board chair, appointed in accordance with Subsection (5);

767 (ii) one member appointed to represent employers; and in making this appointment,
768 the governor shall consider nominations from employer organizations; and

769 (iii) one member appointed to represent employees; and in making this appointment,
770 the governor shall consider nominations from employee organizations.

771 (b) ~~[Nø]~~ Except as provided in Subsection 67-1-2.5(15)(a), no more than two members of
772 a panel may belong to the same political party.

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

775 (ii) The governor shall, at the time of appointment or reappointment, adjust the length
776 of terms to ensure that the terms of members are staggered so that approximately

- 777 one third of the members are appointed every two years.
- 778 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
779 appointed for the unexpired term.
- 780 (c) The governor may remove a member for inefficiency, neglect of duty, malfeasance
781 or misfeasance in office, or other good and sufficient cause.
- 782 (d) A member shall hold office until a successor is appointed and has qualified.
- 783 (4)(a) Except as provided in Subsection (4)(b), a member may not receive compensation
784 or benefits for the member's service, but may receive per diem and travel expenses in
785 accordance with:
- 786 (i) Section 63A-3-106;
- 787 (ii) Section 63A-3-107; and
- 788 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
789 63A-3-107.
- 790 (b) The member appointed as board chair in accordance with Subsection (5) shall be
791 compensated at an hourly rate determined by the Division of Human Resource
792 Management in accordance with Title 63A, Chapter 17, Utah State Personnel
793 Management Act.
- 794 (5)(a) The chief officer of the board shall be the chair, who shall serve as the executive
795 and administrative head of the board.
- 796 (b) The chair shall be appointed by the governor to represent the public and may be
797 removed from that position at the will of the governor.
- 798 (c) The chair shall be experienced in administration and possess any additional
799 qualifications determined by the governor.
- 800 (6)(a) The chair shall designate an alternate from a panel appointed under this section:
801 (i) in the absence of a regular member or the chair; or
802 (ii) if the regular member or the chair has a conflict of interest.
- 803 (b) Each case shall be decided by a full three-member panel.
- 804 (7) The department shall provide the Workforce Appeals Board necessary staff support,
805 except, the board may employ, retain, or appoint legal counsel.
- 806 Section 15. Section **35A-1-206** is amended to read:
- 807 **35A-1-206 . State Workforce Development Board -- Appointment -- Membership**
808 **-- Terms of members -- Compensation.**
- 809 (1) There is created within the department the State Workforce Development Board in
810 accordance with the provisions of the Workforce Innovation and Opportunity Act, 29

- 811 U.S.C. Sec. 3101 et seq.
- 812 (2) The board shall consist of the following [~~38~~] members:
- 813 (a) the governor or the governor's designee;
- 814 [~~(b) one member of the Senate, appointed by the president of the Senate;~~]
- 815 [~~(c) one representative of the House of Representatives, appointed by the speaker of the~~
- 816 ~~House of Representatives;~~]
- 817 [~~(d)~~] (b) the executive director or the executive director's designee;
- 818 [~~(e)~~] (c) the executive director of the Department of Health and Human Services or the
- 819 executive director's designee;
- 820 [~~(f)~~] (d) the director of the Utah State Office of Rehabilitation or the director's designee;
- 821 [~~(g)~~] (e) the state superintendent of public instruction or the superintendent's designee;
- 822 [~~(h)~~] (f) the commissioner of higher education or the commissioner's designee;
- 823 [~~(i)~~] (g) the executive director of the Governor's Office of Economic Opportunity or the
- 824 executive director's designee;
- 825 [~~(j)~~] (h) the executive director of the Department of Veterans and Military Affairs or the
- 826 executive director's designee; and
- 827 [~~(k)~~] (i) the following members appointed by the governor:
- 828 (i) 20 representatives of business in the state, selected among the following:
- 829 (A) owners of businesses, chief executive or operating officers of businesses, or
- 830 other business executives or employers with policymaking or hiring authority;
- 831 (B) representatives of businesses, including small businesses, that provide
- 832 employment opportunities that include high-quality, work-relevant training and
- 833 development in in-demand industry sectors or occupations in the state; and
- 834 (C) representatives of businesses appointed from among individuals nominated by
- 835 state business organizations or business trade associations;
- 836 (ii) six representatives of the workforce within the state, which:
- 837 (A) shall include at least two representatives of labor organizations who have been
- 838 nominated by state labor federations;
- 839 (B) shall include at least one representative from a registered apprentice program;
- 840 (C) may include one or more representatives from a community-based
- 841 organization that has demonstrated experience and expertise in addressing the
- 842 employment, training, or educational needs of individuals with barriers to
- 843 employment; and
- 844 (D) may include one or more representatives from an organization that has

845 demonstrated experience and expertise in addressing the employment, training,
846 or education needs of eligible youth, including organizations that serve out of
847 school youth; and

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

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

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

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

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

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

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

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

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

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

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

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

873 ~~(i)~~ (a) Section 63A-3-106;

874 ~~(ii)~~ (b) Section 63A-3-107; and

875 ~~(iii)~~ (c) rules made by the Division of Finance according to Sections 63A-3-106 and
876 63A-3-107.

877 ~~(b) Compensation and expenses of a member who is a legislator are governed by~~
878 ~~Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and~~

879 Expenses.]

- 880 (7) The department shall provide staff and administrative support to the board at the
881 direction of the executive director.
- 882 (8) The board has the duties, responsibilities, and powers described in 29 U.S.C. Sec. 3111,
883 including:
- 884 (a) identifying opportunities to align initiatives in education, training, workforce
885 development, and economic development;
- 886 (b) developing and implementing the state workforce services plan described in Section
887 35A-1-207;
- 888 (c) utilizing strategic partners to ensure the needs of industry are met, including the
889 development of expanded strategies for partnerships for in-demand occupations and
890 understanding and adapting to economic changes;
- 891 (d) developing strategies for staff training;
- 892 (e) developing and improving employment centers; and
- 893 (f) performing other responsibilities within the scope of workforce services as requested
894 by:
- 895 (i) the Legislature;
- 896 (ii) the governor; or
- 897 (iii) the executive director.

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

899 **36-2-4 . Legislative Compensation Commission created -- Governor's**
900 **considerations in appointments -- Organization and expenses.**

- 901 (1)(a) There is created a state Legislative Compensation Commission composed of
902 seven members appointed by the governor[~~, not more than four of whom shall be~~
903 ~~from the same political party~~].
- 904 (b) Except as provided in Subsection 67-1-2.5(15)(a), no more than four members of the
905 commission may be a member of the same political party.
- 906 (2)(a) Except as required by Subsection (2)(b), the members shall be appointed for
907 four-year terms.
- 908 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
909 time of appointment or reappointment, adjust the length of terms to ensure that the
910 terms of board members are staggered so that approximately half of the board is
911 appointed every two years.
- 912 (c) When a vacancy occurs in the membership for any reason, the replacement shall be

913 appointed for the unexpired term in the same manner as the vacated member was
914 chosen.

915 (3) In appointing members of the commission, the governor shall give consideration to
916 achieving representation from the major geographic areas of the state, and representation
917 from a broad cross section of occupational, professional, employee, and management
918 interests.

919 (4) The commission shall select a chair. Four members of the commission shall constitute a
920 quorum. The commission shall not make any final determination without the
921 concurrence of a majority of the commission's members appointed and serving on the
922 commission being present.

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

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

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

927 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
928 63A-3-107.

929 (6)(a) The commission shall be a citizen commission and no member or employee of the
930 legislative, judicial, or executive branch is eligible for appointment to the
931 commission.

