

1 **REVISIONS TO SENATE ADVISE AND**
2 **CONSENT POWERS**

3 2002 GENERAL SESSION
4 STATE OF UTAH

5 **Sponsor: Ron Allen**

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

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

11 AMENDS:

12 **4-2-3**, as last amended by Chapter 114, Laws of Utah 1991

13 **4-18-4**, as last amended by Chapter 82, Laws of Utah 1997

14 **7-1-202**, as last amended by Chapter 114, Laws of Utah 1991

15 **7-1-203**, as last amended by Chapters 79 and 243, Laws of Utah 1996

16 **9-1-204**, as renumbered and amended by Chapter 241, Laws of Utah 1992

17 **9-2-203**, as last amended by Chapter 243, Laws of Utah 1996

18 **9-3-202**, as last amended by Chapter 243, Laws of Utah 1996

19 **9-4-304**, as last amended by Chapters 242 and 243, Laws of Utah 1996

20 **9-4-503**, as last amended by Chapters 194 and 243, Laws of Utah 1996

21 **9-4-904**, as last amended by Chapter 319, Laws of Utah 2001

22 **9-4-1104**, as last amended by Chapter 276, Laws of Utah 1997

23 **9-6-204**, as last amended by Chapter 243, Laws of Utah 1996

24 **9-8-204**, as last amended by Chapter 243, Laws of Utah 1996

25 **9-14-103**, as enacted by Chapter 368, Laws of Utah 1999

26 **9-15-103**, as enacted by Chapter 368, Laws of Utah 1999

27 **11-38-201**, as enacted by Chapter 24, Laws of Utah 1999



28 **13-1-3**, as last amended by Chapter 114, Laws of Utah 1991
29 **17A-2-1409**, as last amended by Chapter 254, Laws of Utah 2000
30 **17A-2-1704**, as last amended by Chapter 1, Laws of Utah 2000
31 **19-1-104**, as enacted by Chapter 112, Laws of Utah 1991
32 **19-2-103**, as last amended by Chapter 275, Laws of Utah 2001
33 **19-3-103**, as last amended by Chapter 243, Laws of Utah 1996
34 **19-4-103**, as last amended by Chapter 275, Laws of Utah 2001
35 **19-5-103**, as last amended by Chapter 275, Laws of Utah 2001
36 **19-6-103**, as last amended by Chapter 243, Laws of Utah 1996
37 **23-14-2**, as last amended by Chapter 276, Laws of Utah 1997
38 **26-1-8**, as last amended by Chapter 114, Laws of Utah 1991
39 **26-33a-103**, as last amended by Chapter 21, Laws of Utah 1999
40 **31A-2-102**, as last amended by Chapter 305, Laws of Utah 1993
41 **31A-29-104**, as last amended by Chapter 243, Laws of Utah 1996
42 **31A-33-106**, as renumbered and amended by Chapter 240 and last amended by Chapter
43 243, Laws of Utah 1996
44 **34-20-3**, as last amended by Chapters 135 and 375, Laws of Utah 1997
45 **34A-1-201**, as enacted by Chapter 375, Laws of Utah 1997
46 **34A-1-205**, as enacted by Chapter 375, Laws of Utah 1997
47 **35A-1-201**, as last amended by Chapter 10, Laws of Utah 1997
48 **40-6-4**, as last amended by Chapter 243, Laws of Utah 1996
49 **49-1-202**, as last amended by Chapter 243, Laws of Utah 1996
50 **51-7-16**, as last amended by Chapter 276, Laws of Utah 1997
51 **53-1-107**, as renumbered and amended by Chapter 234, Laws of Utah 1993
52 **53-2-108**, as enacted by Chapter 281, Laws of Utah 1997
53 **53B-1-104**, as last amended by Chapter 5, Laws of Utah 2001, First Special Session
54 **53C-1-202**, as enacted by Chapter 294, Laws of Utah 1994
55 **54-1-1.5**, as last amended by Chapter 114, Laws of Utah 1991
56 **54-1-1.6**, as enacted by Chapter 246, Laws of Utah 1983
57 **54-10-2**, as last amended by Chapter 243, Laws of Utah 1996
58 **59-1-206**, as last amended by Chapter 114, Laws of Utah 1991

59 **61-1-18.5**, as last amended by Chapter 160, Laws of Utah 1997
60 **61-2b-7**, as last amended by Chapter 117, Laws of Utah 1999
61 **62A-1-107**, as last amended by Chapter 69, Laws of Utah 1999
62 **62A-1-108**, as last amended by Chapter 114, Laws of Utah 1991
63 **62A-4a-102**, as last amended by Chapter 208, Laws of Utah 2000
64 **62A-7-109**, as last amended by Chapter 1, Laws of Utah 2000
65 **62A-13-103**, as last amended by Chapter 157, Laws of Utah 2001
66 **63-2-501**, as last amended by Chapters 194 and 243, Laws of Utah 1996
67 **63-5-4**, as last amended by Chapter 82, Laws of Utah 1997
68 **63-11-14**, as last amended by Chapters 242 and 243, Laws of Utah 1996
69 **63-25a-103**, as last amended by Chapter 270, Laws of Utah 1999
70 **63-25a-404**, as last amended by Chapter 235, Laws of Utah 2000
71 **63-34-4**, as last amended by Chapter 243, Laws of Utah 1996
72 **63-34-5**, as last amended by Chapter 66, Laws of Utah 1993
73 **63-88-103**, as last amended by Chapter 243, Laws of Utah 1996
74 **63-88-107**, as last amended by Chapter 281, Laws of Utah 2000
75 **63A-1-105**, as enacted by Chapter 212, Laws of Utah 1993
76 **63A-7-104**, as last amended by Chapter 109, Laws of Utah 2001
77 **63A-10-103**, as last amended by Chapter 109, Laws of Utah 2001
78 **63C-9-201**, as last amended by Chapter 46, Laws of Utah 1999
79 **63D-1-301**, as last amended by Chapter 364, Laws of Utah 1998
80 **64-13-3**, as last amended by Chapter 114, Laws of Utah 1991
81 **64-13-4.1**, as last amended by Chapter 243, Laws of Utah 1996
82 **67-1-1.5**, as last amended by Chapter 243, Laws of Utah 1996
83 **67-1-2.5**, as last amended by Chapter 242, Laws of Utah 1996
84 **67-1-3**, Utah Code Annotated 1953
85 **67-1a-2**, as enacted by Chapter 68, Laws of Utah 1984
86 **67-19-5**, as last amended by Chapter 128, Laws of Utah 1994
87 **68-4-6**, as last amended by Chapter 125, Laws of Utah 1993
88 **72-1-202**, as renumbered and amended by Chapter 270, Laws of Utah 1998
89 **72-1-301**, as renumbered and amended by Chapter 270, Laws of Utah 1998

90 **72-7-109**, as enacted by Chapter 347, Laws of Utah 2000

91 **73-10-2**, as last amended by Chapter 243, Laws of Utah 1996

92 **77-27-2**, as last amended by Chapters 13 and 22, Laws of Utah 1998

93 **78-8-102**, as renumbered and amended by Chapter 148, Laws of Utah 2000

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

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

96 **4-2-3. Administration by commissioner.**

97 Administration of the department is under the direction, control, and management of a
98 commissioner appointed by the governor with the [~~advice and~~] consent of the Senate. The
99 commissioner shall serve at the pleasure of the governor. The governor shall establish the
100 commissioner's compensation within the salary range fixed by the Legislature in Title 67, Chapter
101 22, State Officer Compensation.

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

103 **4-18-4. Soil Conservation Commission created -- Composition -- Appointment --**
104 **Terms -- Compensation -- Attorney general to provide legal assistance.**

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

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

109 (a) the director of the Extension Service at Utah State University, or his designee;

110 (b) the president of the Association of Soil Conservation Districts, or his designee;

111 (c) the commissioner, or his designee;

112 (d) the executive director of the Department of Natural Resources, or his designee;

113 (e) the executive director of the Department of Environmental Quality, or his designee;

114 and

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

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

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

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

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

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

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

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

128 (7) The commissioner is chair of the commission.

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

131 (9) (a) (i) Members who are not government employees shall receive no compensation or
132 benefits for their services, but may receive per diem and expenses incurred in the performance of
133 the member's official duties at the rates established by the Division of Finance under Sections
134 63A-3-106 and 63A-3-107.

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

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

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

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

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

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

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

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

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

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

157 **7-1-202. Commissioner of financial institutions as executive officer -- Appointment**
158 **-- Term -- Salary -- Qualifications.**

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

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

170 **7-1-203. Board of Financial Institutions.**

171 (1) There is created a Board of Financial Institutions consisting of the commissioner and
172 the following five members, who shall be qualified by training and experience in their respective
173 fields and shall be appointed by the governor with the [advice and] consent of the Senate:

174 (a) one representative from the commercial banking business;

175 (b) one representative from the savings and loan, consumer lending, mortgage brokerage,
176 or escrow agency business;

177 (c) one representative from the industrial loan corporation business;

178 (d) one representative from the credit union business; and

179 (e) one representative of the general public who, as a result of education, training,
180 experience, or interest, is well qualified to consider economic and financial issues and data as they
181 may affect the public interest in the soundness of the financial systems of this state.

182 (2) The commissioner shall act as chair.

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

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

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

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

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

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

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

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

197 (5) The board shall meet at least quarterly on a date it sets. The commissioner or any two
198 members of the board may call additional meetings. Four members constitute a quorum for the
199 transaction of business. Actions of the board require a vote of a majority of those present.
200 Meetings of the board and records of its proceedings are subject to Title 52, Chapter 4, Open and
201 Public Meetings, except for discussion of confidential information pertaining to a particular
202 financial institution.

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

208 (7) (a) (i) Members who are not government employees shall receive no compensation or
209 benefits for their services, but may receive per diem and expenses incurred in the performance of
210 the member's official duties at the rates established by the Division of Finance under Sections
211 63A-3-106 and 63A-3-107.

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

213 (b) (i) State government officer and employee members who do not receive salary, per

214 diem, or expenses from their agency for their service may receive per diem and expenses incurred
215 in the performance of their official duties from the board at the rates established by the Division
216 of Finance under Sections 63A-3-106 and 63A-3-107.

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

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

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

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

226 **9-1-204. Executive director of department -- Appointment -- Removal --**
227 **Compensation.**

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

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

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

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

235 **9-2-203. Members -- Meetings -- Expenses.**

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

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

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

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

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

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

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

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

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

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

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

255 **9-3-202. Members -- Meetings -- Expenses.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

275 (c) The travel and tourism industry representatives shall be appointed from among active

276 participants in the ownership or management of travel and tourism related businesses.

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

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

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

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

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

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

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

291 **9-4-304. Permanent Community Impact Fund Board created -- Members -- Terms**
292 **-- Chair -- Expenses.**

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

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

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

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

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

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

300 (f) the state treasurer;

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

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

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

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

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

307 County.

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

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

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

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

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

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

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

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

325 (5) (a) (i) Members who are not government employees shall receive no compensation or
326 benefits for their services, but may receive per diem and expenses incurred in the performance of
327 the member's official duties at the rates established by the Division of Finance under Sections
328 63A-3-106 and 63A-3-107.

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

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

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

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

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

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

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

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

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

349 **9-4-503. Private Activity Bond Review Board.**

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

352 (a) four ex officio members who shall be:

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

354 (ii) the state treasurer or his designee;

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

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

357 (b) six local government members who shall be:

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

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

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

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

367 (c) Members may be reappointed only once.

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

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

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

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

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

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

378 (7) (a) (i) Members who are not government employees shall receive no compensation or
379 benefits for their services, but may receive per diem and expenses incurred in the performance of
380 the member's official duties at the rates established by the Division of Finance under Sections
381 63A-3-106 and 63A-3-107.

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

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

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

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

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

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

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

400 service.

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

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

405 **9-4-904. Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers -- Quorum --**
406 **Per diem and expenses.**

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

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

410 (i) Utah Housing Finance Association; and

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

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

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

417 (a) three ex officio trustees who shall be:

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

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

420 (iii) the state treasurer or his designee; and

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

422 (i) two people representing the mortgage lending industry;

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

424 (iii) two people representing the public at large.

425 (3) The governor shall:

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

428 (b) ensure that:

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

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

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

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

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

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

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

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

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

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

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

451 (8) (a) (i) Trustees who are not government employees may not receive compensation or
452 benefits for their services, but may receive a reasonable per diem and reimbursement expenses
453 incurred in the performance of the trustee's official duties at the rates established by the board of
454 trustees.

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

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

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

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

463 **9-4-1104. Board of Directors -- Membership -- Term -- Quorum -- Vacancies.**

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

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

467 (3) The governor shall ensure that:

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

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

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

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

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

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

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

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

480 (b) Except as provided in Subsection (4)(c), board members shall serve until their
481 successors are appointed and qualified.

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

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

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

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

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

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

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

493 **9-6-204. Utah Arts Council Board of Directors.**

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

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

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

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

501 (i) visual arts;

502 (ii) architecture or design;

503 (iii) literature;

504 (iv) music;

505 (v) sculpture;

506 (vi) folklore or folk arts;

507 (vii) theatre;

508 (viii) dance; and

509 (ix) media arts.

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

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

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

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

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

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

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

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

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

524 **9-8-204. Board of State History.**

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

526 (2) The board shall consist of 11 members appointed by the governor with the [~~advice and~~]
527 consent of the Senate as follows:528 (a) sufficient representatives to satisfy the federal requirements for an adequately qualified
529 State Historic Preservation Review Board; and

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

531 (3) (a) Except as required by Subsection (3)(b), the members shall be appointed for terms
532 of four years and shall serve until their successors are appointed and qualified.533 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time
534 of appointment or reappointment, adjust the length of terms to ensure that the terms of board
535 members are staggered so that approximately half of the board is appointed every two years.536 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
537 appointed for the unexpired term with the [~~advice and~~] consent of the Senate.

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

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

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

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

544 Section 14. Section **9-14-103** is amended to read:545 **9-14-103. Rural Development Fund Board -- Members -- Terms -- Chair -- Quorum**
546 **-- Expenses.**547 (1) There is created within the division the Rural Development Fund Board comprised of
548 five members as follows:

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

550 (b) two mayors from eligible entities; and

551 (c) two county commissioners from eligible entities.

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

554 (3) The terms of members shall run concurrently with the terms of office for the governor,

555 the mayors, and the commissioners.

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

557 (5) Three board members constitute a quorum.

558 (6) (a) Members who do not receive salary, per diem, or expenses from the entity that they
559 represent for their service may receive per diem and expenses incurred in the performance of their
560 official duties at the rates established by the Division of Finance under Sections 63A-3-106 and
561 63A-3-107.

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

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

564 **9-15-103. Rural Electronic Commerce Communications System Fund Board --**
565 **Members -- Terms -- Chair -- Quorum -- Expenses.**

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

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

569 (b) four mayors from towns scattered throughout rural Utah; and

570 (c) four county commissioners from four different rural counties in the state.

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

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

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

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

577 (6) Five members constitute a quorum.

578 (7) (a) Members who do not receive salary, per diem, or expenses from the entity that they
579 represent for their service may receive per diem and expenses incurred in the performance of their
580 official duties at rates established by the Division of Finance under Sections 63A-3-106 and
581 63A-3-107.

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

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

584 **11-38-201. Quality Growth Commission -- Term of office -- Vacancy -- Organization**
585 **-- Expenses -- Staff.**

- 586 (1) There is created a Quality Growth Commission consisting of:
- 587 (a) two persons at the state government level, one of whom shall be from the Department
- 588 of Natural Resources;
- 589 (b) six elected officials at the local government level; and
- 590 (c) five persons from the profit and nonprofit private sector, no more than three of whom
- 591 may be from the same political party and one of whom shall be from the residential construction
- 592 industry, nominated by the Utah Home Builders Association, and one of whom shall be from the
- 593 real estate industry, nominated by the Utah Association of Realtors.
- 594 (2) (a) Each commission member shall be appointed by the governor with the ~~[advice and]~~
- 595 consent of the Senate.
- 596 (b) The governor shall select three of the six members under Subsection (1)(b) from a list
- 597 of names provided by the Utah League of Cities and Towns, and shall select the remaining three
- 598 from a list of names provided by the Utah Association of Counties.
- 599 (c) Two of the persons appointed under Subsection (1) shall be from the agricultural
- 600 community from a list of names provided by Utah farm organizations.
- 601 (3) (a) The term of office of each member is four years, except that the governor shall
- 602 appoint one of the persons at the state government level, three of the persons at the local
- 603 government level, and two of the persons under Subsection (1)(c) to an initial two-year term.
- 604 (b) No member of the commission may serve more than two consecutive four-year terms.
- 605 (4) Each mid-term vacancy shall be filled for the unexpired term in the same manner as
- 606 an appointment under Subsection (2).
- 607 (5) Commission members shall elect a chair from their number and establish rules for the
- 608 organization and operation of the commission.
- 609 (6) (a) No member may receive compensation or benefits for the member's service on the
- 610 commission.
- 611 (b) (i) A member who is not a government officer or employee may be reimbursed for
- 612 reasonable expenses incurred in the performance of the member's official duties at the rates
- 613 established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 614 (ii) A member who is a government officer or employee and who does not receive
- 615 expenses from the member's agency may be reimbursed for reasonable expenses incurred in the
- 616 performance of the member's official duties at the rates established by the Division of Finance

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

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

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

621 (7) Staff services to the commission:

622 (a) shall be provided by OPB; and

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

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

627 **13-1-3. Executive director.**

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

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

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

636 **17A-2-1409. Board of trustees -- Selection of members -- Number -- Qualifications**
637 **-- Terms -- Vacancies -- Surety bonds -- Meetings -- Reports.**

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

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

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

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

648 (B) Notwithstanding Subsection (1)(c)(ii)(A), the legislative body of a city may submit
649 fewer than two nominees per trustee if the legislative body certifies in writing to the governor that
650 the legislative body is unable, after reasonably diligent effort, to identify two nominees who are
651 willing and qualified to serve as trustee.

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

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

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

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

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

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

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

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

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

677 (ii) If the entity charged with nominating candidates for appointment by the governor has
678 not submitted the list of nominees within 90 days after service of the notice, the governor shall

679 make the appointment from qualified candidates without consultation with the legislative body of
680 the city or the county legislative body.

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

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

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

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

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

692 (i) the clerk of the district court;

693 (ii) the governing bodies of counties with lands within the district; and

694 (iii) cities charged with nominating trustees.

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

698 (i) a notice of the annual meeting; and

699 (ii) the names of the trustees.

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

705 (d) Subsections (4)(b) and (c) do not apply to districts with annual revenues of less than
706 \$1,000,000.

