

**REVISIONS TO SENATE ADVISE AND  
CONSENT POWERS**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Ron Allen**

**This act makes uniform the language in the Utah Code governing Senate advise and consent powers. This act conforms specific statutory conflicts relating to the governor's appointment powers with general provisions governing the governor's appointment powers. This act makes technical corrections.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

- 4-2-3**, as last amended by Chapter 114, Laws of Utah 1991
- 4-18-4**, as last amended by Chapter 82, Laws of Utah 1997
- 7-1-202**, as last amended by Chapter 114, Laws of Utah 1991
- 7-1-203**, as last amended by Chapters 79 and 243, Laws of Utah 1996
- 9-1-204**, as renumbered and amended by Chapter 241, Laws of Utah 1992
- 9-2-203**, as last amended by Chapter 243, Laws of Utah 1996
- 9-3-202**, as last amended by Chapter 243, Laws of Utah 1996
- 9-4-304**, as last amended by Chapters 242 and 243, Laws of Utah 1996
- 9-4-503**, as last amended by Chapters 194 and 243, Laws of Utah 1996
- 9-4-904**, as last amended by Chapter 319, Laws of Utah 2001
- 9-4-1104**, as last amended by Chapter 276, Laws of Utah 1997
- 9-6-204**, as last amended by Chapter 243, Laws of Utah 1996
- 9-8-204**, as last amended by Chapter 243, Laws of Utah 1996
- 9-14-103**, as enacted by Chapter 368, Laws of Utah 1999
- 9-15-103**, as enacted by Chapter 368, Laws of Utah 1999
- 11-38-201**, as enacted by Chapter 24, Laws of Utah 1999
- 13-1-3**, as last amended by Chapter 114, Laws of Utah 1991
- 17A-2-1409**, as last amended by Chapter 254, Laws of Utah 2000

**17A-2-1704**, as last amended by Chapter 1, Laws of Utah 2000  
**19-1-104**, as enacted by Chapter 112, Laws of Utah 1991  
**19-2-103**, as last amended by Chapter 275, Laws of Utah 2001  
**19-3-103**, as last amended by Chapter 243, Laws of Utah 1996  
**19-4-103**, as last amended by Chapter 275, Laws of Utah 2001  
**19-5-103**, as last amended by Chapter 275, Laws of Utah 2001  
**19-6-103**, as last amended by Chapter 243, Laws of Utah 1996  
**23-14-2**, as last amended by Chapter 276, Laws of Utah 1997  
**26-1-8**, as last amended by Chapter 114, Laws of Utah 1991  
**26-33a-103**, as last amended by Chapter 21, Laws of Utah 1999  
**31A-2-102**, as last amended by Chapter 305, Laws of Utah 1993  
**31A-29-104**, as last amended by Chapter 243, Laws of Utah 1996  
**31A-33-106**, as renumbered and amended by Chapter 240 and last amended by Chapter 243,  
Laws of Utah 1996  
**34-20-3**, as last amended by Chapters 135 and 375, Laws of Utah 1997  
**34A-1-201**, as enacted by Chapter 375, Laws of Utah 1997  
**34A-1-205**, as enacted by Chapter 375, Laws of Utah 1997  
**35A-1-201**, as last amended by Chapter 10, Laws of Utah 1997  
**40-6-4**, as last amended by Chapter 243, Laws of Utah 1996  
**49-1-202**, as last amended by Chapter 243, Laws of Utah 1996  
**51-7-16**, as last amended by Chapter 276, Laws of Utah 1997  
**53-1-107**, as renumbered and amended by Chapter 234, Laws of Utah 1993  
**53-2-108**, as enacted by Chapter 281, Laws of Utah 1997  
**53B-1-104**, as last amended by Chapter 5, Laws of Utah 2001, First Special Session  
**53C-1-202**, as enacted by Chapter 294, Laws of Utah 1994  
**54-1-1.5**, as last amended by Chapter 114, Laws of Utah 1991  
**54-1-1.6**, as enacted by Chapter 246, Laws of Utah 1983  
**54-10-2**, as last amended by Chapter 243, Laws of Utah 1996

**59-1-206**, as last amended by Chapter 114, Laws of Utah 1991  
**61-1-18.5**, as last amended by Chapter 160, Laws of Utah 1997  
**61-2b-7**, as last amended by Chapter 117, Laws of Utah 1999  
**62A-1-107**, as last amended by Chapter 69, Laws of Utah 1999  
**62A-1-108**, as last amended by Chapter 114, Laws of Utah 1991  
**62A-4a-102**, as last amended by Chapter 208, Laws of Utah 2000  
**62A-7-109**, as last amended by Chapter 1, Laws of Utah 2000  
**62A-13-103**, as last amended by Chapter 157, Laws of Utah 2001  
**63-2-501**, as last amended by Chapters 194 and 243, Laws of Utah 1996  
**63-5-4**, as last amended by Chapter 82, Laws of Utah 1997  
**63-11-14**, as last amended by Chapters 242 and 243, Laws of Utah 1996  
**63-25a-103**, as last amended by Chapter 270, Laws of Utah 1999  
**63-25a-404**, as last amended by Chapter 235, Laws of Utah 2000  
**63-34-4**, as last amended by Chapter 243, Laws of Utah 1996  
**63-34-5**, as last amended by Chapter 66, Laws of Utah 1993  
**63-88-103**, as last amended by Chapter 243, Laws of Utah 1996  
**63-88-107**, as last amended by Chapter 281, Laws of Utah 2000  
**63A-1-105**, as enacted by Chapter 212, Laws of Utah 1993  
**63A-7-104**, as last amended by Chapter 109, Laws of Utah 2001  
**63A-10-103**, as last amended by Chapter 109, Laws of Utah 2001  
**63C-9-201**, as last amended by Chapter 46, Laws of Utah 1999  
**63D-1-301**, as last amended by Chapter 364, Laws of Utah 1998  
**64-13-3**, as last amended by Chapter 114, Laws of Utah 1991  
**64-13-4.1**, as last amended by Chapter 243, Laws of Utah 1996  
**67-1-1.5**, as last amended by Chapter 243, Laws of Utah 1996  
**67-1-2.5**, as last amended by Chapter 242, Laws of Utah 1996  
**67-1-3**, Utah Code Annotated 1953  
**67-1a-2**, as enacted by Chapter 68, Laws of Utah 1984

**67-19-5**, as last amended by Chapter 128, Laws of Utah 1994

**68-4-6**, as last amended by Chapter 125, Laws of Utah 1993

**72-1-202**, as renumbered and amended by Chapter 270, Laws of Utah 1998

**72-1-301**, as renumbered and amended by Chapter 270, Laws of Utah 1998

**72-7-109**, as enacted by Chapter 347, Laws of Utah 2000

**73-10-2**, as last amended by Chapter 243, Laws of Utah 1996

**77-27-2**, as last amended by Chapters 13 and 22, Laws of Utah 1998

**78-8-102**, as renumbered and amended by Chapter 148, Laws of Utah 2000

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

Section 1. Section **4-2-3** is amended to read:

**4-2-3. Administration by commissioner.**

Administration of the department is under the direction, control, and management of a commissioner appointed by the governor with the ~~[advice and]~~ consent of the Senate. The commissioner shall serve at the pleasure of the governor. The governor shall establish the commissioner's compensation within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Section 2. Section **4-18-4** is amended to read:

**4-18-4. Soil Conservation Commission created -- Composition -- Appointment -- Terms -- Compensation -- Attorney general to provide legal assistance.**

(1) There is established, to serve as an agency of the state and functioning within the Department of Agriculture and Food the Soil Conservation Commission to perform the functions specified in this chapter.

(2) The Soil Conservation Commission shall be comprised of 12 members as follows:

- (a) the director of the Extension Service at Utah State University, or his designee;
- (b) the president of the Association of Soil Conservation Districts, or his designee;
- (c) the commissioner, or his designee;
- (d) the executive director of the Department of Natural Resources, or his designee;
- (e) the executive director of the Department of Environmental Quality, or his designee; and

(f) seven district supervisors who provide district representation on the commission on a multicounty basis.

(3) If a district supervisor is unable to attend a meeting, an alternate may serve in his place.

(4) The members of the commission specified in Subsection (2)(f) shall:

(a) be recommended by the commission to the governor; and

(b) be appointed by the governor with the [~~advice and~~] consent of the Senate.

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

(b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.

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

(7) The commissioner is chair of the commission.

(8) Attendance of a majority of the commission members at a meeting constitutes a quorum.

(9) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the commission at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the

performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Higher education members may decline to receive per diem and expenses for their service.

(d) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Local government members may decline to receive per diem and expenses for their service.

(10) The commission shall keep a record of its actions.

(11) The attorney general shall provide legal services to the commission upon request.

Section 3. Section **7-1-202** is amended to read:

**7-1-202. Commissioner of financial institutions as executive officer -- Appointment -- Term -- Salary -- Qualifications.**

The chief executive officer of the Department of Financial Institutions shall be the commissioner of financial institutions who shall be appointed by the governor with the ~~[advice and]~~ consent of the Senate. He shall hold office for a term of four years following his appointment and confirmation and until his successor is appointed and qualified, but he shall be subject to removal at the pleasure of the governor. The governor shall establish the commissioner's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation. The commissioner of financial institutions shall be a citizen of the United States and shall have sufficient experience with depository institutions or as an employee of a state or federal agency having supervision over financial institutions to demonstrate his qualifications and fitness to perform the duties of his office.

Section 4. Section **7-1-203** is amended to read:

**7-1-203. Board of Financial Institutions.**

(1) There is created a Board of Financial Institutions consisting of the commissioner and the

following five members, who shall be qualified by training and experience in their respective fields and shall be appointed by the governor with the [advice and] consent of the Senate:

- (a) one representative from the commercial banking business;
- (b) one representative from the savings and loan, consumer lending, mortgage brokerage, or escrow agency business;
- (c) one representative from the industrial loan corporation business;
- (d) one representative from the credit union business; and
- (e) one representative of the general public who, as a result of education, training, experience, or interest, is well qualified to consider economic and financial issues and data as they may affect the public interest in the soundness of the financial systems of this state.

(2) The commissioner shall act as chair.

(3) (a) All members of the board shall be residents of this state.

(b) No more than three members of the board may be from the same political party.

(c) No more than two members of the board may be connected with the same financial institution or its holding company.

(d) A member may not participate in any matter involving any institution with which the member has a conflict of interest.

(4) (a) Except as required by Subsection (4)(b), the terms of office shall be four years each expiring on July 1.

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

(c) All members serve until their respective successors are appointed and qualified.

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

(5) The board shall meet at least quarterly on a date it sets. The commissioner or any two members of the board may call additional meetings. Four members constitute a quorum for the transaction of business. Actions of the board require a vote of a majority of those present. Meetings

of the board and records of its proceedings are subject to Title 52, Chapter 4, Open and Public Meetings, except for discussion of confidential information pertaining to a particular financial institution.

(6) Each member of the board shall, by sworn or written statement filed with the commissioner, disclose any position of employment or ownership interest that the member has with respect to any institution subject to the jurisdiction of the department. The member shall file this statement when first appointed to the board and shall subsequently file amendments if there is any material change in the matters covered by the statement.

(7) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(8) The board shall advise the commissioner with respect to the exercise of his duties, powers, and responsibilities under this title and the organization and performance of the department and its employees.

(9) The board shall recommend annually to the governor and the Legislature a budget for the requirements of the department in carrying out its duties, functions, and responsibilities under this title.

Section 5. Section **9-1-204** is amended to read:

**9-1-204. Executive director of department -- Appointment -- Removal -- Compensation.**



(1) The department shall be administered, directed, controlled, organized, and managed by an executive director appointed by the governor with the [~~advice and~~] consent of the Senate.

(2) The executive director shall serve at the pleasure of the governor and is subject to removal by the governor with or without cause.

(3) The salary of the executive director shall be established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Section 6. Section **9-2-203** is amended to read:

**9-2-203. Members -- Meetings -- Expenses.**

(1) (a) The board shall consist of 15 members appointed by the governor to four-year terms of office with the [~~advice and~~] consent of the Senate.

(b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) The members may not serve more than two full consecutive terms except where the governor determines that an additional term is in the best interest of the state.

(2) Not more than eight members of the board may be from one political party.

(3) The members shall be representative of all areas of the state.

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

(5) Eight members of the board constitute a quorum for conducting board business and exercising board power.

(6) The governor shall select one of the board members as its chair.

(7) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

Section 7. Section **9-3-202** is amended to read:

**9-3-202. Members -- Meetings -- Expenses.**

(1) (a) The board shall consist of nine members appointed by the governor to four-year terms of office with the [~~advice and~~] consent of the Senate.

(b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(2) The members may not serve more than two full consecutive terms unless the governor determines that an additional term is in the best interest of the state.

(3) Not more than five members of the board may be of the same political party.

(4) (a) The members shall be representative of:

(i) all areas of the state with six being appointed from separate geographical areas as provided in Subsection (4)(b); and

(ii) a diverse mix of the travel and tourism related industries.

(b) The geographical representatives shall be appointed as follows:

(i) one member from Salt Lake, Tooele, or Morgan County;

(ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;

(iii) one member from Utah, Summit, Juab, or Wasatch County;

(iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;

(v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and

(vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.

(c) The travel and tourism industry representatives shall be appointed from among active participants in the ownership or management of travel and tourism related businesses.

(5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term from the same geographic area or industry representation as the member whose office was vacated.

(6) Five members of the board constitutes a quorum for conducting board business and exercising board powers.

(7) The governor shall select one of the board members as chair and one of the board members as vice chair, each for a two-year term.

(8) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

(9) The board shall meet at least once each quarter at various locations throughout the state.

Section 8. Section **9-4-304** is amended to read:

**9-4-304. Permanent Community Impact Fund Board created -- Members -- Terms -- Chair -- Expenses.**

(1) There is created within the Department of Community and Economic Development the Permanent Community Impact Fund Board composed of 11 members as follows:

(a) the chair of the Board of Water Resources or the chair's designee;

(b) the chair of the Water Quality Board or the chair's designee;

(c) the director of the department or the director's designee;

(d) the chair of the State Board of Education or the chair's designee;

(e) the chair of the State Board of Regents or the chair's designee;

(f) the state treasurer;

(g) the chair of the Transportation Commission or the chair's designee;

(h) a locally elected official who resides in Carbon, Emery, Grand, or San Juan County;

(i) a locally elected official who resides in Juab, Millard, Sanpete, Sevier, Piute, or Wayne County;

(j) a locally elected official who resides in Duchesne, Daggett, or Uintah County; and

(k) a locally elected official who resides in Beaver, Iron, Washington, Garfield, or Kane County.

(2) (a) The members specified under Subsections (1)(h) through (1)(k) shall be:

(i) nominated by the Board of Directors of the Southeastern Association of Governments, Central Utah Association of Governments, Uintah Basin Association of Governments, and Southwestern Association of Governments, respectively; and

(ii) appointed by the governor with the [~~advice and~~] consent of the Senate.

(iii) Except as required by Subsection (2)(a)(iv), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

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

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

(3) The terms of office for the members of the impact board specified under Subsections (1)(a) through (1)(g) shall run concurrently with the terms of office for the councils, boards, committees, commission, departments, or offices from which the members come.

(4) The executive director of the department, or the executive director's designee, shall be the chair of the impact board.

(5) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Higher education members may decline to receive per diem and expenses for their

service.

(d) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Local government members may decline to receive per diem and expenses for their service.

Section 9. Section **9-4-503** is amended to read:

**9-4-503. Private Activity Bond Review Board.**

(1) There is created within the department the Private Activity Bond Review Board, composed of ten members as follows:

(a) four ex officio members who shall be:

(i) the executive director of the department or his designee;

(ii) the state treasurer or his designee;

(iii) the chair of the Board of Regents or his designee; and

(iv) the chair of the Utah Housing Finance Agency or his designee; and

(b) six local government members who shall be:

(i) three elected or appointed county officials, nominated by the Utah Association of Counties and appointed by the governor with the ~~[advice and]~~ consent of the Senate; and

(ii) three elected or appointed municipal officials, nominated by the Utah League of Cities and Towns and appointed by the governor with the ~~[advice and]~~ consent of the Senate.

(2) (a) Except as required by Subsection (2)(b), the terms of office for the local government members of the board of review shall be four-year terms.

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

(c) Members may be reappointed only once.

(3) (a) If a local government member ceases to be an elected or appointed official of the city

or county he is appointed to represent, his membership on the board of review shall terminate immediately and there shall be a vacancy in the membership.

(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed within 30 days in the manner of the regular appointment for the unexpired term, and until his successor is appointed and qualified.

(4) The chair of the board of review shall be the executive director of the department or his designee. The chair shall be nonvoting except in the case of a tie vote.

(5) Five members of the board of review constitute a quorum.

(6) Formal action by the board of review shall be by majority vote of a quorum.