932 (b) The executive director of the Governor's Office of Planning and Budget:

933 (i) shall provide staff to the commission; and

934 (ii) is responsible for administration, budgeting, procurement, and related
935 management functions for the commission.

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

937 **40-6-4 . Board of Oil, Gas, and Mining created -- Functions -- Appointment of**
938 **members -- Terms -- Chair -- Quorum -- Expenses.**

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

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

942 (2)(a) The board shall consist of seven members appointed by the governor with the
943 advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,
944 Vacancies.

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

- 947 (c) In accordance with the requirements of Section 79-2-203, the members appointed
948 under Subsection (2)(a) shall include the following:
- 949 (i) two members who are knowledgeable in mining matters;
 - 950 (ii) two members who are knowledgeable in oil and gas matters;
 - 951 (iii) one member who is knowledgeable in ecological and environmental matters;
 - 952 (iv) one member who:
 - 953 (A) is a private land owner;
 - 954 (B) owns a mineral or royalty interest; and
 - 955 (C) is knowledgeable in mineral or royalty interests; and
 - 956 (v) one member who is knowledgeable in geological matters.
- 957 (3)(a) Except as required by Subsection (3)(b), as terms of current board members
958 expire, the governor shall appoint each new member or reappointed member to a
959 four-year term.
- 960 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
961 time of appointment or reappointment, adjust the length of terms to ensure that the
962 terms of board members are staggered so that approximately half of the board is
963 appointed every two years.
- 964 (c) A member shall hold office until the expiration of the member's term and until the
965 member's successor is appointed, but not more than 90 days after the expiration of the
966 member's term.
- 967 (4)(a) When a vacancy occurs in the membership for any reason, the replacement shall
968 be appointed for the unexpired term by the governor with the advice and consent of
969 the Senate.
- 970 (b) The person appointed shall have the same qualifications as the person's predecessor.
- 971 (5) When the governor makes a new appointment or reappointment under Subsection (3)(a),
972 or a vacancy appointment under Subsection (4)(a), the governor's new appointment,
973 reappointment, or vacancy appointment shall be made with the advice and consent of the
974 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 975 (6)(a) The board shall appoint its chair from the membership.
- 976 (b) Four members of the board shall constitute a quorum for the transaction of business
977 and the holding of hearings.
- 978 (7) A member may not receive compensation or benefits for the member's service, but may
979 receive per diem and travel expenses in accordance with:
- 980 (a) Section 63A-3-106;

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

982 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
983 63A-3-107.

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

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

987 **51-7-16 . State Money Management Council -- Members -- Terms -- Vacancies --**
988 **Chair and vice chair-- Executive secretary -- Meetings -- Quorum -- Members' disclosure**
989 **of interests -- Per diem and expenses.**

990 (1)(a) There is created a State Money Management Council composed of five members
991 appointed or reappointed by the governor after consultation with the state treasurer
992 and with the advice and consent of the Senate in accordance with Title 63G, Chapter
993 24, Part 2, Vacancies.

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

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

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

1000 (iii) at least one member, but not more than two members, shall be an appointed
1001 public treasurer; and

1002 (iv) two members, but not more than two members, shall be experienced in the field
1003 of investment.

1004 (c) [Nø] Except as provided in Subsection 67-1-2.5(15)(a), no more than three members
1005 of the council may be from the same political party.

1006 (2)(a) Except as required by Subsection (2)(b), the council members shall be appointed
1007 for terms of four years.

1008 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1009 time of appointment or reappointment, adjust the length of terms to ensure that the
1010 terms of council members are staggered so that approximately half of the council is
1011 appointed every two years.

1012 (c) When a vacancy occurs in the membership for any reason, the governor shall, with
1013 the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part
1014 2, Vacancies, appoint a replacement for the unexpired term.

- 1015 (d) All members shall serve until their successors are appointed and qualified.
- 1016 (3)(a) The council members shall elect a chair and vice chair.
- 1017 (b) The state treasurer shall serve as executive secretary of the council without vote.
- 1018 (4)(a) The council shall meet at least once per quarter at a regular date to be fixed by the
- 1019 council and at other times at the call of the chair, the state treasurer, or any two
- 1020 members of the council.
- 1021 (b) Three members are a quorum for the transaction of business.
- 1022 (c) Actions of the council require a vote of a majority of those present.
- 1023 (d) All meetings of the council and records of its proceedings are open for inspection by
- 1024 the public at the state treasurer's office during regular business hours except for:
- 1025 (i) reports of the commissioner of financial institutions concerning the identity,
- 1026 liquidity, or financial condition of qualified depositories and the amount of public
- 1027 funds each is eligible to hold; and
- 1028 (ii) reports of the director concerning the identity, liquidity, or financial condition of
- 1029 certified dealers.
- 1030 (5)(a) Each member of the council shall file a sworn or written statement with the
- 1031 lieutenant governor that discloses any position or employment or ownership interest
- 1032 that the member has in any financial institution or investment organization.
- 1033 (b) Each member shall file the statement required by this Subsection (5) when the
- 1034 member becomes a member of the council and when substantial changes in the
- 1035 member's position, employment, or ownership interests occur.
- 1036 (c) Each member shall comply with the conflict of interest provisions described in Title
- 1037 63G, Chapter 24, Part 3, Conflicts of Interest.
- 1038 (6) A member may not receive compensation or benefits for the member's service, but may
- 1039 receive per diem and travel expenses in accordance with:
- 1040 (a) Section 63A-3-106;
- 1041 (b) Section 63A-3-107; and
- 1042 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 1043 63A-3-107.
- 1044 Section 19. Section **53B-34-110** is amended to read:
- 1045 **53B-34-110 . Talent advisory councils.**
- 1046 (1) As used in this section:
- 1047 (a) "Advisory council" means an advisory council the talent board creates under
- 1048 Subsection (10).

- 1049 (b) "Institution of higher education" means the same as the term is defined in Section
1050 53B-1-102.
- 1051 (c) "Talent initiative" means an initiative the board creates under Subsection (2).
- 1052 (2)(a) Subject to legislative appropriations and in accordance with the proposal process
1053 and other provisions of this section, the board shall develop and oversee one or more
1054 talent initiatives that include providing funding for expanded programs at an
1055 institution of higher education related to the talent initiative.
- 1056 (b) The board shall ensure that a talent initiative the board creates:
- 1057 (i) uses a name for the talent initiative that reflects the area the initiative is targeting;
1058 (ii) contains an outline of the disciplines, industries, degrees, certifications,
1059 credentials, and types of skills the talent initiative will target; and
1060 (iii) uses a corresponding advisory council created in Subsection (10).
- 1061 (3) In creating a talent initiative, the board shall facilitate collaborations between an
1062 institution of higher education and participating employers that:
- 1063 (a) create expanded, multidisciplinary programs or stackable credential programs offered
1064 at a technical college, undergraduate, or graduate level of study; and
1065 (b) prepare students to be workforce participants in jobs requiring skills related to a
1066 talent initiative.
- 1067 (4)(a) An institution of higher education seeking to partner with one or more
1068 participating employers to create a program related to a talent initiative shall submit a
1069 proposal to the talent board through a process the talent board creates.
- 1070 (b) An institution of higher education shall submit a proposal that contains:
- 1071 (i) a description of the proposed program, including:
- 1072 (A) implementation timelines for the program;
1073 (B) a demonstration of how the program will be responsive to the talent needs
1074 related to the talent initiative;
1075 (C) an outline of relevant industry involvement that includes at least one
1076 participating employer that partners with the institution of higher education; and
1077 (D) an explanation of how the program addresses an unmet regional workforce
1078 need related to a talent initiative;
- 1079 (ii) an estimate of:
- 1080 (A) projected student enrollment and completion rates for a program;
1081 (B) the academic credit or credentials that a program will provide; and
1082 (C) occupations for which a graduate will qualify;