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

708 **17A-2-1704. Creation of authority -- Members.**

709 (1) (a) The authority comprises ten members. If the requirements of Section 17A-2-1703

710 are met, the governor shall, with the [~~advice and~~] consent of the Senate, appoint six members of
711 the authority from the public-at-large.

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

713 (i) the executive director of the Department of Environmental Quality;

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

715 (iii) the executive director of the Department of Natural Resources; and

716 (iv) the executive director of the Department of Transportation.

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

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

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

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

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

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

729 **19-1-104. Creation of department -- Appointment of executive director.**

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

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

734 (3) The executive director shall have demonstrated the necessary administrative and
735 professional ability through education and experience to efficiently and effectively manage the
736 department's affairs.

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

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

740 **19-2-103. Members of board -- Appointment -- Terms -- Organization -- Per diem**

741 **and expenses.**

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

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

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

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

747 (c) a representative from municipal government;

748 (d) a representative from county government;

749 (e) a representative from agriculture;

750 (f) a representative from the mining industry;

751 (g) a representative from manufacturing;

752 (h) a representative from the fuel industry; and

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

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

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

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

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

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

768 (7) Members may serve more than one term.

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

771 (9) When a vacancy occurs in the membership for any reason, the replacement shall be

772 appointed for the unexpired term.

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

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

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

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

780 (13) (a) (i) Members who are not government employees shall receive no compensation
781 or benefits for their services, but may receive per diem and expenses incurred in the performance
782 of the member's official duties at the rates established by the Division of Finance under Sections
783 63A-3-106 and 63A-3-107.

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

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

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

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

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

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

798 **19-3-103. Radiation Control Board -- Members -- Organization -- Meetings -- Per**
799 **diem and expenses.**

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

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

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

806 (a) one physician;

807 (b) one dentist;

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

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

811 (e) one registrant or licensee representative from academia;

812 (f) one representative of a local health department;

813 (g) one elected county official; and

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

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

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

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

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

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

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

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

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

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

833 (12) (a) (i) Members who are not government employees shall receive no compensation

834 or benefits for their services, but may receive per diem and expenses incurred in the performance
835 of the member's official duties at the rates established by the Division of Finance under Sections
836 63A-3-106 and 63A-3-107.

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

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

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

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

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

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

851 **19-4-103. Drinking Water Board -- Members -- Organization -- Meetings -- Per diem**
852 **and expenses.**

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

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

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

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

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

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

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

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

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

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

871 (g) one representative from a local health department.

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

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

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

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

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

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

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

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

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

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

891 (11) (a) (i) Members who are not government employees shall receive no compensation
892 or benefits for their services, but may receive per diem and expenses incurred in the performance
893 of the member's official duties at the rates established by the Division of Finance under Sections
894 63A-3-106 and 63A-3-107.

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

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

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

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

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

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

909 **19-5-103. Water Quality Board -- Members of board -- Appointment -- Terms --**
910 **Organization -- Meetings -- Per diem and expenses.**

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

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

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

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

918 (a) one member representing the mineral industries;

919 (b) one member representing the food processing industries;

920 (c) one member representing other manufacturing industries;

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

923 (e) one member representing agricultural and livestock interests;

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

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

926 (h) two members at large, one of whom represents organized environmental interests,

927 selected with due consideration of the areas of the state affected by water pollution and not
928 representing other interests named in this Subsection (4).

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

931 (6) (a) Except as required by Subsection (6)(b), members shall be appointed for terms of
932 four years and are eligible for reappointment.

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

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

938 (8) The board shall:

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

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

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

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

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

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

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

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

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

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

958 service.

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

960 **19-6-103. Solid and Hazardous Waste Control Board -- Members -- Terms --**
961 **Organization -- Meetings -- Per diem and expenses.**

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

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

967 (a) one representative of municipal government;

968 (b) one representative of county government;

969 (c) one representative of the manufacturing or fuel industry;

970 (d) one representative of the mining industry;

971 (e) one representative of the private solid waste disposal or solid waste recovery industry;

972 (f) one registered professional engineer;

973 (g) one representative of a local health department;

974 (h) one representative of the hazardous waste disposal industry; and

975 (i) four representatives of the public, at least one of whom is a representative of organized
976 environmental interests.

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

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

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

983 (5) Each member is eligible for reappointment.

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

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

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

991 (9) (a) (i) Members who are not government employees shall receive no compensation or
992 benefits for their services, but may receive per diem and expenses incurred in the performance of
993 the member's official duties at the rates established by the Division of Finance under Sections
994 63A-3-106 and 63A-3-107.

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

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

1000 (ii) State government officer and employee members may decline to receive per diem and
1001 expenses for their service.

1002 (c) Legislators on the committee shall receive compensation and expenses as provided by
1003 law and legislative rule.

1004 (10) (a) The board shall hold a meeting at least once every three months including one
1005 meeting during each annual general session of the Legislature.

1006 (b) Meetings shall be held on the call of the chair, the executive secretary, or any three of
1007 the members.

1008 (11) Seven members constitute a quorum at any meeting, and the action of the majority
1009 of members present is the action of the board.

1010 Section 26. Section **23-14-2** is amended to read:

1011 **23-14-2. Wildlife Board -- Creation -- Membership -- Terms -- Quorum -- Meetings**
1012 **-- Per diem and expenses.**

1013 (1) There is created a Wildlife Board which shall consist of seven members appointed by
1014 the governor with the consent of the Senate.

1015 (2) (a) The members of the board shall have expertise or experience in at least one of the
1016 following areas:

1017 (i) wildlife management or biology;

1018 (ii) habitat management, including range or aquatic;

1019 (iii) business, including knowledge of private land issues; and

1020 (iv) economics, including knowledge of recreational wildlife uses.

1021 (b) Each of the areas of expertise under Subsection (2)(a) shall be represented by at least
1022 one member of the Wildlife Board.

1023 (3) (a) The governor shall select each board member from a list of nominees submitted by
1024 the nominating committee pursuant to Section 23-14-2.5.

1025 (b) No more than two members shall be from a single wildlife region described in
1026 Subsection 23-14-2.6(1).

1027 (c) The governor may request an additional list of at least two nominees from the
1028 nominating committee if the initial list of nominees for a given position is unacceptable.

1029 (d) (i) If the governor fails to appoint a board member within 60 days after receipt of the
1030 initial or additional list, the nominating committee shall make an interim appointment by majority
1031 vote.

1032 (ii) The interim board member shall serve until the matter is resolved by the committee
1033 and the governor or until the board member is replaced pursuant to this chapter.

1034 [~~(e) Each appointment shall be confirmed by the Senate.~~]

1035 (4) (a) Except as required by Subsection (4)(b), as terms of current board members expire,
1036 the governor shall appoint each new member or reappointed member to a six-year term.

1037 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time
1038 of appointment or reappointment, adjust the length of terms to ensure that:

1039 (i) the terms of board members are staggered so that approximately 1/3 of the board is
1040 appointed every two years; and

1041 (ii) members serving from the same region have staggered terms.

1042 (c) If a vacancy occurs, the nominating committee shall submit two names, as provided
1043 in Subsection 23-14-2.5(4), to the governor and the governor shall appoint a replacement for the
1044 unexpired term.

1045 (d) Board members may serve only one term unless:

1046 (i) the member is among the first board members appointed to serve four years or less; or

1047 (ii) the member filled a vacancy under Subsection (4)(c) for four years or less.

1048 (5) (a) The board shall elect a chair and a vice chair from its membership.

1049 (b) Four members of the board shall constitute a quorum.

1050 (c) The director of the Division of Wildlife Resources shall act as secretary to the board

1051 but shall not be a voting member of the board.

1052 (6) (a) The Wildlife Board shall hold a sufficient number of public meetings each year to
1053 expeditiously conduct its business.

1054 (b) Meetings may be called by the chair upon five days notice or upon shorter notice in
1055 emergency situations.

1056 (c) Meetings may be held at the Salt Lake City office of the Division of Wildlife Resources
1057 or elsewhere as determined by the Wildlife Board.

1058 (7) (a) (i) Members who are not government employees shall receive no compensation or
1059 benefits for their services, but may receive per diem and expenses incurred in the performance of
1060 the member's official duties at the rates established by the Division of Finance under Sections
1061 63A-3-106 and 63A-3-107.

1062 (ii) Members may decline to receive per diem and expenses for their service.

1063 (b) (i) State government officer and employee members who do not receive salary, per
1064 diem, or expenses from their agency for their service may receive per diem and expenses incurred
1065 in the performance of their official duties from the board at the rates established by the Division
1066 of Finance under Sections 63A-3-106 and 63A-3-107.

1067 (ii) State government officer and employee members may decline to receive per diem and
1068 expenses for their service.

1069 (8) (a) The members of the Wildlife Board shall complete an orientation course to assist
1070 them in the performance of the duties of their office.

1071 (b) The Department of Natural Resources shall provide the course required under
1072 Subsection (8)(a).

1073 Section 27. Section **26-1-8** is amended to read:

1074 **26-1-8. Executive director -- Appointment -- Compensation.**

1075 The chief administrative officer of the department is the executive director who shall be
1076 appointed by the governor with the [~~advice and~~] consent of the Senate. The executive director
1077 shall serve at the pleasure of the governor. The governor shall establish the executive director's
1078 salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer
1079 Compensation.

1080 Section 28. Section **26-33a-103** is amended to read:

1081 **26-33a-103. Committee membership -- Terms -- Chair -- Compensation.**

1082 (1) The Health Data Committee created by Section 26-1-7 shall be composed of 13
1083 members appointed by the governor [~~and confirmed by~~] with the consent of the Senate.

1084 (2) No more than seven members of the committee may be members of the same political
1085 party.

1086 (3) The appointed members of the committee shall be knowledgeable regarding the health
1087 care system and the characteristics and use of health data and shall be selected so that the
1088 committee at all times includes individuals who provide care.

1089 (4) The membership of the committee shall be:

1090 (a) one person employed by or otherwise associated with a hospital as defined by Section
1091 26-21-2;

1092 (b) one physician, as defined in Section 58-67-102, licensed to practice in this state, who
1093 spends the majority of his time in the practice of medicine in this state;

1094 (c) one registered nurse licensed to practice in this state under Title 58, Chapter 31b, Nurse
1095 Practice Act;

1096 (d) three persons employed by or otherwise associated with a business that supplies health
1097 care insurance to its employees, at least one of whom represents an employer employing 50 or
1098 fewer employees;

1099 (e) one person employed by or associated with a third-party payor that is not licensed under
1100 Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans;

1101 (f) two consumer representatives from organized consumer or employee associations;

1102 (g) one person broadly representative of the public interest;

1103 (h) one person employed by or associated with an organization that is licensed under Title
1104 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans; and

1105 (i) two people representing public health.

1106 (5) (a) Except as required by Subsection (5)(b), as terms of current committee members
1107 expire, the governor shall appoint each new member or reappointed member to a four-year term.

1108 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time
1109 of appointment or reappointment, adjust the length of terms to ensure that the terms of committee
1110 members are staggered so that approximately half of the committee is appointed every two years.

1111 (c) Members may serve after their terms expire until replaced.

1112 (6) When a vacancy occurs in the membership for any reason, the replacement shall be

1113 appointed for the unexpired term.

1114 (7) Committee members shall annually elect a chair of the committee from among their
1115 membership.

1116 (8) The committee shall meet at least once during each calendar quarter. Meeting dates
1117 shall be set by the chair upon ten working days notice to the other members, or upon written
1118 request by at least four committee members with at least ten working days notice to other
1119 committee members.

1120 (9) Seven committee members constitute a quorum for the transaction of business. Action
1121 may not be taken except upon the affirmative vote of a majority of a quorum of the committee.

1122 (10) (a) (i) Members who are not government employees shall receive no compensation
1123 or benefits for their services, but may receive per diem and expenses incurred in the performance
1124 of the member's official duties at the rates established by the Division of Finance under Sections
1125 63A-3-106 and 63A-3-107.

1126 (ii) Members may decline to receive per diem and expenses for their service.

1127 (b) (i) State government officer and employee members who do not receive salary, per
1128 diem, or expenses from their agency for their service may receive per diem and expenses incurred
1129 in the performance of their official duties from the committee at the rates established by the
1130 Division of Finance under Sections 63A-3-106 and 63A-3-107.

1131 (ii) State government officer and employee members may decline to receive per diem and
1132 expenses for their service.

1133 (11) All meetings of the committee shall be open to the public, except that the committee
1134 may hold a closed meeting if the requirements of Sections 52-4-4 and 52-4-5 are met.

1135 Section 29. Section **31A-2-102** is amended to read:

1136 **31A-2-102. Appointment, general powers, and duties of commissioner -- Temporary**
1137 **acting commissioner -- Compensation of commissioner.**

1138 (1) The chief officer of the department is the insurance commissioner, who may exercise
1139 all powers given to, and shall perform all duties imposed on, the Insurance Department. He shall
1140 be appointed by the governor[;] with the [~~advice and~~] consent of the Senate. If the commissioner
1141 dies, resigns, or is removed, a successor may be appointed as specified in this subsection. If the
1142 Legislature is not then in session, the successor may serve as acting commissioner without
1143 [~~confirmation~~] consent until the Senate has an opportunity to [~~confirm or reject~~] consent to the

1144 successor. The commissioner is subject to removal at the pleasure of the governor.

1145 (2) When the office of the commissioner is vacant, or when the commissioner is unable
1146 to perform the duties of the office, the governor [~~may name a temporary acting commissioner who~~
1147 ~~is then subject to all the laws applicable to the commissioner]~~ shall fill the position as provided
1148 in Section 67-1-1.5.

1149 (3) The governor shall establish the commissioner's salary within the salary range
1150 approved by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1151 Section 30. Section **31A-29-104** is amended to read:

1152 **31A-29-104. Creation of pool -- Board of directors -- Appointment -- Terms --**
1153 **Quorum -- Plan preparation.**

1154 (1) There is created the "Utah Comprehensive Health Insurance Pool," a nonprofit entity
1155 within the Insurance Department.

1156 (2) The pool shall be under the direction of a board of directors composed of 11 members.

1157 (a) The governor shall appoint the directors with the [~~advice and~~] consent of the Senate
1158 as follows:

1159 (i) two representatives of health insurance companies or health service organizations;

1160 (ii) one representative of a health maintenance organization;

1161 (iii) one physician;

1162 (iv) one representative of hospitals;

1163 (v) one representative of the general public who is reasonably expected to qualify for
1164 coverage under the pool;

1165 (vi) one parent or spouse of such an individual;

1166 (vii) one representative of the general public; and

1167 (viii) one representative of employers.

1168 (b) The board shall also include:

1169 (i) the commissioner or his designee; and

1170 (ii) the executive director of the Department of Health or his designee.

1171 (3) (a) Except as required by Subsection (3)(b), as terms of current board members expire,
1172 the governor shall appoint each new member or reappointed member to a four-year term.

1173 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time
1174 of appointment or reappointment, adjust the length of terms to ensure that the terms of board

1175 members are staggered so that approximately half of the board is appointed every two years.

1176 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
1177 appointed for the unexpired term in the same manner as the original appointment was made.

1178 (5) (a) (i) Members who are not government employees shall receive no compensation or
1179 benefits for their services, but may receive per diem and expenses incurred in the performance of
1180 the member's official duties at the rates established by the Division of Finance under Sections
1181 63A-3-106 and 63A-3-107 from the Pool Fund.

1182 (ii) Members may decline to receive per diem and expenses for their service.

1183 (b) (i) State government officer and employee members who do not receive salary, per
1184 diem, or expenses from their agency for their service may receive per diem and expenses incurred
1185 in the performance of their official duties from the pool at the rates established by the Division of
1186 Finance under Sections 63A-3-106 and 63A-3-107.

1187 (ii) A state government member who is a member because of their state government
1188 position may not receive per diem or expenses for their service.

1189 (iii) State government officer and employee members may decline to receive per diem and
1190 expenses for their service.

1191 (6) The board shall elect annually a chair and vice chair from its membership.

1192 (7) Seven board members are a quorum for the transaction of business.

1193 (8) The action of a majority of the members of the quorum is the action of the board.

1194 (9) The board shall submit a plan of operation to the commissioner no later than January
1195 1, 1991.

1196 (10) The sale of policies under this chapter shall commence on July 1, 1991, or as soon
1197 thereafter as adequate funding for the coverage is available as determined by the commissioner.

1198 Section 31. Section **31A-33-106** is amended to read:

1199 **31A-33-106. Board of directors.**

1200 (1) There is created a board of directors of the Workers' Compensation Fund.

1201 (2) The board shall consist of seven directors.

1202 (3) One of the directors shall be the executive director of the Department of Administrative
1203 Services or his designee.

1204 (4) One of the directors shall be the chief executive officer of the fund.

1205 (5) The governor, with the [~~advice and~~] consent of the Senate, shall appoint:

1206 (a) three directors who are owners, officers, or employees of policyholders other than the
1207 state that have been insured by the Workers' Compensation Fund for at least one year before their
1208 appointment; and

1209 (b) two directors from the public in general.

1210 (6) No two directors may represent the same policyholder.

1211 (7) At least four directors appointed by the governor shall have had previous experience
1212 in investments, risk management, occupational safety, casualty insurance, or law.

1213 (8) Any director who represents a policyholder that fails to maintain workers'
1214 compensation insurance through the Workers' Compensation Fund shall immediately resign from
1215 the board.

1216 (9) A person may not be a director if he:

1217 (a) has any interest as a stockholder, employee, attorney, or contractor of a competing
1218 insurance carrier providing workers' compensation insurance in Utah;

1219 (b) fails to meet or comply with the conflict of interest policies established by the board;

1220 or

1221 (c) is not bondable.

1222 (10) After notice and a hearing, the governor may remove any director for neglect of duty,
1223 inefficiency, or malfeasance.

1224 (11) (a) Except as required by Subsection (11)(b), the term of office of the directors
1225 appointed by the governor shall be four years, beginning July 1 of the year of appointment.

1226 (b) Notwithstanding the requirements of Subsection (11)(a), the governor shall, at the time
1227 of appointment or reappointment, adjust the length of terms to ensure that the terms of board
1228 members are staggered so that approximately half of the board is appointed every two years.

1229 (12) Each director shall hold office until his successor is appointed and qualified.

1230 (13) When a vacancy occurs in the membership for any reason, the replacement shall be
1231 appointed for the unexpired term.

1232 (14) The board shall annually elect a chair and other officers as needed from its
1233 membership.

1234 (15) The board shall meet at least quarterly at a time and place designated by the chair.

1235 (16) The chair may call board meetings more frequently than quarterly and shall call
1236 additional board meetings if requested to do so by a majority of the board.

