

1 **WILDLIFE SUNSET RELATED AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4

5 **LONG TITLE**

6 **General Description:**

7 This bill modifies provisions related to a board, committee, or council created under
8 Title 23, Wildlife Resources Code of Utah.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ makes consistent the number of names the nominating committee submits to the
- 12 governor;
- 13 ▶ removes incorrect references to boards;
- 14 ▶ clarifies orientation training language related to regional advisory councils;
- 15 ▶ extends sunset dates; and
- 16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **23-14-2**, as last amended by Laws of Utah 2020, Chapters 352 and 373

24 **23-14-2.5**, as last amended by Laws of Utah 2003, Chapter 36

25 **23-14-2.6**, as last amended by Laws of Utah 2010, Chapters 286 and 324

26 **63I-1-223**, as last amended by Laws of Utah 2020, Chapters 154 and 232

27

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

29 Section 1. Section **23-14-2** is amended to read:

30 **23-14-2. Wildlife Board -- Creation -- Membership -- Terms -- Quorum --**

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

32 (1) There is created a Wildlife Board which shall consist of seven members appointed

33 by the governor with the advice and consent of the Senate in accordance with Title 63G,
34 Chapter 24, Part 2, Vacancies.

35 (2) (a) In addition to the requirements of Section 79-2-203, the members of the board
36 shall have expertise or experience in at least one of the following areas:

37 (i) wildlife management or biology;

38 (ii) habitat management, including range or aquatic;

39 (iii) business, including knowledge of private land issues; and

40 (iv) economics, including knowledge of recreational wildlife uses.

41 (b) Each of the areas of expertise under Subsection (2)(a) shall be represented by at
42 least one member of the Wildlife Board.

43 (3) (a) The governor shall select each board member from a list of nominees submitted
44 by the nominating committee pursuant to Section 23-14-2.5.

45 (b) No more than two members shall be from a single wildlife region described in
46 Subsection 23-14-2.6(1).

47 (c) The governor may request an additional list of at least two nominees from the
48 nominating committee if the initial list of nominees for a given position is unacceptable.

49 (d) (i) If the governor fails to appoint a board member within 60 days after receipt of
50 the initial or additional list, the nominating committee shall make an interim appointment by
51 majority vote.

52 (ii) The interim board member shall serve until the matter is resolved by the committee
53 and the governor or until the board member is replaced pursuant to this chapter.

54 (4) (a) Except as required by Subsection (4)(b), as terms of current board members
55 expire, the governor shall appoint each new member or reappointed member to a six-year term.

56 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
57 time of appointment or reappointment, adjust the length of terms to ensure that:

58 (i) the terms of board members are staggered so that approximately one-third of the
59 board is appointed every two years; and

60 (ii) members serving from the same region have staggered terms.

61 (c) If a vacancy occurs, the nominating committee shall submit at least two names, as
62 provided in Subsection 23-14-2.5(4), to the governor and the governor shall appoint a
63 replacement for the unexpired term.

- 64 (d) Board members may serve only one term unless:
- 65 (i) the member is among the first board members appointed to serve four years or less;
- 66 or
- 67 (ii) the member filled a vacancy under Subsection (4)(c) for four years or less.
- 68 (5) (a) The board shall elect a chair and a vice chair from its membership.
- 69 (b) Four members of the board shall constitute a quorum.
- 70 (c) The director of the Division of Wildlife Resources shall act as secretary to the
- 71 board but is not a voting member of the board.
- 72 (6) (a) The Wildlife Board shall hold a sufficient number of public meetings each year
- 73 to expeditiously conduct its business.
- 74 (b) Meetings may be called by the chair upon five days notice or upon shorter notice in
- 75 emergency situations.
- 76 (c) Meetings may be held at the Salt Lake City office of the Division of Wildlife
- 77 Resources or elsewhere as determined by the Wildlife Board.
- 78 (7) A member may not receive compensation or benefits for the member's service, but
- 79 may receive per diem and travel expenses in accordance with:
- 80 (a) Section 63A-3-106;
- 81 (b) Section 63A-3-107; and
- 82 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 83 63A-3-107.
- 84 (8) (a) The members of the Wildlife Board shall complete an orientation course to
- 85 assist them in the performance of the duties of their office.
- 86 (b) The Department of Natural Resources shall provide the course required under
- 87 Subsection (8)(a).
- 88 (9) A member shall comply with the conflict of interest provisions described in Title
- 89 63G, Chapter 24, Part 3, Conflicts of Interest.
- 90 Section 2. Section **23-14-2.5** is amended to read:
- 91 **23-14-2.5. Wildlife Board Nominating Committee -- Creation -- Membership --**
- 92 **Terms -- Quorum.**
- 93 (1) There is created a Wildlife Board Nominating Committee which shall consist of 11
- 94 members.