- 1083 (iii) evidence that each participating employer is committed to participating and
1084 contributing to the program by providing any combination of:
- 1085 (A) instruction;
 - 1086 (B) curriculum review;
 - 1087 (C) feedback regarding effectiveness of program graduates as employees;
 - 1088 (D) work-based learning opportunities; or
 - 1089 (E) mentoring;
- 1090 (iv) a description of any resources a participating employer will provide within the
1091 program; and
- 1092 (v) the amount of funding requested for the program, including:
- 1093 (A) the justification for the funding; and
 - 1094 (B) the cost per student served as estimated under Subsection (4)(b)(ii).
- 1095 (5) In reviewing a proposal, the talent board shall provide a proposal to the relevant
1096 advisory council described in Subsections (10) and (11).
- 1097 (6) The relevant advisory council shall:
- 1098 (a) review and prioritize each proposal the advisory council receives; and
 - 1099 (b) recommend to the talent board whether the proposal should be funded and the
1100 funding amount based on:
 - 1101 (i) the quality and completeness of the elements of the proposal described in
1102 Subsection (4)(b);
 - 1103 (ii) to what extent the proposed program:
 - 1104 (A) would expand the capacity to meet state or regional workforce needs related
1105 to the talent initiative;
 - 1106 (B) would integrate industry-relevant competencies with disciplinary expertise;
 - 1107 (C) would incorporate internships or significant project experiences, including
1108 team-based experiences;
 - 1109 (D) identifies how industry professionals would participate in elements described
1110 in Subsection (4)(b)(iii); and
 - 1111 (E) would be cost effective; and
 - 1112 (iii) other relevant criteria as the relevant advisory council and the talent board
1113 determines.
- 1114 (7) The board shall review the recommendations of an advisory council and may provide
1115 funding for a program related to a talent initiative using the criteria described in
1116 Subsection (6)(b).

- 1117 (8) In a form that the board approves, each institution of higher education that receives
1118 funding shall annually provide written information to the board regarding the activities,
1119 successes, and challenges related to administering the program related to the talent
1120 initiative, including:
- 1121 (a) specific entities that received funding under this section;
 - 1122 (b) the amount of funding provided to each entity;
 - 1123 (c) the number of participating students in each program;
 - 1124 (d) the number of graduates of the program;
 - 1125 (e) the number of graduates of the program employed in jobs requiring skills related to
1126 the talent initiative; and
 - 1127 (f) progress and achievements relevant to the implementation timeline submitted under
1128 Subsection (4)(b)(i)(A).
- 1129 (9) On or before October 1 of each year, the board shall provide an annual written report
1130 containing the information described in Subsection (8) to the:
- 1131 (a) Education Interim Committee; and
 - 1132 (b) Higher Education Appropriations Subcommittee.
- 1133 (10) The talent board shall create a talent advisory council for each talent initiative created
1134 under Subsection (2) to make recommendations to the board regarding the
1135 administration of a talent initiative including:
- 1136 (a) a deep technology initiative;
 - 1137 (b) a life sciences workforce initiative; and
 - 1138 (c) health professions initiatives including a nursing initiative.
- 1139 (11) An advisory council shall consist of the following members:
- 1140 (a) four members who have extensive experience in the talent initiative's subject matter
1141 from the private sector whom the chair of the talent board appoints and the board
1142 approves;
 - 1143 (b) a representative of the board described in Section 53B-1-402 whom the chair of the
1144 board appoints;
 - 1145 (c) a representative of the Governor's Office of Economic Opportunity whom the
1146 executive director of the Governor's Office of Economic Opportunity appoints;
 - 1147 (d) a representative from Talent Ready Utah; and
 - 1148 [~~(e) one member of the Senate whom the president of the Senate appoints;~~]
 - 1149 [~~(f) one member of the House of Representatives whom the speaker of the House of~~
1150 ~~Representatives appoints; and]~~

- 1151 ~~[(g)]~~ (e) any other specialized industry experts whom a majority of the advisory council
 1152 may invite to participate as needed as nonvoting members.
- 1153 (12) Talent Ready Utah shall provide staff support for an advisory council.
- 1154 (13)(a) Two advisory council members appointed under Subsection (11)(a) shall serve
 1155 an initial term of two years.
- 1156 (b) Except as described in Subsection (13)(a), all other advisory council members shall
 1157 serve an initial term of four years.
- 1158 (c) Successor advisory council members upon appointment or reappointment shall each
 1159 serve a term of four years.
- 1160 (d) When a vacancy occurs in the membership for any reason, the initial appointing
 1161 authority shall appoint a replacement for the unexpired term.
- 1162 (e) An advisory council member may not serve more than two consecutive terms.
- 1163 (14) A vote of a majority of the advisory council members constitutes an action of the
 1164 advisory council.
- 1165 (15) The duties of the advisory council include reviewing, prioritizing, and making
 1166 recommendations to the board regarding proposals for funding under the talent initiative
 1167 created in accordance with Subsection (2) for which the council was created.
- 1168 (16) An advisory council member may not receive compensation or benefits for the
 1169 member's service, but ~~[an advisory council member who is not a legislator]~~ may receive
 1170 per diem and travel expenses in accordance with:
- 1171 (a) Sections 63A-3-106 and 63A-3-107; and
- 1172 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 1173 63A-3-107.
- 1174 (17) The board may discontinue a talent initiative and the related talent advisory council by
 1175 majority vote.
- 1176 Section 20. Section **54-10a-202** is amended to read:
- 1177 **54-10a-202 . Committee of Consumer Services.**
- 1178 (1)(a) There is created within the office a committee known as the "Committee of
 1179 Consumer Services."
- 1180 (b) A member of the committee shall maintain the member's principal residence within
 1181 Utah.
- 1182 (2)(a) The governor shall appoint five members to the committee subject to Subsection
 1183 (3).
- 1184 (b) Except as required by Subsection (2)(c), as terms of current committee members

- 1185 expire, the governor shall appoint a new member or reappointed member to a
1186 four-year term.
- 1187 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the
1188 time of appointment or reappointment, adjust the length of terms to ensure that the
1189 terms of committee members are staggered so that approximately half of the
1190 committee is appointed every two years.
- 1191 (d) When a vacancy occurs in the membership for any reason, the governor shall appoint
1192 a replacement for the unexpired term.
- 1193 (3) Members of the committee shall represent the following consumer interests:
- 1194 (a) one member shall be an individual with experience and understanding of issues
1195 affecting low-income residents;
- 1196 (b) one member shall be a retired person;
- 1197 (c) one member shall be an individual with experience and understanding of issues
1198 affecting small commercial consumers;
- 1199 (d) one member shall be a farmer or rancher who uses electric power to pump water in
1200 the member's farming or ranching operation; and
- 1201 (e) one member shall be a residential consumer.
- 1202 (4)(a) ~~[Nø]~~ Except as provided in Subsection 67-1-2.5(15)(a), no more than three
1203 members of the committee may be from the same political party.
- 1204 (b) Subject to Subsection (3), for a member of the committee appointed on or after May
1205 12, 2009, the governor shall appoint, to the extent possible, an individual with
1206 expertise or experience in:
- 1207 (i) public utility matters related to consumers;
- 1208 (ii) economics;
- 1209 (iii) accounting;
- 1210 (iv) financing;
- 1211 (v) engineering; or
- 1212 (vi) public utilities law.
- 1213 (5) The governor shall designate one member as chair of the committee.
- 1214 (6) A member may not receive compensation or benefits for the member's service, but may
1215 receive per diem and travel expenses in accordance with:
- 1216 (a) Section 63A-3-106;
- 1217 (b) Section 63A-3-107; and
- 1218 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

1219 63A-3-107.