1237 (17) Four directors are a quorum for the purpose of transacting all business of the board.

1238 (18) Each decision of the board requires the affirmative vote of at least four directors for
1239 approval.

1240 (19) (a) Members shall receive no compensation or benefits for their services, but may
1241 receive per diem and expenses incurred in the performance of the member's official duties at the
1242 rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

1243 (b) Members may decline to receive per diem and expenses for their service.

1244 (20) The fund shall pay the per diem allowance and expenses from the Injury Fund upon
1245 vouchers drawn in the same manner as the Workers' Compensation Fund pays its normal operating
1246 expenses.

1247 (21) The executive director of the Department of Administrative Services, or his designee,
1248 and the chief executive officer of the Workers' Compensation Fund shall serve on the board
1249 without a per diem allowance.

1250 Section 32. Section **34-20-3** is amended to read:

1251 **34-20-3. Labor relations board.**

1252 (1) (a) There is created the Labor Relations Board consisting of the following:

1253 (i) the commissioner of the Labor Commission;

1254 (ii) two members appointed by the governor with the [~~advice and~~] consent of the Senate
1255 consisting of:

1256 (A) a representative of employers, in making this appointment the governor shall consider
1257 nominations from employer organizations; and

1258 (B) a representative of employees, in making this appointment the governor shall consider
1259 nominations from employee organizations.

1260 (b) (i) Except as provided in Subsection (1)(b)(ii), as terms of members appointed under
1261 Subsection (1)(a)(ii) expire, the governor shall appoint each new member or reappointed member
1262 to a four-year term.

1263 (ii) Notwithstanding the requirements of Subsection (1)(b)(i), the governor shall, at the
1264 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1265 members appointed under Subsection (1)(a)(ii) are staggered so one member is appointed every
1266 two years.

1267 (c) The commissioner shall serve as chair of the board.

1268 (d) A vacancy occurring on the board for any cause of the members appointed under
1269 Subsection (1)(a)(ii) shall be filled by the governor with the [~~advice and~~] consent of the Senate
1270 pursuant to this section for the unexpired term of the vacating member.

1271 (e) The governor may at any time remove a member appointed under Subsection (1)(a)(ii)
1272 but only for inefficiency, neglect of duty, malfeasance or malfeasance in office, or for cause upon
1273 a hearing.

1274 (f) A member of the board appointed under Subsection (1)(a)(ii) may not hold any other
1275 office in the government of the United States, this state or any other state, or of any county
1276 government or municipal corporation within a state.

1277 (g) (i) (A) A member appointed under Subsection (1)(a)(ii) may not receive compensation
1278 for the member's services, but may receive per diem and expenses incurred in the performance of
1279 the member's official duties at the rates established by the Division of Finance under Sections
1280 63A-3-106 and 63A-3-107.

1281 (B) A member appointed under Subsection (1)(a)(ii) may decline to receive per diem and
1282 expenses for the member's service.

1283 (ii) The commissioner may not receive additional compensation, per diem, or expenses
1284 from the commissioner's service on the board that is in addition to the monies received as
1285 commissioner.

1286 (2) A meeting of the board may be called:

1287 (a) by the chair; or

1288 (b) jointly by the members appointed under Subsection (1)(a)(ii).

1289 (3) The chair may provide staff and administrative support as necessary from the Labor
1290 Commission.

1291 (4) A vacancy in the board shall not impair the right of the remaining members to exercise
1292 all the powers of the board, and two members of the board shall at all times constitute a quorum.

1293 (5) The board shall have an official seal which shall be judicially noticed.

1294 Section 33. Section **34A-1-201** is amended to read:

1295 **34A-1-201. Commissioner -- Appointment -- Removal -- Compensation --**

1296 **Qualifications -- Responsibilities -- Reports.**

1297 (1) (a) The chief administrative officer of the commission is the commissioner, who shall
1298 be appointed by the governor with the [~~advice and~~] consent of the Senate.

- 1299 (b) The commissioner shall serve at the pleasure of the governor.
- 1300 (c) The commissioner shall receive a salary established by the governor within the salary
1301 range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
- 1302 (d) The commissioner shall be experienced in administration, management, and
1303 coordination of complex organizations.
- 1304 (2) (a) The commissioner shall serve full-time.
- 1305 (b) (i) Except as provided in Subsection (2)(b)(ii), the commissioner may not:
- 1306 (A) hold any other office of this state, another state, or the federal government except in
1307 an ex officio capacity; or
- 1308 (B) serve on any committee of any political party.
- 1309 (ii) Notwithstanding Subsection (2)(b)(i), the commissioner may:
- 1310 (A) hold a nominal position or title if it is required by law as a condition for the state
1311 participating in an appropriation or allotment of any money, property, or service that may be made
1312 or allotted for the commission; or
- 1313 (B) serve as the chief administrative officer of any division, office, or bureau that is
1314 established within the commission.
- 1315 (iii) If the commissioner holds a position as permitted under Subsection (2)(b)(ii), the
1316 commissioner may not be paid any additional compensation for holding the position.
- 1317 (3) (a) Before beginning the duties as a commissioner, an appointed commissioner shall:
- 1318 (i) take and subscribe the constitutional oath of office, and file the oath with the Division
1319 of Archives; and
- 1320 (ii) give a corporate surety bond in the amount in form determined by the Division of
1321 Finance.
- 1322 (b) An employee of the commission receiving or disbursing funds of the state shall give
1323 corporate surety determined by the Division of Finance.
- 1324 (c) The bond premiums for bonds required under this Subsection (3) shall be paid by the
1325 state.
- 1326 (4) The commissioner shall:
- 1327 (a) administer and supervise the commission in compliance with Title 67, Chapter 19,
1328 Utah State Personnel Management Act;
- 1329 (b) approve the proposed budget of each division and the Appeals Board;

1330 (c) approve all applications for federal grants or assistance in support of any commission
1331 program; and

1332 (d) fulfill such other duties as assigned by the Legislature or as assigned by the governor
1333 that are not inconsistent with this title or Title 34, Labor in General.

1334 (5) (a) The commissioner shall report annually to the Legislature and the governor
1335 concerning the operations of the commission and the programs that the commission administers.

1336 (b) If federal law requires that a report to the governor or Legislature be given concerning
1337 the commission or a program administered by the commission, the commissioner or the
1338 commissioner's designee shall make that report.

1339 Section 34. Section **34A-1-205** is amended to read:

1340 **34A-1-205. Appeals Board -- Chair -- Appointment -- Compensation --**
1341 **Qualifications.**

1342 (1) There is created the Appeals Board within the commission consisting of three
1343 members. The board may call and preside at adjudicative proceedings to review an order or
1344 decision that is subject to review by the Appeals Board under this title.

1345 (2) (a) The governor shall appoint the members with the ~~[advice and]~~ consent of the Senate
1346 and in accordance with this section.

1347 (b) One member of the board shall be appointed to represent employers, in making this
1348 appointment, the governor shall consider nominations from employer organizations.

1349 (c) One member of the board shall be appointed to represent employees, in making this
1350 appointment, the governor shall consider nominations from employee organizations.

1351 (d) No more than two members may belong to the same political party.

1352 (3) (a) The term of a member shall be six years beginning on March 1 of the year the
1353 member is appointed, except that the governor shall, at the time of appointment or reappointment,
1354 adjust the length of terms to ensure that the terms of members are staggered so that one member
1355 is appointed every two years.

1356 (b) The governor may remove a member only for inefficiency, neglect of duty, malfeasance
1357 or misfeasance in office, or other good and sufficient cause.

1358 (c) A member shall hold office until a successor is appointed and has qualified.

1359 (4) A member shall be part-time and receive compensation as provided by Title 67,
1360 Chapter 19, State Personnel Management Act.

1361 (5) (a) The chief officer of the board shall be the chair, who shall serve as the executive
1362 and administrative head of the board.

1363 (b) The governor shall appoint and may remove at will the chair from the position of chair.

1364 (6) A majority of the board shall constitute a quorum to transact business.

1365 (7)(a) The commission shall provide the Appeals Board necessary staff support, except
1366 as provided in Subsection (7)(b).

1367 (b) At the request of the Appeals Board, the attorney general shall act as an impartial aid
1368 to the Appeals Board in outlining the facts and the issues.

1369 Section 35. Section **35A-1-201** is amended to read:

1370 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**
1371 **Qualifications -- Responsibilities -- Deputy directors -- Reports.**

1372 (1) (a) The chief administrative officer of the department is the executive director, who
1373 shall be appointed by the governor with the [~~advice and~~] consent of the Senate.

1374 (b) The executive director serves at the pleasure of the governor.

1375 (c) The executive director shall receive a salary established by the governor within the
1376 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1377 (d) The executive director shall be experienced in administration, management, and
1378 coordination of complex organizations.

1379 (2) The executive director shall:

1380 (a) administer and supervise the department in compliance with Title 67, Chapter 19, Utah
1381 State Personnel Management Act;

1382 (b) supervise and coordinate between the regional workforce services areas and regional
1383 directors created under Chapter 2, Regional Workforce Services Areas;

1384 (c) coordinate policies and program activities conducted through the divisions and regional
1385 workforce services areas of the department;

1386 (d) approve the proposed budget of each division, the Workforce Appeals Board, and each
1387 regional workforce services area within the department;

1388 (e) approve all applications for federal grants or assistance in support of any department
1389 program; and

1390 (f) fulfill such other duties as assigned by the Legislature or as assigned by the governor
1391 that are not inconsistent with this title.

1392 (3) The executive director may appoint deputy or assistant directors to assist the executive
1393 director in carrying out the department's responsibilities.

1394 (4) (a) The executive director shall report annually to the Legislature and the governor
1395 concerning the operations of the department and the programs that the department administers.

1396 (b) If federal law requires that a report to the governor or Legislature be given concerning
1397 the department or a program administered by the department, the executive director or the
1398 executive director's designee shall make that report.

1399 (5) The executive director shall at least annually provide for the sharing of information
1400 between the advisory councils established under this title.

1401 Section 36. Section **40-6-4** is amended to read:

1402 **40-6-4. Board of Oil, Gas and Mining created -- Functions -- Appointment of**
1403 **members -- Terms -- Chair -- Quorum -- Expenses.**

1404 (1) There is created within the Department of Natural Resources the Board of Oil, Gas and
1405 Mining. The board shall be the policy making body for the Division of Oil, Gas and Mining.

1406 (2) The board shall consist of seven members appointed by the governor[;] with the
1407 [~~advice and~~] consent of the Senate. No more than four members shall be from the same political
1408 party. The members shall have the following qualifications:

1409 (a) two members knowledgeable in mining matters;

1410 (b) two members knowledgeable in oil and gas matters;

1411 (c) one member knowledgeable in ecological and environmental matters;

1412 (d) one member who is a private land owner, owns a mineral or royalty interest and is
1413 knowledgeable in those interests; and

1414 (e) one member who is knowledgeable in geological matters.

1415 (3) (a) Except as required by Subsection (3)(b), as terms of current board members expire,
1416 the governor shall appoint each new member or reappointed member to a four-year term.

1417 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time
1418 of appointment or reappointment, adjust the length of terms to ensure that the terms of board
1419 members are staggered so that approximately half of the board is appointed every two years.

1420 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
1421 be appointed for the unexpired term by the governor[;] with the [~~advice and~~] consent of the Senate.

1422 (b) The person appointed shall have the same qualifications as his predecessor.

1423 (5) The board shall appoint its chair from the membership. Four members of the board
1424 shall constitute a quorum for the transaction of business and the holding of hearings.

1425 (6) (a) (i) Members who are not government employees shall receive no compensation or
1426 benefits for their services, but may receive per diem and expenses incurred in the performance of
1427 the member's official duties at the rates established by the Division of Finance under Sections
1428 63A-3-106 and 63A-3-107.

1429 (ii) Members may decline to receive per diem and expenses for their service.

1430 (b) (i) State government officer and employee members who do not receive salary, per
1431 diem, or expenses from their agency for their service may receive per diem and expenses incurred
1432 in the performance of their official duties from the board at the rates established by the Division
1433 of Finance under Sections 63A-3-106 and 63A-3-107.

1434 (ii) State government officer and employee members may decline to receive per diem and
1435 expenses for their service.

1436 Section 37. Section **49-1-202** is amended to read:

1437 **49-1-202. Establishment of Utah State Retirement Board -- Quorum -- Terms --**
1438 **Officers -- Expenses and per diem -- Membership Council established.**

1439 (1) There is established the Utah State Retirement Board composed of seven members
1440 determined as follows:

1441 (a) Four members, with experience in investments or banking, shall be appointed by the
1442 governor from the general public.

1443 (b) One member shall be a school employee appointed by the governor from at least three
1444 nominations submitted by the governing board of a school employees' association representative
1445 of a majority of the school employees who are members of the school employees' retirement
1446 system.

1447 (c) One member shall be a public employee appointed by the governor from at least three
1448 nominations submitted by the governing board of a public employee association representative of
1449 a majority of the public employees who are members of the public employees' retirement system.

1450 (d) One member shall be the state treasurer, who shall serve as an ex officio member with
1451 full voting privileges.

1452 (2) Four members constitute a quorum for the purpose of doing all business.

1453 (3) (a) All appointments to the board shall be made on a nonpartisan basis, with the

1454 [~~advice and~~] consent of the Senate.

1455 (b) Members shall serve until their successors are appointed and take the constitutional
1456 oath of office.

1457 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
1458 appointed for the unexpired term.

1459 (d) Members appointed to the board between sessions of the Legislature shall serve with
1460 full authority until acted upon by the Senate in session.

1461 (4) (a) Except as required by Subsection (4)(b), all appointed members shall serve for
1462 four-year terms.

1463 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time
1464 of appointment or reappointment, adjust the length of terms to ensure that the terms of board
1465 members are staggered so that approximately half of the board is appointed every two years.

1466 (c) Public employees or educators who retire or otherwise terminate their employment with
1467 a covered unit shall immediately resign from the board.

1468 (5) Each year the board shall elect a president and vice president from its membership.
1469 Each member shall be reimbursed for expenses incurred in service to the board. Each member
1470 shall receive a per diem plus travel expenses provided by law for attending board meetings.

1471 (6) The board shall establish a membership council to advise and counsel with the board
1472 and the director on policies affecting members of the various systems administered by the
1473 retirement office. The board may pay the travel expenses of members who attend council
1474 meetings.

1475 (7) Beginning July 1, 1991, the membership council shall be composed of 13 members
1476 selected as follows:

1477 (a) Three members shall be school employees selected by the governing board of an
1478 association representative of a majority of school employees who are members of the Public
1479 Employees' Retirement System or the Public Employees' Noncontributory Retirement System.

1480 (b) One member shall be a classified school employee selected by the governing board of
1481 an association representative of a majority of classified school employees who are members of the
1482 Public Employees' Retirement System or the Public Employees' Noncontributory Retirement
1483 System.

1484 (c) Two members shall be public employees selected by the governing board of an

1485 association representative of a majority of the public employees who are members of the Public
1486 Employees' Retirement System or the Public Employees' Noncontributory Retirement System.

1487 (d) One member shall be a city or town officer or employee selected by the governing
1488 board of an association representative of the cities and towns who are members of the Public
1489 Employees' Retirement System or the Public Employees' Noncontributory Retirement System.

1490 (e) One member shall be a county officer or employee selected by the governing board of
1491 an association representative of counties who are members of the Public Employees' Retirement
1492 System or the Public Employees' Noncontributory Retirement System.

1493 (f) One member shall be a representative of members of the Judges' Retirement System
1494 selected by the Judicial Council.

1495 (g) One member shall be a representative of members of the Public Safety Retirement
1496 System selected by the governing board of an association representative of the majority of peace
1497 officers who are members of the Public Safety Retirement System.

1498 (h) One member shall be a representative of members of the Firefighters' Retirement
1499 System selected by the governing board of an association representative of the majority of paid
1500 professional firefighters who are members of the Firefighters' Retirement System.

1501 (i) One member shall be a retired member selected by the Utah Association of Retired
1502 Public Employees.

1503 (j) One member shall be a retired member selected by the Utah Retired School Employees'
1504 Association.

1505 (8) (a) Members shall be appointed as provided for in Subsection (7).

1506 (b) Except as required by Subsection (8)(c), as terms of current council members expire,
1507 the board shall appoint each new member or reappointed member to a four-year term.

1508 (c) Notwithstanding the requirements of Subsection (8)(b), the board shall, at the time of
1509 appointment or reappointment, adjust the length of terms to ensure that the terms of council
1510 members are staggered so that approximately half of the council is appointed every two years.

1511 (d) Each term expires on June 30 in the year of expiration.

1512 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
1513 appointed for the unexpired term.

1514 (9) The council shall designate one council member as chair annually.

1515 (10) The council shall:

1516 (a) recommend benefits and policies for members of any system administered by the board
1517 to the board and to the Legislature;

1518 (b) recommend procedures and practices to improve the administration of the system and
1519 the public employee relations responsibilities of the board and office;

1520 (c) examine the record of all decisions affecting retirement benefits;

1521 (d) submit nominations to the board for the position of executive director if that position
1522 is vacant; and

1523 (e) act upon all other duties assigned to it by the board.

1524 Section 38. Section **51-7-16** is amended to read:

1525 **51-7-16. State Money Management Council -- Members -- Terms -- Vacancies --**
1526 **Chair and vice chair-- Executive secretary -- Meetings -- Quorum -- Members' disclosure of**
1527 **interests -- Per diem and expenses.**

1528 (1) (a) There is created a State Money Management Council composed of five members
1529 appointed by the governor after consultation with the state treasurer and with the ~~[advice and]~~
1530 consent of the Senate.

1531 (b) The members of the council shall be qualified by training and experience in the field
1532 of investment or finance as follows:

1533 (i) at least one member, but not more than two members, shall be experienced in the
1534 banking business;

1535 (ii) at least one member, but not more than two members, shall be an elected treasurer;

1536 (iii) at least one member, but not more than two members, shall be an appointed public
1537 treasurer; and

1538 (iv) two members, but not more than two members, shall be experienced in the field of
1539 investment.

1540 (c) No more than three members of the council may be from the same political party.

1541 (2) (a) Except as required by Subsection (2)(b), the council members shall be appointed for
1542 terms of four years.

1543 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time
1544 of appointment or reappointment, adjust the length of terms to ensure that the terms of council
1545 members are staggered so that approximately half of the council is appointed every two years.

1546 (c) When a vacancy occurs in the membership for any reason, the replacement shall be

1547 appointed for the unexpired term.

1548 (d) All members shall serve until their successors are appointed and qualified.

1549 (3) (a) The council members shall elect a chair and vice chair.