(7) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Local government members may decline to receive per diem and expenses for their service.

(d) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the

performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Higher education members may decline to receive per diem and expenses for their service.

(8) The chair of the board of review shall serve as the state official designated under state law to make certifications required to be made under Section 146 of the code including, without limitation, the certification required by Section 149(e)(2)(F) of the code.

Section 10. Section **9-4-904** is amended to read:

**9-4-904. Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers -- Quorum -- Per diem and expenses.**

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

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

(i) Utah Housing Finance Association; and

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

(c) Any other entity may not use the names described in Subsections (1)(a) and (b) without the express approval of the corporation.

(2) The corporation shall be governed by a board of trustees composed of the following nine trustees:

(a) three ex officio trustees who shall be:

(i) the executive director of the Department of Community and Economic Development;

(ii) the commissioner of the Department of Financial Institutions or his designee; and

(iii) the state treasurer or his designee; and

(b) six public trustees, being private citizens of the state, as follows:

(i) two people representing the mortgage lending industry;

(ii) two people representing the home building and real estate industry; and

(iii) two people representing the public at large.

(3) The governor shall:

(a) appoint the six public trustees of the corporation with the ~~[advice and]~~ consent of the Senate; and

(b) ensure that:

(i) the six public trustees are from different counties and are residents of Utah; and

(ii) not more than three of the public trustees belong to the same political party.

(4) (a) Except as required by Subsection (4)(b), the six public trustees shall be appointed to terms of office of four years each.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of corporation trustees are staggered so that approximately half of the board is appointed every two years.

(5) (a) Any of the six public trustees of the corporation may be removed from office for cause either by the governor or by an affirmative vote of any six trustees of the corporation.

(b) When a vacancy occurs in the board of trustees for any reason, the replacement shall be appointed for the unexpired term.

(c) Each public trustee shall hold office for the term of his appointment and until his successor has been appointed and qualified.

(d) Any public trustee is eligible for reappointment but may not serve more than two full consecutive terms.

(6) (a) The governor shall select the chair of the corporation.

(b) The trustees shall elect from among their number a vice chair and other officers they may determine.

(7) Five trustees of the corporation constitute a quorum for transaction of business. An affirmative vote of at least five trustees is necessary for any action to be taken by the corporation. A vacancy in the board of trustees may not impair the right of a quorum to exercise all rights and perform all duties of the corporation.

(8) (a) (i) Trustees who are not government employees may not receive compensation or benefits for their services, but may receive a reasonable per diem and reimbursement expenses



incurred in the performance of the trustee's official duties at the rates established by the board of trustees.

(ii) Trustees may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee trustees who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the corporation at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee trustees may decline to receive per diem and expenses for their service.

Section 11. Section **9-4-1104** is amended to read:

**9-4-1104. Board of Directors -- Membership -- Term -- Quorum -- Vacancies.**

(1) The corporation shall be governed by a board of directors.

(2) The board shall be composed of 11 members appointed by the governor with the [~~advice~~ **and**] consent of the Senate.

(3) The governor shall ensure that:

(a) two members of the board are residents of Salt Lake County in which the state fair is held;

(b) there is at least one member of the board from each judicial district;

(c) two members of the board are residents of the First Congressional District;

(d) two members of the board are residents of the Second Congressional District;

(e) two members of the board are residents of the Third Congressional District; and

(f) two members of the board represent agricultural interests.

(4) (a) (i) Except as provided in Subsection (4)(a)(ii), the governor shall appoint board members to serve terms that expire on the December 1 four years after the year that the board member was appointed.

(ii) In making appointments to the board, the governor shall ensure that the terms of approximately 1/4 of the board expire each year.

(b) Except as provided in Subsection (4)(c), board members shall serve until their successors

are appointed and qualified.

(c) (i) If a board member is absent from three consecutive board meetings without excuse, that member's appointment is terminated, the position is vacant, and the governor shall appoint a replacement.

(ii) The governor may remove any member of the board at will.

(d) The governor shall fill any vacancy that occurs on the board for any reason by appointing a person according to the procedures of this section for the unexpired term of the vacated member.

(5) The governor shall select the board's chair.

(6) Six members of the board are a quorum for the transaction of business.

(7) The board may elect a vice chair and any other board offices.

Section 12. Section **9-6-204** is amended to read:

**9-6-204. Utah Arts Council Board of Directors.**

(1) There is created within the department the Board of Directors of the Utah Arts Council.

(2) (a) The board shall consist of 13 members appointed by the governor to four-year terms of office with the [~~advice and~~] consent of the Senate.

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

(c) Nine board members shall be working artists in the following areas:

(i) visual arts;

(ii) architecture or design;

(iii) literature;

(iv) music;

(v) sculpture;

(vi) folklore or folk arts;

(vii) theatre;

(viii) dance; and

(ix) media arts.

(d) Four board members shall be citizens knowledgeable in the arts.

(3) The members shall be appointed from the state at large with due consideration for geographical representation.

(4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor within one month from the time of vacancy.

(5) Seven members of the board constitute a quorum for the transaction of business.

(6) The governor shall annually select one of the board members as chair.

(7) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

(c) Members may not receive gifts, prizes, or awards of money from the purchasing fund of the division during their terms of office.

Section 13. Section **9-8-204** is amended to read:

**9-8-204. Board of State History.**

(1) There is created within the department the Board of State History.

(2) The board shall consist of 11 members appointed by the governor with the [~~advice and~~] consent of the Senate as follows:

(a) sufficient representatives to satisfy the federal requirements for an adequately qualified State Historic Preservation Review Board; and

(b) other persons with an interest in the subject matter of the division's responsibilities.

(3) (a) Except as required by Subsection (3)(b), the members shall be appointed for terms of four years and shall serve until their successors are appointed and qualified.

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

(4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term with the [~~advice and~~] consent of the Senate.

(5) Six members of the board are a quorum for the transaction of business.

(6) The governor shall select a chair and vice chair from the board members.

(7) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

Section 14. Section **9-14-103** is amended to read:

**9-14-103. Rural Development Fund Board -- Members -- Terms -- Chair -- Quorum -- Expenses.**

(1) There is created within the division the Rural Development Fund Board comprised of five members as follows:

(a) the governor or the governor's designee;

(b) two mayors from eligible entities; and

(c) two county commissioners from eligible entities.

(2) The governor shall appoint the members, [~~subject to confirmation by~~] with the consent of the Senate.

(3) The terms of members shall run concurrently with the terms of office for the governor, the mayors, and the commissioners.

(4) The governor or the governor's designee shall serve as the chair of the board.

(5) Three board members constitute a quorum.

(6) (a) Members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

Section 15. Section **9-15-103** is amended to read:

**9-15-103. Rural Electronic Commerce Communications System Fund Board -- Members -- Terms -- Chair -- Quorum -- Expenses.**

(1) There is created within the division the Rural Electronic Commerce Communications System Fund Board comprised of nine members as follows:

- (a) the governor or the governor's designee;
- (b) four mayors from towns scattered throughout rural Utah; and
- (c) four county commissioners from four different rural counties in the state.

(2) No more than two members under Subsections (1)(b) and (c) may be from the same county.

(3) The governor shall appoint the members[~~subject to confirmation by~~] with the consent of the Senate.

(4) The terms of members shall run concurrently with their terms of office.

(5) The governor or the governor's designee shall serve as chair of the board.

(6) Five members constitute a quorum.

(7) (a) Members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

Section 16. Section **11-38-201** is amended to read:

**11-38-201. Quality Growth Commission -- Term of office -- Vacancy -- Organization -- Expenses -- Staff.**

(1) There is created a Quality Growth Commission consisting of:

(a) two persons at the state government level, one of whom shall be from the Department of Natural Resources;

(b) six elected officials at the local government level; and

(c) five persons from the profit and nonprofit private sector, no more than three of whom may be from the same political party and one of whom shall be from the residential construction industry, nominated by the Utah Home Builders Association, and one of whom shall be from the real estate industry, nominated by the Utah Association of Realtors.

(2) (a) Each commission member shall be appointed by the governor with the ~~[advice and]~~ consent of the Senate.

(b) The governor shall select three of the six members under Subsection (1)(b) from a list of names provided by the Utah League of Cities and Towns, and shall select the remaining three from a list of names provided by the Utah Association of Counties.

(c) Two of the persons appointed under Subsection (1) shall be from the agricultural community from a list of names provided by Utah farm organizations.

(3) (a) The term of office of each member is four years, except that the governor shall appoint one of the persons at the state government level, three of the persons at the local government level, and two of the persons under Subsection (1)(c) to an initial two-year term.

(b) No member of the commission may serve more than two consecutive four-year terms.

(4) Each mid-term vacancy shall be filled for the unexpired term in the same manner as an appointment under Subsection (2).

(5) Commission members shall elect a chair from their number and establish rules for the organization and operation of the commission.

(6) (a) No member may receive compensation or benefits for the member's service on the commission.

(b) (i) A member who is not a government officer or employee may be reimbursed for reasonable expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) A member who is a government officer or employee and who does not receive expenses from the member's agency may be reimbursed for reasonable expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(c) A member may decline to be reimbursed for reasonable expenses incurred in the performance of the member's official duties.

(d) A member is not required to give bond for the performance of official duties.

(7) Staff services to the commission:

(a) shall be provided by OPB; and

(b) may be provided by local entities through the Utah Association of Counties and the Utah League of Cities and Towns, with funds approved by the commission from those identified as available to local entities under Subsection 11-38-203(1).

Section 17. Section **13-1-3** is amended to read:

**13-1-3. Executive director.**

(1) The department shall be under the supervision, direction, and control of the executive director of commerce. The executive director shall be appointed by the governor with the [~~advice and~~] consent of the Senate. The executive director shall hold office at the pleasure of the governor. The governor shall establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(2) The executive director shall employ personnel necessary to carry out the duties and responsibilities of the department.

Section 18. Section **17A-2-1409** is amended to read:

**17A-2-1409. Board of trustees -- Selection of members -- Number -- Qualifications -- Terms -- Vacancies -- Surety bonds -- Meetings -- Reports.**

(1) (a) Within 45 days after entry of the decree incorporating the district, the board of trustees shall be selected as provided in this Subsection (1).

(b) For a district that consists of a single county, the county legislative body of that county shall appoint each trustee.

(c) (i) For a district that consists of more than a single county, the governor, with the [~~advice and~~] consent of the Senate, shall appoint each trustee from nominees submitted as provided in this Subsection (1)(c).

(ii) (A) Except as provided in Subsection (1)(c)(ii)(B), in a division composed solely of incorporated cities, the legislative body of each city within the division shall submit two nominees per trustee.

(B) Notwithstanding Subsection (1)(c)(ii)(A), the legislative body of a city may submit fewer than two nominees per trustee if the legislative body certifies in writing to the governor that the

legislative body is unable, after reasonably diligent effort, to identify two nominees who are willing and qualified to serve as trustee.

(iii) (A) Except as provided in Subsection (1)(c)(iii)(B), in all other divisions, the county legislative body of the county in which the division is located shall submit three nominees per trustee.

(B) Notwithstanding Subsection (1)(c)(iii)(A), the county legislative body may submit fewer than three nominees per trustee if the county legislative body certifies in writing to the governor that the county legislative body is unable, after reasonably diligent effort, to identify three nominees who are willing and qualified to serve as trustee.

(iv) If a trustee represents a division located in more than one county, the county governing bodies of those counties shall collectively compile the list of three nominees.

(d) In districts where substantial water is allocated for irrigated agriculture, one trustee appointed in that district shall be a person who owns irrigation rights and uses those rights as part of that person's livelihood.

(2) (a) The court shall establish the number, representation, and votes of trustees for each district in the decree creating the district. The board of trustees of the district shall consist of not more than 11 persons who are residents of the district. If the district consists of five or more counties, the board of trustees shall consist of not more than 21 persons who are residents of the district.

(b) At least 90 days before expiration of a trustee's term, the secretary of the board shall:

(i) give written notice of vacancies in any office of trustee and of the expiration date of terms of office of trustees to the county legislative body in single county districts and to the nominating entities and the governor in all other districts; and

(ii) publish the notice in a newspaper having general circulation.

(c) (i) Upon receipt of the notice of the expiration of a trustee's term or notice of a vacancy in the office of trustee, the legislative body of the city or the county legislative body, as the case may be, shall nominate candidates to fill the unexpired term of office pursuant to Subsection (1).

(ii) If the entity charged with nominating candidates for appointment by the governor has



not submitted the list of nominees within 90 days after service of the notice, the governor shall make the appointment from qualified candidates without consultation with the legislative body of the city or the county legislative body.

(iii) If the governor fails to appoint, the incumbent shall continue to serve until a successor is appointed and qualified.

(iv) Appointment by the governor vests in the appointee, upon qualification, the authority to discharge the duties of trustee, subject only to the ~~[advice and]~~ consent of the Senate.

(d) Each trustee shall hold office during the term for which appointed and until a successor is duly appointed and has qualified.

(3) Each trustee shall furnish a corporate surety bond at the expense of the district, in amount and form fixed and approved by the court, conditioned for the faithful performance of duties as a trustee.

(4) (a) A report of the business transacted during the preceding year by the district, including a financial report prepared by certified public accountants, shall be filed with:

- (i) the clerk of the district court;
- (ii) the governing bodies of counties with lands within the district; and
- (iii) cities charged with nominating trustees.

(b) No more than 14 days and no less than five days prior to the annual meeting, the district shall have published at least once in a newspaper having general circulation within the district:

- (i) a notice of the annual meeting; and
- (ii) the names of the trustees.

(c) The district shall have published a summary of its financial report in a newspaper having general circulation within the district. The summary shall be published no later than 30 days after the date the audit report required under Title 51, Chapter 2, Audits of Political Subdivisions, Interlocal Organizations and Other Local Entities, is required to be filed with the state auditor.

(d) Subsections (4)(b) and (c) do not apply to districts with annual revenues of less than \$1,000,000.

Section 19. Section **17A-2-1704** is amended to read:

**17A-2-1704. Creation of authority -- Members.**

(1) (a) The authority comprises ten members. If the requirements of Section 17A-2-1703 are met, the governor shall, with the [~~advice and~~] consent of the Senate, appoint six members of the authority from the public-at-large.

(b) The remaining four members of the authority are:

- (i) the executive director of the Department of Environmental Quality;
- (ii) the executive director of the Department of Community and Economic Development;
- (iii) the executive director of the Department of Natural Resources; and
- (iv) the executive director of the Department of Transportation.

(2) Public-at-large members, no more than three of whom shall be from the same political party, shall be appointed to six-year terms of office, subject to removal by the governor with or without cause.

(3) The governor shall name one public-at-large member as chairman of the authority responsible for the call and conduct of authority meetings.

(4) The authority may elect other officers as necessary.

(5) Five members of the authority present at a properly noticed meeting constitute a quorum for the transaction of official authority business.

(6) Public-at-large members are entitled to per diem and expenses for each day devoted to authority business at the rates established by the director of the Division of Finance under Sections 63A-3-106 and 63A-3-107.

Section 20. Section **19-1-104** is amended to read:

**19-1-104. Creation of department -- Appointment of executive director.**

(1) There is created within state government the Department of Environmental Quality. The department shall be administered by an executive director.

(2) The executive director shall be appointed by the governor with the [~~advice and~~] consent of the Senate and shall serve at the pleasure of the governor.

(3) The executive director shall have demonstrated the necessary administrative and professional ability through education and experience to efficiently and effectively manage the

department's affairs.

(4) The Legislature shall fix the compensation of the executive director in accordance with Title 67, Chapter 22, State Officer Compensation.

Section 21. Section **19-2-103** is amended to read:

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

(1) The board comprises 11 members, one of whom shall be the executive director and ten of whom shall be appointed by the governor with the [~~advice and~~] consent of the Senate.

(2) The members shall be knowledgeable of air pollution matters and shall be:

(a) a practicing physician and surgeon licensed in the state not connected with industry;

(b) a registered professional engineer who is not from industry;

(c) a representative from municipal government;

(d) a representative from county government;

(e) a representative from agriculture;

(f) a representative from the mining industry;

(g) a representative from manufacturing;

(h) a representative from the fuel industry; and

(i) two representatives of the public not representing or connected with industry, at least one of whom represents organized environmental interests.

(3) No more than five of the appointed members shall belong to the same political party.

(4) The majority of the members may not derive any significant portion of their income from persons subject to permits or orders under this chapter. Any potential conflict of interest of any member or the executive secretary, relevant to the interests of the board, shall be adequately disclosed.

(5) Members serving on the Air Conservation Committee created by Chapter 126, Laws of Utah 1981, as amended, shall serve as members of the board throughout the terms for which they were appointed.

(6) (a) Except as required by Subsection (6)(b), members shall be appointed for a term of four

years.

(b) Notwithstanding the requirements of Subsection (6)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(7) Members may serve more than one term.