1220 (7)(a) The committee may hold monthly meetings.

1221 (b) The committee may hold other meetings, at the times and places the chair and a
1222 majority of the committee determine.

1223 (8)(a) Three members of the committee constitute a quorum of the committee.

1224 (b) A majority of members voting when a quorum is present constitutes an action of the
1225 committee.

1226 Section 21. Section **63H-8-201** is amended to read:

1227 **63H-8-201 . Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers --**
1228 **Quorum -- Per diem and expenses -- Annual conflict of interest disclosure statement --**
1229 **Penalties.**

1230 (1)(a) There is created an independent body politic and corporate, constituting a public
1231 corporation, known as the "Utah Housing Corporation."

1232 (b) The corporation may also be known and do business as the:

1233 (i) Utah Housing Finance Association; and

1234 (ii) Utah Housing Finance Agency in connection with a contract entered into when
1235 that was the corporation's legal name.

1236 (c) No other entity may use the names described in Subsections (1)(a) and (b) without
1237 the express approval of the corporation.

1238 (2) The corporation is governed by a board of trustees composed of the following nine
1239 trustees:

1240 (a) the executive director of the Department of Workforce Services or the executive
1241 director's designee;

1242 (b) the commissioner of the Department of Financial Institutions or the commissioner's
1243 designee;

1244 (c) the state treasurer or the treasurer's designee; and

1245 (d) six public trustees, who are private citizens of the state, as follows:

1246 (i) two people who represent the mortgage lending industry;

1247 (ii) two people who represent the home building and real estate industry; and

1248 (iii) two people who represent the public at large.

1249 (3) The governor shall:

1250 (a) appoint the six public trustees of the corporation with the advice and consent of the
1251 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies; and

1252 (b) ensure that:

- 1253 (i) the six public trustees are from different counties and are residents of the state; and
1254 (ii) ~~not~~ except as provided in Subsection 67-1-2.5(15)(a), no more than three of the
1255 public trustees are members of the same political party.
- 1256 (4)(a) Except as required by Subsection (4)(b), the governor shall appoint the six public
1257 trustees to terms of office of four years each.
- 1258 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1259 time of appointment or reappointment, adjust the length of terms to ensure that the
1260 terms of corporation trustees are staggered so that approximately half of the board is
1261 appointed every two years.
- 1262 (5)(a) A public trustee of the corporation may be removed from office for cause either
1263 by the governor or by an affirmative vote of six trustees of the corporation.
- 1264 (b) When a vacancy occurs in the board of trustees for any reason, the replacement shall
1265 be appointed for the unexpired term.
- 1266 (c) A public trustee shall hold office for the term of appointment and until the trustee's
1267 successor has been appointed and qualified.
- 1268 (d) A public trustee is eligible for reappointment but may not serve more than two full
1269 consecutive terms.
- 1270 (6)(a) The governor shall select the chair of the corporation.
- 1271 (b) The trustees shall elect from among their number a vice chair and other officers they
1272 may determine.
- 1273 (7)(a) Five trustees of the corporation constitute a quorum for transaction of business.
- 1274 (b) An affirmative vote of at least five trustees is necessary for any action to be taken by
1275 the corporation.
- 1276 (c) A vacancy in the board of trustees does not impair the right of a quorum to exercise
1277 all rights and perform all duties of the corporation.
- 1278 (8) A trustee may not receive compensation or benefits for the trustee's service, but may
1279 receive per diem and travel expenses in accordance with:
- 1280 (a) Section 63A-3-106;
- 1281 (b) Section 63A-3-107; and
- 1282 (c) rules made by the Division of Finance according to Sections 63A-3-106 and
1283 63A-3-107.
- 1284 (9) A trustee shall, no sooner than January 1 and no later than January 31 of each year
1285 during which the trustee holds office on the board of trustees:
- 1286 (a) prepare a written conflict of interest disclosure statement that contains a response to

- 1287 each item of information described in Subsection 20A-11-1604(6); and
- 1288 (b) submit the written disclosure statement to the administrator or clerk of the board of
- 1289 trustees.
- 1290 (10)(a) No later than 10 business days after the date on which the trustee submits the
- 1291 written disclosure statement described in Subsection (9) to the administrator or clerk
- 1292 of the board of trustees, the administrator or clerk shall:
- 1293 (i) post a copy of the written disclosure statement on the corporation's website; and
- 1294 (ii) provide the lieutenant governor with a link to the electronic posting described in
- 1295 Subsection (10)(a)(i).
- 1296 (b) The administrator or clerk shall ensure that the trustee's written disclosure statement
- 1297 remains posted on the corporation's website until the trustee leaves office.
- 1298 (11) The administrator or clerk of the board of trustees shall take the action described in
- 1299 Subsection (12) if:
- 1300 (a) a trustee fails to timely file the written disclosure statement described in Subsection
- 1301 (9); or
- 1302 (b) a submitted written disclosure statement does not comply with the requirements of
- 1303 Subsection 20A-11-1604(6).
- 1304 (12) If a circumstance described in Subsection (11) occurs, the administrator or clerk of the
- 1305 board of trustees shall, within five days after the day on which the administrator or clerk
- 1306 determines that a violation occurred, notify the trustee of the violation and direct the
- 1307 trustee to submit an amended written disclosure statement correcting the problem.
- 1308 (13)(a) It is unlawful for a trustee to fail to submit or amend a written disclosure
- 1309 statement within seven days after the day on which the trustee receives the notice
- 1310 described in Subsection (12).
- 1311 (b) A trustee who violates Subsection (13)(a) is guilty of a class B misdemeanor.
- 1312 (c) The administrator or clerk of the board of trustees shall report a violation of
- 1313 Subsection (13)(a) to the attorney general.
- 1314 (d) In addition to the criminal penalty described in Subsection (13)(b), the administrator
- 1315 or clerk of the board of trustees shall impose a civil fine of \$100 against a member
- 1316 who violates Subsection (13)(a).
- 1317 (14) The administrator or clerk of the board shall deposit a fine collected under this section
- 1318 into the corporation's account to pay for the costs of administering this section.
- 1319 (15) In addition to the written disclosure statement described in Subsection (9), a trustee
- 1320 described in Subsection (2)(d) shall also comply with the conflict of interest provisions

1321 described in Section 63G-24-301.