1550 (b) The state treasurer shall serve as executive secretary of the council without vote.

1551 (4) (a) The council shall meet at least once per quarter at a regular date to be fixed by the
1552 council and at other times at the call of the chair, the state treasurer, or any two members of the
1553 council.

1554 (b) Three members are a quorum for the transaction of business.

1555 (c) Actions of the council require a vote of a majority of those present.

1556 (d) All meetings of the council and records of its proceedings are open for inspection by
1557 the public at the state treasurer's office during regular business hours except for:

1558 (i) reports of the commissioner of financial institutions concerning the identity, liquidity,
1559 or financial condition of qualified depositories and the amount of public funds each is eligible to
1560 hold; and

1561 (ii) reports of the director concerning the identity, liquidity, or financial condition of
1562 certified dealers.

1563 (5) (a) Each member of the council shall file a sworn or written statement with the
1564 lieutenant governor that discloses any position or employment or ownership interest that he has
1565 in any financial institution or investment organization.

1566 (b) Each member shall file the statement required by this ~~[subsection]~~ Subsection (5) when
1567 he becomes a member of the council and when substantial changes in his position, employment,
1568 or ownership interests occur.

1569 (6) (a) (i) Members who are not government employees shall receive no compensation or
1570 benefits for their services, but may receive per diem and expenses incurred in the performance of
1571 the member's official duties at the rates established by the Division of Finance under Sections
1572 63A-3-106 and 63A-3-107.

1573 (ii) Members may decline to receive per diem and expenses for their service.

1574 (b) (i) State government officer and employee members who do not receive salary, per
1575 diem, or expenses from their agency for their service may receive per diem and expenses incurred
1576 in the performance of their official duties from the council at the rates established by the Division
1577 of Finance under Sections 63A-3-106 and 63A-3-107.

1578 (ii) State government officer and employee members may decline to receive per diem and
1579 expenses for their service.

1580 (c) (i) Local government members who do not receive salary, per diem, or expenses from
1581 the entity that they represent for their service may receive per diem and expenses incurred in the
1582 performance of their official duties at the rates established by the Division of Finance under
1583 Sections 63A-3-106 and 63A-3-107.

1584 (ii) Local government members may decline to receive per diem and expenses for their
1585 service.

1586 Section 39. Section **53-1-107** is amended to read:

1587 **53-1-107. Commissioner of public safety -- Appointment -- Qualifications -- Salary.**

1588 (1) The chief executive officer of the department is the commissioner.

1589 (2) (a) Every fourth year after the year 1989, the governor shall appoint a commissioner
1590 with the ~~[advice and]~~ consent of the Senate.

1591 (b) The commissioner shall serve for a period of four years from July 1 of the year of his
1592 appointment.

1593 (3) The commissioner shall:

1594 (a) be an individual of recognized executive and administrative capacity;

1595 (b) be selected solely with regard to his qualifications and fitness to discharge the duties
1596 of the commissioner's office;

1597 (c) be of high moral character;

1598 (d) be of good standing in the community in which he lives; and

1599 (e) have been a resident of this state for a period of at least five years immediately prior
1600 to his appointment.

1601 (4) The commissioner shall devote full time to the duties of the office.

1602 (5) The governor shall establish the commissioner's salary within the salary range fixed
1603 by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1604 Section 40. Section **53-2-108** is amended to read:

1605 **53-2-108. Search and Rescue Advisory Board -- Members -- Compensation.**

1606 (1) There is created the Search and Rescue Advisory Board consisting of seven members
1607 appointed as follows:

1608 (a) two representatives designated by the Utah Search and Rescue Association, one of

1609 whom is from a county with a population of 75,000 or more; and one from a county having a
1610 population of less than 75,000;

1611 (b) three representatives designated by the Utah Sheriff's Association, at least one of
1612 whom shall be a member of a voluntary search and rescue unit operating in the state, at least one
1613 of whom shall be from a county having a population of 75,000 or more, and at least one of whom
1614 shall be from a county having a population of less than 75,000;

1615 (c) one representative of the Division of Comprehensive Emergency Management
1616 designated by the director; and

1617 (d) one private citizen appointed by the governor with the [~~advice and~~] consent of the
1618 Senate.

1619 (2) (a) The term of each member of the board is four years.

1620 (b) A member may be reappointed to one successive term.

1621 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
1622 appointed for the unexpired term.

1623 (d) A member resigning from the board shall serve until a successor is appointed and
1624 qualified.

1625 (3) Members who are not government employees shall receive no compensation or benefits
1626 for their services, but may receive per diem and travel expenses incurred in the performance of the
1627 member's official duties at the rates established by the Division of Finance under Sections
1628 63A-3-106 and 63A-3-107.

1629 Section 41. Section **53B-1-104** is amended to read:

1630 **53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath --**
1631 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.**

1632 (1) (a) The board shall consist of 18 residents of the state.

1633 (b) (i) Fifteen members shall be appointed by the governor with the consent of the Senate.

1634 (ii) (A) One additional member shall be appointed by the governor from nominations of
1635 the student body presidents council.

1636 (B) The council shall nominate three qualified, matriculated students enrolled in the state
1637 institutions of higher education.

1638 (C) Student body presidents are not eligible for nomination.

1639 (iii) Other than the student appointee, not more than eight members appointed by the

1640 governor shall, at any time, be from one political party.

1641 (iv) In making appointments to the board, the governor shall select:

1642 (A) individuals from the state at large with due consideration for geographical
1643 representation; and

1644 (B) at least three individuals with personal experience in applied technology education,
1645 which could include service on a regional applied technology college regional board.

1646 (c) (i) In addition to the members designated under Subsection (1)(b), two members of the
1647 State Board of Education, appointed by the chair of the State Board of Education, shall serve as
1648 nonvoting members of the board.

1649 (ii) A nonvoting member shall continue to serve as a member without a set term until the
1650 member is replaced by the chair of the State Board of Education.

1651 (2) (a) Five members of the board, other than the student member and the State Board of
1652 Education members, shall be appointed during each odd-numbered year to six-year staggered terms
1653 which commence on July 1 of the year of appointment.

1654 (b) (i) The student member shall be appointed for a one-year term and may be reappointed
1655 for one additional term.

1656 (ii) The student member has full voting rights and may vote on selection of a board chair
1657 or vice chair, but not serve in either office.

1658 (c) Board members shall hold office until their successors have been appointed and
1659 qualified.

1660 (3) (a) Each member of the board shall take the official oath of office before entering upon
1661 the duties of office.

1662 (b) The oath shall be filed with the Division of Archives and Records Services.

1663 (4) The board shall elect a chair and vice chair from its members who shall serve terms
1664 of two years and until their successors are chosen and qualified.

1665 (5) (a) The board shall appoint a secretary from the staff of its chief executive to serve at
1666 its discretion.

1667 (b) The secretary shall be a full-time employee who receives a salary set by the board.

1668 (c) The secretary shall record and maintain a record of all board meetings and perform
1669 other duties as the board directs.

1670 (6) The board shall appoint a treasurer who serves at the discretion of the board.

- 1671 (7) (a) The board may establish advisory committees.
- 1672 (b) The powers and authority of the board are nondelegable, except as specifically
1673 provided for in this title.
- 1674 (c) All matters requiring board determination shall be addressed in a properly convened
1675 meeting of the board or its executive committee.
- 1676 (8) The board shall enact bylaws for its own government not inconsistent with the
1677 constitution or the laws of this state.
- 1678 (9) (a) The board shall meet regularly upon its own determination.
- 1679 (b) The board may also meet, in full or executive session, at the request of its chair, its
1680 executive officer, or five members of the board.
- 1681 (10) A quorum of the voting members of the board is required to conduct its business and
1682 consists of nine members.
- 1683 (11) (a) A vacancy in the board occurring before the expiration of a voting member's full
1684 term shall be immediately filled by appointment by the governor with the consent of the Senate.
- 1685 (b) The appointee serves for the remainder of the unexpired term~~[, subject to confirmation~~
1686 ~~by the Senate at its next session]~~.
- 1687 (12) (a) Each member of the board shall receive a per diem as provided by law as
1688 compensation for services for attending meetings of the board.
- 1689 (b) Each member shall also be paid actual expenses incurred for attending meetings of the
1690 board or its committees or for attending to any business of the institutions under the direction of
1691 the board or authority of the board or its committees.
- 1692 Section 42. Section **53C-1-202** is amended to read:
- 1693 **53C-1-202. Board of trustees membership -- Nomination list -- Qualifications --**
1694 **Terms -- Replacement -- Chair -- Quorum.**
- 1695 (1) There is established the School and Institutional Trust Lands Board of Trustees.
- 1696 (2) The board shall consist of seven members appointed on a nonpartisan basis by the
1697 governor with the ~~[advice and]~~ consent of the Senate for nonconsecutive six-year terms.
- 1698 (3) (a) Of the initial appointments to the board, the governor shall appoint one member to
1699 serve a six-year term, one member to serve a five-year term, one member to serve a four-year term,
1700 one member to serve a three-year term, one member to serve a two-year term, and one member to
1701 serve a one-year term.

1702 (b) All subsequent appointments shall be for a term of six years, except if a vacancy
1703 occurs, the governor shall appoint a replacement, following the procedures set forth in Subsections
1704 (2), (4), (5), and (6), to fill the unexpired term.

1705 (c) Any member of the board who has served less than six years upon the expiration of that
1706 member's term is eligible for a consecutive reappointment.

1707 (d) Neither the term provision in Subsection (2) nor Subsection (3) applies to an
1708 appointment made under Subsection (5).

1709 (4) (a) The governor shall select six of the seven appointees to the board from a
1710 nomination list of at least two candidates for each position or vacancy submitted pursuant to
1711 Section 53C-1-203.

1712 (b) The governor may request an additional nomination list of at least two candidates from
1713 the nominating committee if the initial list of candidates for a given position is unacceptable.

1714 (c) (i) If the governor fails to select an appointee within 60 days after receipt of the initial
1715 list or within 60 days after the receipt of an additional list, the nominating committee shall make
1716 an interim appointment by majority vote.

1717 (ii) The interim appointee shall serve until the matter is resolved by the committee and the
1718 governor or until replaced pursuant to this chapter.

1719 (5) (a) The governor may appoint one member without requiring a nomination list.

1720 (b) The member appointed under Subsection (5)(a) serves at the pleasure of the governor.

1721 (6) (a) Each board candidate shall possess outstanding professional qualifications pertinent
1722 to the purposes and activities of the trust.

1723 (b) The board shall represent the following areas of expertise:

1724 (i) nonrenewable resource management or development;

1725 (ii) renewable resource management or development; and

1726 (iii) real estate.

1727 (c) Other qualifications which are pertinent for membership to the board are expertise in
1728 any of the following areas:

1729 (i) business;

1730 (ii) investment banking;

1731 (iii) finance;

1732 (iv) trust administration;

- 1733 (v) asset management; and
1734 (vi) the practice of law in any of the areas referred to in Subsections (6)(b) and (6)(c)(i)
1735 through (v).
1736 (7) The board of trustees shall select a chair from its membership.
1737 (8) Before assuming a position on the board, each member shall take an oath of office.
1738 (9) Four members of the board constitute a quorum for the transaction of business.
1739 (10) The governor or five board members may, for cause, remove a member of the board.
1740 (11) An aggrieved party to a final action by the board may obtain judicial review of that
1741 action under Section 63-46b-16.

1742 Section 43. Section **54-1-1.5** is amended to read:

1743 **54-1-1.5. Appointment of members -- Terms -- Qualifications -- Chairman --**
1744 **Quorum -- Removal -- Vacancies -- Compensation.**

1745 The commission shall be composed of three members appointed by the governor with the
1746 [~~advice and~~] consent of the Senate. The terms of the members shall be staggered so that one
1747 commissioner is appointed for a term of six years on March 1 of each odd-numbered year. Not
1748 more than two members of the commission shall belong to the same political party. One member
1749 of the commission shall be designated by the governor as chairman of the commission. Any two
1750 commissioners constitute a quorum. Any member of the commission may be removed for cause
1751 by the governor. Vacancies in the commission shall be filled for unexpired terms by appointment
1752 of the governor. Commissioners shall receive compensation as established by the governor within
1753 the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation, and
1754 all actual and necessary expenses incurred in attending to official business. Each commissioner
1755 at the time of appointment and qualification shall be a resident citizen of the United States and of
1756 the state of Utah and shall be not less than 30 years of age. Except as provided by law, no
1757 commissioner may hold any other office either under the government of the United States or of this
1758 state or of any municipal corporation within this state.

1759 Section 44. Section **54-1-1.6** is amended to read:

1760 **54-1-1.6. Pro tempore commissioner -- Appointment -- Qualifications.**

1761 [~~In the event~~] (1) If a commissioner is temporarily disabled or is disqualified from sitting
1762 as a commissioner, the governor may appoint a commissioner pro tempore according to the
1763 procedures and requirements of Section 67-1-1.5.

1764 (2) Any person appointed as a commissioner pro tempore shall possess the qualifications
1765 required for public service commissioners in Section 54-1-1.5 and have previous utility regulatory
1766 experience or other comparable professional experience. [~~Senate confirmation is not required for~~
1767 ~~the appointment of a commissioner pro tempore.~~]

1768 (3) The governor may appoint a retired or resigned public service commissioner as a
1769 commissioner pro tempore in order to render findings, orders, or decisions on matters which the
1770 retired or resigned commissioner had fully heard before the commissioner's retirement or
1771 resignation.

1772 Section 45. Section **54-10-2** is amended to read:

1773 **54-10-2. Committee of Consumer Services created -- Members -- Terms --**
1774 **Qualifications -- Appointment -- Organization.**

1775 (1) (a) There is created within the Division of Public Utilities of the Department of
1776 Commerce a Committee of Consumer Services.

1777 (b) All members shall maintain their principal place of abode within Utah.

1778 (2) (a) The six members shall be appointed by the governor with the [~~advice and~~] consent
1779 of the Senate.

1780 (b) Except as required by Subsection (2)(c), as terms of current committee members
1781 expire, the governor shall appoint each new member or reappointed member to a four-year term.

1782 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the time
1783 of appointment or reappointment, adjust the length of terms to ensure that the terms of committee
1784 members are staggered so that approximately half of the committee is appointed every two years.

1785 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
1786 appointed for the unexpired term.

1787 (3) Members shall represent the following geographic and consumer interests:

1788 (a) one member shall be from Salt Lake City, Provo, or Ogden;

1789 (b) one member shall be from a city other than Salt Lake City, Provo, or Ogden;

1790 (c) one member shall be from an unincorporated area of the state;

1791 (d) one member shall be a low-income resident;

1792 (e) one member shall be a retired person;

1793 (f) one member shall be a small commercial consumer;

1794 (g) one member shall be a farmer or rancher who uses electric power to pump water in his

1795 farming or ranching operation; and

1796 (h) one member shall be a residential consumer.

1797 (4) (a) No more than three members of the committee shall be from the same political
1798 party.

1799 (b) The governor shall designate one member as chair of the committee.

1800 Section 46. Section **59-1-206** is amended to read:

1801 **59-1-206. Appointment of staff -- Executive director -- Compensation --**

1802 **Administrative secretary -- Internal audit unit -- Appeals office staff -- Division directors.**

1803 (1) The commission shall appoint the following persons who are qualified, knowledgeable,
1804 and experienced in matters relating to their respective positions, exempt under Title 67, Chapter
1805 19, Utah State Personnel Management Act, to serve at the pleasure of, and who are directly
1806 accountable to, the commission:

1807 (a) in consultation with the governor and with the consent of the Senate, an executive
1808 director [~~who shall be confirmed by advice and consent of the Senate~~];

1809 (b) an administrative secretary;

1810 (c) an internal audit unit; and

1811 (d) an appeals staff.

1812 (2) The governor shall establish the executive director's salary within the salary range fixed
1813 by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1814 (3) Division directors shall be appointed by the executive director subject to the approval
1815 of the commission. The division directors are exempt employees under Title 67, Chapter 19, Utah
1816 State Personnel Management Act.

1817 (4) The executive director may with the approval of the commission employ additional
1818 staff necessary to perform the duties and responsibilities of the commission. These employees are
1819 subject to Title 67, Chapter 19, Utah State Personnel Management Act.

1820 (5) The internal audit unit shall provide the following:

1821 (a) an examination to determine the honesty and integrity of fiscal affairs, the accuracy and
1822 reliability of financial statements and reports, and the adequacy and effectiveness of financial
1823 controls to properly record and safeguard the acquisition, custody, and use of public funds;

1824 (b) an examination to determine whether commission administrators have faithfully
1825 adhered to commission policies and legislative intent;

1826 (c) an examination to determine whether the operations of the divisions and other units of
1827 the commission have been conducted in an efficient and effective manner;

1828 (d) an examination to determine whether the programs administered by the divisions and
1829 other units of the commission have been effective in accomplishing intended objectives; and

1830 (e) an examination to determine whether management control and information systems are
1831 adequate and effective in assuring that commission programs are administered faithfully,
1832 efficiently, and effectively.

1833 (6) The appeals office shall receive and hear appeals to the commission and shall conduct
1834 the hearings in compliance with formal written rules approved by the commission. The
1835 commission has final review authority over the appeals.

1836 Section 47. Section **61-1-18.5** is amended to read:

1837 **61-1-18.5. Securities Advisory Board established -- Appointment -- Duties --**
1838 **Qualifications -- Terms -- Vacancies -- Meetings -- Conflicts of interest -- Expenses.**

1839 (1) (a) There is hereby established a Securities Advisory Board.

1840 (b) Members of the board shall be appointed by the governor with the [~~advice and~~] consent
1841 of the Senate.

1842 (c) The board shall have the following duties:

1843 (i) formulate and make recommendations to the director regarding policy and budgetary
1844 matters;

1845 (ii) submit recommendations regarding registration requirements and division rules;

1846 (iii) formulate and make recommendations to the director regarding the establishment of
1847 reasonable fees; and

1848 (iv) generally act in an advisory capacity to the director with respect to the exercise of his
1849 duties, powers, and responsibilities.

1850 (2) (a) The Securities Advisory Board shall be comprised of five members who shall be
1851 appointed in accordance with the following:

1852 (i) two members from the securities brokerage community who have at least five years
1853 prior experience in securities matters;

1854 (ii) one member from the securities section of the Utah Bar Association;

1855 (iii) one member who is an officer or director of a corporation not subject to the reporting
1856 requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934; and

1857 (iv) one member from the public at large who has no active participation in the securities
1858 business.

1859 (b) No member may serve more than two consecutive terms.