95 (2) The governor shall appoint members to the nominating committee as follows:

96 (a) three members shall be appointed from a list of at least two nominees per position
97 submitted by the agriculture industry;

98 (b) three members shall be appointed from a list of at least two nominees per position
99 submitted by sportsmen groups;

100 (c) two members shall be appointed from a list of at least two nominees per position
101 submitted by nonconsumptive wildlife interests;

102 (d) one member shall be appointed from a list of at least two nominees submitted by
103 federal land management agencies;

104 (e) one local elected official shall be appointed from a list of at least two nominees
105 submitted by the Utah Association of Counties; and

106 (f) one range management specialist shall be appointed from a list of at least two
107 nominees submitted jointly by the Utah Chapter, Society of Range Management and the Utah
108 Chapter, The Wildlife Society.

109 (3) Each wildlife region described in Subsection 23-14-2.6(1) shall be represented by at
110 least one member and no wildlife region may be represented by more than three members.

111 (4) The nominating committee shall nominate at least two, but not more than four,
112 candidates for each position or vacancy which occurs on the board.

113 (5) (a) Except as required by Subsection (5)(b), as terms of current [board] members
114 expire, the governor shall appoint each new or reappointed member to a four-year term.

115 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
116 time of appointment or reappointment, adjust the length of terms to ensure that:

117 (i) the terms of [board] members are staggered so that approximately half of the
118 [board] nominating committee is appointed every two years; and

119 (ii) members from the same wildlife region serve staggered terms.

120 (c) If a vacancy occurs for any reason, the governor shall appoint a replacement in the
121 same manner that the position was originally filled to serve the remainder of the unexpired
122 term.

123 (6) The nominating committee shall select a chair and vice chair from its membership.

124 (7) Six members shall constitute a quorum.

125 Section 3. Section **23-14-2.6** is amended to read:

126 **23-14-2.6. Regional advisory councils -- Creation -- Membership -- Duties -- Per**
127 **diem and expenses.**

128 (1) There are created five regional advisory councils which shall consist of 12 to 15
129 members each from the wildlife region whose boundaries are established for administrative
130 purposes by the division.

131 (2) The members shall include individuals who represent the following groups and
132 interests:

- 133 (a) agriculture;
- 134 (b) sportsmen;
- 135 (c) nonconsumptive wildlife;
- 136 (d) locally elected public officials;
- 137 (e) federal land agencies; and
- 138 (f) the public at large.

139 (3) The executive director of the Department of Natural Resources, in consultation
140 with the director of the Division of Wildlife Resources, shall select the members from a list of
141 nominees submitted by the respective interest group or agency.

142 (4) The councils shall:

- 143 (a) hear broad input, including recommendations, biological data, and information
144 regarding the effects of wildlife;
- 145 (b) gather information from staff, the public, and government agencies; and
- 146 (c) make recommendations to the Wildlife Board in an advisory capacity.

147 (5) (a) Except as required by Subsection (5)(b), each member shall serve a four-year
148 term.

149 (b) Notwithstanding the requirements of Subsection (5)(a), the executive director shall,
150 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
151 of council members are staggered so that approximately half of the council is appointed every
152 two years.

153 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
154 appointed for the unexpired term.

155 (7) The councils shall determine:

- 156 (a) the time and place of meetings; and

157 (b) any other procedural matter not specified in this chapter.

158 (8) Members of the councils shall complete an orientation course [~~as provided~~
159 described in Subsection 23-14-2(8).

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

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

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

164 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
165 63A-3-107.

166 Section 4. Section **63I-1-223** is amended to read:

167 **63I-1-223. Repeal dates: Title 23.**

168 (1) Section 23-14-2.5, which creates the Wildlife Board Nominating Committee, is
169 repealed July 1, [~~2023~~] 2028.

170 (2) Section 23-14-2.6, which creates regional advisory councils for the Wildlife Board,
171 is repealed July 1, [~~2023~~] 2028.