1322 Section 22. Section **63M-15-201** is amended to read:

1323 **63M-15-201 . Composition -- Appointments -- Terms -- Removal.**

1324 (1) There is created within the governor's office the ["Utah Marriage Commission.["

1325 [~~2~~] The commission comprises at least 10 members but no more than 30 members,
1326 appointed as follows:]

1327 [(a) the president of the Senate shall appoint two members of the Senate;]

1328 [(b) the speaker of the House of Representatives shall appoint two members of the
1329 House of Representatives;]

1330 [(e)] (2) [~~the~~] The governor, or commission leadership under Section 63M-15-202, shall
1331 appoint up to 28 commission members that:

1332 [(i)] (a) may come from the following groups:

1333 [(A)] (i) non-profit organizations or governmental agencies;

1334 [(B)] (ii) social workers who are, or have been, licensed under Title 58, Chapter 60,
1335 Part 2, Social Worker Licensing Act;

1336 [(C)] (iii) psychologists who are, or have been, licensed under Title 58, Chapter 61,
1337 Psychologist Licensing Act;

1338 [(D)] (iv) physicians who are, or have been, board certified in psychiatry and are, or
1339 have been, licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
1340 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

1341 [(E)] (v) marriage and family therapists who are, or have been, licensed under Title
1342 58, Chapter 60, Part 3, Marriage and Family Therapist Licensing Act;

1343 [(F)] (vi) representatives of faith communities;

1344 [(G)] (vii) public health professionals;

1345 [(H)] (viii) representatives of domestic violence prevention organizations;

1346 [(I)] (ix) academics from marriage and family studies departments, social or
1347 behavioral sciences departments, health sciences departments, colleges of law, or
1348 other related and supporting departments at institutions of higher education in this
1349 state;

1350 [(J)] (x) the general public;

1351 [(K)] (xi) individuals with marketing or public relations experience; and

1352 [(L)] (xii) legal professionals; or

1353 [(i)] (b) have skills or expertise the commission requires to fulfill the commission's
1354 duties described in Section 63M-15-204.

- 1355 (3)(a) An individual appointed under Subsection [~~(2)(e)~~] (2) shall serve for a term of four
 1356 years.
- 1357 (b) If approved by the commission, an individual may be appointed for subsequent terms.
- 1358 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
 1359 appointed by the applicable appointing authority for the remainder of the unexpired
 1360 term of the original appointment.
- 1361 (d) Upon majority vote within commission leadership, commission leadership may
 1362 remove a member of the commission if the member is unable to serve.
- 1363 (e) Commission leadership may appoint as many non-voting members as necessary if
 1364 the individuals appointed have skills or expertise related to the commission's duties,
 1365 described in Section 63M-15-204.

1366 Section 23. Section **63N-7-201** is amended to read:

1367 **63N-7-201 . Board of Tourism created -- Members -- Meetings -- Expenses.**

- 1368 (1) There is created within the tourism office the Board of Tourism Development.
- 1369 (2)(a) The board shall consist of 15 members appointed or reappointed by the governor
 1370 to four-year terms with the advice and consent of the Senate.
- 1371 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
 1372 time of appointment or reappointment, adjust the length of terms to ensure that the
 1373 terms of board members are staggered so that approximately half of the board is
 1374 appointed every two years.
- 1375 (3) The members may not serve more than two full consecutive terms unless the governor
 1376 determines that an additional term is in the best interest of the state.
- 1377 (4) [~~Not~~] Except as provided in Subsection 67-1-2.5(15)(a), no more than eight members of
 1378 the board may be from the same political party.
- 1379 (5)(a) The members shall be representative of:
- 1380 (i) all areas of the state with six being appointed from separate geographical areas as
 1381 provided in Subsection (5)(b); and
- 1382 (ii) a diverse mix of business ownership or executive management of tourism related
 1383 industries.
- 1384 (b) The geographical representatives shall be appointed as follows:
- 1385 (i) one member from Salt Lake, Tooele, or Morgan County;
- 1386 (ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;
- 1387 (iii) one member from Utah, Summit, Juab, or Wasatch County;
- 1388 (iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;

- 1389 (v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and
1390 (vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.
- 1391 (c) The tourism industry representatives of ownership or executive management shall be
1392 appointed as follows:
- 1393 (i) one member from ownership or executive management of the lodging industry, as
1394 recommended by the tourism industry for the governor's consideration;
- 1395 (ii) one member from ownership or executive management of the restaurant industry,
1396 as recommended by the restaurant industry for the governor's consideration;
- 1397 (iii) one member from ownership or executive management of the ski industry, as
1398 recommended by the ski industry for the governor's consideration; and
- 1399 (iv) one member from ownership or executive management of a tourism-related
1400 transportation provider, as recommended by the tourism industry for the
1401 governor's consideration.
- 1402 (d) One member shall be appointed at large from ownership or executive management of
1403 business, finance, economic policy, or the academic media marketing community.
- 1404 (e) One member shall be appointed from the Utah Tourism Industry Association, as
1405 recommended by the association for the governor's consideration.
- 1406 (f) One member shall be appointed to represent the state's counties, as recommended by
1407 the Utah Association of Counties for the governor's consideration.
- 1408 (g) One member shall be appointed from an arts and cultural organization, as
1409 recommended by the arts and cultural community for the governor's consideration.
- 1410 (h) One member shall be appointed to represent the outdoor recreation industry, as
1411 recommended by the outdoor recreation industry for the governor's consideration.
- 1412 (i)(i) The governor may choose to disregard a recommendation made for the board
1413 members described in Subsections (5)(c), (e), and (f) through (h).
- 1414 (ii) The governor shall request additional recommendations if recommendations are
1415 disregarded under Subsection (5)(i)(i).
- 1416 (6) When a vacancy occurs in the membership for any reason, the governor shall, with the
1417 advice and consent of the Senate, appoint a replacement for the unexpired term from the
1418 same geographic area or industry representation as the member whose office was
1419 vacated.
- 1420 (7) Eight members of the board constitute a quorum for conducting board business and
1421 exercising board powers.
- 1422 (8) The governor shall select one of the board members as chair and one of the board

- 1423 members as vice chair, each for a four-year term as recommended by the board for the
 1424 governor's consideration.
- 1425 (9) A member may not receive compensation or benefits for the member's service, but may
 1426 receive per diem and travel expenses in accordance with:
- 1427 (a) Section 63A-3-106;
- 1428 (b) Section 63A-3-107; and
- 1429 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 1430 (10) The board shall meet monthly or as often as the board determines to be necessary at
 1431 various locations throughout the state.
- 1432 (11) Members who may have a potential conflict of interest in consideration of fund
 1433 allocation decisions shall identify the potential conflict prior to voting on the issue.
- 1434 (12)(a) The board shall determine attendance requirements for maintaining a designated
 1435 board seat.
- 1436 (b) If a board member fails to attend according to the requirements established pursuant
 1437 to Subsection (12)(a), the board member shall be replaced upon written certification
 1438 from the board chair or vice chair to the governor.
- 1439 (c) A replacement appointed by the governor under Subsection (12)(b) shall serve for
 1440 the remainder of the board member's unexpired term.
- 1441 (13)(a) The board's office shall be in Salt Lake City.
- 1442 (b) The tourism office shall provide staff support to the board.
- 1443 Section 24. Section **67-1-2.5** is amended to read:
- 1444 **67-1-2.5 . Executive boards -- Database -- Governor's review of new boards --**
 1445 **Creation of boards and commissions -- Inactive boards.**
- 1446 (1) As used in this section:
- 1447 (a) "Administrator" means the boards and commissions administrator designated under
 1448 Subsection (3).
- 1449 (b) "Executive board" means an executive branch board, commission, council,
 1450 committee, working group, task force, study group, advisory group, or other body:
- 1451 (i) with a defined limited membership;
- 1452 (ii) that is created by the constitution, by statute, by executive order, by the governor,
 1453 lieutenant governor, attorney general, state auditor, or state treasurer or by the
 1454 head of a department, division, or other administrative subunit of the executive
 1455 branch of state government; and
- 1456 (iii) that is created to operate for more than six months.