(8) Members shall hold office until the expiration of their terms and until their successors are appointed, but not more than 90 days after the expiration of their terms.

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

(10) The board shall elect annually a chair and a vice chair from its members.

(11) (a) The board shall meet at least quarterly, and special meetings may be called by the chair upon his own initiative, upon the request of the executive secretary, or upon the request of three members of the board.

(b) Three days' notice shall be given to each member of the board prior to any meeting.

(12) Six members constitute a quorum at any meeting, and the action of a majority of members present is the action of the board.

(13) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) (i) Local government members who do not receive salary, per diem, or expenses from

the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Local government members may decline to receive per diem and expenses for their service.

Section 22. Section **19-3-103** is amended to read:

**19-3-103. Radiation Control Board -- Members -- Organization -- Meetings -- Per diem and expenses.**

(1) The board created under Section 19-1-106 comprises 11 members, one of whom shall be the executive director, or his designee, and the remainder of whom shall be appointed by the governor[;] with the [~~advice and~~] consent of the Senate.

(2) No more than five appointed members shall be from the same political party.

(3) The appointed members shall be knowledgeable about radiation protection and shall be as follows:

(a) one physician;

(b) one dentist;

(c) one health physicist or other professional employed in the field of radiation safety;

(d) two representatives of regulated industry, at least one of whom represents the radioactive waste management industry;

(e) one registrant or licensee representative from academia;

(f) one representative of a local health department;

(g) one elected county official; and

(h) two members of the general public, at least one of whom represents organized environmental interests.

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

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

members are staggered so that approximately half of the board is appointed every two years.

(5) Each board member is eligible for reappointment to more than one term.

(6) Each board member shall continue in office until the expiration of his term and until a successor is appointed, but not more than 90 days after the expiration of his term.

(7) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor, after considering recommendations by the department and with the consent of the Senate.

(8) The board shall annually elect a chair and vice chair from its members.

(9) The board shall meet at least quarterly. Other meetings may be called by the chair, by the executive secretary, or upon the request of three members of the board.

(10) Reasonable notice shall be given each member of the board prior to any meeting.

(11) Six members constitute a quorum. The action of a majority of the members present is the action of the board.

(12) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Local government members may decline to receive per diem and expenses for their service.

Section 23. Section **19-4-103** is amended to read:

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

(1) The board created under Section 19-1-106 comprises 11 members, one of whom is the executive director and the remainder of whom shall be appointed by the governor[;] with the [~~advice and~~] consent of the Senate.

(2) No more than five appointed members shall be from the same political party.

(3) The appointed members shall be knowledgeable about drinking water and public water systems and shall represent different geographical areas within the state insofar as practicable.

(4) The ten appointed members shall be appointed from the following areas:

(a) two elected officials of municipal government or their representatives involved in management or operation of public water systems;

(b) two representatives of improvement districts, water conservancy districts, or metropolitan water districts;

(c) one representative from an industry which manages or operates a public water system;

(d) one registered professional engineer with expertise in civil or sanitary engineering;

(e) one representative from the state water research community or from an institution of higher education which has comparable expertise in water research;

(f) two representatives of the public who do not represent other interests named in this section and who do not receive, and have not received during the past two years, a significant portion of their income, directly or indirectly, from suppliers; and

(g) one representative from a local health department.

(5) (a) Members of the Utah Safe Drinking Water Committee created by Chapter 126, Laws of Utah 1981, shall serve as members of the board throughout the terms for which they were appointed.

(b) Except as required by Subsection (5)(c), as terms of current board members expire, the

governor shall appoint each new member or reappointed member to a four-year term.

(c) Notwithstanding the requirements of Subsection (5)(b), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

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

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

(8) The board shall elect annually a chair and a vice chair from its members.

(9) (a) The board shall meet at least quarterly.

(b) Special meetings may be called by the chair upon his own initiative, upon the request of the executive secretary, or upon the request of three members of the board.

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

(10) Six members constitute a quorum at any meeting and the action of the majority of the members present is the action of the board.

(11) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the



performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Local government members may decline to receive per diem and expenses for their service.

Section 24. Section **19-5-103** is amended to read:

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

(1) Committee members currently serving on the Water Pollution Control Committee created under Chapter 126, Laws of Utah 1981, shall serve on the board throughout the terms for which they were appointed.

(2) The board comprises the executive director and ten members appointed by the governor[;] with the [~~advice and~~] consent of the Senate.

(3) No more than five of the appointed members may be from the same political party.

(4) The appointed members, insofar as practicable, shall include the following:

(a) one member representing the mineral industries;

(b) one member representing the food processing industries;

(c) one member representing other manufacturing industries;

(d) two members who are officials of municipal government or their representatives involved in the management or operation of wastewater treatment facilities;

(e) one member representing agricultural and livestock interests;

(f) one member representing fish, wildlife, and recreation interests;

(g) one member representing improvement and service districts; and

(h) two members at large, one of whom represents organized environmental interests, selected with due consideration of the areas of the state affected by water pollution and not representing other interests named in this Subsection (4).

(5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term with the [~~advice and~~] consent of the Senate.

(6) (a) Except as required by Subsection (6)(b), members shall be appointed for terms of four

years and are eligible for reappointment.

(b) Notwithstanding the requirements of Subsection (6)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(7) Members shall hold office until the expiration of their terms and until their successors are appointed, not to exceed 90 days after the formal expiration of their terms.

(8) The board shall:

(a) organize and annually select one of its members as chair and one of its members as vice chair;

(b) hold at least four regular meetings each calendar year; and

(c) keep minutes of its proceedings which shall be open to the public for inspection.

(9) Special meetings may be called by the chair and must be called by him upon the request of three or more members of the board.

(10) Each member of the board and the executive secretary shall be notified of the time and place of each meeting.

(11) Six members of the board constitute a quorum for the transaction of business, and the action of a majority of members present is the action of the board.

(12) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

(c) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(d) Local government members may decline to receive per diem and expenses for their service.

Section 25. Section **19-6-103** is amended to read:

**19-6-103. Solid and Hazardous Waste Control Board -- Members -- Terms --**

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

(1) The Solid and Hazardous Waste Control Board created by Section 19-1-106 comprises the executive director and 12 members appointed by the governor with the [~~advice and~~] consent of the Senate.

(2) The appointed members shall be knowledgeable about solid and hazardous waste matters and consist of:

- (a) one representative of municipal government;
- (b) one representative of county government;
- (c) one representative of the manufacturing or fuel industry;
- (d) one representative of the mining industry;
- (e) one representative of the private solid waste disposal or solid waste recovery industry;
- (f) one registered professional engineer;
- (g) one representative of a local health department;
- (h) one representative of the hazardous waste disposal industry; and
- (i) four representatives of the public, at least one of whom is a representative of organized environmental interests.

(3) Not more than six of the appointed members may be from the same political party.

(4) (a) Except as required by Subsection (4)(b), members shall be appointed for terms of four years each.

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

(5) Each member is eligible for reappointment.

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

(7) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor, after considering recommendations of the board

and with the consent of the Senate.

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

(9) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) Legislators on the committee shall receive compensation and expenses as provided by law and legislative rule.

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

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

(11) Seven members constitute a quorum at any meeting, and the action of the majority of members present is the action of the board.

Section 26. Section **23-14-2** is amended to read:

**23-14-2. Wildlife Board -- Creation -- Membership -- Terms -- Quorum -- Meetings -- Per diem and expenses.**

(1) There is created a Wildlife Board which shall consist of seven members appointed by the governor with the consent of the Senate.

(2) (a) The members of the board shall have expertise or experience in at least one of the

following areas:

- (i) wildlife management or biology;
- (ii) habitat management, including range or aquatic;
- (iii) business, including knowledge of private land issues; and
- (iv) economics, including knowledge of recreational wildlife uses.

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

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

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

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

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

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

~~[(e) Each appointment shall be confirmed by the Senate.]~~

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

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

(i) the terms of board members are staggered so that approximately 1/3 of the board is appointed every two years; and

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

(c) If a vacancy occurs, the nominating committee shall submit two names, as provided in Subsection 23-14-2.5(4), to the governor and the governor shall appoint a replacement for the

unexpired term.

(d) Board members may serve only one term unless:

- (i) the member is among the first board members appointed to serve four years or less; or
- (ii) the member filled a vacancy under Subsection (4)(c) for four years or less.

(5) (a) The board shall elect a chair and a vice chair from its membership.

(b) Four members of the board shall constitute a quorum.

(c) The director of the Division of Wildlife Resources shall act as secretary to the board but shall not be a voting member of the board.

(6) (a) The Wildlife Board shall hold a sufficient number of public meetings each year to expeditiously conduct its business.

(b) Meetings may be called by the chair upon five days notice or upon shorter notice in emergency situations.

(c) Meetings may be held at the Salt Lake City office of the Division of Wildlife Resources or elsewhere as determined by the Wildlife Board.

(7) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(8) (a) The members of the Wildlife Board shall complete an orientation course to assist them in the performance of the duties of their office.

(b) The Department of Natural Resources shall provide the course required under Subsection

(8)(a).

Section 27. Section **26-1-8** is amended to read:

**26-1-8. Executive director -- Appointment -- Compensation.**

The chief administrative officer of the department is the executive director who shall be appointed by the governor with the ~~[advice and]~~ consent of the Senate. The executive director shall serve at the pleasure of the governor. The governor shall establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Section 28. Section **26-33a-103** is amended to read:

**26-33a-103. Committee membership -- Terms -- Chair -- Compensation.**

(1) The Health Data Committee created by Section 26-1-7 shall be composed of 13 members appointed by the governor ~~[and confirmed by]~~ with the consent of the Senate.

(2) No more than seven members of the committee may be members of the same political party.

(3) The appointed members of the committee shall be knowledgeable regarding the health care system and the characteristics and use of health data and shall be selected so that the committee at all times includes individuals who provide care.

(4) The membership of the committee shall be:

(a) one person employed by or otherwise associated with a hospital as defined by Section 26-21-2;

(b) one physician, as defined in Section 58-67-102, licensed to practice in this state, who spends the majority of his time in the practice of medicine in this state;

(c) one registered nurse licensed to practice in this state under Title 58, Chapter 31b, Nurse Practice Act;

(d) three persons employed by or otherwise associated with a business that supplies health care insurance to its employees, at least one of whom represents an employer employing 50 or fewer employees;

(e) one person employed by or associated with a third-party payor that is not licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans;

(f) two consumer representatives from organized consumer or employee associations;  
(g) one person broadly representative of the public interest;  
(h) one person employed by or associated with an organization that is licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans; and

(i) two people representing public health.

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

(b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(c) Members may serve after their terms expire until replaced.

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

(7) Committee members shall annually elect a chair of the committee from among their membership.

(8) The committee shall meet at least once during each calendar quarter. Meeting dates shall be set by the chair upon ten working days notice to the other members, or upon written request by at least four committee members with at least ten working days notice to other committee members.

(9) Seven committee members constitute a quorum for the transaction of business. Action may not be taken except upon the affirmative vote of a majority of a quorum of the committee.

(10) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of



Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(11) All meetings of the committee shall be open to the public, except that the committee may hold a closed meeting if the requirements of Sections 52-4-4 and 52-4-5 are met.

Section 29. Section **31A-2-102** is amended to read:

**31A-2-102. Appointment, general powers, and duties of commissioner -- Temporary acting commissioner -- Compensation of commissioner.**

(1) The chief officer of the department is the insurance commissioner, who may exercise all powers given to, and shall perform all duties imposed on, the Insurance Department. He shall be appointed by the governor[;] with the [~~advice and~~] consent of the Senate. If the commissioner dies, resigns, or is removed, a successor may be appointed as specified in this subsection. If the Legislature is not then in session, the successor may serve as acting commissioner without [~~confirmation~~] consent until the Senate has an opportunity to [~~confirm or reject~~] consent to the successor. The commissioner is subject to removal at the pleasure of the governor.

(2) When the office of the commissioner is vacant, or when the commissioner is unable to perform the duties of the office, the governor [~~may name a temporary acting commissioner who is then subject to all the laws applicable to the commissioner~~] shall fill the position as provided in Section 67-1-1.5.

(3) The governor shall establish the commissioner's salary within the salary range approved by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Section 30. Section **31A-29-104** is amended to read:

**31A-29-104. Creation of pool -- Board of directors -- Appointment -- Terms -- Quorum -- Plan preparation.**

(1) There is created the "Utah Comprehensive Health Insurance Pool," a nonprofit entity within the Insurance Department.

(2) The pool shall be under the direction of a board of directors composed of 11 members.

(a) The governor shall appoint the directors with the [~~advice and~~] consent of the Senate as

follows:

- (i) two representatives of health insurance companies or health service organizations;
- (ii) one representative of a health maintenance organization;
- (iii) one physician;
- (iv) one representative of hospitals;
- (v) one representative of the general public who is reasonably expected to qualify for coverage under the pool;

- (vi) one parent or spouse of such an individual;
- (vii) one representative of the general public; and
- (viii) one representative of employers.

(b) The board shall also include:

- (i) the commissioner or his designee; and
- (ii) the executive director of the Department of Health or his designee.

(3) (a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

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

(4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the original appointment was made.

(5) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107 from the Pool Fund.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the pool at the rates established by the Division of Finance

under Sections 63A-3-106 and 63A-3-107.

(ii) A state government member who is a member because of their state government position may not receive per diem or expenses for their service.

(iii) State government officer and employee members may decline to receive per diem and expenses for their service.

(6) The board shall elect annually a chair and vice chair from its membership.

(7) Seven board members are a quorum for the transaction of business.

(8) The action of a majority of the members of the quorum is the action of the board.

(9) The board shall submit a plan of operation to the commissioner no later than January 1, 1991.

(10) The sale of policies under this chapter shall commence on July 1, 1991, or as soon thereafter as adequate funding for the coverage is available as determined by the commissioner.

Section 31. Section **31A-33-106** is amended to read:

**31A-33-106. Board of directors.**

(1) There is created a board of directors of the Workers' Compensation Fund.

(2) The board shall consist of seven directors.

(3) One of the directors shall be the executive director of the Department of Administrative Services or his designee.

(4) One of the directors shall be the chief executive officer of the fund.

(5) The governor, with the ~~advice and~~ consent of the Senate, shall appoint:

(a) three directors who are owners, officers, or employees of policyholders other than the state that have been insured by the Workers' Compensation Fund for at least one year before their appointment; and

(b) two directors from the public in general.

(6) No two directors may represent the same policyholder.

(7) At least four directors appointed by the governor shall have had previous experience in investments, risk management, occupational safety, casualty insurance, or law.

(8) Any director who represents a policyholder that fails to maintain workers' compensation

insurance through the Workers' Compensation Fund shall immediately resign from the board.

(9) A person may not be a director if he:

(a) has any interest as a stockholder, employee, attorney, or contractor of a competing insurance carrier providing workers' compensation insurance in Utah;

(b) fails to meet or comply with the conflict of interest policies established by the board; or

(c) is not bondable.

(10) After notice and a hearing, the governor may remove any director for neglect of duty, inefficiency, or malfeasance.

(11) (a) Except as required by Subsection (11)(b), the term of office of the directors appointed by the governor shall be four years, beginning July 1 of the year of appointment.

(b) Notwithstanding the requirements of Subsection (11)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(12) Each director shall hold office until his successor is appointed and qualified.

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

(14) The board shall annually elect a chair and other officers as needed from its membership.

(15) The board shall meet at least quarterly at a time and place designated by the chair.

(16) The chair may call board meetings more frequently than quarterly and shall call additional board meetings if requested to do so by a majority of the board.

(17) Four directors are a quorum for the purpose of transacting all business of the board.

(18) Each decision of the board requires the affirmative vote of at least four directors for approval.

(19) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

(20) The fund shall pay the per diem allowance and expenses from the Injury Fund upon

vouchers drawn in the same manner as the Workers' Compensation Fund pays its normal operating expenses.

(21) The executive director of the Department of Administrative Services, or his designee, and the chief executive officer of the Workers' Compensation Fund shall serve on the board without a per diem allowance.

Section 32. Section **34-20-3** is amended to read:

**34-20-3. Labor relations board.**

(1) (a) There is created the Labor Relations Board consisting of the following:

(i) the commissioner of the Labor Commission;

(ii) two members appointed by the governor with the ~~[advice and]~~ consent of the Senate consisting of:

(A) a representative of employers, in making this appointment the governor shall consider nominations from employer organizations; and

(B) a representative of employees, in making this appointment the governor shall consider nominations from employee organizations.

(b) (i) Except as provided in Subsection (1)(b)(ii), as terms of members appointed under Subsection (1)(a)(ii) expire, the governor shall appoint each new member or reappointed member to a four-year term.

(ii) Notwithstanding the requirements of Subsection (1)(b)(i), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of members appointed under Subsection (1)(a)(ii) are staggered so one member is appointed every two years.

(c) The commissioner shall serve as chair of the board.

