

Effective 1/1/2021

Chapter 24

Board Vacancies and Conflicts Act

Part 1

General Provisions

63G-24-101 Title.

This chapter is known as the "Board Vacancies and Conflicts Act."

Enacted by Chapter 373, 2020 General Session

63G-24-102 Definitions.

As used in this chapter:

- (1) "Affiliation" means association with an entity, including association in the form of employment, ownership, shareholdership, or financial interest.
- (2) "Agency" means the same as that term is defined in Section 63G-4-103.
- (3) "Appointed board member" means an individual appointed by the governor, with the consent of the Senate, to serve on a rulemaking board.
- (4) "Nominee" means a person selected by the governor to fill a rulemaking board vacancy subject to the advice and consent of the Senate.
- (5)
 - (a) "Rulemaking board" means a board, committee, commission, or council:
 - (i) that has rulemaking authority; and
 - (ii) at least part of whose membership is appointed by the governor subject to the advice and consent of the Senate.
 - (b) "Rulemaking board" does not include:
 - (i) the State Board of Education; or
 - (ii) the Utah Retirement Board.
- (6) "Substantial interest" means the same as that term is defined in Section 67-16-3.

Amended by Chapter 352, 2020 General Session, (Coordination Clause)

Amended by Chapter 373, 2020 General Session, (Coordination Clause)

Enacted by Chapter 373, 2020 General Session

63G-24-103 Requirement to follow this chapter.

- (1) An applicant, a rulemaking board, and the governor's office shall follow the procedures for vacancies described in this chapter in order to fill a vacancy on a rulemaking board.
- (2) An appointed board member shall follow the procedures for conflicts of interest described in this chapter.

Enacted by Chapter 373, 2020 General Session

Part 2

Vacancies

63G-24-201 Notice.

- (1) A rulemaking board shall give public notice regarding a vacancy or expiring term on the rulemaking board on or before:
 - (a) 30 days before the day on which a departing appointed board member's or a continuing board member's term expires; or
 - (b) 10 days after the day on which the rulemaking board chair or vice chair receives written notice of a current appointed board member's intent to leave the board.
- (2)
 - (a) The governor's office shall post the notice described in Subsection (1) on the governor's website described in Subsection 67-1-2.5(4).
 - (b) A rulemaking board may post the notice described in Subsection (1) on the rulemaking board's website.

Amended by Chapter 12, 2024 General Session

63G-24-202 Application.

- (1) The application period for an appointed board member shall last for a period of at least:
 - (a) 30 days for an open position due to an expiring term; or
 - (b) 14 days for an open position due to a vacancy occurring for a reason other than the expiration of a term.
- (2) An applicant shall use the application feature on the governor's website described in Subsection 67-1-2.5(4) to apply for a vacant appointed board member position unless the notice described in Section 63G-24-201 specifies a different application process.
- (3) The application feature described in Subsection (2) shall require the applicant to provide information including:
 - (a) the applicant's name;
 - (b) the applicant's current employment; and
 - (c) the applicant's affiliation with public and private entities, including employment, in the five years on or before the day on which the applicant submits the application.

Amended by Chapter 12, 2024 General Session

63G-24-203 Governor selection of nominee.

- (1) The governor shall select a nominee based on:
 - (a) the applicant's fitness for office; and
 - (b) statutory requirements.
- (2) The governor shall follow the process described in Section 67-1-2 to notify the Senate of a nominee for an appointed board member vacancy.

Enacted by Chapter 373, 2020 General Session

63G-24-204 Public comment on nominee.

- (1) Within seven days after the day on which the governor selects a nominee, the governor's office shall post the information about the nominee described in Subsection 63G-24-202(3) on the governor's website described in Subsection 67-1-2.5(4).
- (2) A rulemaking board may post the information about the nominee described in Subsection 63G-24-202(3) on the rulemaking board's website.

- (3) Before posting the information described in Subsection 63G-24-202(3), the governor's office and the rulemaking board shall redact personal information about the nominee, including the nominee's home address, date of birth, email address, and phone number.
- (4) The governor's website described in Subsection 67-1-2.5(4) shall include information on how to publicly comment on a nominee no fewer than seven days before the first day on which the governor's office will accept applications for a position.
- (5) The governor's office shall permit public comment for no fewer than 30 days after the day on which the governor's office posts the information about the nominee.

Enacted by Chapter 373, 2020 General Session

63G-24-205 Senate confirmation of nominee.

The Senate shall follow the process described in Section 67-1-2 to confirm a nominee to fill an appointed board member vacancy.

Enacted by Chapter 373, 2020 General Session

Part 3 Conflicts of Interest

63G-24-301 Disclosure of conflicts.

- (1) An appointed board member shall disclose the nature of any position or financial interest the appointed board member holds in any business entity that is subject to the regulation of the agency, including if the relationship of the appointed board member to the business entity is that of:
 - (a) an officer;
 - (b) a director;
 - (c) an agent;
 - (d) an employee; or
 - (e) an owner of a substantial interest.
- (2) Within 10 days after the day on which an appointed board member is appointed to serve on a rulemaking board, the appointed board member shall make the disclosure described in Subsection (1) in writing to the rulemaking board.
- (3) An appointed board member shall, if there are changes to items the appointed board member is required to disclose under Subsection (1), update the disclosure before voting on a measure the rulemaking board takes with respect to a business entity described in Subsection (1).

Enacted by Chapter 373, 2020 General Session

63G-24-302 Effect on voting.

Disclosure under Section 63G-24-201 does not require an appointed board member to abstain from voting unless the appointed board member holds a substantial interest in a business entity that the vote will impact.

Enacted by Chapter 373, 2020 General Session