- 1457 (c) "Inactive board" means a board that does not need to function at the present time, but
1458 may need to function in the future.
- 1459 (d) "Interim committee" means the same as that term is defined in Legislative Joint
1460 Rules, Title 7, Chapter 1, Part 2, Creation and Organization of Legislative
1461 Committees.
- 1462 (2)(a) Except as provided in Subsection (2)(c), before August 1 of the calendar year
1463 following the year in which a new executive board is created in statute, the governor
1464 shall:
- 1465 (i) review the executive board to evaluate:
- 1466 (A) whether the executive board accomplishes a substantial governmental interest;
1467 and
1468 (B) whether it is necessary for the executive board to continue to exist;
- 1469 (ii) in the governor's review described in Subsection (2)(a)(i), consider:
- 1470 (A) the funding required for the executive board;
1471 (B) the staffing resources required for the executive board;
1472 (C) the time members of the executive board are required to commit to serve on
1473 the executive board; and
1474 (D) whether the responsibilities of the executive board could reasonably be
1475 accomplished through an existing entity or without statutory direction; and
- 1476 (iii) submit a report to the Government Operations Interim Committee recommending
1477 that the Legislature:
- 1478 (A) repeal the executive board;
1479 (B) add a sunset provision or future repeal date to the executive board;
1480 (C) make other changes to make the executive board more efficient; or
1481 (D) make no changes to the executive board.
- 1482 (b) In conducting the evaluation described in Subsection (2)(a), the governor shall give
1483 deference to:
- 1484 (i) reducing the size of government; and
1485 (ii) making governmental programs more efficient and effective.
- 1486 (c) The governor is not required to conduct the review or submit the report described in
1487 Subsection (2)(a) for an executive board that is scheduled for repeal under Title 63I,
1488 Chapter 1, Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal
1489 Dates by Title Act.
- 1490 (3)(a) The governor shall designate a board and commissions administrator from the

- 1491 governor's staff to maintain a computerized database containing information about all
1492 executive boards.
- 1493 (b) The administrator shall ensure that the database contains:
- 1494 (i) the name of each executive board;
 - 1495 (ii) the current statutory or constitutional authority for the creation of the executive
1496 board;
 - 1497 (iii) the sunset date on which each executive board's statutory authority expires;
 - 1498 (iv) the state officer or department and division of state government under whose
1499 jurisdiction the executive board operates or with which the executive board is
1500 affiliated, if any;
 - 1501 (v) the name, address, gender, telephone number, and county of each individual
1502 currently serving on the executive board, along with a notation of all vacant or
1503 unfilled positions;
 - 1504 (vi) the title of the position held by the person who appointed each member of the
1505 executive board;
 - 1506 (vii) the length of the term to which each member of the executive board was
1507 appointed and the month and year that each executive board member's term
1508 expires;
 - 1509 (viii) whether members appointed to the executive board require the advice and
1510 consent of the Senate;
 - 1511 (ix) the organization, interest group, profession, local government entity, or
1512 geographic area that an individual appointed to an executive board represents, if
1513 any;
 - 1514 (x) the party affiliation of an individual appointed to an executive board, if the statute
1515 or executive order creating the position requires representation from political
1516 parties;
 - 1517 (xi) whether each executive board is a policy board or an advisory board;
 - 1518 (xii) whether the executive board has or exercises rulemaking authority, or is a
1519 rulemaking board as defined in Section 63G-24-102; and
 - 1520 (xiii) any compensation and expense reimbursement that members of the executive
1521 board are authorized to receive.
- 1522 (4) The administrator shall ensure the governor's website includes:
- 1523 (a) the information contained in the database, except for an individual's:
 - 1524 (i) physical address;

- 1525 (ii) email address; and
1526 (iii) telephone number;
- 1527 (b) a portal, accessible on each executive board's web page within the governor's
1528 website, through which a member of the public may provide input on:
1529 (i) an individual appointed to serve on the executive board; or
1530 (ii) a sitting member of the executive board;
- 1531 (c) each report the administrator receives under Subsection (5); and
1532 (d) the summary report described in Subsection (6).
- 1533 (5)(a) Before August 1, in each even-numbered year, each executive board shall prepare
1534 and submit to the administrator a report that includes:
1535 (i) the name of the executive board;
1536 (ii) a description of the executive board's official function and purpose;
1537 (iii) a description of the actions taken by the executive board since the last report the
1538 executive board submitted to the administrator under this Subsection (5);
1539 (iv) recommendations on whether any statutory, rule, or other changes are needed to
1540 make the executive board more effective; and
1541 (v) an indication of whether the executive board should continue to exist.
- 1542 (b) The administrator shall compile and post the reports described in Subsection (5)(a) to
1543 the governor's website before September 1 of a calendar year in which the
1544 administrator receives a report described in Subsection (5)(a).
- 1545 (6)(a) Before September 1 of a calendar year in which the administrator receives a report
1546 described in Subsection (5)(a), the administrator shall prepare a report that includes:
1547 (i) as of July 1 of that year, the total number of executive boards that exist;
1548 (ii) a summary of the reports submitted to the administrator under Subsection (5),
1549 including:
1550 (A) a list of each executive board that submitted a report under Subsection (5);
1551 (B) a list of each executive board that failed to timely submit a report under
1552 Subsection (5);
1553 (C) an indication of any recommendations made under Subsection (5)(a)(iv);
1554 (D) a list of any executive boards that indicated under Subsection (5)(a)(v) that the
1555 executive board should no longer exist; and
1556 (E) a recommendation regarding whether the administrator recommends the
1557 executive board should continue to exist; and
1558 (iii) a list of each executive board, identified and reported by the Division of

1559 Archives and Record Services under Section 63A-16-601, that did not post a
1560 notice of a public meeting on the Utah Public Notice Website during the previous
1561 fiscal year.

1562 (b) On or before September 1 of a calendar year in which the administrator prepares a
1563 report described in Subsection (6)(a), in accordance with Section 68-3-14, the
1564 administrator shall submit the report to:

- 1565 (i) the president of the Senate;
- 1566 (ii) the speaker of the House of Representatives; and
- 1567 (iii) the Government Operations Interim Committee.

1568 (c)(i) Within 60 days after the day on which an executive board fails to timely submit
1569 a report under Subsection (5), a legislative interim committee shall conduct a
1570 review to determine whether to recommend repeal of the executive board.

1571 (ii) The Office of Legislative Research and General Counsel shall notify the chairs of
1572 an interim committee whose subject area most closely relates to an executive
1573 board described in Subsection (6)(c)(i) of:

- 1574 (A) the name of the board;
- 1575 (B) information regarding the function of the board; and
- 1576 (C) the deadline by which the interim committee is required to conduct a review
1577 described in Subsection (6)(c)(i).

1578 (iii) If there is not an interim committee with a subject area relating to the executive
1579 board, or if the interim committee described in Subsection (6)(c)(ii) is unable to
1580 timely conduct the review described in Subsection (6)(c), the Government
1581 Operations Interim Committee shall conduct the review.

1582 (iv) If an interim committee recommends that an executive board described in
1583 Subsection (6)(c)(i) be repealed, the Office of Legislative Research and General
1584 Counsel shall draft a bill repealing the executive board.

1585 (7) The Legislature may not create an executive board except through a bill that receives a
1586 favorable recommendation by unanimous vote of an interim committee.

1587 (8) Except for an executive board created by the Utah Constitution, an interim committee
1588 may determine that an executive board is an inactive board and recommend that the
1589 governor deactivate the executive board.

1590 (9) Except for an executive board created by the Utah Constitution, an interim committee
1591 may recommend that the governor reactivate a deactivated executive board.