(d) A vacancy occurring on the board for any cause of the members appointed under Subsection (1)(a)(ii) shall be filled by the governor with the ~~[advice and]~~ consent of the Senate pursuant to this section for the unexpired term of the vacating member.

(e) The governor may at any time remove a member appointed under Subsection (1)(a)(ii) but only for inefficiency, neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing.

(f) A member of the board appointed under Subsection (1)(a)(ii) may not hold any other office in the government of the United States, this state or any other state, or of any county government or municipal corporation within a state.

(g) (i) (A) A member appointed under Subsection (1)(a)(ii) may not receive compensation for the member's services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(B) A member appointed under Subsection (1)(a)(ii) may decline to receive per diem and expenses for the member's service.

(ii) The commissioner may not receive additional compensation, per diem, or expenses from the commissioner's service on the board that is in addition to the monies received as commissioner.

(2) A meeting of the board may be called:

(a) by the chair; or

(b) jointly by the members appointed under Subsection (1)(a)(ii).

(3) The chair may provide staff and administrative support as necessary from the Labor Commission.

(4) A vacancy in the board shall not impair the right of the remaining members to exercise all the powers of the board, and two members of the board shall at all times constitute a quorum.

(5) The board shall have an official seal which shall be judicially noticed.

Section 33. Section **34A-1-201** is amended to read:

**34A-1-201. Commissioner -- Appointment -- Removal -- Compensation -- Qualifications -- Responsibilities -- Reports.**

(1) (a) The chief administrative officer of the commission is the commissioner, who shall be appointed by the governor with the ~~[advice and]~~ consent of the Senate.

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

(c) The commissioner shall receive a salary established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(d) The commissioner shall be experienced in administration, management, and coordination

of complex organizations.

(2) (a) The commissioner shall serve full-time.

(b) (i) Except as provided in Subsection (2)(b)(ii), the commissioner may not:

(A) hold any other office of this state, another state, or the federal government except in an ex officio capacity; or

(B) serve on any committee of any political party.

(ii) Notwithstanding Subsection (2)(b)(i), the commissioner may:

(A) hold a nominal position or title if it is required by law as a condition for the state participating in an appropriation or allotment of any money, property, or service that may be made or allotted for the commission; or

(B) serve as the chief administrative officer of any division, office, or bureau that is established within the commission.

(iii) If the commissioner holds a position as permitted under Subsection (2)(b)(ii), the commissioner may not be paid any additional compensation for holding the position.

(3) (a) Before beginning the duties as a commissioner, an appointed commissioner shall:

(i) take and subscribe the constitutional oath of office, and file the oath with the Division of Archives; and

(ii) give a corporate surety bond in the amount in form determined by the Division of Finance.

(b) An employee of the commission receiving or disbursing funds of the state shall give corporate surety determined by the Division of Finance.

(c) The bond premiums for bonds required under this Subsection (3) shall be paid by the state.

(4) The commissioner shall:

(a) administer and supervise the commission in compliance with Title 67, Chapter 19, Utah State Personnel Management Act;

(b) approve the proposed budget of each division and the Appeals Board;

(c) approve all applications for federal grants or assistance in support of any commission

program; and

(d) fulfill such other duties as assigned by the Legislature or as assigned by the governor that are not inconsistent with this title or Title 34, Labor in General.

(5) (a) The commissioner shall report annually to the Legislature and the governor concerning the operations of the commission and the programs that the commission administers.

(b) If federal law requires that a report to the governor or Legislature be given concerning the commission or a program administered by the commission, the commissioner or the commissioner's designee shall make that report.

Section 34. Section **34A-1-205** is amended to read:

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

(1) There is created the Appeals Board within the commission consisting of three members. The board may call and preside at adjudicative proceedings to review an order or decision that is subject to review by the Appeals Board under this title.

(2) (a) The governor shall appoint the members with the ~~advice and~~ consent of the Senate and in accordance with this section.

(b) One member of the board shall be appointed to represent employers, in making this appointment, the governor shall consider nominations from employer organizations.

(c) One member of the board shall be appointed to represent employees, in making this appointment, the governor shall consider nominations from employee organizations.

(d) No more than two members may belong to the same political party.

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

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

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

(4) A member shall be part-time and receive compensation as provided by Title 67, Chapter



19, State Personnel Management Act.

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

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

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

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

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

Section 35. Section **35A-1-201** is amended to read:

**35A-1-201. Executive director -- Appointment -- Removal -- Compensation -- Qualifications -- Responsibilities -- Deputy directors -- Reports.**

(1) (a) The chief administrative officer of the department is the executive director, who shall be appointed by the governor with the [~~advice and~~] consent of the Senate.

(b) The executive director serves at the pleasure of the governor.

(c) The executive director shall receive a salary established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(d) The executive director shall be experienced in administration, management, and coordination of complex organizations.

(2) The executive director shall:

(a) administer and supervise the department in compliance with Title 67, Chapter 19, Utah State Personnel Management Act;

(b) supervise and coordinate between the regional workforce services areas and regional directors created under Chapter 2, Regional Workforce Services Areas;

(c) coordinate policies and program activities conducted through the divisions and regional workforce services areas of the department;

(d) approve the proposed budget of each division, the Workforce Appeals Board, and each regional workforce services area within the department;

(e) approve all applications for federal grants or assistance in support of any department program; and

(f) fulfill such other duties as assigned by the Legislature or as assigned by the governor that are not inconsistent with this title.

(3) The executive director may appoint deputy or assistant directors to assist the executive director in carrying out the department's responsibilities.

(4) (a) The executive director shall report annually to the Legislature and the governor concerning the operations of the department and the programs that the department administers.

(b) If federal law requires that a report to the governor or Legislature be given concerning the department or a program administered by the department, the executive director or the executive director's designee shall make that report.

(5) The executive director shall at least annually provide for the sharing of information between the advisory councils established under this title.

Section 36. Section **40-6-4** is amended to read:

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

(1) There is created within the Department of Natural Resources the Board of Oil, Gas and Mining. The board shall be the policy making body for the Division of Oil, Gas and Mining.

(2) The board shall consist of seven members appointed by the governor[;] with the [advice and] consent of the Senate. No more than four members shall be from the same political party. The members shall have the following qualifications:

(a) two members knowledgeable in mining matters;

(b) two members knowledgeable in oil and gas matters;

(c) one member knowledgeable in ecological and environmental matters;

(d) one member who is a private land owner, owns a mineral or royalty interest and is knowledgeable in those interests; and

(e) one member who is knowledgeable in geological matters.

(3) (a) Except as required by Subsection (3)(b), as terms of current board members expire,

the governor shall appoint each new member or reappointed member to a four-year term.

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

(4) (a) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor[;] with the [~~advice and~~] consent of the Senate.

(b) The person appointed shall have the same qualifications as his predecessor.

(5) The board shall appoint its chair from the membership. Four members of the board shall constitute a quorum for the transaction of business and the holding of hearings.

(6) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

Section 37. Section **49-1-202** is amended to read:

**49-1-202. Establishment of Utah State Retirement Board -- Quorum -- Terms -- Officers -- Expenses and per diem -- Membership Council established.**

(1) There is established the Utah State Retirement Board composed of seven members determined as follows:

(a) Four members, with experience in investments or banking, shall be appointed by the governor from the general public.

(b) One member shall be a school employee appointed by the governor from at least three

nominations submitted by the governing board of a school employees' association representative of a majority of the school employees who are members of the school employees' retirement system.

(c) One member shall be a public employee appointed by the governor from at least three nominations submitted by the governing board of a public employee association representative of a majority of the public employees who are members of the public employees' retirement system.

(d) One member shall be the state treasurer, who shall serve as an ex officio member with full voting privileges.

(2) Four members constitute a quorum for the purpose of doing all business.

(3) (a) All appointments to the board shall be made on a nonpartisan basis, with the [advice and] consent of the Senate.

(b) Members shall serve until their successors are appointed and take the constitutional oath of office.

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

(d) Members appointed to the board between sessions of the Legislature shall serve with full authority until acted upon by the Senate in session.

(4) (a) Except as required by Subsection (4)(b), all appointed members shall serve for four-year terms.

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

(c) Public employees or educators who retire or otherwise terminate their employment with a covered unit shall immediately resign from the board.

(5) Each year the board shall elect a president and vice president from its membership. Each member shall be reimbursed for expenses incurred in service to the board. Each member shall receive a per diem plus travel expenses provided by law for attending board meetings.

(6) The board shall establish a membership council to advise and counsel with the board and the director on policies affecting members of the various systems administered by the retirement

office. The board may pay the travel expenses of members who attend council meetings.

(7) Beginning July 1, 1991, the membership council shall be composed of 13 members selected as follows:

(a) Three members shall be school employees selected by the governing board of an association representative of a majority of school employees who are members of the Public Employees' Retirement System or the Public Employees' Noncontributory Retirement System.

(b) One member shall be a classified school employee selected by the governing board of an association representative of a majority of classified school employees who are members of the Public Employees' Retirement System or the Public Employees' Noncontributory Retirement System.

(c) Two members shall be public employees selected by the governing board of an association representative of a majority of the public employees who are members of the Public Employees' Retirement System or the Public Employees' Noncontributory Retirement System.

(d) One member shall be a city or town officer or employee selected by the governing board of an association representative of the cities and towns who are members of the Public Employees' Retirement System or the Public Employees' Noncontributory Retirement System.

(e) One member shall be a county officer or employee selected by the governing board of an association representative of counties who are members of the Public Employees' Retirement System or the Public Employees' Noncontributory Retirement System.

(f) One member shall be a representative of members of the Judges' Retirement System selected by the Judicial Council.

(g) One member shall be a representative of members of the Public Safety Retirement System selected by the governing board of an association representative of the majority of peace officers who are members of the Public Safety Retirement System.

(h) One member shall be a representative of members of the Firefighters' Retirement System selected by the governing board of an association representative of the majority of paid professional firefighters who are members of the Firefighters' Retirement System.

(i) One member shall be a retired member selected by the Utah Association of Retired Public Employees.

(j) One member shall be a retired member selected by the Utah Retired School Employees' Association.

(8) (a) Members shall be appointed as provided for in Subsection (7).

(b) Except as required by Subsection (8)(c), as terms of current council members expire, the board shall appoint each new member or reappointed member to a four-year term.

(c) Notwithstanding the requirements of Subsection (8)(b), the board shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.

(d) Each term expires on June 30 in the year of expiration.

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

(9) The council shall designate one council member as chair annually.

(10) The council shall:

(a) recommend benefits and policies for members of any system administered by the board to the board and to the Legislature;

(b) recommend procedures and practices to improve the administration of the system and the public employee relations responsibilities of the board and office;

(c) examine the record of all decisions affecting retirement benefits;

(d) submit nominations to the board for the position of executive director if that position is vacant; and

(e) act upon all other duties assigned to it by the board.

Section 38. Section **51-7-16** is amended to read:

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

(1) (a) There is created a State Money Management Council composed of five members appointed by the governor after consultation with the state treasurer and with the ~~[advice and]~~ consent of the Senate.

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

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

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

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

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

(c) No more than three members of the council may be from the same political party.

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

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

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

(d) All members shall serve until their successors are appointed and qualified.

(3) (a) The council members shall elect a chair and vice chair.

(b) The state treasurer shall serve as executive secretary of the council without vote.

(4) (a) The council shall meet at least once per quarter at a regular date to be fixed by the council and at other times at the call of the chair, the state treasurer, or any two members of the council.

(b) Three members are a quorum for the transaction of business.

(c) Actions of the council require a vote of a majority of those present.

(d) All meetings of the council and records of its proceedings are open for inspection by the public at the state treasurer's office during regular business hours except for:

(i) reports of the commissioner of financial institutions concerning the identity, liquidity, or

financial condition of qualified depositories and the amount of public funds each is eligible to hold; and

(ii) reports of the director concerning the identity, liquidity, or financial condition of certified dealers.

(5) (a) Each member of the council shall file a sworn or written statement with the lieutenant governor that discloses any position or employment or ownership interest that he has in any financial institution or investment organization.

(b) Each member shall file the statement required by this ~~[subsection]~~ Subsection (5) when he becomes a member of the council and when substantial changes in his position, employment, or ownership interests occur.

(6) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the council at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Local government members may decline to receive per diem and expenses for their service.

Section 39. Section **53-1-107** is amended to read:



**53-1-107. Commissioner of public safety -- Appointment -- Qualifications -- Salary.**

(1) The chief executive officer of the department is the commissioner.

(2) (a) Every fourth year after the year 1989, the governor shall appoint a commissioner with the ~~[advice and]~~ consent of the Senate.

(b) The commissioner shall serve for a period of four years from July 1 of the year of his appointment.

(3) The commissioner shall:

(a) be an individual of recognized executive and administrative capacity;

(b) be selected solely with regard to his qualifications and fitness to discharge the duties of the commissioner's office;

(c) be of high moral character;

(d) be of good standing in the community in which he lives; and

(e) have been a resident of this state for a period of at least five years immediately prior to his appointment.

(4) The commissioner shall devote full time to the duties of the office.

(5) The governor shall establish the commissioner's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Section 40. Section **53-2-108** is amended to read:

**53-2-108. Search and Rescue Advisory Board -- Members -- Compensation.**

(1) There is created the Search and Rescue Advisory Board consisting of seven members appointed as follows:

(a) two representatives designated by the Utah Search and Rescue Association, one of whom is from a county with a population of 75,000 or more; and one from a county having a population of less than 75,000;

(b) three representatives designated by the Utah Sheriff's Association, at least one of whom shall be a member of a voluntary search and rescue unit operating in the state, at least one of whom shall be from a county having a population of 75,000 or more, and at least one of whom shall be from a county having a population of less than 75,000;

(c) one representative of the Division of Comprehensive Emergency Management designated by the director; and

(d) one private citizen appointed by the governor with the ~~[advice and]~~ consent of the Senate.

(2) (a) The term of each member of the board is four years.

(b) A member may be reappointed to one successive term.

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

(d) A member resigning from the board shall serve until a successor is appointed and qualified.

(3) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and travel expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

Section 41. Section **53B-1-104** is amended to read:

**53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath -- Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.**

(1) (a) The board shall consist of 18 residents of the state.

(b) (i) Fifteen members shall be appointed by the governor with the consent of the Senate.

(ii) (A) One additional member shall be appointed by the governor from nominations of the student body presidents council.

(B) The council shall nominate three qualified, matriculated students enrolled in the state institutions of higher education.

(C) Student body presidents are not eligible for nomination.

(iii) Other than the student appointee, not more than eight members appointed by the governor shall, at any time, be from one political party.

(iv) In making appointments to the board, the governor shall select:

(A) individuals from the state at large with due consideration for geographical representation; and

(B) at least three individuals with personal experience in applied technology education, which could include service on a regional applied technology college regional board.

(c) (i) In addition to the members designated under Subsection (1)(b), two members of the State Board of Education, appointed by the chair of the State Board of Education, shall serve as nonvoting members of the board.

(ii) A nonvoting member shall continue to serve as a member without a set term until the member is replaced by the chair of the State Board of Education.

(2) (a) Five members of the board, other than the student member and the State Board of Education members, shall be appointed during each odd-numbered year to six-year staggered terms which commence on July 1 of the year of appointment.

(b) (i) The student member shall be appointed for a one-year term and may be reappointed for one additional term.

(ii) The student member has full voting rights and may vote on selection of a board chair or vice chair, but not serve in either office.

(c) Board members shall hold office until their successors have been appointed and qualified.

(3) (a) Each member of the board shall take the official oath of office before entering upon the duties of office.

(b) The oath shall be filed with the Division of Archives and Records Services.

(4) The board shall elect a chair and vice chair from its members who shall serve terms of two years and until their successors are chosen and qualified.

(5) (a) The board shall appoint a secretary from the staff of its chief executive to serve at its discretion.

(b) The secretary shall be a full-time employee who receives a salary set by the board.

(c) The secretary shall record and maintain a record of all board meetings and perform other duties as the board directs.

(6) The board shall appoint a treasurer who serves at the discretion of the board.

(7) (a) The board may establish advisory committees.

(b) The powers and authority of the board are nondelegable, except as specifically provided

for in this title.

(c) All matters requiring board determination shall be addressed in a properly convened meeting of the board or its executive committee.

(8) The board shall enact bylaws for its own government not inconsistent with the constitution or the laws of this state.

(9) (a) The board shall meet regularly upon its own determination.

(b) The board may also meet, in full or executive session, at the request of its chair, its executive officer, or five members of the board.

(10) A quorum of the voting members of the board is required to conduct its business and consists of nine members.

(11) (a) A vacancy in the board occurring before the expiration of a voting member's full term shall be immediately filled by appointment by the governor with the consent of the Senate.

(b) The appointee serves for the remainder of the unexpired term~~[, subject to confirmation by the Senate at its next session]~~.