1860 (3) (a) Except as required by Subsection (3)(b), as terms of current board members expire,
1861 the governor shall appoint each new member or reappointed member to a four-year term.

1862 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time
1863 of appointment or reappointment, adjust the length of terms to ensure that the terms of commission
1864 members are staggered so that approximately half of the board is appointed every two years.

1865 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
1866 be appointed for the unexpired term.

1867 (b) All members shall serve until their respective successors are appointed and qualified.

1868 (5) The board shall meet at least quarterly on a regular date to be fixed by the board and
1869 at such other times at the call of the director or any two members of the board. A majority of the
1870 board shall constitute a quorum for the transaction of business. Actions of the board shall require
1871 a vote of a majority of those present.

1872 (6) Each member of the board shall, by sworn and written statement filed with the
1873 Department of Commerce and the lieutenant governor, disclose any position of employment or
1874 ownership interest that the member has with respect to any entity or business subject to the
1875 jurisdiction of the division. This statement shall be filed upon appointment and must be
1876 appropriately amended whenever significant changes occur in matters covered by the statement.

1877 (7) (a) Members shall receive no compensation or benefits for their services, but may
1878 receive per diem and expenses incurred in the performance of the member's official duties at the
1879 rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

1880 (b) Members may decline to receive per diem and expenses for their service.

1881 Section 48. Section **61-2b-7** is amended to read:

1882 **61-2b-7. Board established -- Composition -- Qualifications -- Terms of office --**
1883 **Expenses.**

1884 (1) (a) There is established a Real Estate Appraiser Licensing and Certification Board
1885 which shall consist of seven members as follows:

1886 (i) one state-licensed appraiser;

1887 (ii) three state-certified appraisers;

1888 (iii) two members of the general public; and

1889 (iv) the Commissioner of the Department of Financial Institutions or his designee.

1890 (b) All members of the board shall be appointed by the governor with the [~~advice and~~]
1891 consent of the Senate.

1892 (2) (a) Except as required by Subsection (2)(b), as terms of current board members expire,
1893 the governor shall appoint each new member or reappointed member to a four-year term beginning
1894 on July 1.

1895 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time
1896 of appointment or reappointment, adjust the length of terms to ensure that the terms of board
1897 members are staggered so that approximately half of the board is appointed every two years.

1898 (c) Upon the expiration of his term, a member of the board shall continue to hold office
1899 until the appointment and qualification of his successor.

1900 (d) No person may serve as a member of the board for more than two consecutive terms.

1901 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall
1902 be appointed for the unexpired term.

1903 (b) The governor may remove a board member for cause.

1904 (4) The public members of the board may not be licensed or certified under this chapter.

1905 (5) The board shall meet at least quarterly to conduct its business. Public notice shall be
1906 given for all board meetings.

1907 (6) The members of the board shall elect a chair annually from among the members to
1908 preside at board meetings. A quorum of the board shall be four members.

1909 (7) (a) (i) Members who are not government employees shall receive no compensation or
1910 benefits for their services, but may receive per diem and expenses incurred in the performance of
1911 the member's official duties at the rates established by the Division of Finance under Sections
1912 63A-3-106 and 63A-3-107.

1913 (ii) Members may decline to receive per diem and expenses for their service.

1914 (b) (i) State government officer and employee members who do not receive salary, per
1915 diem, or expenses from their agency for their service may receive per diem and expenses incurred
1916 in the performance of their official duties from the commission at the rates established by the
1917 Division of Finance under Sections 63A-3-106 and 63A-3-107.

1918 (ii) State government officer and employee members may decline to receive per diem and

1919 expenses for their service.

1920 Section 49. Section **62A-1-107** is amended to read:

1921 **62A-1-107. Boards within department -- Members, appointment, terms, vacancies,**
1922 **chairperson, compensation, meetings, quorum.**

1923 (1) Except as specifically provided in Section 62A-4a-102 and 62A-14-106 regarding the
1924 Board of Child and Family Services and the Board of Public Guardian Services, each board
1925 described in Section 62A-1-105 shall have seven members who are appointed by the governor[;]
1926 with the [~~advice and~~] consent of the Senate.

1927 (2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a term
1928 of four years, and is eligible for one reappointment.

1929 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time
1930 of appointment or reappointment, adjust the length of terms to ensure that the terms of board
1931 members are staggered so that approximately half of the board is appointed every two years.

1932 (c) Board members shall continue in office until the expiration of their terms and until
1933 their successors are appointed, which may not exceed 90 days after the formal expiration of a term.

1934 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
1935 appointed for the unexpired term.

1936 (3) No more than four members of any board may be from the same political party. Each
1937 board shall have diversity of gender, ethnicity, and culture; and members shall be chosen on the
1938 basis of their active interest, experience, and demonstrated ability to deal with issues related to
1939 their specific boards.

1940 (4) Each board shall annually elect a chairperson from its membership. Each board shall
1941 hold meetings at least once every three months. Meetings shall be held from time to time on the
1942 call of the chairperson or of the majority of the members of any board. Four members of a board
1943 are necessary to constitute a quorum at any meeting, and, if a quorum exists, the action of the
1944 majority of members present shall be the action of the board.

1945 (5) (a) Members shall receive no compensation or benefits for their services, but may
1946 receive per diem and expenses incurred in the performance of the member's official duties at the
1947 rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

1948 (b) Members may decline to receive per diem and expenses for their service.

1949 (6) Each board shall adopt bylaws governing its activities. Bylaws shall include

1950 procedures for removal of a board member who is unable or unwilling to fulfill the requirements
1951 of his appointment.

1952 (7) Each board has program policymaking authority for the division over which it presides.

1953 Section 50. Section **62A-1-108** is amended to read:

1954 **62A-1-108. Executive director -- Appointment -- Compensation -- Qualifications --**
1955 **Responsibilities.**

1956 (1) The chief administrative officer of the department is the executive director, who shall
1957 be appointed by the governor with the [~~advice and~~] consent of the Senate. The executive director
1958 may be removed at the will of the governor. The executive director shall receive a salary
1959 established by the governor within the salary range fixed by the Legislature in Title 67, Chapter
1960 22, State Officer Compensation. The executive director shall be experienced in administration,
1961 management, and coordination of complex organizations.

1962 (2) The executive director is responsible for:

1963 (a) administration and supervision of the department;

1964 (b) coordination of policies and program activities conducted through the boards,
1965 divisions, and offices of the department;

1966 (c) approval of the proposed budget of each board, division, and office within the
1967 department; and

1968 (d) such other duties as the Legislature or governor shall assign to him.

1969 (3) The executive director may appoint deputy or assistant directors to assist him in
1970 carrying out the department's responsibilities.

1971 Section 51. Section **62A-4a-102** is amended to read:

1972 **62A-4a-102. Board of Child and Family Services.**

1973 (1) (a) The Board of Child and Family Services, created in accordance with this section
1974 and with Sections 62A-1-105 and 62A-1-107, is responsible for establishing by rule, pursuant to
1975 Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the policy of the division in
1976 accordance with the requirements of this chapter and Title 78, Chapter 3a, Juvenile Courts
1977 regarding abuse, neglect, and dependency proceedings, youth services, and domestic violence
1978 services. The board is responsible to see that the legislative purposes for the division are carried
1979 out.

1980 (b) (i) [~~Effective July 1, 1994, the~~] The governor shall appoint, with the [~~advice and~~]

1981 consent of the Senate, 11 members to the Board of Child and Family Services.

1982 (ii) Except as required by Subsection (1)(b)(iii), as terms of current board members expire,
1983 the governor shall appoint each new member or reappointed member to a four-year term.

1984 (iii) Notwithstanding the requirements of Subsection (1)(b)(ii), the governor shall, at the
1985 time of appointment or reappointment, adjust the length of terms to ensure that the terms of board
1986 members are staggered so that approximately half of the board is appointed every two years.

1987 (c) Two members of the board shall be persons who are or have been consumers, two
1988 members of the board shall be persons who are actively involved in children's issues specifically
1989 related to abuse and neglect, one member shall be a licensed foster parent, one member shall be
1990 a recognized expert in the social, developmental, and mental health needs of children, one member
1991 shall be a physician licensed to practice medicine in this state who is also a board certified
1992 pediatrician and who is an expert in child abuse and neglect, and one member shall be an adult
1993 relative of a child who is or has been in the foster care system.

1994 (d) Six members of the board are necessary to constitute a quorum at any meeting.

1995 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
1996 appointed for the unexpired term.

1997 (2) (a) Members shall receive no compensation or benefits for their services, but may
1998 receive per diem and expenses incurred in the performance of the member's official duties at the
1999 rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

2000 (b) Members may decline to receive per diem and expenses for their service.

2001 (3) The board shall:

2002 (a) approve fee schedules for programs within the division;

2003 (b) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
2004 establish, by rule, policies to ensure that private citizens, consumers, foster parents, private
2005 contract providers, allied state and local agencies, and others are provided with an opportunity to
2006 comment and provide input regarding any new policy or proposed revision of an existing policy;
2007 and

2008 (c) provide a mechanism for systematic and regular review of existing policy and for
2009 consideration of policy changes proposed by the persons and agencies described in Subsection
2010 (3)(b).

2011 (4) (a) The board shall establish a three-member Consumer Hearing Panel to act

2012 independently of the board and the division, and to be the sole and final decision-making body to
2013 hear, resolve, and make recommendations regarding consumer complaints relating to the division.
2014 The board may appoint two alternates to serve on the Consumer Hearing Panel in the event that
2015 one or more of the members is unable to serve at any given time. This section does not restrict or
2016 limit access to the courts for any person, or override Title 62A, Chapter 2, Licensure of Programs
2017 and Facilities, or Title 67, Chapter 19, Utah State Personnel Management Act.

2018 (b) The Consumer Hearing Panel may not include any employees of the division.

2019 (c) Prior to July 1, 2000, the Consumer Hearing Panel shall establish procedures that:

2020 (i) provide for reasonable notice of panel hearings to the appropriate consumers;

2021 (ii) require both the division and the consumer to present their respective information,
2022 testimony, or evidence at the same hearing unless, after reasonable notice, the consumer fails or
2023 refuses to appear at the scheduled panel hearing; and

2024 (iii) affirm the right of affected consumers to be provided with pertinent information
2025 regarding the substance of the division's position, testimony, or evidence either prior to or at the
2026 scheduled panel hearing.

2027 (d) The Consumer Hearing Panel shall report its recommendations to the board, the
2028 division, and the Legislative Oversight Panel described in Section 62A-4a-207. The division shall
2029 comply with the recommendations of the Consumer Hearing Panel.

2030 (e) The department shall provide staff to the Consumer Hearing Panel.

2031 (f) (i) Members of the panel shall receive a per diem allowance for each day or portion of
2032 a day spent in performing the duties of the panel, and shall be reimbursed for all necessary travel
2033 expenses.

2034 (ii) The per diem reimbursement described in Subsection (4)(f)(i) may not exceed 75 days
2035 for any one individual panel member in any fiscal year.

2036 (5) The board may create state advisory committees to advise it concerning programs
2037 offered by the Division of Child and Family Services. The board shall provide each committee
2038 with a specific charge in writing.

2039 (6) The board shall establish policies for the determination of eligibility for services
2040 offered by the division in accordance with this chapter. The division may, by rule, establish
2041 eligibility standards for consumers.

2042 (7) The board shall adopt and maintain rules and policies regarding placement for adoption

2043 or foster care that are consistent with, and no more restrictive than, applicable statutory provisions.

2044 Section 52. Section **62A-7-109** is amended to read:

2045 **62A-7-109. Youth Parole Authority -- Expenses -- Responsibilities -- Procedures.**

2046 (1) There is created within the division a Youth Parole Authority.

2047 (2) The authority is composed of ten part-time members and five pro tempore members
2048 who are residents of this state. No more than three pro tempore members may serve on the
2049 authority at any one time. Throughout this section, the term "member" shall refer to both part-time
2050 and pro tempore members of the Youth Parole Authority.

2051 (3) (a) Except as required by Subsection (3)(b), members shall be appointed to four-year
2052 terms by the governor with the [~~advice and~~] consent of the Senate.

2053 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time
2054 of appointment or reappointment, adjust the length of terms to ensure that the terms of authority
2055 members are staggered so that approximately half of the authority is appointed every two years.

2056 (4) Each member shall have training or experience in social work, law, juvenile or criminal
2057 justice, or related behavioral sciences.

2058 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
2059 appointed for the unexpired term.

2060 (6) During the tenure of his appointment, a member may not:

2061 (a) be an employee of the department, other than in his capacity as a member of the
2062 authority;

2063 (b) hold any public office;

2064 (c) hold any position in the state's juvenile justice system; or

2065 (d) be an employee, officer, advisor, policy board member, or subcontractor of any juvenile
2066 justice agency or its contractor.

2067 (7) In extraordinary circumstances or when a regular board member is absent or otherwise
2068 unavailable, the chair may assign a pro tempore member to act in the absent board member's place.

2069 (8) (a) Members shall receive no compensation or benefits for their services, but may
2070 receive per diem and expenses incurred in the performance of the member's official duties at the
2071 rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

2072 (b) Members may decline to receive per diem and expenses for their service.

2073 (9) The authority shall determine appropriate parole dates for youth offenders, based on

2074 guidelines established by the board. The board shall review and update policy guidelines annually.

2075 (10) Youth offenders may be paroled to their own homes, to a residential
2076 community-based program, to a nonresidential community-based treatment program, to an
2077 approved independent living setting, or to other appropriate residences, but shall remain on parole
2078 until parole is terminated by the authority.

2079 (11) The division's case management staff shall implement parole release plans and shall
2080 supervise youth offenders while on parole.

2081 (12) The division shall permit the authority to have reasonable access to youth offenders
2082 in secure facilities and shall furnish all pertinent data requested by the authority in matters of
2083 parole, revocation, and termination.

2084 Section 53. Section **62A-13-103** is amended to read:

2085 **62A-13-103. Rural Mental Health Therapist Financial Assistance Committee**
2086 **created.**

2087 (1) The Rural Mental Health Therapist Financial Assistance Committee is comprised of
2088 ten members appointed by the governor with the [~~advice and~~] consent of the Senate. The
2089 committee members are:

2090 (a) one faculty member of the graduate school of social work at a Utah university,
2091 nominated by the dean of the school;

2092 (b) one employee of the department nominated by the director of the department;

2093 (c) one rural representative of the Utah Behavioral Healthcare Network nominated by the
2094 network;

2095 (d) one member of the Utah Psychological Association nominated by the president of the
2096 association;

2097 (e) one rural representative of the Association for Utah Community Health nominated by
2098 the board of the association;

2099 (f) one rural representative nominated by Utah League of Cities and Towns;

2100 (g) one rural representative nominated by the Association of Counties;

2101 (h) one rural representative nominated by the Utah Counseling Association;

2102 (i) one rural representative of the Utah Association for Marriage and Family Therapy; and

2103 (j) one member of the Legislature chosen by the president and speaker, who serves as an
2104 ex officio member with no voting privileges.

2105 (2) (a) The names of all persons nominated to be members of the committee shall be
2106 submitted to the governor for confirmation or rejection.

2107 (b) If a nominee is rejected by the governor, another nominee shall be selected in the same
2108 manner as the nominee the governor rejects.

2109 (3) (a) Except as required by Subsection (3)(b), the term of office of each committee
2110 member is four years.

2111 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time
2112 of appointment or reappointment, adjust the length of terms to ensure that the terms of committee
2113 members are staggered so that approximately half of the committee is appointed every two years.

2114 (4) A committee member may not serve more than two consecutive terms.

2115 (5) The committee shall annually designate one of its members to serve as chair for a
2116 one-year period.

2117 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
2118 appointed for the unexpired term.

2119 (7) A majority of the committee members constitutes a quorum for the transaction of
2120 business.

2121 (8) (a) (i) Members who are not government employees shall receive no compensation or
2122 benefits for their services, but may receive per diem and expenses incurred in the performance of
2123 the member's official duties at the rates established by the Division of Finance under Sections
2124 63A-3-106 and 63A-3-107.

2125 (ii) Members may decline to receive per diem and expenses for their service.

2126 (b) (i) State government officer and employee members who do not receive salary, per
2127 diem, or expenses from their agency for their service may receive per diem and expenses incurred
2128 in the performance of their official duties from the committee at the rates established by the
2129 Division of Finance under Sections 63A-3-106 and 63A-3-107.

2130 (ii) State government officer and employee members may decline to receive per diem and
2131 expenses for their service.

2132 (c) Legislators on the committee shall receive compensation and expenses as provided by
2133 law and legislative rule.

2134 (d) Members from higher education may not receive per diem or expenses for their service.

2135 (e) (i) Higher education members who do not receive salary, per diem, or expenses from

2136 the entity that they represent for their service may receive per diem and expenses incurred in the
2137 performance of their official duties from the committee at the rates established by the Division of
2138 Finance under Sections 63A-3-106 and 63A-3-107.

2139 (ii) Higher education members may decline to receive per diem and expenses for their
2140 service.

2141 (f) (i) Local government members who do not receive salary, per diem, or expenses from
2142 the entity that they represent for their service may receive per diem and expenses incurred in the
2143 performance of their official duties at the rates established by the Division of Finance under
2144 Sections 63A-3-106 and 63A-3-107.

2145 (ii) Local government members may decline to receive per diem and expenses for their
2146 service.

2147 Section 54. Section **63-2-501** is amended to read:

2148 **63-2-501. State Records Committee created -- Membership -- Terms -- Vacancies --**
2149 **Expenses.**

2150 (1) There is created the State Records Committee within the Department of Administrative
2151 Services to consist of the following seven individuals:

2152 (a) an individual in the private sector whose profession requires him to create or manage
2153 records that if created by a governmental entity would be private or controlled;

2154 (b) the state auditor or the auditor's designee;

2155 (c) the director of the Division of State History;

2156 (d) the governor or the governor's designee;

2157 (e) one citizen member;

2158 (f) one elected official representing political subdivisions; and

2159 (g) one individual representing the news media.

2160 (2) The members specified in Subsections (1)(a), (e), (f), and (g) shall be appointed by the
2161 governor with the [~~advice and~~] consent of the Senate.

2162 (3) (a) Except as required by Subsection (3)(b), as terms of current committee members
2163 expire, the governor shall appoint each new member or reappointed member to a four-year term.

2164 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time
2165 of appointment or reappointment, adjust the length of terms to ensure that the terms of committee
2166 members are staggered so that approximately half of the committee is appointed every two years.

2167 (c) Each appointed member is eligible for reappointment for one additional term.

2168 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
2169 appointed for the unexpired term.