1592 (10) If an interim committee recommends that the governor deactivate or reactivate an

- 1593 executive board, the chairs of the interim committee shall submit a written notice
1594 identifying the name of the executive board and the reason for the recommendation to:
- 1595 (a) the governor;
 - 1596 (b) the chairs of the Legislative Management Committee;
 - 1597 (c) the administrator, as defined in Section 67-1-2.5; and
 - 1598 (d) the executive branch agency that oversees the board.
- 1599 (11) Except for an executive board created by the Utah Constitution, the Legislature may
1600 deactivate or reactivate an executive board by concurrent resolution.
- 1601 (12)(a) Except as provided in Subsection (12)(c), the governor may determine that an
1602 executive board is an inactive board:
- 1603 (i) in response to the recommendation of an interim committee; or
 - 1604 (ii) based on the governor's own determination.
- 1605 (b) Except as provided in Subsection (12)(c), if the governor determines that an
1606 executive board is an inactive board, the governor may deactivate the executive board.
- 1607 (c) The governor may not deactivate an executive board if:
- 1608 (i) the executive board is created by the Utah Constitution;
 - 1609 (ii) within the previous one-year period, the Legislature created the executive board,
1610 reauthorized the executive board, or, by concurrent resolution, reactivated the
1611 executive board; or
 - 1612 (iii) the board is created by a statute that expressly prohibits the governor from
1613 deactivating the executive board.
- 1614 (d) An executive board that the governor deactivates under Subsection (12)(b), or that
1615 the Legislature deactivates by concurrent resolution, may not take an action or fulfill
1616 a duty that the executive board is otherwise statutorily authorized to take or fulfill.
- 1617 (13)(a) Except as provided in Subsection (13)(c), the governor may determine that a
1618 deactivated executive board should be reactivated.
- 1619 (b) Except as provided in Subsection (13)(c), if the governor determines that a
1620 deactivated executive board should be reactivated, the governor may reactivate the
1621 executive board.
- 1622 (c) The governor may not reactivate an executive board if:
- 1623 (i) within the previous one-year period, the Legislature deactivated the executive
1624 board by concurrent resolution; or
 - 1625 (ii) the board is created by a statute that expressly prohibits the governor from
1626 reactivating the executive board.

1627 (d) An executive board that the governor reactivates under Subsection (13)(b), or that
 1628 the Legislature reactivates by concurrent resolution, may take an action or fulfill a
 1629 duty that the executive board is statutorily authorized to take or fulfill.

1630 (14) Before the governor deactivates or reactivates an executive board under this section,
 1631 the governor shall submit a written notice identifying the name of the board and the
 1632 reason the governor has determined to deactivate or reactivate the executive board to:

1633 (a) the chairs of the Legislative Management Committee;

1634 (b) the chairs of the Government Operations Interim Committee;

1635 (c) the administrator, as defined in Section 67-1-2.5; and

1636 (d) the executive branch agency that oversees the board.

1637 (15)(a) Except as provided in Subsection (15)(b), if the governor is prohibited from
 1638 appointing more than a certain number of individuals to an executive board who are
 1639 members of the same political party, the governor may appoint more than that
 1640 number if, before making the appointment, the governor first consults with the
 1641 minority leader of the House of Representatives and the minority leader of the Senate
 1642 to determine if there are other individuals the governor may consider appointing to
 1643 the executive board.

1644 (b) Subsection (15)(a) does not apply to:

1645 (i) the Public Service Commission created in Section 54-1-1; or

1646 (ii) an executive board that is required to have a legislator as a member.

1647 Section 25. Section **67-8-4** is amended to read:

1648 **67-8-4 . State Elected Official and Judicial Compensation Commission created --**

1649 **Composition -- Appointment -- Terms -- Organization -- Vacancies -- Quorum --**

1650 **Compensation -- Staff.**

1651 (1) There is created a state Elected Official and Judicial Compensation Commission
 1652 comprised of six members~~[, not more than three of whom may be from the same~~
 1653 ~~political party,]~~ appointed as follows:

1654 (a) one member appointed by the governor;

1655 (b) one member appointed by the president of the Senate;

1656 (c) one member appointed by the speaker of the House of Representatives;

1657 (d) two members appointed by the other three appointed members; and

1658 (e) one member appointed by the State Bar Commission.

1659 (2)(a) Except as required by Subsection (2)(b), all persons appointed to the commission
 1660 shall serve four-year terms or until their successors are duly appointed and qualified.

- 1661 (b) Notwithstanding the requirements of Subsection (2)(a), the appointing authority
 1662 shall, at the time of appointment or reappointment, adjust the length of terms to
 1663 ensure that the terms of commission members are staggered so that approximately
 1664 half of the commission is appointed every two years.
- 1665 (3)(a) The commission shall select a chair and a vice chair from opposite political parties
 1666 at its first meeting.
- 1667 (b) Four members of the commission constitute a quorum.
- 1668 (c) The action of a majority of a quorum constitutes the action of the commission.
- 1669 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
 1670 appointed for the unexpired term.
- 1671 (5) An individual may not serve as a member of the commission if the individual is a
 1672 member or employee of the legislative branch, judicial branch, or executive branch.
- 1673 (6) A member may not receive compensation or benefits for the member's service, but may
 1674 receive per diem and travel expenses in accordance with:
- 1675 (a) Section 63A-3-106;
- 1676 (b) Section 63A-3-107; and
- 1677 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 1678 63A-3-107.
- 1679 (7) A nonpartisan office of the Legislature, selected by the president of the Senate and the
 1680 speaker of the House of Representatives, shall staff the commission.
- 1681 Section 26. Section **73-10-2** is amended to read:
- 1682 **73-10-2 . Board of Water Resources -- Members -- Appointment -- Terms --**
 1683 **Vacancies.**
- 1684 (1)(a) The Board of Water Resources shall be comprised of nine members to be
 1685 appointed by the governor with the advice and consent of the Senate in accordance
 1686 with Title 63G, Chapter 24, Part 2, Vacancies.
- 1687 (b) [~~In addition to the requirements of Section 79-2-203, not~~] Except as provided in
 1688 Subsection 67-1-2.5(15)(a), no more than five members of the board shall be from
 1689 the same political party.
- 1690 (2) [~~The~~] Subject to Section 79-2-203, the Board of Water Resources shall consist of:
- 1691 (a) one member appointed from each of the following districts:
- 1692 (i) Bear River District, comprising the counties of Box Elder, Cache, and Rich;
- 1693 (ii) Weber District, comprising the counties of Weber, Davis, Morgan, and Summit;
- 1694 (iii) Salt Lake District, comprising the counties of Salt Lake and Tooele;