(12) (a) Each member of the board shall receive a per diem as provided by law as compensation for services for attending meetings of the board.

(b) Each member shall also be paid actual expenses incurred for attending meetings of the board or its committees or for attending to any business of the institutions under the direction of the board or authority of the board or its committees.

Section 42. Section **53C-1-202** is amended to read:

**53C-1-202. Board of trustees membership -- Nomination list -- Qualifications -- Terms -- Replacement -- Chair -- Quorum.**

(1) There is established the School and Institutional Trust Lands Board of Trustees.

(2) The board shall consist of seven members appointed on a nonpartisan basis by the governor with the ~~[advice and]~~ consent of the Senate for nonconsecutive six-year terms.

(3) (a) Of the initial appointments to the board, the governor shall appoint one member to serve a six-year term, one member to serve a five-year term, one member to serve a four-year term, one member to serve a three-year term, one member to serve a two-year term, and one member to

serve a one-year term.

(b) All subsequent appointments shall be for a term of six years, except if a vacancy occurs, the governor shall appoint a replacement, following the procedures set forth in Subsections (2), (4), (5), and (6), to fill the unexpired term.

(c) Any member of the board who has served less than six years upon the expiration of that member's term is eligible for a consecutive reappointment.

(d) Neither the term provision in Subsection (2) nor Subsection (3) applies to an appointment made under Subsection (5).

(4) (a) The governor shall select six of the seven appointees to the board from a nomination list of at least two candidates for each position or vacancy submitted pursuant to Section 53C-1-203.

(b) The governor may request an additional nomination list of at least two candidates from the nominating committee if the initial list of candidates for a given position is unacceptable.

(c) (i) If the governor fails to select an appointee within 60 days after receipt of the initial list or within 60 days after the receipt of an additional list, the nominating committee shall make an interim appointment by majority vote.

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

(5) (a) The governor may appoint one member without requiring a nomination list.

(b) The member appointed under Subsection (5)(a) serves at the pleasure of the governor.

(6) (a) Each board candidate shall possess outstanding professional qualifications pertinent to the purposes and activities of the trust.

(b) The board shall represent the following areas of expertise:

(i) nonrenewable resource management or development;

(ii) renewable resource management or development; and

(iii) real estate.

(c) Other qualifications which are pertinent for membership to the board are expertise in any of the following areas:

(i) business;

(ii) investment banking;  
 (iii) finance;  
 (iv) trust administration;  
 (v) asset management; and  
 (vi) the practice of law in any of the areas referred to in Subsections (6)(b) and (6)(c)(i) through (v).

(7) The board of trustees shall select a chair from its membership.  
 (8) Before assuming a position on the board, each member shall take an oath of office.  
 (9) Four members of the board constitute a quorum for the transaction of business.  
 (10) The governor or five board members may, for cause, remove a member of the board.  
 (11) An aggrieved party to a final action by the board may obtain judicial review of that action under Section 63-46b-16.

Section 43. Section **54-1-1.5** is amended to read:

**54-1-1.5. Appointment of members -- Terms -- Qualifications -- Chairman -- Quorum -- Removal -- Vacancies -- Compensation.**

The commission shall be composed of three members appointed by the governor with the [~~advice and~~] consent of the Senate. The terms of the members shall be staggered so that one commissioner is appointed for a term of six years on March 1 of each odd-numbered year. Not more than two members of the commission shall belong to the same political party. One member of the commission shall be designated by the governor as chairman of the commission. Any two commissioners constitute a quorum. Any member of the commission may be removed for cause by the governor. Vacancies in the commission shall be filled for unexpired terms by appointment of the governor. Commissioners shall receive compensation as established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation, and all actual and necessary expenses incurred in attending to official business. Each commissioner at the time of appointment and qualification shall be a resident citizen of the United States and of the state of Utah and shall be not less than 30 years of age. Except as provided by law, no commissioner may hold any other office either under the government of the United States or of this state or of any

municipal corporation within this state.

Section 44. Section **54-1-1.6** is amended to read:

**54-1-1.6. Pro tempore commissioner -- Appointment -- Qualifications.**

~~[In the event]~~ (1) If a commissioner is temporarily disabled or is disqualified from sitting as a commissioner, the governor may appoint a commissioner pro tempore according to the procedures and requirements of Section 67-1-1.5.

(2) Any person appointed as a commissioner pro tempore shall possess the qualifications required for public service commissioners in Section 54-1-1.5 and have previous utility regulatory experience or other comparable professional experience. ~~[Senate confirmation is not required for the appointment of a commissioner pro tempore.]~~

(3) The governor may appoint a retired or resigned public service commissioner as a commissioner pro tempore in order to render findings, orders, or decisions on matters which the retired or resigned commissioner had fully heard before the commissioner's retirement or resignation.

Section 45. Section **54-10-2** is amended to read:

**54-10-2. Committee of Consumer Services created -- Members -- Terms -- Qualifications -- Appointment -- Organization.**

(1) (a) There is created within the Division of Public Utilities of the Department of Commerce a Committee of Consumer Services.

(b) All members shall maintain their principal place of abode within Utah.

(2) (a) The six members shall be appointed by the governor with the ~~[advice and]~~ consent of the Senate.

(b) Except as required by Subsection (2)(c), as terms of current committee members expire, the governor shall appoint each new member or reappointed member to a four-year term.

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

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

- (3) Members shall represent the following geographic and consumer interests:
  - (a) one member shall be from Salt Lake City, Provo, or Ogden;
  - (b) one member shall be from a city other than Salt Lake City, Provo, or Ogden;
  - (c) one member shall be from an unincorporated area of the state;
  - (d) one member shall be a low-income resident;
  - (e) one member shall be a retired person;
  - (f) one member shall be a small commercial consumer;
  - (g) one member shall be a farmer or rancher who uses electric power to pump water in his farming or ranching operation; and
  - (h) one member shall be a residential consumer.
- (4) (a) No more than three members of the committee shall be from the same political party.
- (b) The governor shall designate one member as chair of the committee.

Section 46. Section **59-1-206** is amended to read:

**59-1-206. Appointment of staff -- Executive director -- Compensation -- Administrative secretary -- Internal audit unit -- Appeals office staff -- Division directors.**

(1) The commission shall appoint the following persons who are qualified, knowledgeable, and experienced in matters relating to their respective positions, exempt under Title 67, Chapter 19, Utah State Personnel Management Act, to serve at the pleasure of, and who are directly accountable to, the commission:

- (a) in consultation with the governor and with the consent of the Senate, an executive director [~~who shall be confirmed by advice and consent of the Senate~~];
- (b) an administrative secretary;
- (c) an internal audit unit; and
- (d) an appeals staff.

(2) The governor shall establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(3) Division directors shall be appointed by the executive director subject to the approval of the commission. The division directors are exempt employees under Title 67, Chapter 19, Utah



State Personnel Management Act.

(4) The executive director may with the approval of the commission employ additional staff necessary to perform the duties and responsibilities of the commission. These employees are subject to Title 67, Chapter 19, Utah State Personnel Management Act.

(5) The internal audit unit shall provide the following:

(a) an examination to determine the honesty and integrity of fiscal affairs, the accuracy and reliability of financial statements and reports, and the adequacy and effectiveness of financial controls to properly record and safeguard the acquisition, custody, and use of public funds;

(b) an examination to determine whether commission administrators have faithfully adhered to commission policies and legislative intent;

(c) an examination to determine whether the operations of the divisions and other units of the commission have been conducted in an efficient and effective manner;

(d) an examination to determine whether the programs administered by the divisions and other units of the commission have been effective in accomplishing intended objectives; and

(e) an examination to determine whether management control and information systems are adequate and effective in assuring that commission programs are administered faithfully, efficiently, and effectively.

(6) The appeals office shall receive and hear appeals to the commission and shall conduct the hearings in compliance with formal written rules approved by the commission. The commission has final review authority over the appeals.

Section 47. Section **61-1-18.5** is amended to read:

**61-1-18.5. Securities Advisory Board established -- Appointment -- Duties -- Qualifications -- Terms -- Vacancies -- Meetings -- Conflicts of interest -- Expenses.**

(1) (a) There is hereby established a Securities Advisory Board.

(b) Members of the board shall be appointed by the governor with the [~~advice and~~] consent of the Senate.

(c) The board shall have the following duties:

(i) formulate and make recommendations to the director regarding policy and budgetary

matters;

(ii) submit recommendations regarding registration requirements and division rules;

(iii) formulate and make recommendations to the director regarding the establishment of reasonable fees; and

(iv) generally act in an advisory capacity to the director with respect to the exercise of his duties, powers, and responsibilities.

(2) (a) The Securities Advisory Board shall be comprised of five members who shall be appointed in accordance with the following:

(i) two members from the securities brokerage community who have at least five years prior experience in securities matters;

(ii) one member from the securities section of the Utah Bar Association;

(iii) one member who is an officer or director of a corporation not subject to the reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934; and

(iv) one member from the public at large who has no active participation in the securities business.

(b) No member may serve more than two consecutive terms.

(3) (a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

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

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

(b) All members shall serve until their respective successors are appointed and qualified.

(5) The board shall meet at least quarterly on a regular date to be fixed by the board and at such other times at the call of the director or any two members of the board. A majority of the board shall constitute a quorum for the transaction of business. Actions of the board shall require a vote of a majority of those present.

(6) Each member of the board shall, by sworn and written statement filed with the Department of Commerce and the lieutenant governor, disclose any position of employment or ownership interest that the member has with respect to any entity or business subject to the jurisdiction of the division. This statement shall be filed upon appointment and must be appropriately amended whenever significant changes occur in matters covered by the statement.

(7) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

Section 48. Section **61-2b-7** is amended to read:

**61-2b-7. Board established -- Composition -- Qualifications -- Terms of office -- Expenses.**

(1) (a) There is established a Real Estate Appraiser Licensing and Certification Board which shall consist of seven members as follows:

- (i) one state-licensed appraiser;
- (ii) three state-certified appraisers;
- (iii) two members of the general public; and
- (iv) the Commissioner of the Department of Financial Institutions or his designee.

(b) All members of the board shall be appointed by the governor with the ~~[advice and]~~ consent of the Senate.

(2) (a) Except as required by Subsection (2)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term beginning on July 1.

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

(c) Upon the expiration of his term, a member of the board shall continue to hold office until the appointment and qualification of his successor.

(d) No person may serve as a member of the board for more than two consecutive terms.

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

(b) The governor may remove a board member for cause.

(4) The public members of the board may not be licensed or certified under this chapter.

(5) The board shall meet at least quarterly to conduct its business. Public notice shall be given for all board meetings.

(6) The members of the board shall elect a chair annually from among the members to preside at board meetings. A quorum of the board shall be four members.

(7) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the commission at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

Section 49. Section **62A-1-107** is amended to read:

**62A-1-107. Boards within department -- Members, appointment, terms, vacancies, chairperson, compensation, meetings, quorum.**

(1) Except as specifically provided in Section 62A-4a-102 and 62A-14-106 regarding the Board of Child and Family Services and the Board of Public Guardian Services, each board described in Section 62A-1-105 shall have seven members who are appointed by the governor[;] with the [~~advice and~~] consent of the Senate.

(2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a term

of four years, and is eligible for one reappointment.

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

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

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

(3) No more than four members of any board may be from the same political party. Each board shall have diversity of gender, ethnicity, and culture; and members shall be chosen on the basis of their active interest, experience, and demonstrated ability to deal with issues related to their specific boards.

(4) Each board shall annually elect a chairperson from its membership. Each board shall hold meetings at least once every three months. Meetings shall be held from time to time on the call of the chairperson or of the majority of the members of any board. Four members of a board are necessary to constitute a quorum at any meeting, and, if a quorum exists, the action of the majority of members present shall be the action of the board.

(5) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

(6) Each board shall adopt bylaws governing its activities. Bylaws shall include procedures for removal of a board member who is unable or unwilling to fulfill the requirements of his appointment.

(7) Each board has program policymaking authority for the division over which it presides.

Section 50. Section **62A-1-108** is amended to read:

**62A-1-108. Executive director -- Appointment -- Compensation -- Qualifications -- Responsibilities.**

(1) The chief administrative officer of the department is the executive director, who shall be appointed by the governor with the ~~[advice and]~~ consent of the Senate. The executive director may be removed at the will of the governor. The executive director shall receive a salary established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation. The executive director shall be experienced in administration, management, and coordination of complex organizations.

(2) The executive director is responsible for:

- (a) administration and supervision of the department;
- (b) coordination of policies and program activities conducted through the boards, divisions, and offices of the department;
- (c) approval of the proposed budget of each board, division, and office within the department; and
- (d) such other duties as the Legislature or governor shall assign to him.

(3) The executive director may appoint deputy or assistant directors to assist him in carrying out the department's responsibilities.

Section 51. Section **62A-4a-102** is amended to read:

**62A-4a-102. Board of Child and Family Services.**

(1) (a) The Board of Child and Family Services, created in accordance with this section and with Sections 62A-1-105 and 62A-1-107, is responsible for establishing by rule, pursuant to Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the policy of the division in accordance with the requirements of this chapter and Title 78, Chapter 3a, Juvenile Courts regarding abuse, neglect, and dependency proceedings, youth services, and domestic violence services. The board is responsible to see that the legislative purposes for the division are carried out.

(b) (i) ~~[Effective July 1, 1994, the]~~ The governor shall appoint, with the ~~[advice and]~~ consent of the Senate, 11 members to the Board of Child and Family Services.

(ii) Except as required by Subsection (1)(b)(iii), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(iii) Notwithstanding the requirements of Subsection (1)(b)(ii), the governor shall, at the time

of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) Two members of the board shall be persons who are or have been consumers, two members of the board shall be persons who are actively involved in children's issues specifically related to abuse and neglect, one member shall be a licensed foster parent, one member shall be a recognized expert in the social, developmental, and mental health needs of children, one member shall be a physician licensed to practice medicine in this state who is also a board certified pediatrician and who is an expert in child abuse and neglect, and one member shall be an adult relative of a child who is or has been in the foster care system.

(d) Six members of the board are necessary to constitute a quorum at any meeting.

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

(2) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

(3) The board shall:

(a) approve fee schedules for programs within the division;

(b) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, establish, by rule, policies to ensure that private citizens, consumers, foster parents, private contract providers, allied state and local agencies, and others are provided with an opportunity to comment and provide input regarding any new policy or proposed revision of an existing policy; and

(c) provide a mechanism for systematic and regular review of existing policy and for consideration of policy changes proposed by the persons and agencies described in Subsection (3)(b).

(4) (a) The board shall establish a three-member Consumer Hearing Panel to act independently of the board and the division, and to be the sole and final decision-making body to hear, resolve, and make recommendations regarding consumer complaints relating to the division. The board may appoint two alternates to serve on the Consumer Hearing Panel in the event that one

or more of the members is unable to serve at any given time. This section does not restrict or limit access to the courts for any person, or override Title 62A, Chapter 2, Licensure of Programs and Facilities, or Title 67, Chapter 19, Utah State Personnel Management Act.

(b) The Consumer Hearing Panel may not include any employees of the division.

(c) Prior to July 1, 2000, the Consumer Hearing Panel shall establish procedures that:

(i) provide for reasonable notice of panel hearings to the appropriate consumers;

(ii) require both the division and the consumer to present their respective information, testimony, or evidence at the same hearing unless, after reasonable notice, the consumer fails or refuses to appear at the scheduled panel hearing; and

(iii) affirm the right of affected consumers to be provided with pertinent information regarding the substance of the division's position, testimony, or evidence either prior to or at the scheduled panel hearing.

(d) The Consumer Hearing Panel shall report its recommendations to the board, the division, and the Legislative Oversight Panel described in Section 62A-4a-207. The division shall comply with the recommendations of the Consumer Hearing Panel.

(e) The department shall provide staff to the Consumer Hearing Panel.

(f) (i) Members of the panel shall receive a per diem allowance for each day or portion of a day spent in performing the duties of the panel, and shall be reimbursed for all necessary travel expenses.

(ii) The per diem reimbursement described in Subsection (4)(f)(i) may not exceed 75 days for any one individual panel member in any fiscal year.

(5) The board may create state advisory committees to advise it concerning programs offered by the Division of Child and Family Services. The board shall provide each committee with a specific charge in writing.

(6) The board shall establish policies for the determination of eligibility for services offered by the division in accordance with this chapter. The division may, by rule, establish eligibility standards for consumers.

(7) The board shall adopt and maintain rules and policies regarding placement for adoption



or foster care that are consistent with, and no more restrictive than, applicable statutory provisions.

Section 52. Section **62A-7-109** is amended to read:

**62A-7-109. Youth Parole Authority -- Expenses -- Responsibilities -- Procedures.**

(1) There is created within the division a Youth Parole Authority.

(2) The authority is composed of ten part-time members and five pro tempore members who are residents of this state. No more than three pro tempore members may serve on the authority at any one time. Throughout this section, the term "member" shall refer to both part-time and pro tempore members of the Youth Parole Authority.