2170 (5) (a) (i) Members who are not government employees shall receive no compensation or
2171 benefits for their services, but may receive per diem and expenses incurred in the performance of
2172 the member's official duties at the rates established by the Division of Finance under Sections
2173 63A-3-106 and 63A-3-107.

2174 (ii) Members may decline to receive per diem and expenses for their service.

2175 (b) (i) State government officer and employee members who do not receive salary, per
2176 diem, or expenses from their agency for their service may receive per diem and expenses incurred
2177 in the performance of their official duties from the committee at the rates established by the
2178 Division of Finance under Sections 63A-3-106 and 63A-3-107.

2179 (ii) State government officer and employee members may decline to receive per diem and
2180 expenses for their service.

2181 (c) (i) Local government members who do not receive salary, per diem, or expenses from
2182 the entity that they represent for their service may receive per diem and expenses incurred in the
2183 performance of their official duties at the rates established by the Division of Finance under
2184 Sections 63A-3-106 and 63A-3-107.

2185 (ii) Local government members may decline to receive per diem and expenses for their
2186 service.

2187 Section 55. Section **63-5-4** is amended to read:

2188 **63-5-4. Disaster Emergency Advisory Council created -- Function -- Composition --**
2189 **Expenses.**

2190 (1) A Disaster Emergency Advisory Council is created to provide advice to the governor
2191 on matters relating to state government emergency disaster response and recovery actions and
2192 activities.

2193 (2) The council shall meet at the call of the governor.

2194 (3) The Disaster Emergency Advisory Council comprises the:

2195 (a) lieutenant governor;

2196 (b) attorney general;

2197 (c) president of the Senate;

2198 (d) speaker of the House of Representatives;

2199 (e) heads of the following state agencies:

2200 (i) Public Safety;

2201 (ii) Division of Comprehensive Emergency Management;

2202 (iii) Building Board; and

2203 (iv) Office of Planning and Budget;

2204 (f) executive directors of the following departments:

2205 (i) Transportation;

2206 (ii) Human Services;

2207 (iii) Health;

2208 (iv) Environmental Quality;

2209 (v) Community and Economic Development; and

2210 (vi) Natural Resources;

2211 (g) representative of the National Guard appointed by the governor with the [~~advice and~~]

2212 consent of the Senate;

2213 (h) commissioner of agriculture and food;

2214 (i) state planning coordinator; and

2215 (j) representatives from two statewide, nongovernmental service organizations appointed

2216 by the governor with the [~~advice and~~] consent of the Senate.

2217 (4) The commissioner of Public Safety shall serve as the chair of the council.

2218 (5) (a) (i) State government officer and employee members who do not receive salary, per

2219 diem, or expenses from their agency for their service may receive per diem and expenses incurred

2220 in the performance of their official duties from the council at the rates established by the Division

2221 of Finance under Sections 63A-3-106 and 63A-3-107.

2222 (ii) State government officer and employee members may decline to receive per diem and

2223 expenses for their service.

2224 (b) Legislators on the committee shall receive compensation and expenses as provided by

2225 law and legislative rule.

2226 Section 56. Section **63-11-14** is amended to read:

2227 **63-11-14. Board of Parks and Recreation -- Appointment and terms of members --**

2228 **Expenses.**

2229 (1) (a) The Board of Parks and Recreation shall be composed of nine members appointed
2230 by the governor, with the [~~advice and~~] consent of the Senate, to four-year terms.

2231 (b) The governor shall:

2232 (i) appoint one member from each judicial district and one member from the public at
2233 large;

2234 (ii) ensure that not more than five members are from the same political party; and

2235 (iii) appoint persons who have an understanding of and demonstrated interest in parks and
2236 recreation.

2237 (c) Notwithstanding the term requirements of Subsection (1)(a), the governor may adjust
2238 the length of terms to ensure that the terms of board members are staggered so that approximately
2239 1/2 of the board is appointed every two years.

2240 (2) When vacancies occur because of death, resignation, or other cause, the governor, with
2241 the [~~advice and~~] consent of the Senate, shall:

2242 (a) appoint a person to complete the unexpired term of the person whose office was
2243 vacated; and

2244 (b) if the person was appointed from a judicial district, appoint the replacement from the
2245 judicial district from which the person whose office has become vacant was appointed.

2246 (3) The Board of Parks and Recreation shall appoint its chair from its membership.

2247 (4) (a) Members shall receive no compensation or benefits for their services, but may
2248 receive per diem and expenses incurred in the performance of the member's official duties at the
2249 rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

2250 (b) Members may decline to receive per diem and expenses for their service.

2251 Section 57. Section **63-25a-103** is amended to read:

2252 **63-25a-103. Executive director -- Qualifications -- Compensation -- Appointment --**
2253 **Functions.**

2254 (1) The governor, with the [~~advice and~~] consent of the Senate, shall appoint a person
2255 experienced in the field of criminal justice and in administration as the executive director of the
2256 Commission on Criminal and Juvenile Justice. The governor shall establish the executive
2257 director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State
2258 Officer Compensation.

2259 (2) (a) The executive director, under the direction of the commission, shall administer the

2260 duties of the commission and act as the governor's advisor on national, state, regional,
2261 metropolitan, and local government planning as it relates to criminal justice.

2262 (b) This chapter does not derogate the planning authority conferred on state, regional,
2263 metropolitan, and local governments by existing law.

2264 Section 58. Section **63-25a-404** is amended to read:

2265 **63-25a-404. Crime Victims' Reparations Board -- Members.**

2266 (1) (a) A Crime Victims' Reparations Board is created, consisting of seven members
2267 appointed by the governor with the [~~advice and~~] consent of the Senate.

2268 (b) The membership of the board shall consist of:

2269 (i) a member of the bar of this state;

2270 (ii) a victim of criminally injurious conduct;

2271 (iii) a licensed physician;

2272 (iv) a representative of law enforcement;

2273 (v) a mental health care provider; and

2274 (vi) two other private citizens.

2275 (c) The governor may appoint a chair of the board who shall serve for a period of time
2276 prescribed by the governor, not to exceed the length of the chair's term. The board may elect a vice
2277 chair to serve in the absence of the chair.

2278 (d) The board may hear appeals from administrative decisions as provided in rules adopted
2279 pursuant to Section 63-25a-415.

2280 (2) (a) Except as required by Subsection (2)(b), as terms of current board members expire,
2281 the governor shall appoint each new member or reappointed member to a four-year term.

2282 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time
2283 of appointment or reappointment, adjust the length of terms to ensure that the terms of board
2284 members are staggered so that approximately half of the board is appointed every two years.

2285 (c) A member may be reappointed to one successive term.

2286 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall
2287 be appointed for the unexpired term.

2288 (b) A member resigning from the board shall serve until his successor is appointed and
2289 qualified.

2290 (4) (a) (i) Members who are not government employees shall receive no compensation or

2291 benefits for their services, but may receive per diem and expenses incurred in the performance of
2292 the member's official duties at the rates established by the Division of Finance under Sections
2293 63A-3-106 and 63A-3-107.

2294 (ii) Members may decline to receive per diem and expenses for their service.

2295 (b) (i) State government officer and employee members who do not receive salary, per
2296 diem, or expenses from their agency for their service may receive per diem and expenses incurred
2297 in the performance of their official duties from the board at the rates established by the Division
2298 of Finance under Sections 63A-3-106 and 63A-3-107.

2299 (ii) State government officer and employee members may decline to receive per diem and
2300 expenses for their service.

2301 (5) The board shall meet at least once quarterly but may meet more frequently as
2302 necessary.

2303 Section 59. Section **63-34-4** is amended to read:

2304 **63-34-4. Appointment of policy board members -- Terms -- Qualifications --**

2305 **Expenses -- Removal -- Conflicts of interest.**

2306 (1) The governor, with the [~~advice and~~] consent of the Senate, shall appoint the members
2307 of the division policy boards created in Section 63-34-3.

2308 (2) (a) Except as required by Subsection (2)(b), as terms of current board members expire,
2309 the governor shall appoint each new member or reappointed member to a four-year term.

2310 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time
2311 of appointment or reappointment, adjust the length of terms to ensure that the terms of board
2312 members are staggered so that approximately half of the board is appointed every two years.

2313 (c) The board members shall be appointed for no more than two consecutive terms unless
2314 the governor considers an additional appointment necessary due to exceptional circumstances.

2315 (3) Members shall be appointed consistent with the following criteria:

2316 (a) geographical distribution;

2317 (b) expertise or personal experience with subject matter;

2318 (c) diversity of opinion and political preference; and

2319 (d) gender, cultural, and ethnic representation.

2320 (4) (a) (i) Members who are not government employees shall receive no compensation or
2321 benefits for their services, but may receive per diem and expenses incurred in the performance of

2322 the member's official duties at the rates established by the Division of Finance under Sections
2323 63A-3-106 and 63A-3-107.

2324 (ii) Members may decline to receive per diem and expenses for their service.

2325 (b) (i) State government officer and employee members who do not receive salary, per
2326 diem, or expenses from their agency for their service may receive per diem and expenses incurred
2327 in the performance of their official duties from the board at the rates established by the Division
2328 of Finance under Sections 63A-3-106 and 63A-3-107.

2329 (ii) State government officer and employee members may decline to receive per diem and
2330 expenses for their service.

2331 (5) (a) Any member may be removed at any time by the governor for official misconduct,
2332 habitual or willful neglect of duty, or for other good and sufficient cause.

2333 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
2334 appointed for the unexpired term.

2335 (6) No member of the Legislature may serve as a member of a division policy board.

2336 (7) A board member shall disclose any conflict of interest to the board and if the conflict
2337 involves a direct financial interest in either the subject under consideration or an entity or asset that
2338 could be substantially affected by the outcome of board action, the member shall refrain from
2339 voting on the matter.

2340 Section 60. Section **63-34-5** is amended to read:

2341 **63-34-5. Executive director of natural resources -- Appointment -- Removal --**
2342 **Compensation -- Responsibilities -- Department fee schedule.**

2343 (1) (a) The chief administrative officer of the Department of Natural Resources shall be
2344 an executive director appointed by the governor with the [~~advice and~~] consent of the Senate.

2345 (b) The executive director may be removed at the will of the governor.

2346 (c) The executive director shall receive a salary established by the governor within the
2347 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

2348 (2) The executive director shall:

2349 (a) administer and supervise the Department of Natural Resources and provide for
2350 coordination and cooperation among the boards and divisions of the department;

2351 (b) approve the budget of each board and division;

2352 (c) (i) coordinate state governmental functions regarding energy development;

- 2353 (ii) facilitate the development and implementation of policies and programs relating to
2354 energy production, processing, utilization, and technology in the state;
- 2355 (iii) coordinate and consolidate energy resource data collection throughout state
2356 government;
- 2357 (iv) perform forecasts of state-level energy production, consumption, and prices;
- 2358 (v) monitor federal laws and regulations relating to energy development, processing, or
2359 use, and recommend policy positions for the state;
- 2360 (vi) participate in regulatory proceedings as appropriate to the functions and duties of the
2361 department;
- 2362 (vii) represent the state on regional and national energy matters on his own initiative or
2363 as requested by the governor; and
- 2364 (viii) provide the Legislature and the governor with:
- 2365 (A) a biennial report addressing the current status of energy markets in the state; and
2366 (B) an independent assessment of energy issues.
- 2367 (d) report at the end of each fiscal year to the governor on department activities, and
2368 activities of the boards and divisions; and
- 2369 (e) perform other duties as provided by the Legislature by statute.
- 2370 (3) Unless otherwise provided by statute, the department may adopt a schedule of fees
2371 assessed for services provided by the department. The fee shall be reasonable and fair and shall
2372 reflect the cost of services provided. Each fee established in this manner shall be submitted to and
2373 approved by the Legislature as part of the department's annual appropriations request. The
2374 department may not charge or collect any fee proposed in this manner without approval of the
2375 Legislature.

2376 Section 61. Section **63-88-103** is amended to read:

2377 **63-88-103. Board of Trustees of the Utah Navajo Trust Fund.**

- 2378 (1) (a) There is created a Board of Trustees of the Utah Navajo Trust Fund composed of
2379 three members, the State Treasurer, the Director of the Division of Finance, and a state officer or
2380 employee appointed by the governor, with the [~~advice and~~] consent of the Senate, to a four-year
2381 term.
- 2382 (b) The State Treasurer is chair of the board.
- 2383 (c) Three members of the board are a quorum.

2384 (d) (i) State government officer and employee members who do not receive salary, per
2385 diem, or expenses from their agency for their service may receive per diem and expenses incurred
2386 in the performance of their official duties from the board at the rates established by the Division
2387 of Finance under Sections 63A-3-106 and 63A-3-107.

2388 (ii) State government officer and employee members may decline to receive per diem and
2389 expenses for their service.

2390 (2) (a) The board shall either:

2391 (i) contract with a person or entity to act as trust administrator by following the procedures
2392 and requirements of Title 63, Chapter 56, Utah Procurement Code and, where not provided for by
2393 this chapter, define his duties and responsibilities; or

2394 (ii) if unable to find a qualified person under Subsection (2)(a)(i) to act as trust
2395 administrator for a reasonable cost, hire a qualified person to act as trust administrator and, where
2396 not provided for by this chapter, define his duties and responsibilities.

2397 (b) If the board hires a trust administrator under authority of Subsection (2)(a)(ii), the
2398 board may hire, or authorize the trust administrator to hire, other persons necessary to assist the
2399 trust administrator and the board to perform the duties required by this chapter.

2400 (3) The board shall:

2401 (a) on behalf of the state, act as trustee of the trust fund and exercise the state's fiduciary
2402 responsibilities;

2403 (b) meet at least monthly;

2404 (c) review and approve all policies, projections, rules, criteria, procedures, forms,
2405 standards, and performance goals established by the trust administrator;

2406 (d) review and approve the trust fund budget prepared by the trust administrator;

2407 (e) review all progress reports from programs financed by the trust fund;

2408 (f) review financial records of the trust fund, including trust fund receipts, expenditures,
2409 and investments; and

2410 (g) do any other things necessary to perform the state of Utah's fiduciary obligations under
2411 the trust fund.

2412 (4) The attorney general shall:

2413 (a) act as legal counsel and provide legal representation to the Board of Trustees; and

2414 (b) attend, or direct an attorney from his office to attend, each of their meetings.

2415 Section 62. Section **63-88-107** is amended to read:

2416 **63-88-107. Utah Dineh Committee.**

2417 (1) There is created the Dineh Committee.

2418 (2) (a) The governor₁ with the [~~advice and~~] consent of the Senate₁ shall [~~in accordance with~~
2419 ~~this section~~] appoint nine members to the committee.

2420 (b) In making an appointment under Subsection (2)(a), the governor shall ensure that:

2421 (i) each member of the committee is an individual:

2422 (A) who is an enrolled member of the Navajo Nation; and

2423 (B) whose name and tribal number are contained in the trust fund's population database;

2424 and

2425 (ii) the committee includes:

2426 (A) two registered members of the Aneth Chapter of the Navajo Nation who reside in San
2427 Juan County, Utah;

2428 (B) one registered member of the Blue Mountain Dine' who resides in San Juan County,
2429 Utah;

2430 (C) one registered member of the Mexican Water Chapter of the Navajo Nation who
2431 resides in San Juan County, Utah;

2432 (D) one registered member of the Navajo Mountain Chapter of the Navajo Nation who
2433 resides in San Juan County, Utah;

2434 (E) subject to Subsection (11), two members who reside in San Juan County, Utah:

2435 (I) one of which shall be a registered member of the Oljato Chapter of the Navajo Nation;

2436 and

2437 (II) one of which shall be a registered member of either the Oljato Chapter or the
2438 Dennehotso Chapter of the Navajo Nation;

2439 (F) one registered member of the Red Mesa Chapter of the Navajo Nation who resides in
2440 San Juan County, Utah; and

2441 (G) one registered member of the Teec Nos Pos Chapter of the Navajo Nation who resides
2442 in San Juan County, Utah.

2443 (3) (a) (i) Each of the Utah Navajo Chapters, except the Aneth, Oljato, and Dennehotso
2444 chapters, shall submit to the governor the names of three nominees to the Dineh Committee chosen
2445 by the chapter.

2446 (ii) The governor shall select one of the three persons submitted under Subsection (3)(a)(i)
2447 as that chapter's representative on the Dineh Committee.

2448 (b) (i) The Blue Mountain Dine' shall submit to the governor the names of three nominees
2449 to the Dineh Committee.

2450 (ii) The governor shall select one of the three persons submitted under Subsection (3)(b)(i)
2451 as the Blue Mountain Dine' representative on the Dineh Committee.

2452 (c) (i) The Aneth Chapter shall submit to the governor the names of six nominees to the
2453 Dineh Committee chosen by the chapter.

2454 (ii) The governor shall select two of the six persons submitted under Subsection (3)(c)(i)
2455 to be the Aneth Chapter's representatives on the Dineh Committee.

2456 (d) (i) The Oljato Chapter shall submit to the governor the names of six nominees to the
2457 Dineh Committee chosen by the chapter.

2458 (ii) One of the six names submitted under Subsection (3)(d)(i) may be a registered member
2459 of the Dennehotso Chapter.

2460 (iii) The governor shall select two of the six persons submitted under Subsection (3)(d)(i)
2461 to be the representatives on the Dineh Committee of the Oljato and Dennehotso chapters.

2462 (4) The governor may not appoint any person who is currently, or who, within the last 12
2463 months, has been an officer, director, employee, or contractor of any business enterprise or service
2464 provider that solicits, accepts, or receives monies from:

2465 (a) the Division of Indian Affairs; or

2466 (b) the trust fund established in this chapter.

2467 (5) Other than the amount authorized by this section for Dineh Committee member
2468 expenses, a person appointed to the Dineh Committee may not solicit, accept, or receive any
2469 monies from:

2470 (a) the Division of Indian Affairs;

2471 (b) the trust fund; or

2472 (c) as an officer, director, employee, or contractor of any business enterprise or service
2473 provider that solicits, accepts, or receives expenditures from:

2474 (i) the Division of Indian Affairs; or

2475 (ii) the trust fund.

2476 (6) (a) (i) Except as required by Subsection (6)(a)(ii), as terms of current committee

2477 members expire, the governor shall appoint each new member or reappointed member to a
2478 four-year term.

2479 (ii) Notwithstanding the requirements of Subsection (6)(a)(i), the governor shall, at the time
2480 of appointment or reappointment, adjust the length of terms to ensure that the terms of committee
2481 members are staggered so that approximately half of the committee is appointed every two years.

2482 (b) Except as provided in Subsection (6)(c), committee members shall serve until their
2483 successors are appointed and qualified.