- 1695 (iv) Provo River District, comprising the counties of Juab, Utah, and Wasatch;
- 1696 (v) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute,
- 1697 and Wayne;
- 1698 (vi) Green River District, comprising the counties of Daggett, Duchesne, and Uintah;
- 1699 (vii) Upper Colorado River District, comprising the counties of Carbon, Emery,
- 1700 Grand, and San Juan; and
- 1701 (viii) Lower Colorado River District, comprising the counties of Beaver, Garfield,
- 1702 Iron, Washington, and Kane; and
- 1703 (b) one member that represents the interests of the Great Salt Lake.
- 1704 (3)(a) Except as required by Subsection (3)(b), all appointments shall be for terms of
- 1705 four years.
- 1706 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
- 1707 time of appointment or reappointment, adjust the length of terms to ensure that the
- 1708 terms of board members are staggered so that approximately half of the board is
- 1709 appointed every two years.
- 1710 (c) When a vacancy occurs in the membership for any reason, the governor shall appoint
- 1711 a replacement member for the unexpired term, with the advice and consent of the
- 1712 Senate, who:
- 1713 (i) is from the same district as the individual leaving the board; or
- 1714 (ii) if the individual leaving the board is appointed under Subsection (2)(b),
- 1715 represents the interests of the Great Salt Lake.
- 1716 (4) A member may not receive compensation or benefits for the member's service, but may
- 1717 receive per diem and travel expenses in accordance with:
- 1718 (a) Section 63A-3-106;
- 1719 (b) Section 63A-3-107; and
- 1720 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 1721 63A-3-107.
- 1722 (5) A member shall comply with the conflict of interest provisions described in Title 63G,
- 1723 Chapter 24, Part 3, Conflicts of Interest.
- 1724 Section 27. Section **78A-12-201** is amended to read:
- 1725 **78A-12-201 . Judicial Performance Evaluation Commission -- Creation --**
- 1726 **Membership.**
- 1727 (1) There is created an independent commission called the Judicial Performance Evaluation
- 1728 Commission consisting of 13 members, as follows:

- 1729 (a) two members appointed by the president of the Senate, only one of whom may be a
1730 member of the Utah State Bar;
- 1731 (b) two members appointed by the speaker of the House of Representatives, only one of
1732 whom may be a member of the Utah State Bar;
- 1733 (c) four members appointed by the members of the Supreme Court, at least one of
1734 whom, but not more than two of whom, may be a member of the Utah State Bar;
- 1735 (d) four members appointed by the governor, at least one of whom, but not more than
1736 two of whom, may be a member of the Utah State Bar; and
- 1737 (e) the executive director of the Commission on Criminal and Juvenile Justice.
- 1738 (2)(a) The president of the Senate and the speaker of the House of Representatives shall
1739 confer when appointing members under Subsections (1)(a) and (b) to ensure that
1740 there is at least one member from among their four appointees who is a member of
1741 the Utah State Bar.
- 1742 (b) ~~[Each of the appointing authorities]~~ Except as provided in Subsection (3), each
1743 appointing authority may appoint no more than half of the appointing authority's
1744 members from the same political party.
- 1745 (c) A sitting legislator or a sitting judge may not serve as a commission member.
- 1746 (3) An appointing authority described in Subsection (1)(a), (b), or (d), may appoint more
1747 than half of the appointing authority's members from the same political party if, before
1748 making the appointment, the appointing authority first consults with the minority leader
1749 of the House of Representatives and the minority leader of the Senate to determine if
1750 there are other individuals the appointing authority may consider appointing to the
1751 commission.
- 1752 ~~[(3)]~~ (4)(a) A member appointed under Subsection (1) shall be appointed for a four-year
1753 term.
- 1754 (b) A member may serve no more than three consecutive terms.
- 1755 ~~[(4)]~~ (5) At the time of appointment, the terms of commission members shall be staggered
1756 so that approximately half of commission members' terms expire every two years.
- 1757 ~~[(5)]~~ (6) When a vacancy occurs in the membership for any reason, the replacement shall be
1758 appointed for the unexpired term by the same appointing authority that appointed the
1759 member creating the vacancy.
- 1760 ~~[(6)]~~ (7)(a) Eight members of the commission constitute a quorum.
- 1761 (b) The action of a majority of the quorum constitutes the action of the commission,
1762 except that the commission may not make a determination that a judge meets or

- 1763 exceeds minimum performance standards, or that a judge does not meet or exceed
 1764 minimum performance standards, by a vote of less than six members.
- 1765 (c) If, because of absences, the commission is unable to make a determination described
 1766 in Subsection [~~(6)(b)~~] (7)(b) by at least six votes, the commission may meet a second
 1767 time to make a determination.
- 1768 (d) If a vote on the question of whether a judge meets or exceeds minimum performance
 1769 standards or does not meet or exceed minimum performance standards ends in a tie
 1770 or does not pass by at least six votes, the record shall reflect that the commission
 1771 made no determination in relation to that judge.

1772 Section 28. Section **79-3-302** is amended to read:

1773 **79-3-302 . Members of board -- Qualifications and appointment -- Vacancies --**
 1774 **Organization -- Meetings -- Financial gain prohibited -- Expenses.**

- 1775 (1) The board consists of seven members appointed by the governor, with the advice and
 1776 consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 1777 (2) In addition to the requirements of Section 79-2-203, the members shall have the
 1778 following qualifications:
- 1779 (a) one member knowledgeable in the field of geology as applied to the practice of civil
 1780 engineering;
- 1781 (b) four members knowledgeable and representative of various segments of the mineral
 1782 industry throughout the state, such as hydrocarbons, solid fuels, metals, and industrial
 1783 minerals;
- 1784 (c) one member knowledgeable of the economic or scientific interests of the mineral
 1785 industry in the state; and
- 1786 (d) one member who is interested in the goals of the survey and from the public at large.
- 1787 (3) The director of the School and Institutional Trust Lands Administration is an ex officio
 1788 member of the board but without any voting privileges.
- 1789 (4)(a) Except as required by Subsection (4)(b), members are appointed for terms of four
 1790 years.
- 1791 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
 1792 time of appointment or reappointment, adjust the length of terms to ensure that the
 1793 terms of board members are staggered so that approximately half of the board is
 1794 appointed every two years.
- 1795 (c) [~~No~~] Except as provided in Subsection 67-1-2.5(15)(a), no more than four members
 1796 may be of the same political party.

- 1797 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
 1798 appointed for the unexpired term by the governor with the advice and consent of the
 1799 Senate.
- 1800 (5) The board shall select from its members a chair and such officers and committees as it
 1801 considers necessary.
- 1802 (6)(a) The board shall hold meetings at least quarterly on such dates as may be set by its
 1803 chair.
- 1804 (b) Special meetings may be held upon notice of the chair or by a majority of its
 1805 members.
- 1806 (c) A majority of the members of the board present at a meeting constitutes a quorum for
 1807 the transaction of business.
- 1808 (7)(a) Members of the board may not obtain financial gain by reason of information
 1809 obtained during the course of their official duties.
- 1810 (b) A member shall comply with the conflict of interest provisions described in Title
 1811 63G, Chapter 24, Part 3, Conflicts of Interest.
- 1812 (8) A member may not receive compensation or benefits for the member's service, but may
 1813 receive per diem and travel expenses in accordance with:
- 1814 (a) Section 63A-3-106;
- 1815 (b) Section 63A-3-107; and
- 1816 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 1817 63A-3-107.

1818 **Section 29. Effective Date.**

1819 This bill takes effect on May 7, 2025.

1820 **Section 30. Coordinating H.B. 412 with H.B. 360.**

1821 If H.B. 412, Boards and Commissions Revisions, and H.B. 360, Housing
 1822 Attainability Amendments, both pass and become law, the Legislature intends that, on July 1,
 1823 2025:

1824 (1) the coordination clause in H.B. 360 affecting Subsection 63H-8-201(3)(b) not be
 1825 implemented; and

1826 (2) Subsection 63H-8-201(3)(b) in H.B. 412 and H.B. 360 be amended to read:

1827 "(b) ensure that:

1828 (i) [the six public trustees are from different counties and are residents of the state]
 1829 among the six public trustees, no more than two are from the same county and all are residents
 1830 of the state; and

_1831 (ii) [~~not~~] except as provided in Subsection 67-1-2.5(15)(a), no more than three of
1832 the public trustees are members of the same political party.".