(3) (a) Except as required by Subsection (3)(b), members shall be appointed to four-year terms by the governor with the ~~[advice and]~~ consent of the Senate.

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

(4) Each member shall have training or experience in social work, law, juvenile or criminal justice, or related behavioral sciences.

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

(6) During the tenure of his appointment, a member may not:

(a) be an employee of the department, other than in his capacity as a member of the authority;

(b) hold any public office;

(c) hold any position in the state's juvenile justice system; or

(d) be an employee, officer, advisor, policy board member, or subcontractor of any juvenile justice agency or its contractor.

(7) In extraordinary circumstances or when a regular board member is absent or otherwise unavailable, the chair may assign a pro tempore member to act in the absent board member's place.

(8) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates

established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

(9) The authority shall determine appropriate parole dates for youth offenders, based on guidelines established by the board. The board shall review and update policy guidelines annually.

(10) Youth offenders may be paroled to their own homes, to a residential community-based program, to a nonresidential community-based treatment program, to an approved independent living setting, or to other appropriate residences, but shall remain on parole until parole is terminated by the authority.

(11) The division's case management staff shall implement parole release plans and shall supervise youth offenders while on parole.

(12) The division shall permit the authority to have reasonable access to youth offenders in secure facilities and shall furnish all pertinent data requested by the authority in matters of parole, revocation, and termination.

Section 53. Section **62A-13-103** is amended to read:

**62A-13-103. Rural Mental Health Therapist Financial Assistance Committee created.**

(1) The Rural Mental Health Therapist Financial Assistance Committee is comprised of ten members appointed by the governor with the ~~[advice and]~~ consent of the Senate. The committee members are:

(a) one faculty member of the graduate school of social work at a Utah university, nominated by the dean of the school;

(b) one employee of the department nominated by the director of the department;

(c) one rural representative of the Utah Behavioral Healthcare Network nominated by the network;

(d) one member of the Utah Psychological Association nominated by the president of the association;

(e) one rural representative of the Association for Utah Community Health nominated by the board of the association;

(f) one rural representative nominated by Utah League of Cities and Towns;

(g) one rural representative nominated by the Association of Counties;  
(h) one rural representative nominated by the Utah Counseling Association;  
(i) one rural representative of the Utah Association for Marriage and Family Therapy; and  
(j) one member of the Legislature chosen by the president and speaker, who serves as an ex officio member with no voting privileges.

(2) (a) The names of all persons nominated to be members of the committee shall be submitted to the governor for confirmation or rejection.

(b) If a nominee is rejected by the governor, another nominee shall be selected in the same manner as the nominee the governor rejects.

(3) (a) Except as required by Subsection (3)(b), the term of office of each committee member is four years.

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

(4) A committee member may not serve more than two consecutive terms.

(5) The committee shall annually designate one of its members to serve as chair for a one-year period.

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

(7) A majority of the committee members constitutes a quorum for the transaction of business.

(8) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the

performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) Legislators on the committee shall receive compensation and expenses as provided by law and legislative rule.

(d) Members from higher education may not receive per diem or expenses for their service.

(e) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Higher education members may decline to receive per diem and expenses for their service.

(f) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Local government members may decline to receive per diem and expenses for their service.

Section 54. Section **63-2-501** is amended to read:

**63-2-501. State Records Committee created -- Membership -- Terms -- Vacancies -- Expenses.**

(1) There is created the State Records Committee within the Department of Administrative Services to consist of the following seven individuals:

(a) an individual in the private sector whose profession requires him to create or manage records that if created by a governmental entity would be private or controlled;

(b) the state auditor or the auditor's designee;

(c) the director of the Division of State History;

- (d) the governor or the governor's designee;
- (e) one citizen member;
- (f) one elected official representing political subdivisions; and
- (g) one individual representing the news media.

(2) The members specified in Subsections (1)(a), (e), (f), and (g) shall be appointed by the governor with the [~~advice and~~] consent of the Senate.

(3) (a) Except as required by Subsection (3)(b), as terms of current committee members expire, the governor shall appoint each new member or reappointed member to a four-year term.

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

(c) Each appointed member is eligible for reappointment for one additional term.

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

(5) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections

63A-3-106 and 63A-3-107.

(ii) Local government members may decline to receive per diem and expenses for their service.

Section 55. Section **63-5-4** is amended to read:

**63-5-4. Disaster Emergency Advisory Council created -- Function -- Composition -- Expenses.**

(1) A Disaster Emergency Advisory Council is created to provide advice to the governor on matters relating to state government emergency disaster response and recovery actions and activities.

(2) The council shall meet at the call of the governor.

(3) The Disaster Emergency Advisory Council comprises the:

(a) lieutenant governor;

(b) attorney general;

(c) president of the Senate;

(d) speaker of the House of Representatives;

(e) heads of the following state agencies:

(i) Public Safety;

(ii) Division of Comprehensive Emergency Management;

(iii) Building Board; and

(iv) Office of Planning and Budget;

(f) executive directors of the following departments:

(i) Transportation;

(ii) Human Services;

(iii) Health;

(iv) Environmental Quality;

(v) Community and Economic Development; and

(vi) Natural Resources;

(g) representative of the National Guard appointed by the governor with the ~~[advice and]~~ consent of the Senate;

(h) commissioner of agriculture and food;  
(i) state planning coordinator; and  
(j) representatives from two statewide, nongovernmental service organizations appointed by the governor with the [~~advice and~~] consent of the Senate.

(4) The commissioner of Public Safety shall serve as the chair of the council.

(5) (a) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the council at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(b) Legislators on the committee shall receive compensation and expenses as provided by law and legislative rule.

Section 56. Section **63-11-14** is amended to read:

**63-11-14. Board of Parks and Recreation -- Appointment and terms of members -- Expenses.**

(1) (a) The Board of Parks and Recreation shall be composed of nine members appointed by the governor, with the [~~advice and~~] consent of the Senate, to four-year terms.

(b) The governor shall:

(i) appoint one member from each judicial district and one member from the public at large;

(ii) ensure that not more than five members are from the same political party; and

(iii) appoint persons who have an understanding of and demonstrated interest in parks and recreation.

(c) Notwithstanding the term requirements of Subsection (1)(a), the governor may adjust the length of terms to ensure that the terms of board members are staggered so that approximately ½ of the board is appointed every two years.

(2) When vacancies occur because of death, resignation, or other cause, the governor, with the [~~advice and~~] consent of the Senate, shall:

(a) appoint a person to complete the unexpired term of the person whose office was vacated;  
and

(b) if the person was appointed from a judicial district, appoint the replacement from the judicial district from which the person whose office has become vacant was appointed.

(3) The Board of Parks and Recreation shall appoint its chair from its membership.

(4) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

Section 57. Section **63-25a-103** is amended to read:

**63-25a-103. Executive director -- Qualifications -- Compensation -- Appointment -- Functions.**

(1) The governor, with the [~~advice and~~] consent of the Senate, shall appoint a person experienced in the field of criminal justice and in administration as the executive director of the Commission on Criminal and Juvenile Justice. The governor shall establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(2) (a) The executive director, under the direction of the commission, shall administer the duties of the commission and act as the governor's advisor on national, state, regional, metropolitan, and local government planning as it relates to criminal justice.

(b) This chapter does not derogate the planning authority conferred on state, regional, metropolitan, and local governments by existing law.

Section 58. Section **63-25a-404** is amended to read:

**63-25a-404. Crime Victims' Reparations Board -- Members.**

(1) (a) A Crime Victims' Reparations Board is created, consisting of seven members appointed by the governor with the [~~advice and~~] consent of the Senate.

(b) The membership of the board shall consist of:

(i) a member of the bar of this state;



- (ii) a victim of criminally injurious conduct;
- (iii) a licensed physician;
- (iv) a representative of law enforcement;
- (v) a mental health care provider; and
- (vi) two other private citizens.

(c) The governor may appoint a chair of the board who shall serve for a period of time prescribed by the governor, not to exceed the length of the chair's term. The board may elect a vice chair to serve in the absence of the chair.

(d) The board may hear appeals from administrative decisions as provided in rules adopted pursuant to Section 63-25a-415.

(2) (a) Except as required by Subsection (2)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

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

(c) A member may be reappointed to one successive term.

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

(b) A member resigning from the board shall serve until his successor is appointed and qualified.

(4) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance

under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(5) The board shall meet at least once quarterly but may meet more frequently as necessary.

Section 59. Section **63-34-4** is amended to read:

**63-34-4. Appointment of policy board members -- Terms -- Qualifications -- Expenses -- Removal -- Conflicts of interest.**

(1) The governor, with the [~~advice and~~] consent of the Senate, shall appoint the members of the division policy boards created in Section 63-34-3.

(2) (a) Except as required by Subsection (2)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

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

(c) The board members shall be appointed for no more than two consecutive terms unless the governor considers an additional appointment necessary due to exceptional circumstances.

(3) Members shall be appointed consistent with the following criteria:

- (a) geographical distribution;
- (b) expertise or personal experience with subject matter;
- (c) diversity of opinion and political preference; and
- (d) gender, cultural, and ethnic representation.

(4) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the

performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(5) (a) Any member may be removed at any time by the governor for official misconduct, habitual or willful neglect of duty, or for other good and sufficient cause.

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

(6) No member of the Legislature may serve as a member of a division policy board.

(7) A board member shall disclose any conflict of interest to the board and if the conflict involves a direct financial interest in either the subject under consideration or an entity or asset that could be substantially affected by the outcome of board action, the member shall refrain from voting on the matter.

Section 60. Section **63-34-5** is amended to read:

**63-34-5. Executive director of natural resources -- Appointment -- Removal -- Compensation -- Responsibilities -- Department fee schedule.**

(1) (a) The chief administrative officer of the Department of Natural Resources shall be an executive director appointed by the governor with the [~~advice and~~] consent of the Senate.

(b) The executive director may be removed at the will of the governor.

(c) The executive director shall receive a salary established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(2) The executive director shall:

(a) administer and supervise the Department of Natural Resources and provide for coordination and cooperation among the boards and divisions of the department;

(b) approve the budget of each board and division;

(c) (i) coordinate state governmental functions regarding energy development;

(ii) facilitate the development and implementation of policies and programs relating to energy production, processing, utilization, and technology in the state;

- (iii) coordinate and consolidate energy resource data collection throughout state government;
- (iv) perform forecasts of state-level energy production, consumption, and prices;
- (v) monitor federal laws and regulations relating to energy development, processing, or use, and recommend policy positions for the state;
- (vi) participate in regulatory proceedings as appropriate to the functions and duties of the department;
- (vii) represent the state on regional and national energy matters on his own initiative or as requested by the governor; and
- (viii) provide the Legislature and the governor with:
  - (A) a biennial report addressing the current status of energy markets in the state; and
  - (B) an independent assessment of energy issues.
- (d) report at the end of each fiscal year to the governor on department activities, and activities of the boards and divisions; and
- (e) perform other duties as provided by the Legislature by statute.

(3) Unless otherwise provided by statute, the department may adopt a schedule of fees assessed for services provided by the department. The fee shall be reasonable and fair and shall reflect the cost of services provided. Each fee established in this manner shall be submitted to and approved by the Legislature as part of the department's annual appropriations request. The department may not charge or collect any fee proposed in this manner without approval of the Legislature.

Section 61. Section **63-88-103** is amended to read:

**63-88-103. Board of Trustees of the Utah Navajo Trust Fund.**

- (1) (a) There is created a Board of Trustees of the Utah Navajo Trust Fund composed of three members, the State Treasurer, the Director of the Division of Finance, and a state officer or employee appointed by the governor, with the ~~[advice and]~~ consent of the Senate, to a four-year term.
- (b) The State Treasurer is chair of the board.
- (c) Three members of the board are a quorum.
- (d) (i) State government officer and employee members who do not receive salary, per diem,

or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(2) (a) The board shall either:

(i) contract with a person or entity to act as trust administrator by following the procedures and requirements of Title 63, Chapter 56, Utah Procurement Code and, where not provided for by this chapter, define his duties and responsibilities; or

(ii) if unable to find a qualified person under Subsection (2)(a)(i) to act as trust administrator for a reasonable cost, hire a qualified person to act as trust administrator and, where not provided for by this chapter, define his duties and responsibilities.

(b) If the board hires a trust administrator under authority of Subsection (2)(a)(ii), the board may hire, or authorize the trust administrator to hire, other persons necessary to assist the trust administrator and the board to perform the duties required by this chapter.

(3) The board shall:

(a) on behalf of the state, act as trustee of the trust fund and exercise the state's fiduciary responsibilities;

(b) meet at least monthly;

(c) review and approve all policies, projections, rules, criteria, procedures, forms, standards, and performance goals established by the trust administrator;

(d) review and approve the trust fund budget prepared by the trust administrator;

(e) review all progress reports from programs financed by the trust fund;

(f) review financial records of the trust fund, including trust fund receipts, expenditures, and investments; and

(g) do any other things necessary to perform the state of Utah's fiduciary obligations under the trust fund.

(4) The attorney general shall:

- (a) act as legal counsel and provide legal representation to the Board of Trustees; and
- (b) attend, or direct an attorney from his office to attend, each of their meetings.

Section 62. Section **63-88-107** is amended to read:

**63-88-107. Utah Dineh Committee.**

- (1) There is created the Dineh Committee.
- (2) (a) The governor, with the ~~[advice and]~~ consent of the Senate, shall ~~[in accordance with this section]~~ appoint nine members to the committee.
  - (b) In making an appointment under Subsection (2)(a), the governor shall ensure that:
    - (i) each member of the committee is an individual:
      - (A) who is an enrolled member of the Navajo Nation; and
      - (B) whose name and tribal number are contained in the trust fund's population database; and
    - (ii) the committee includes:
      - (A) two registered members of the Aneth Chapter of the Navajo Nation who reside in San Juan County, Utah;
      - (B) one registered member of the Blue Mountain Dine' who resides in San Juan County, Utah;
      - (C) one registered member of the Mexican Water Chapter of the Navajo Nation who resides in San Juan County, Utah;
      - (D) one registered member of the Navajo Mountain Chapter of the Navajo Nation who resides in San Juan County, Utah;
      - (E) subject to Subsection (11), two members who reside in San Juan County, Utah:
        - (I) one of which shall be a registered member of the Oljato Chapter of the Navajo Nation; and
        - (II) one of which shall be a registered member of either the Oljato Chapter or the Dennehotso Chapter of the Navajo Nation;
      - (F) one registered member of the Red Mesa Chapter of the Navajo Nation who resides in San Juan County, Utah; and
      - (G) one registered member of the Teec Nos Pos Chapter of the Navajo Nation who resides

in San Juan County, Utah.

(3) (a) (i) Each of the Utah Navajo Chapters, except the Aneth, Oljato, and Dennehotso chapters, shall submit to the governor the names of three nominees to the Dineh Committee chosen by the chapter.

(ii) The governor shall select one of the three persons submitted under Subsection (3)(a)(i) as that chapter's representative on the Dineh Committee.

(b) (i) The Blue Mountain Dine' shall submit to the governor the names of three nominees to the Dineh Committee.

(ii) The governor shall select one of the three persons submitted under Subsection (3)(b)(i) as the Blue Mountain Dine' representative on the Dineh Committee.

(c) (i) The Aneth Chapter shall submit to the governor the names of six nominees to the Dineh Committee chosen by the chapter.

(ii) The governor shall select two of the six persons submitted under Subsection (3)(c)(i) to be the Aneth Chapter's representatives on the Dineh Committee.

(d) (i) The Oljato Chapter shall submit to the governor the names of six nominees to the Dineh Committee chosen by the chapter.

(ii) One of the six names submitted under Subsection (3)(d)(i) may be a registered member of the Dennehotso Chapter.

(iii) The governor shall select two of the six persons submitted under Subsection (3)(d)(i) to be the representatives on the Dineh Committee of the Oljato and Dennehotso chapters.

(4) The governor may not appoint any person who is currently, or who, within the last 12 months, has been an officer, director, employee, or contractor of any business enterprise or service provider that solicits, accepts, or receives monies from:

- (a) the Division of Indian Affairs; or
- (b) the trust fund established in this chapter.

(5) Other than the amount authorized by this section for Dineh Committee member expenses,

a person appointed to the Dineh Committee may not solicit, accept, or receive any monies from:

- (a) the Division of Indian Affairs;

(b) the trust fund; or

(c) as an officer, director, employee, or contractor of any business enterprise or service provider that solicits, accepts, or receives expenditures from:

(i) the Division of Indian Affairs; or

(ii) the trust fund.

(6) (a) (i) Except as required by Subsection (6)(a)(ii), as terms of current committee members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(ii) Notwithstanding the requirements of Subsection (6)(a)(i), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(b) Except as provided in Subsection (6)(c), committee members shall serve until their successors are appointed and qualified.