2484 (c) (i) If a committee member is absent from three consecutive committee meetings, or if
2485 the committee member has violated the ethical or conflict of interest policies established by statute
2486 or by the committee, that member's appointment is terminated, the position is vacant, and the
2487 governor shall appoint a replacement.

2488 (ii) When a vacancy occurs in the membership for any reason, the replacement shall be
2489 appointed for the unexpired term according to the procedures of this section.

2490 (7) (a) The committee shall select a chair and a vice chair from its membership each two
2491 years subsequent to the appointment of new members.

2492 (b) Five members of the committee are a quorum for the transaction of business.

2493 (c) The committee shall:

2494 (i) comply with the procedures and requirements of Title 52, Chapter 4, Open and Public
2495 Meetings;

2496 (ii) ensure that all of its meetings are held at or near:

2497 (A) a chapter house or meeting hall of a Utah Navajo Chapter; or

2498 (B) other places in Utah that the committee considers practical and appropriate; and

2499 (iii) ensure that all of its meetings are public hearings at which any resident of San Juan
2500 County may appear and speak.

2501 (8) (a) Members shall receive no compensation or benefits for their services, but may
2502 receive per diem and expenses incurred in the performance of the member's official duties at the
2503 rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107 from the
2504 trust fund.

2505 (b) Members may decline to receive per diem and expenses for their service.

2506 (9) The Office of Trust Administrator is staff to the committee.

2507 (10) The committee shall advise the trust administrator about the expenditure of trust fund

2508 monies.

2509 (11) If both members appointed under Subsection (2)(b)(ii)(E) are registered members of
2510 the Oljato Chapter, the two members shall attend Dennehotso Chapter meetings as practicable.

2511 Section 63. Section **63A-1-105** is amended to read:

2512 **63A-1-105. Appointment of executive director -- Compensation.**

2513 (1) The governor shall:

2514 (a) appoint the executive director with the [~~advice and~~] consent of the Senate; and

2515 (b) establish the executive director's salary within the salary range fixed by the Legislature
2516 in Title 67, Chapter 22, State Officer Compensation.

2517 (2) The executive director shall serve at the pleasure of the governor.

2518 Section 64. Section **63A-7-104** is amended to read:

2519 **63A-7-104. Utah Sports Authority -- State controls -- Board -- Membership --**

2520 **Meetings -- Removal -- Per diem and expenses.**

2521 (1) (a) There is created within the department the Utah Sports Authority.

2522 (b) The authority is subject to all laws, rules, policies, and other conditions and limitations
2523 that govern agencies of state government, including:

2524 (i) the procurement procedures contained in Title 63, Chapter 56, Utah Procurement Code;

2525 (ii) Title 63A, Chapter 10, State Olympic Coordination Act;

2526 (iii) the personnel procedures contained in Title 67, Chapter 19, Utah State Personnel
2527 Management Act; and

2528 (iv) the laws, rules, policies, and other conditions or limitations from oversight
2529 departments, divisions, agencies, or offices such as the Division of Finance, the Division of
2530 Facilities Construction and Management, the state treasurer, the state auditor, and the attorney
2531 general.

2532 (c) (i) Notwithstanding any other provisions of this chapter, the Division of Finance shall
2533 provide or contract for all accounting related to public sports facilities, including budgeting,
2534 financial reporting, and internal controls of both state and nonstate funds of the authority.

2535 (ii) All nonstate funds may be accounted for and controlled outside of the state accounting
2536 system.

2537 (d) (i) After May 4, 1998, any contract, agreement, or financial arrangement entered into
2538 by the authority shall be reviewed by the State Olympic Officer and approved by the governor if

2539 the contract, agreement, or financial arrangement involves:

2540 (A) the transfer or conveyance of real or personal property or any interest in real or
2541 personal property held by the authority on behalf of the state;

2542 (B) the lease or use of a public sports facility by any person other than the authority;

2543 (C) construction at a public sports facility; or

2544 (D) the management of a public sports facility.

2545 (ii) A contract, agreement, or financial arrangement entered into after May 4, 1998, that
2546 is not reviewed and approved in accordance with this Subsection (1)(d) is voidable at the option
2547 of the governor.

2548 (iii) The State Olympic Officer may establish a policy that exempts a contract, agreement,
2549 or financial arrangement from the requirements of this Subsection (1)(d) if:

2550 (A) the size of a project, the scope of the activities, or the amount of money or state
2551 resources involved is of minimal or insignificant nature; and

2552 (B) the exemption is in the public interest.

2553 (iv) The requirements of this Subsection (1)(d) are in addition to any other requirements
2554 imposed on the authority by law, including approval by the Legislature of any conveyance under
2555 Subsection 63A-7-105(20).

2556 (2) The policy of the authority shall be determined by the authority board rather than the
2557 executive director.

2558 (3) There is created a Utah Sports Authority Board that shall consist of 19 members as
2559 follows:

2560 (a) 18 individuals appointed by the governor[;] with the [~~advice and~~] consent of the Senate,
2561 as follows:

2562 (i) five individuals from a list of ten nominees provided by the Utah League of Cities and
2563 Towns, with not more than one being a resident of any given county;

2564 (ii) two individuals from a list of four nominees provided by the Utah Association of
2565 Counties;

2566 (iii) three individuals from a list of six nominees provided by the mayor of Salt Lake City;

2567 (iv) four individuals from the state at large; and

2568 (v) four individuals:

2569 (A) who prior to or at the time of appointment are athletes; and

2570 (B) that the governor determines fairly represent the interests of athletes that will be served
2571 by state programs or facilities overseen by the authority; and

2572 (b) the executive director of the Department of Community and Economic Development.

2573 (4) The authority board membership shall include representatives of private business and
2574 industry. Examples of industries that may be represented on the board include the banking,
2575 accounting, legal, financial services, and amateur sports industries.

2576 (5) (a) In making appointments to the authority board, the governor shall consider
2577 geographical representation.

2578 (b) A member of the authority board may not hold an elective public office.

2579 (c) Each board member shall be a resident of the state as defined in Section 20A-2-105.

2580 (d) No more than ten board members may have the same political party affiliation and the
2581 political party affiliation of each board member and any change in that affiliation shall be disclosed
2582 to the board.

2583 (e) A member of the authority board, any of its employees, or any employees of the
2584 department or the Department of Community and Economic Development may not be on the board
2585 of, be employed by, contract with, or in any way be affiliated with any private entity that is using
2586 or seeking to use state funds to solicit, attract, organize, schedule, conduct, book, provide, operate,
2587 or create any public sports event, or that uses or seeks to use any public sports facility, unless any
2588 affiliation with the private entity is fully disclosed to the authority board and the advisory
2589 committee in an open and public meeting.

2590 (6) (a) Except as required by Subsection (6)(b), each board member shall serve a four-year
2591 term beginning January 1, 1990.

2592 (b) Notwithstanding the requirements of Subsection (6)(a), the governor shall, at the time
2593 of appointment or reappointment, adjust the length of terms to ensure that the terms of authority
2594 members are staggered so that approximately half of the authority is appointed every two years.

2595 (7) The governor shall appoint one of the members appointed to a four-year term as the
2596 chair of the authority board. The members shall elect from among their number a vice chair and
2597 other officers they may determine. The chair shall serve at the pleasure of the governor.

2598 (8) (a) The authority board shall meet at least quarterly unless otherwise determined by a
2599 majority of the members and at other times at the discretion of the chair.

2600 (b) A majority of the authority board is a quorum for conducting authority business. A

2601 majority vote of those present is required for any action to be taken by the authority.

2602 (c) The authority board shall invite the members of the coordination committee and other
2603 agencies and individuals listed in Subsection (8)(e) to all of its meetings. The authority shall allow
2604 members of the coordination committee and other agencies and individuals listed in Subsection
2605 (8)(e) to attend, participate in discussions, and review all materials presented in all meetings of the
2606 authority.

2607 (d) The authority shall include at least two members of the coordination committee on
2608 each subcommittee the authority board may create.

2609 (e) The authority board shall provide meeting notices, agendas, and minutes of meetings:

2610 (i) to members of the coordination committee;

2611 (ii) the governor;

2612 (iii) the attorney general;

2613 (iv) the Division of Finance;

2614 (v) the Department of Administrative Services;

2615 (vi) the Division of Facilities Construction and Management;

2616 (vii) the state auditor;

2617 (viii) the legislative auditor general;

2618 (ix) the Office of Legislative Research and General Counsel;

2619 (x) the Office of the Legislative Fiscal Analyst; and

2620 (xi) the State Olympic Officer.

2621 (9) (a) Any member may be removed from office with cause by the governor or for cause
2622 by an affirmative vote of eight members.

2623 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
2624 appointed for the unexpired term in the same manner as the original appointment, [~~subject to~~] with
2625 the consent of the Senate.

2626 (c) A member shall continue to hold office until the member's successor has been
2627 appointed and qualified.

2628 (d) Any member is eligible for reappointment, but may not serve more than four full
2629 consecutive terms.

2630 (10) The authority shall exist as long as it has obligations outstanding and until its
2631 existence is terminated by law. Upon the termination of the existence of the authority, all its rights

2632 and properties shall pass to and be vested in the state.

2633 (11) (a) (i) A member who is not a government employee shall receive no compensation
2634 or benefits for that member's services, but may receive per diem and expenses incurred in the
2635 performance of the member's official duties at the rates established by the Division of Finance
2636 under Sections 63A-3-106 and 63A-3-107.

2637 (ii) A member may decline to receive per diem and expenses for the member's service.

2638 (b) (i) A state government officer or employee member who does not receive salary, per
2639 diem, or expenses from the officer's or employee's agency for the officer's or employee's service
2640 may receive per diem and expenses incurred in the performance of the officer's or employee's
2641 official duties from the authority at the rates established by the Division of Finance under Sections
2642 63A-3-106 and 63A-3-107.

2643 (ii) A state government officer or employee member may decline to receive per diem and
2644 expenses for the officer's or employee's service.

2645 (c) (i) A local government member who does not receive salary, per diem, or expenses from
2646 the entity that the member represents for the service may receive per diem and expenses incurred
2647 in the performance of the member's official duties at the rates established by the Division of
2648 Finance under Sections 63A-3-106 and 63A-3-107.

2649 (ii) A local government member may decline to receive per diem and expenses for the
2650 member's service.

2651 Section 65. Section **63A-10-103** is amended to read:

2652 **63A-10-103. State Olympic Officer -- Creation.**

2653 (1) There is created the position of State Olympic Officer.

2654 (2) Beginning July 1, 1997:

2655 (a) The State Olympic Officer shall be [~~an individual~~] appointed by the governor with the
2656 [~~advice and~~] consent of the Senate.

2657 (b) The officer serves at the pleasure of the governor.

2658 (c) The officer shall be experienced in administration, financial, and legal transactions, and
2659 coordination of complex organizations.

2660 (d) The officer shall receive compensation as provided by Title 67, Chapter 22, State
2661 Officer Compensation.

2662 (e) The officer may appoint additional staff members with the approval of the governor.

2663 (f) The Office of Planning and Budget shall provide staff support and physical facilities
2664 to the coordinator.

2665 (g) Except as provided in Subsection(3), beginning July 1, 1997, the salary, benefits, and
2666 administrative costs associated with the officer and individuals appointed by the officer under
2667 Subsection (2)(e) shall be paid from the Olympics special revenue fund or funds established under
2668 Section 59-12-103.

2669 (3) (a) If there is inadequate monies in the Olympics special revenue fund or funds to pay
2670 the salary, benefits, and administrative costs described in Subsection (2)(g), the salary, benefits,
2671 and administrative cost may be paid from the General Fund.

2672 (b) If monies are paid from the General Fund under Subsection (3)(a), the monies shall be
2673 reimbursed to the General Fund from the Olympics special revenue fund or funds at such time the
2674 Olympics special revenue fund or funds has adequate monies to reimburse the General Fund.

2675 (c) Notwithstanding Subsections (2)(e), (3)(a), and (3)(b), the salary, benefits, or
2676 administrative costs associated with the officer may not be paid from the sales and tax revenues
2677 generated by municipalities or counties and deposited under Subsection 59-12-103(4)(a)(ii).

2678 Section 66. Section **63C-9-201** is amended to read:

2679 **63C-9-201. State Capitol Preservation Board -- Creation -- Membership.**

2680 (1) There is created the State Capitol Preservation Board.

2681 (2) The board shall consist of the following 15 members:

2682 (a) the governor;

2683 (b) the lieutenant governor;

2684 (c) the president of the Senate;

2685 (d) the speaker of the House of Representatives;

2686 (e) three members appointed by the governor;

2687 (f) two members of the Senate appointed by the president of the Senate, one from the
2688 majority party and one from the minority party;

2689 (g) two members of the House of Representatives appointed by the speaker of the House
2690 of Representatives, one from the majority party and one from the minority party;

2691 (h) the chief justice of the Supreme Court or his designee;

2692 (i) the director of the Division of Archives; and

2693 (j) an architect and a structural engineer, appointed by the governor with the [~~advice and~~]

2694 consent of the Senate.

2695 Section 67. Section **63D-1-301** is amended to read:

2696 **63D-1-301. Chief information officer -- Appointment -- Salary.**

2697 (1) The governor shall:

2698 (a) appoint a chief information officer with the [~~advice and~~] consent of the Senate; and

2699 (b) establish the chief information officer's salary within the salary range fixed by the

2700 Legislature in Title 67, Chapter 22, State Officer Compensation.

2701 (2) The chief information officer shall serve at the pleasure of the governor and be housed

2702 in the Office of Planning and Budget.

2703 (3) The chief information officer's authority as defined in Section 63D-1-301.5 applies to

2704 all state agencies.

2705 Section 68. Section **64-13-3** is amended to read:

2706 **64-13-3. Executive director.**

2707 (1) The executive director shall be appointed by the governor with the [~~advice and~~] consent
2708 of the Senate.

2709 (2) The executive director shall be experienced and knowledgeable in the field of
2710 corrections and shall have training in criminology and penology.

2711 (3) The governor shall establish the executive director's salary within the salary range fixed
2712 by the Legislature in Title 67, Chapter 22, State Officer Compensation.

2713 Section 69. Section **64-13-4.1** is amended to read:

2714 **64-13-4.1. Creation of Corrections Advisory Council.**

2715 (1) There is created within the Department of Corrections a Corrections Advisory Council
2716 consisting of seven members.

2717 (2) (a) Except as required by Subsection (2)(b), each member shall be appointed by the
2718 governor for a term of four years[;] with the [~~advice and~~] consent of the Senate.

2719 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time
2720 of appointment or reappointment, adjust the length of terms to ensure that the terms of council
2721 members are staggered so that approximately half of the council is appointed every two years.

2722 (c) Each council member shall be a resident of the state. No more than four members may
2723 be from the same political party and no member may hold any office connected with the
2724 Department of Corrections.

2725 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
2726 appointed for the unexpired term with the [~~advice and~~] consent of the Senate.

2727 (4) Membership of the council should be chosen to reflect:

2728 (a) geographical distribution;

2729 (b) expertise or personal experience with subject matters in the field of corrections;

2730 (c) diversity of opinion and political preference; and

2731 (d) gender, cultural, and ethnic diversity.

2732 (5) Council members may be appointed for no more than two consecutive terms unless the
2733 governor considers an additional term is in the best interest of the state.

2734 (6) (a) Members shall receive no compensation or benefits for their services, but may
2735 receive per diem and expenses incurred in the performance of the member's official duties at the
2736 rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

2737 (b) Members may decline to receive per diem and expenses for their service.

2738 (7) A member of the council may not hold any other office in the government of the United
2739 States or of this state or of any municipal corporation within the state.

2740 (8) Any member may be removed at any time by the governor for official misconduct,
2741 habitual or wilful neglect of duty, or for other good and sufficient cause.

2742 (9) A council member shall disclose any conflict of interest to the council and if the
2743 conflict involves a direct or financial interest in either the subject under consideration or an entity
2744 or asset that could be substantially affected by the outcome of council action, the member shall
2745 refrain from voting on the matter.

2746 (10) Current members of the Board of Corrections shall continue in office as members of
2747 the Corrections Advisory Council until expiration of their terms and until their successors are
2748 chosen.

2749 Section 70. Section **67-1-1.5** is amended to read:

2750 **67-1-1.5. Gubernatorial appointment powers.**

2751 (1) As used in this section:

2752 (a) "Board member" means each gubernatorial appointee to any state board, committee,
2753 commission, council, or authority.

2754 (b) "Executive branch management position" includes department executive directors,
2755 division directors, and any other administrative position in state government where the person

2756 filling the position:

2757 (i) works full-time performing managerial and administrative functions;

2758 (ii) is appointed by the governor[~~;~~ and (iii) ~~must be confirmed by~~] with the consent of the
2759 Senate.

2760 (c) (i) "Executive branch policy position" means any person other than a person filling an
2761 executive branch management position, who[~~:(A)~~] is appointed by the governor[~~;~~ and (B) ~~must~~
2762 ~~be confirmed by~~] with the consent of the Senate.

2763 (ii) "Executive branch policy position" includes each member of any state board and
2764 commission appointed by the governor [~~and confirmed by~~] with the consent of the Senate.

2765 (2) (a) Whenever a vacancy occurs in any executive branch policy position or in any
2766 executive branch management position, the governor shall submit the name of a nominee to the
2767 Senate for [~~confirmation~~] consent no later than three months after the date on which the vacancy
2768 occurred.

2769 (b) If the Senate fails to [~~confirm~~] consent to that person, the governor shall submit the
2770 name of another nominee to the Senate for [~~confirmation~~] consent no later than one month after
2771 the date on which the nomination was rejected by the Senate.

2772 (3) (a) Whenever a vacancy occurs in any executive branch management position, the
2773 governor may either:

2774 (i) appoint an interim manager who meets the qualifications of the vacant position to
2775 exercise the powers and duties of the vacant position for three months, pending [~~confirmation~~]
2776 consent of a person to permanently fill that position by the Senate; or

2777 (ii) appoint an interim manager who does not meet the qualifications of the vacant position
2778 and submit that person's name to the Senate for [~~confirmation~~] consent as interim manager within
2779 one month of the appointment.

2780 (b) If the Senate fails to [~~confirm~~] consent to the interim manager appointed under
2781 Subsection (3)(a)(ii), the governor may appoint another interim manager under Subsection (3)(a).

2782 (c) If, after an interim manager has served three months, no one has been appointed and
2783 [~~confirmed~~] received Senate consent to permanently fill the position, the governor shall:

2784 (i) appoint a new interim manager who meets the qualifications of the vacant position to
2785 exercise the powers and duties of the vacant position for three months; or

2786 (ii) submit the name of the first interim manager to the Senate for [~~confirmation~~] consent

2787 as an interim manager for a three-month term.