(c) (i) If a committee member is absent from three consecutive committee meetings, or if the committee member has violated the ethical or conflict of interest policies established by statute or by the committee, that member's appointment is terminated, the position is vacant, and the governor shall appoint a replacement.

(ii) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term according to the procedures of this section.

(7) (a) The committee shall select a chair and a vice chair from its membership each two years subsequent to the appointment of new members.

(b) Five members of the committee are a quorum for the transaction of business.

(c) The committee shall:

(i) comply with the procedures and requirements of Title 52, Chapter 4, Open and Public Meetings;

(ii) ensure that all of its meetings are held at or near:

(A) a chapter house or meeting hall of a Utah Navajo Chapter; or

(B) other places in Utah that the committee considers practical and appropriate; and

(iii) ensure that all of its meetings are public hearings at which any resident of San Juan



County may appear and speak.

(8) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107 from the trust fund.

(b) Members may decline to receive per diem and expenses for their service.

(9) The Office of Trust Administrator is staff to the committee.

(10) The committee shall advise the trust administrator about the expenditure of trust fund monies.

(11) If both members appointed under Subsection (2)(b)(ii)(E) are registered members of the Oljato Chapter, the two members shall attend Dennehotso Chapter meetings as practicable.

Section 63. Section **63A-1-105** is amended to read:

**63A-1-105. Appointment of executive director -- Compensation.**

(1) The governor shall:

(a) appoint the executive director with the [~~advice and~~] consent of the Senate; and

(b) establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(2) The executive director shall serve at the pleasure of the governor.

Section 64. Section **63A-7-104** is amended to read:

**63A-7-104. Utah Sports Authority -- State controls -- Board -- Membership -- Meetings -- Removal -- Per diem and expenses.**

(1) (a) There is created within the department the Utah Sports Authority.

(b) The authority is subject to all laws, rules, policies, and other conditions and limitations that govern agencies of state government, including:

(i) the procurement procedures contained in Title 63, Chapter 56, Utah Procurement Code;

(ii) Title 63A, Chapter 10, State Olympic Coordination Act;

(iii) the personnel procedures contained in Title 67, Chapter 19, Utah State Personnel Management Act; and

(iv) the laws, rules, policies, and other conditions or limitations from oversight departments,

divisions, agencies, or offices such as the Division of Finance, the Division of Facilities Construction and Management, the state treasurer, the state auditor, and the attorney general.

(c) (i) Notwithstanding any other provisions of this chapter, the Division of Finance shall provide or contract for all accounting related to public sports facilities, including budgeting, financial reporting, and internal controls of both state and nonstate funds of the authority.

(ii) All nonstate funds may be accounted for and controlled outside of the state accounting system.

(d) (i) After May 4, 1998, any contract, agreement, or financial arrangement entered into by the authority shall be reviewed by the State Olympic Officer and approved by the governor if the contract, agreement, or financial arrangement involves:

(A) the transfer or conveyance of real or personal property or any interest in real or personal property held by the authority on behalf of the state;

(B) the lease or use of a public sports facility by any person other than the authority;

(C) construction at a public sports facility; or

(D) the management of a public sports facility.

(ii) A contract, agreement, or financial arrangement entered into after May 4, 1998, that is not reviewed and approved in accordance with this Subsection (1)(d) is voidable at the option of the governor.

(iii) The State Olympic Officer may establish a policy that exempts a contract, agreement, or financial arrangement from the requirements of this Subsection (1)(d) if:

(A) the size of a project, the scope of the activities, or the amount of money or state resources involved is of minimal or insignificant nature; and

(B) the exemption is in the public interest.

(iv) The requirements of this Subsection (1)(d) are in addition to any other requirements imposed on the authority by law, including approval by the Legislature of any conveyance under Subsection 63A-7-105(20).

(2) The policy of the authority shall be determined by the authority board rather than the executive director.

(3) There is created a Utah Sports Authority Board that shall consist of 19 members as follows:

(a) 18 individuals appointed by the governor[;] with the [~~advice and~~] consent of the Senate, as follows:

(i) five individuals from a list of ten nominees provided by the Utah League of Cities and Towns, with not more than one being a resident of any given county;

(ii) two individuals from a list of four nominees provided by the Utah Association of Counties;

(iii) three individuals from a list of six nominees provided by the mayor of Salt Lake City;

(iv) four individuals from the state at large; and

(v) four individuals:

(A) who prior to or at the time of appointment are athletes; and

(B) that the governor determines fairly represent the interests of athletes that will be served by state programs or facilities overseen by the authority; and

(b) the executive director of the Department of Community and Economic Development.

(4) The authority board membership shall include representatives of private business and industry. Examples of industries that may be represented on the board include the banking, accounting, legal, financial services, and amateur sports industries.

(5) (a) In making appointments to the authority board, the governor shall consider geographical representation.

(b) A member of the authority board may not hold an elective public office.

(c) Each board member shall be a resident of the state as defined in Section 20A-2-105.

(d) No more than ten board members may have the same political party affiliation and the political party affiliation of each board member and any change in that affiliation shall be disclosed to the board.

(e) A member of the authority board, any of its employees, or any employees of the department or the Department of Community and Economic Development may not be on the board of, be employed by, contract with, or in any way be affiliated with any private entity that is using or

seeking to use state funds to solicit, attract, organize, schedule, conduct, book, provide, operate, or create any public sports event, or that uses or seeks to use any public sports facility, unless any affiliation with the private entity is fully disclosed to the authority board and the advisory committee in an open and public meeting.

(6) (a) Except as required by Subsection (6)(b), each board member shall serve a four-year term beginning January 1, 1990.

(b) Notwithstanding the requirements of Subsection (6)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of authority members are staggered so that approximately half of the authority is appointed every two years.

(7) The governor shall appoint one of the members appointed to a four-year term as the chair of the authority board. The members shall elect from among their number a vice chair and other officers they may determine. The chair shall serve at the pleasure of the governor.

(8) (a) The authority board shall meet at least quarterly unless otherwise determined by a majority of the members and at other times at the discretion of the chair.

(b) A majority of the authority board is a quorum for conducting authority business. A majority vote of those present is required for any action to be taken by the authority.

(c) The authority board shall invite the members of the coordination committee and other agencies and individuals listed in Subsection (8)(e) to all of its meetings. The authority shall allow members of the coordination committee and other agencies and individuals listed in Subsection (8)(e) to attend, participate in discussions, and review all materials presented in all meetings of the authority.

(d) The authority shall include at least two members of the coordination committee on each subcommittee the authority board may create.

(e) The authority board shall provide meeting notices, agendas, and minutes of meetings:

- (i) to members of the coordination committee;
- (ii) the governor;
- (iii) the attorney general;
- (iv) the Division of Finance;

- (v) the Department of Administrative Services;
- (vi) the Division of Facilities Construction and Management;
- (vii) the state auditor;
- (viii) the legislative auditor general;
- (ix) the Office of Legislative Research and General Counsel;
- (x) the Office of the Legislative Fiscal Analyst; and
- (xi) the State Olympic Officer.

(9) (a) Any member may be removed from office with cause by the governor or for cause by an affirmative vote of eight members.

(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the original appointment, [~~subject to~~] with the consent of the Senate.

(c) A member shall continue to hold office until the member's successor has been appointed and qualified.

(d) Any member is eligible for reappointment, but may not serve more than four full consecutive terms.

(10) The authority shall exist as long as it has obligations outstanding and until its existence is terminated by law. Upon the termination of the existence of the authority, all its rights and properties shall pass to and be vested in the state.

(11) (a) (i) A member who is not a government employee shall receive no compensation or benefits for that member's services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) A member may decline to receive per diem and expenses for the member's service.

(b) (i) A state government officer or employee member who does not receive salary, per diem, or expenses from the officer's or employee's agency for the officer's or employee's service may receive per diem and expenses incurred in the performance of the officer's or employee's official duties from the authority at the rates established by the Division of Finance under Sections

63A-3-106 and 63A-3-107.

(ii) A state government officer or employee member may decline to receive per diem and expenses for the officer's or employee's service.

(c) (i) A local government member who does not receive salary, per diem, or expenses from the entity that the member represents for the service may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) A local government member may decline to receive per diem and expenses for the member's service.

Section 65. Section **63A-10-103** is amended to read:

**63A-10-103. State Olympic Officer -- Creation.**

(1) There is created the position of State Olympic Officer.

(2) Beginning July 1, 1997:

(a) The State Olympic Officer shall be [~~an individual~~] appointed by the governor with the [~~advice and~~] consent of the Senate.

(b) The officer serves at the pleasure of the governor.

(c) The officer shall be experienced in administration, financial, and legal transactions, and coordination of complex organizations.

(d) The officer shall receive compensation as provided by Title 67, Chapter 22, State Officer Compensation.

(e) The officer may appoint additional staff members with the approval of the governor.

(f) The Office of Planning and Budget shall provide staff support and physical facilities to the coordinator.

(g) Except as provided in Subsection(3), beginning July 1, 1997, the salary, benefits, and administrative costs associated with the officer and individuals appointed by the officer under Subsection (2)(e) shall be paid from the Olympics special revenue fund or funds established under Section 59-12-103.

(3) (a) If there is inadequate monies in the Olympics special revenue fund or funds to pay

the salary, benefits, and administrative costs described in Subsection (2)(g), the salary, benefits, and administrative cost may be paid from the General Fund.

(b) If monies are paid from the General Fund under Subsection (3)(a), the monies shall be reimbursed to the General Fund from the Olympics special revenue fund or funds at such time the Olympics special revenue fund or funds has adequate monies to reimburse the General Fund.

(c) Notwithstanding Subsections (2)(e), (3)(a), and (3)(b), the salary, benefits, or administrative costs associated with the officer may not be paid from the sales and tax revenues generated by municipalities or counties and deposited under Subsection 59-12-103(4)(a)(ii).

Section 66. Section **63C-9-201** is amended to read:

**63C-9-201. State Capitol Preservation Board -- Creation -- Membership.**

- (1) There is created the State Capitol Preservation Board.
- (2) The board shall consist of the following 15 members:
  - (a) the governor;
  - (b) the lieutenant governor;
  - (c) the president of the Senate;
  - (d) the speaker of the House of Representatives;
  - (e) three members appointed by the governor;
  - (f) two members of the Senate appointed by the president of the Senate, one from the majority party and one from the minority party;
  - (g) two members of the House of Representatives appointed by the speaker of the House of Representatives, one from the majority party and one from the minority party;
  - (h) the chief justice of the Supreme Court or his designee;
  - (i) the director of the Division of Archives; and
  - (j) an architect and a structural engineer, appointed by the governor with the ~~[advice and]~~ consent of the Senate.

Section 67. Section **63D-1-301** is amended to read:

**63D-1-301. Chief information officer -- Appointment -- Salary.**

- (1) The governor shall:

(a) appoint a chief information officer with the [~~advice and~~] consent of the Senate; and  
(b) establish the chief information officer's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(2) The chief information officer shall serve at the pleasure of the governor and be housed in the Office of Planning and Budget.

(3) The chief information officer's authority as defined in Section 63D-1-301.5 applies to all state agencies.

Section 68. Section **64-13-3** is amended to read:

**64-13-3. Executive director.**

(1) The executive director shall be appointed by the governor with the [~~advice and~~] consent of the Senate.

(2) The executive director shall be experienced and knowledgeable in the field of corrections and shall have training in criminology and penology.

(3) The governor shall establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Section 69. Section **64-13-4.1** is amended to read:

**64-13-4.1. Creation of Corrections Advisory Council.**

(1) There is created within the Department of Corrections a Corrections Advisory Council consisting of seven members.

(2) (a) Except as required by Subsection (2)(b), each member shall be appointed by the governor for a term of four years[;] with the [~~advice and~~] consent of the Senate.

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

(c) Each council member shall be a resident of the state. No more than four members may be from the same political party and no member may hold any office connected with the Department of Corrections.

(3) When a vacancy occurs in the membership for any reason, the replacement shall be



appointed for the unexpired term with the [~~advice and~~] consent of the Senate.

(4) Membership of the council should be chosen to reflect:

- (a) geographical distribution;
- (b) expertise or personal experience with subject matters in the field of corrections;
- (c) diversity of opinion and political preference; and
- (d) gender, cultural, and ethnic diversity.

(5) Council members may be appointed for no more than two consecutive terms unless the governor considers an additional term is in the best interest of the state.

(6) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

(7) A member of the council may not hold any other office in the government of the United States or of this state or of any municipal corporation within the state.

(8) Any member may be removed at any time by the governor for official misconduct, habitual or wilful neglect of duty, or for other good and sufficient cause.

(9) A council member shall disclose any conflict of interest to the council and if the conflict involves a direct or financial interest in either the subject under consideration or an entity or asset that could be substantially affected by the outcome of council action, the member shall refrain from voting on the matter.

(10) Current members of the Board of Corrections shall continue in office as members of the Corrections Advisory Council until expiration of their terms and until their successors are chosen.

Section 70. Section **67-1-1.5** is amended to read:

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

(1) As used in this section:

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

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

- (i) works full-time performing managerial and administrative functions;
- (ii) is appointed by the governor [~~;~~ and ~~(iii) must be confirmed by~~] with the consent of the

Senate.

(c) (i) "Executive branch policy position" means any person other than a person filling an executive branch management position, who [~~:(A)~~] is appointed by the governor [~~;~~ and ~~(B) must be confirmed by~~] with the consent of the Senate.

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

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

(b) If the Senate fails to [~~confirm~~] consent to that person, the governor shall submit the name of another nominee to the Senate for [~~confirmation~~] consent no later than one month after the date on which the nomination was rejected by the Senate.

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

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

(ii) appoint an interim manager who does not meet the qualifications of the vacant position and submit that person's name to the Senate for [~~confirmation~~] consent as interim manager within one month of the appointment.

(b) If the Senate fails to [~~confirm~~] consent to the interim manager appointed under Subsection (3)(a)(ii), the governor may appoint another interim manager under Subsection (3)(a).

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

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

(ii) submit the name of the first interim manager to the Senate for ~~[confirmation]~~ consent as an interim manager for a three-month term.

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

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

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

Section 71. Section **67-1-2.5** is amended to read:

**67-1-2.5. Data bases for executive boards.**

(1) As used in this section, "executive board" means any executive branch board, commission, council, committee, working group, task force, study group, advisory group, or other body with a defined limited membership that is created to operate for more than six months by the constitution, by statute, by executive order, by the governor, lieutenant governor, attorney general, state auditor, or state treasurer or by the head of a department, division, or other administrative subunit of the executive branch of state government.

(2) The governor shall designate a person from his staff to maintain a computerized data base containing information about all executive boards.

(3) The person designated to maintain the data base shall ensure that the data base contains:

(a) the name of each executive board;

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

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

(d) the state officer or department and division of state government under whose jurisdiction the executive board operates or with which the executive board is affiliated, if any;

(e) the name, address, gender, telephone number, and county of each person currently serving on the executive board, along with a notation of all vacant or unfilled positions;

(f) the title of the position held by the person who appointed each member of the executive board;

(g) the length of the term to which each member of the executive board was appointed and the month and year that each executive board member's term expires;

(h) whether or not members appointed to the executive board require [~~confirmation by the Utah~~] consent of the Senate;

(i) the organization, interest group, profession, local government entity, or geographic area that the person represents, if any;

(j) the person's party affiliation, if the statute or executive order creating the position requires representation from political parties;

(k) whether the executive board is a policy board or an advisory board;

(l) whether or not the executive board has or exercises rulemaking authority; and

(m) any compensation and expense reimbursement that members of the executive board are authorized to receive.

(4) The person designated to maintain the data base shall:

(a) make the information contained in the data base available to the public upon request; and

(b) cooperate with other entities of state government to publish the data or useful summaries of the data.

(5) (a) The person designated to maintain the data base shall prepare, publish, and distribute an annual report by December 1 of each year that includes, as of November 1 of that year:

(i) the total number of executive boards;

(ii) the name of each of those executive boards and the state officer or department and division of state government under whose jurisdiction the executive board operates or with which the executive board is affiliated, if any;

- (iii) for each state officer and each department and division, the total number of executive boards under the jurisdiction of or affiliated with that officer, department, and division;
- (iv) the total number of members for each of those executive boards;
- (v) whether or not some or all of the members of each of those executive boards are approved by the [Utah] Senate;
- (vi) whether each board is a policymaking board or an advisory board and the total number of policy boards and the total number of advisory boards; and
- (vii) the compensation, if any, paid to the members of each of those executive boards.

(b) The person designated to maintain the data bases shall distribute copies of the report to:

- (i) the governor;
- (ii) the president of the [Utah] Senate;
- (iii) the speaker of the [Utah] House;
- (iv) the Office of Legislative Research and General Counsel; and
- (v) any other persons who request a copy of the annual report.

Section 72. Section **67-1-3** is amended to read:

**67-1-3. Removal of gubernatorial appointee.**

~~[All officers who are or shall be appointed by the governor alone, or by the governor by and with the consent of the Senate, may;]~~

(1) Any time during a recess of the Legislature, the governor may remove any gubernatorial appointee for official misconduct, habitual or willful neglect of duty, or for other good and sufficient cause~~[-at any time during the recess of the Legislature be removed, and the vacancy filled during such recess by the governor].~~

(2) If the appointment required consent of the Senate, the governor may fill the vacancy created by the removal by following the procedures and requirements of Section 67-1-1.5.

Section 73. Section **67-1a-2** is amended to read:

**67-1a-2. Duties enumerated.**

The duties of the lieutenant governor are:

- (1) to perform such duties as may be delegated by the governor, including but not limited

to assignments to serve in any of the following capacities:

(a) as the head of any one department, if so qualified, with the [~~advice and~~] consent of the Senate, and upon such an appointment, the lieutenant governor shall serve at the pleasure of the governor and without additional compensation;

(b) as the chairperson of any cabinet group organized by the governor or authorized by law for the purpose of advising the governor or coordinating intergovernmental or interdepartmental policies or programs;

(c) as liaison between the governor and the state Legislature to coordinate and facilitate the governor's programs and budget requests;

(d) as liaison between the governor and other officials of local, state, federal, and international governments or any other political entities to coordinate, facilitate, and protect the interests of the state [~~of Utah~~];

(e) as personal advisor to the governor, including advice on policies, programs, administrative and personnel matters, and fiscal or budgetary matters;

(f) as chairperson or member of any temporary or permanent boards, councils, commissions, committees, task forces, or other group appointed by the governor;

(2) to serve on all boards and commissions in lieu of the governor, whenever so designated by the governor;

(3) to serve as the chief election officer of the state. As the chief election officer, the lieutenant governor shall not assume the responsibilities assigned to the county clerks, city recorders, town clerks, or other local election officials by the Legislature, nor become involved with the procurement of ballots. The county clerks, city recorders, town clerks, or other election officials shall determine the listing of the political parties on their local ballots. The lieutenant governor shall perform the following duties:

(a) assist county clerks in unifying the election ballot;

(b) prepare election information for the public and make such information available to the news media;

(c) receive and answer election questions and maintain an election file on opinions received

from the attorney general;

(d) maintain election returns and statistics;

(e) certify to the governor the names of those persons who have received in any election the highest number of votes for any office, the incumbent of which is commissioned by the governor; and

(f) perform any other election duties formerly assigned to the secretary of state;

(4) to keep custody of the Great Seal of the state of Utah; to keep a register of, and attest, the official acts of the governor; and to affix the Great Seal, with an attestation, to all official documents and instruments to which the official signature of the governor is required; and

(5) to furnish on request, to any person paying the fees therefor, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the office of the lieutenant governor.

Section 74. Section **67-19-5** is amended to read:

**67-19-5. Department of Human Resource Management created -- Director -- Compensation -- Staff.**

(1) There is created the Department of Human Resource Management.

(2) (a) The department shall be administered by a director appointed by the governor with the [~~advice and~~] consent of the Senate.

(b) The director shall be a person with experience in personnel management and shall be accountable to the governor for his performance in office.

(c) The governor shall establish the director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(3) The director may:

(a) appoint a personal secretary and, with the approval of the governor, a deputy director, both of whom shall be exempt from career service; and

(b) appoint division directors and program managers who may be career service exempt.

Section 75. Section **68-4-6** is amended to read:

**68-4-6. Vacancies.**

(1) Upon the death, resignation, failure, or refusal to serve of the commissioners appointed under Subsection 68-4-6(2), or if the legislative member ceases to be a member of the Legislature, his office becomes vacant; and the governor shall, ~~[by and]~~ with the consent of the Senate, make an appointment to fill the vacancy, such appointment to be for the unexpired term of the commissioner creating the vacancy.

(2) The commissioner who is the Legislature's general counsel or designee shall serve only during that appointment as the Legislature's general counsel.

Section 76. Section **72-1-202** is amended to read:

**72-1-202. Executive director of department -- Appointment -- Qualifications -- Term -- Responsibility -- Power to bring suits -- Salary.**

(1) (a) The governor, with recommendations from the commission and with the ~~[advice and]~~ consent of the Senate, shall appoint an executive director to be the chief executive officer of the department.

(b) The executive director shall be a qualified executive with technical and administrative experience and training appropriate for the position.

(c) The executive director shall remain in office until a successor is appointed.

(d) The executive director may be removed by the governor.

(2) In addition to the other functions, powers, duties, rights, and responsibilities prescribed in this chapter, the executive director shall:

(a) have responsibility for the administrative supervision of the state transportation systems and the various operations of the department;

(b) have the responsibility for the implementation of rules, priorities, and policies established by the department and the commission;

(c) have full power to bring suit in courts of competent jurisdiction in the name of the department as the executive director considers reasonable and necessary for the proper attainment of the goals of this chapter;

(d) receive a salary, to be established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual traveling



expenses while away from the executive director's office on official business; and

(e) purchase all necessary equipment and supplies for the department.

Section 77. Section **72-1-301** is amended to read:

**72-1-301. Transportation Commission created -- Members, appointment, terms --  
Qualifications -- Pay and expenses -- Chair -- Quorum -- Surety bond.**

(1) (a) There is created the Transportation Commission which shall consist of seven members.

(b) The members of the commission shall be residents of Utah.

(c) No more than four of the commissioners shall be members of any one political party.

(d) (i) The commissioners shall be appointed by the governor, with the [~~advice and~~] consent of the Senate, for a term of six years, [~~commencing~~] beginning on April 1 of odd-numbered years, except as provided under Subsection (1)(d)(ii).

(ii) The first two additional commissioners serving on the seven member commission shall be appointed for terms of two years nine months and four years nine months, respectively, initially commencing on July 1, 1996, and subsequently commencing as specified under Subsection (1)(d)(i).

(e) The commissioners serve on a part-time basis.

(f) Each commissioner shall remain in office until a successor is appointed and qualified.

(2) The selection of the commissioners shall be as follows:

(a) one commissioner from Box Elder, Cache, or Rich county;

(b) one commissioner from Salt Lake or Tooele county;

(c) one commissioner from Carbon, Emery, Grand, or San Juan county;

(d) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete, Sevier, Washington, or Wayne county;

(e) one commissioner from Weber, Davis, or Morgan county;

(f) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or Daggett county; and

(g) one commissioner selected from the state at large.

(3) (a) Members appointed before May 2, 1996, shall continue to receive the compensation,

per diem, expenses, and benefits they were receiving as of January 1, 1996.

(b) Members appointed after May 2, 1996, shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(c) Members may decline to receive compensation, benefits, per diem, and expenses for their service.

(4) (a) One member of the commission shall be designated by the governor as chair.

(b) The commission shall select one member as vice chair to act in the chair's absence.

(5) Any four commissioners constitute a quorum.

(6) (a) Each member of the commission shall qualify by:

(i) taking the constitutional oath of office; and

(ii) giving a surety bond.

(b) The Division of Finance of the Department of Administrative Services shall determine the form and amount of the bond, and the state shall pay the bond premium.

Section 78. Section **72-7-109** is amended to read:

**72-7-109. Telecommunications Advisory Council -- Membership -- Duties.**

(1) As used in this section:

(a) "Council" means the Telecommunications Advisory Council created in this section.

(b) "Statewide telecommunications purposes" has the same meaning provided in Section 72-7-108.

(2) (a) There is created within the department the Telecommunication Advisory Council consisting of six members who represent:

(i) the governor's chief advisor on telecommunications;

(ii) the Public Service Commission;

(iii) the department;

(iv) the Utah Education Network;

(v) the Division of Purchasing and General Services within the Department of

Administrative Services; and

(vi) the Division of Public Utilities within the Department of Commerce.

(b) The members shall be appointed by the governor [~~and confirmed by~~] with the consent of the Senate.

(3) (a) The members shall annually elect a chair from its members.

(b) The council shall meet as it determines necessary to accomplish its duties.

(c) A majority of the council constitutes a quorum for the transaction of business.

(d) Members shall receive no compensation or benefits for their services.

(4) (a) The department shall provide staff support for the council.

(b) The council may request assistance from other technical advisors as it determines necessary to accomplish its duties.

(5) The council shall:

(a) provide information, suggestions, strategic plans, priorities, and recommendations to assist the department in administering telecommunications access to interstate highway rights-of-way for statewide telecommunications purposes;

(b) assist the department in valuing in-kind compensation in accordance with Subsection 72-7-108(3)(c);

(c) seek input from telecommunications providers and the public;

(d) coordinate and exchange information with other technology and telecommunications entities of the state and its political subdivisions; and

(e) provide other assistance as requested by the department.

Section 79. Section **73-10-2** is amended to read:

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

The Board of Water Resources shall be comprised of eight members to be appointed by the governor[;] with the [~~advice and~~] consent of the Senate. Not more than four members shall be from the same political party. One member of the board shall be appointed from each of the following districts:

(1) Bear River District, comprising the counties of Box Elder, Cache, and Rich;

- (2) Weber District, comprising the counties of Weber, Davis, Morgan, and Summit;
  - (3) Salt Lake District, comprising the counties of Salt Lake and Tooele;
  - (4) Provo River District, comprising the counties of Juab, Utah, and Wasatch;
  - (5) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute, and Wayne;
  - (6) Green River District, comprising the counties of Daggett, Duchesne, and Uintah;
  - (7) Upper Colorado River District, comprising the counties of Carbon, Emery, Grand, and San Juan; and
  - (8) Lower Colorado River District, comprising the counties of Beaver, Garfield, Iron, Washington, and Kane.
- (a) Except as required by Subsection (8)(b), all appointments shall be for terms of four years.
  - (b) Notwithstanding the requirements of Subsection (8)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
  - (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term with the [~~advice and~~] consent of the Senate and shall be from the same district as such person.
- (9) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (b) Members may decline to receive per diem and expenses for their service.

Section 80. Section **77-27-2** is amended to read:

**77-27-2. Board of Pardons and Parole -- Creation -- Compensation -- Functions.**

- (1) There is created the Board of Pardons and Parole. The board shall consist of five full-time members and five pro tempore members to be appointed by the governor with the [~~advice and~~] consent of the Senate as provided in this section. The members of the board shall be resident citizens of the state. The governor shall establish salaries for the members of the board within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(2) (a) (i) The full-time board members shall serve terms of five years. The terms of the full-time members shall be staggered so one board member is appointed for a term of five years on March 1 of each year.

(ii) The pro tempore members shall serve terms of five years. The five pro tempore members added by Subsection (1) shall be appointed to terms that both commence on May 1, 1996, and respectively end on February 28, 1999, and February 29, 2000. These terms are reduced by two and one years respectively so that the appointment of one pro tempore member expires every year beginning in 1996. Terms previously set to expire will now expire the last day of February of their respective years.

(b) All vacancies occurring on the board for any cause shall be filled by the governor with the ~~[advice and]~~ consent of the Senate pursuant to this section for the unexpired term of the vacating member.

(c) The governor may at any time remove any member of the board for inefficiency, neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing.

(d) A member of the board may not hold any other office in the government of the United States, this state or any other state, or of any county government or municipal corporation within a state. A member may not engage in any occupation or business inconsistent with his duties.

(e) A majority of the board constitutes a quorum for the transaction of business, including the holding of hearings at any time or any place within or without the state, or for the purpose of exercising any duty or authority of the board. Action taken by a majority of the board regarding whether parole, pardon, commutation, termination of sentence, or remission of fines or forfeitures may be granted or restitution ordered in individual cases is deemed the action of the board. A majority vote of the five full-time members of the board is required for adoption of rules or policies of general applicability as provided by statute. However, a vacancy on the board does not impair the right of the remaining board members to exercise any duty or authority of the board as long as a majority of the board remains.

(f) Any investigation, inquiry, or hearing that the board has authority to undertake or hold may be conducted by any board member or an examiner appointed by the board. When any of these

actions are approved and confirmed by the board and filed in its office, they are considered to be the action of the board and have the same effect as if originally made by the board.

(g) When a full-time board member is absent or in other extraordinary circumstances the chair may, as dictated by public interest and efficient administration of the board, assign a pro tempore member to act in the place of a full-time member. Pro tempore members shall receive a per diem rate of compensation as established by the Division of Finance and all actual and necessary expenses incurred in attending to official business.

(h) The chair may request staff and administrative support as necessary from the Department of Corrections.

(3) (a) Except as provided in Subsection (3)(c), the Commission on Criminal and Juvenile Justice shall:

(i) recommend five applicants to the governor for appointment to the Board of Pardons and Parole; and

(ii) consider applicants' knowledge of the criminal justice system, state and federal criminal law, judicial procedure, corrections policies and procedures, and behavioral sciences.

(b) The procedures and requirements of Subsection (3)(a) do not apply if the governor appoints a sitting board member to a new term of office.

(4) (a) The board shall appoint an individual to serve as its mental health adviser and may appoint other staff necessary to aid it in fulfilling its responsibilities under Title 77, Chapter 16a, Commitment and Treatment of Mentally Ill Persons. The adviser shall prepare reports and recommendations to the board on all persons adjudicated as guilty and mentally ill, in accordance with Title 77, Chapter 16a.

(b) The mental health adviser shall possess the qualifications necessary to carry out the duties imposed by the board and may not be employed by the Department of Corrections or the Utah State Hospital.

(i) The Board of Pardons and Parole may review outside employment by the mental health advisor.

(ii) The Board of Pardons and Parole shall develop rules governing employment with entities

other than the board by the mental health advisor for the purpose of prohibiting a conflict of interest.

(c) The mental health adviser shall:

(i) act as liaison for the board with the Department of Human Services and local mental health authorities;

(ii) educate the members of the board regarding the needs and special circumstances of mentally ill persons in the criminal justice system;

(iii) in cooperation with the Department of Corrections, monitor the status of persons in the prison who have been found guilty and mentally ill;

(iv) monitor the progress of other persons under the board's jurisdiction who are mentally ill;

(v) conduct hearings as necessary in the preparation of reports and recommendations; and

(vi) perform other duties as assigned by the board.

Section 81. Section **78-8-102** is amended to read:

**78-8-102. Judicial Conduct Commission -- Creation -- Members -- Terms -- Vacancies -- Voting -- Expenses -- Power of chair.**

(1) The membership of the Judicial Conduct Commission established by Article VIII, Section 13 of the Utah Constitution consists of:

(a) two members of the House of Representatives to be appointed by the speaker of the House of Representatives for a two-year term, not more than one of whom may be of the same political party as the speaker;

(b) two members of the Senate to be appointed by the president of the Senate for a two-year term, not more than one of whom may be of the same political party as the president;

(c) three members from the board of commissioners of the Utah State Bar, who shall be appointed by the board of commissioners of the Utah State Bar for a four-year term;

(d) two persons not members of the Utah State Bar, who shall be appointed by the governor, with the ~~[advice and]~~ consent of the Senate, for four-year terms, not more than one of whom may be of the same political party as the governor; and

(e) one judge, and one alternate judge, of a trial court of record, to be selected by the

nonjudicial members of the commission for four-year terms. The judge and the alternate judge shall coordinate attendance for meetings so that, if possible, at least one is in attendance at each meeting. If both judges are in attendance at a meeting, the alternate judge shall not be counted for quorum purposes nor vote on any issue before the commission.

(2) The terms of the members shall be staggered so that approximately half of the commission expires every two years. The judges shall be appointed so that the terms expire in staggered two year increments.

(3) If a judge serving on the commission is disqualified from participating in any proceeding, the commission shall select a substitute judge of a trial court of record.

(4) The commission shall establish guidelines and procedures for the disqualification of any member from consideration of any matter.

(5) (a) When a vacancy occurs in the membership for any reason, the replacement shall be appointed by the appointing authority for the unexpired term.

(b) If the appointing authority fails to appoint a replacement, the commissioners who have been appointed may act as a commission under all the provisions of this section.

(6) Six members of the commission shall constitute a quorum. Any action of a majority of the quorum constitutes the action of the commission.

(7) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the commission at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.



(c) Legislators on the commission shall receive compensation and expenses as provided in Section 36-2-2 and Legislative Joint Rule 15.03.

(d) (i) The chair shall be allowed the actual expenses of secretarial services, the expenses of services for either a court reporter or a transcriber of electronic tape recordings, and other necessary administrative expenses incurred in the performance of the duties of the commission.

(ii) The chair shall schedule all complaints to be heard by the commission and may not act to dismiss any complaint without the approval of the commission.

(iii) The chair shall refer all policy matters to the commission.

(8) Upon a majority vote of the quorum, the commission may:

(a) employ a director, legal counsel, investigators, and other staff to assist the commission;  
and

(b) incur other reasonable and necessary expenses within the authorized budget of the commission and consistent with the duties of the commission.