2788 (4) The governor may not make a temporary appointment to fill a vacant executive branch
2789 policy position.

2790 (5) (a) Before appointing any person to serve as a board member, the governor shall ask
2791 the person whether or not the person wishes to receive per diem, expenses, or both for serving as
2792 a board member.

2793 (b) If the person declines to receive per diem, expenses, or both, the governor shall notify
2794 the agency administering the board, commission, committee, council, or authority and direct the
2795 agency to implement the board member's request.

2796 Section 71. Section **67-1-2.5** is amended to read:

2797 **67-1-2.5. Data bases for executive boards.**

2798 (1) As used in this section, "executive board" means any executive branch board,
2799 commission, council, committee, working group, task force, study group, advisory group, or other
2800 body with a defined limited membership that is created to operate for more than six months by the
2801 constitution, by statute, by executive order, by the governor, lieutenant governor, attorney general,
2802 state auditor, or state treasurer or by the head of a department, division, or other administrative
2803 subunit of the executive branch of state government.

2804 (2) The governor shall designate a person from his staff to maintain a computerized data
2805 base containing information about all executive boards.

2806 (3) The person designated to maintain the data base shall ensure that the data base
2807 contains:

2808 (a) the name of each executive board;

2809 (b) the statutory or constitutional authority for the creation of the executive board;

2810 (c) the sunset date on which each executive board's statutory authority expires;

2811 (d) the state officer or department and division of state government under whose
2812 jurisdiction the executive board operates or with which the executive board is affiliated, if any;

2813 (e) the name, address, gender, telephone number, and county of each person currently
2814 serving on the executive board, along with a notation of all vacant or unfilled positions;

2815 (f) the title of the position held by the person who appointed each member of the executive
2816 board;

2817 (g) the length of the term to which each member of the executive board was appointed and

2818 the month and year that each executive board member's term expires;

2819 (h) whether or not members appointed to the executive board require [~~confirmation by the~~
2820 ~~Utah~~] consent of the Senate;

2821 (i) the organization, interest group, profession, local government entity, or geographic area
2822 that the person represents, if any;

2823 (j) the person's party affiliation, if the statute or executive order creating the position
2824 requires representation from political parties;

2825 (k) whether the executive board is a policy board or an advisory board;

2826 (l) whether or not the executive board has or exercises rulemaking authority; and

2827 (m) any compensation and expense reimbursement that members of the executive board
2828 are authorized to receive.

2829 (4) The person designated to maintain the data base shall:

2830 (a) make the information contained in the data base available to the public upon request;
2831 and

2832 (b) cooperate with other entities of state government to publish the data or useful
2833 summaries of the data.

2834 (5) (a) The person designated to maintain the data base shall prepare, publish, and
2835 distribute an annual report by December 1 of each year that includes, as of November 1 of that
2836 year:

2837 (i) the total number of executive boards;

2838 (ii) the name of each of those executive boards and the state officer or department and
2839 division of state government under whose jurisdiction the executive board operates or with which
2840 the executive board is affiliated, if any;

2841 (iii) for each state officer and each department and division, the total number of executive
2842 boards under the jurisdiction of or affiliated with that officer, department, and division;

2843 (iv) the total number of members for each of those executive boards;

2844 (v) whether or not some or all of the members of each of those executive boards are
2845 approved by the [~~Utah~~] Senate;

2846 (vi) whether each board is a policymaking board or an advisory board and the total number
2847 of policy boards and the total number of advisory boards; and

2848 (vii) the compensation, if any, paid to the members of each of those executive boards.

2849 (b) The person designated to maintain the data bases shall distribute copies of the report
2850 to:

2851 (i) the governor;

2852 (ii) the president of the [Utah] Senate;

2853 (iii) the speaker of the [Utah] House;

2854 (iv) the Office of Legislative Research and General Counsel; and

2855 (v) any other persons who request a copy of the annual report.

2856 Section 72. Section **67-1-3** is amended to read:

2857 **67-1-3. Removal of gubernatorial appointee.**

2858 [~~All officers who are or shall be appointed by the governor alone, or by the governor by and
2859 with the consent of the Senate, may,~~]

2860 (1) Any time during a recess of the Legislature, the governor may remove any
2861 gubernatorial appointee for official misconduct, habitual or willful neglect of duty, or for other
2862 good and sufficient cause[, ~~at any time during the recess of the Legislature be removed, and the~~
2863 ~~vacancy filled during such recess by the governor~~].

2864 (2) If the appointment required consent of the Senate, the governor may fill the vacancy
2865 created by the removal by following the procedures and requirements of Section 67-1-1.5.

2866 Section 73. Section **67-1a-2** is amended to read:

2867 **67-1a-2. Duties enumerated.**

2868 The duties of the lieutenant governor are:

2869 (1) to perform such duties as may be delegated by the governor, including but not limited
2870 to assignments to serve in any of the following capacities:

2871 (a) as the head of any one department, if so qualified, with the [~~advice and~~] consent of the
2872 Senate, and upon such an appointment, the lieutenant governor shall serve at the pleasure of the
2873 governor and without additional compensation;

2874 (b) as the chairperson of any cabinet group organized by the governor or authorized by law
2875 for the purpose of advising the governor or coordinating intergovernmental or interdepartmental
2876 policies or programs;

2877 (c) as liaison between the governor and the state Legislature to coordinate and facilitate
2878 the governor's programs and budget requests;

2879 (d) as liaison between the governor and other officials of local, state, federal, and

2880 international governments or any other political entities to coordinate, facilitate, and protect the
2881 interests of the state [~~of Utah~~];

2882 (e) as personal advisor to the governor, including advice on policies, programs,
2883 administrative and personnel matters, and fiscal or budgetary matters;

2884 (f) as chairperson or member of any temporary or permanent boards, councils,
2885 commissions, committees, task forces, or other group appointed by the governor;

2886 (2) to serve on all boards and commissions in lieu of the governor, whenever so designated
2887 by the governor;

2888 (3) to serve as the chief election officer of the state. As the chief election officer, the
2889 lieutenant governor shall not assume the responsibilities assigned to the county clerks, city
2890 recorders, town clerks, or other local election officials by the Legislature, nor become involved
2891 with the procurement of ballots. The county clerks, city recorders, town clerks, or other election
2892 officials shall determine the listing of the political parties on their local ballots. The lieutenant
2893 governor shall perform the following duties:

2894 (a) assist county clerks in unifying the election ballot;

2895 (b) prepare election information for the public and make such information available to the
2896 news media;

2897 (c) receive and answer election questions and maintain an election file on opinions
2898 received from the attorney general;

2899 (d) maintain election returns and statistics;

2900 (e) certify to the governor the names of those persons who have received in any election
2901 the highest number of votes for any office, the incumbent of which is commissioned by the
2902 governor; and

2903 (f) perform any other election duties formerly assigned to the secretary of state;

2904 (4) to keep custody of the Great Seal of the state of Utah; to keep a register of, and attest,
2905 the official acts of the governor; and to affix the Great Seal, with an attestation, to all official
2906 documents and instruments to which the official signature of the governor is required; and

2907 (5) to furnish on request, to any person paying the fees therefor, a certified copy of all or
2908 any part of any law, record, or other instrument filed, deposited, or recorded in the office of the
2909 lieutenant governor.

2910 Section 74. Section **67-19-5** is amended to read:

2911 **67-19-5. Department of Human Resource Management created -- Director --**
2912 **Compensation -- Staff.**

2913 (1) There is created the Department of Human Resource Management.

2914 (2) (a) The department shall be administered by a director appointed by the governor with
2915 the [~~advice and~~] consent of the Senate.

2916 (b) The director shall be a person with experience in personnel management and shall be
2917 accountable to the governor for his performance in office.

2918 (c) The governor shall establish the director's salary within the salary range fixed by the
2919 Legislature in Title 67, Chapter 22, State Officer Compensation.

2920 (3) The director may:

2921 (a) appoint a personal secretary and, with the approval of the governor, a deputy director,
2922 both of whom shall be exempt from career service; and

2923 (b) appoint division directors and program managers who may be career service exempt.

2924 Section 75. Section **68-4-6** is amended to read:

2925 **68-4-6. Vacancies.**

2926 (1) Upon the death, resignation, failure, or refusal to serve of the commissioners appointed
2927 under Subsection 68-4-6(2), or if the legislative member ceases to be a member of the Legislature,
2928 his office becomes vacant; and the governor shall, [~~by and~~] with the consent of the Senate, make
2929 an appointment to fill the vacancy, such appointment to be for the unexpired term of the
2930 commissioner creating the vacancy.

2931 (2) The commissioner who is the Legislature's general counsel or designee shall serve only
2932 during that appointment as the Legislature's general counsel.

2933 Section 76. Section **72-1-202** is amended to read:

2934 **72-1-202. Executive director of department -- Appointment -- Qualifications -- Term**
2935 **-- Responsibility -- Power to bring suits -- Salary.**

2936 (1) (a) The governor, with recommendations from the commission and with the [~~advice~~
2937 ~~and~~] consent of the Senate, shall appoint an executive director to be the chief executive officer of
2938 the department.

2939 (b) The executive director shall be a qualified executive with technical and administrative
2940 experience and training appropriate for the position.

2941 (c) The executive director shall remain in office until a successor is appointed.

2942 (d) The executive director may be removed by the governor.

2943 (2) In addition to the other functions, powers, duties, rights, and responsibilities prescribed
2944 in this chapter, the executive director shall:

2945 (a) have responsibility for the administrative supervision of the state transportation systems
2946 and the various operations of the department;

2947 (b) have the responsibility for the implementation of rules, priorities, and policies
2948 established by the department and the commission;

2949 (c) have full power to bring suit in courts of competent jurisdiction in the name of the
2950 department as the executive director considers reasonable and necessary for the proper attainment
2951 of the goals of this chapter;

2952 (d) receive a salary, to be established by the governor within the salary range fixed by the
2953 Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual traveling
2954 expenses while away from the executive director's office on official business; and

2955 (e) purchase all necessary equipment and supplies for the department.

2956 Section 77. Section **72-1-301** is amended to read:

2957 **72-1-301. Transportation Commission created -- Members, appointment, terms --**
2958 **Qualifications -- Pay and expenses -- Chair -- Quorum -- Surety bond.**

2959 (1) (a) There is created the Transportation Commission which shall consist of seven
2960 members.

2961 (b) The members of the commission shall be residents of Utah.

2962 (c) No more than four of the commissioners shall be members of any one political party.

2963 (d) (i) The commissioners shall be appointed by the governor, with the [~~advice and~~]
2964 consent of the Senate, for a term of six years, [~~commencing~~] beginning on April 1 of
2965 odd-numbered years, except as provided under Subsection (1)(d)(ii).

2966 (ii) The first two additional commissioners serving on the seven member commission shall
2967 be appointed for terms of two years nine months and four years nine months, respectively, initially
2968 commencing on July 1, 1996, and subsequently commencing as specified under Subsection
2969 (1)(d)(i).

2970 (e) The commissioners serve on a part-time basis.

2971 (f) Each commissioner shall remain in office until a successor is appointed and qualified.

2972 (2) The selection of the commissioners shall be as follows:

- 2973 (a) one commissioner from Box Elder, Cache, or Rich county;
- 2974 (b) one commissioner from Salt Lake or Tooele county;
- 2975 (c) one commissioner from Carbon, Emery, Grand, or San Juan county;
- 2976 (d) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete, Sevier,
- 2977 Washington, or Wayne county;
- 2978 (e) one commissioner from Weber, Davis, or Morgan county;
- 2979 (f) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or Daggett
- 2980 county; and
- 2981 (g) one commissioner selected from the state at large.
- 2982 (3) (a) Members appointed before May 2, 1996, shall continue to receive the
- 2983 compensation, per diem, expenses, and benefits they were receiving as of January 1, 1996.
- 2984 (b) Members appointed after May 2, 1996, shall receive no compensation or benefits for
- 2985 their services, but may receive per diem and expenses incurred in the performance of the member's
- 2986 official duties at the rates established by the Division of Finance under Sections 63A-3-106 and
- 2987 63A-3-107.
- 2988 (c) Members may decline to receive compensation, benefits, per diem, and expenses for
- 2989 their service.
- 2990 (4) (a) One member of the commission shall be designated by the governor as chair.
- 2991 (b) The commission shall select one member as vice chair to act in the chair's absence.
- 2992 (5) Any four commissioners constitute a quorum.
- 2993 (6) (a) Each member of the commission shall qualify by:
- 2994 (i) taking the constitutional oath of office; and
- 2995 (ii) giving a surety bond.
- 2996 (b) The Division of Finance of the Department of Administrative Services shall determine
- 2997 the form and amount of the bond, and the state shall pay the bond premium.
- 2998 Section 78. Section **72-7-109** is amended to read:
- 2999 **72-7-109. Telecommunications Advisory Council -- Membership -- Duties.**
- 3000 (1) As used in this section:
- 3001 (a) "Council" means the Telecommunications Advisory Council created in this section.
- 3002 (b) "Statewide telecommunications purposes" has the same meaning provided in Section
- 3003 72-7-108.

3004 (2) (a) There is created within the department the Telecommunication Advisory Council
3005 consisting of six members who represent:

- 3006 (i) the governor's chief advisor on telecommunications;
- 3007 (ii) the Public Service Commission;
- 3008 (iii) the department;
- 3009 (iv) the Utah Education Network;
- 3010 (v) the Division of Purchasing and General Services within the Department of
3011 Administrative Services; and
- 3012 (vi) the Division of Public Utilities within the Department of Commerce.

3013 (b) The members shall be appointed by the governor [~~and confirmed by~~] with the consent
3014 of the Senate.

3015 (3) (a) The members shall annually elect a chair from its members.
3016 (b) The council shall meet as it determines necessary to accomplish its duties.
3017 (c) A majority of the council constitutes a quorum for the transaction of business.
3018 (d) Members shall receive no compensation or benefits for their services.

3019 (4) (a) The department shall provide staff support for the council.
3020 (b) The council may request assistance from other technical advisors as it determines
3021 necessary to accomplish its duties.

3022 (5) The council shall:

- 3023 (a) provide information, suggestions, strategic plans, priorities, and recommendations to
3024 assist the department in administering telecommunications access to interstate highway
3025 rights-of-way for statewide telecommunications purposes;
- 3026 (b) assist the department in valuing in-kind compensation in accordance with Subsection
3027 72-7-108(3)(c);
- 3028 (c) seek input from telecommunications providers and the public;
- 3029 (d) coordinate and exchange information with other technology and telecommunications
3030 entities of the state and its political subdivisions; and
- 3031 (e) provide other assistance as requested by the department.

3032 Section 79. Section **73-10-2** is amended to read:

3033 **73-10-2. Board of Water Resources -- Members -- Appointment -- Terms --**
3034 **Vacancies.**

3035 The Board of Water Resources shall be comprised of eight members to be appointed by the
3036 governor[;] with the [~~advice and~~] consent of the Senate. Not more than four members shall be
3037 from the same political party. One member of the board shall be appointed from each of the
3038 following districts:

- 3039 (1) Bear River District, comprising the counties of Box Elder, Cache, and Rich;
3040 (2) Weber District, comprising the counties of Weber, Davis, Morgan, and Summit;
3041 (3) Salt Lake District, comprising the counties of Salt Lake and Tooele;
3042 (4) Provo River District, comprising the counties of Juab, Utah, and Wasatch;
3043 (5) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute, and
3044 Wayne;
- 3045 (6) Green River District, comprising the counties of Daggett, Duchesne, and Uintah;
3046 (7) Upper Colorado River District, comprising the counties of Carbon, Emery, Grand, and
3047 San Juan; and
- 3048 (8) Lower Colorado River District, comprising the counties of Beaver, Garfield, Iron,
3049 Washington, and Kane.

3050 (a) Except as required by Subsection (8)(b), all appointments shall be for terms of four
3051 years.

3052 (b) Notwithstanding the requirements of Subsection (8)(a), the governor shall, at the time
3053 of appointment or reappointment, adjust the length of terms to ensure that the terms of board
3054 members are staggered so that approximately half of the board is appointed every two years.

3055 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
3056 appointed for the unexpired term with the [~~advice and~~] consent of the Senate and shall be from the
3057 same district as such person.

3058 (9) (a) Members shall receive no compensation or benefits for their services, but may
3059 receive per diem and expenses incurred in the performance of the member's official duties at the
3060 rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

3061 (b) Members may decline to receive per diem and expenses for their service.

3062 Section 80. Section **77-27-2** is amended to read:

3063 **77-27-2. Board of Pardons and Parole -- Creation -- Compensation -- Functions.**

3064 (1) There is created the Board of Pardons and Parole. The board shall consist of five
3065 full-time members and five pro tempore members to be appointed by the governor with the [~~advice~~

3066 and] consent of the Senate as provided in this section. The members of the board shall be resident
3067 citizens of the state. The governor shall establish salaries for the members of the board within the
3068 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

3069 (2) (a) (i) The full-time board members shall serve terms of five years. The terms of the
3070 full-time members shall be staggered so one board member is appointed for a term of five years
3071 on March 1 of each year.

3072 (ii) The pro tempore members shall serve terms of five years. The five pro tempore
3073 members added by Subsection (1) shall be appointed to terms that both commence on May 1,
3074 1996, and respectively end on February 28, 1999, and February 29, 2000. These terms are reduced
3075 by two and one years respectively so that the appointment of one pro tempore member expires
3076 every year beginning in 1996. Terms previously set to expire will now expire the last day of
3077 February of their respective years.

3078 (b) All vacancies occurring on the board for any cause shall be filled by the governor with
3079 the [advice and] consent of the Senate pursuant to this section for the unexpired term of the
3080 vacating member.

3081 (c) The governor may at any time remove any member of the board for inefficiency,
3082 neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing.

3083 (d) A member of the board may not hold any other office in the government of the United
3084 States, this state or any other state, or of any county government or municipal corporation within
3085 a state. A member may not engage in any occupation or business inconsistent with his duties.

3086 (e) A majority of the board constitutes a quorum for the transaction of business, including
3087 the holding of hearings at any time or any place within or without the state, or for the purpose of
3088 exercising any duty or authority of the board. Action taken by a majority of the board regarding
3089 whether parole, pardon, commutation, termination of sentence, or remission of fines or forfeitures
3090 may be granted or restitution ordered in individual cases is deemed the action of the board. A
3091 majority vote of the five full-time members of the board is required for adoption of rules or
3092 policies of general applicability as provided by statute. However, a vacancy on the board does not
3093 impair the right of the remaining board members to exercise any duty or authority of the board as
3094 long as a majority of the board remains.

3095 (f) Any investigation, inquiry, or hearing that the board has authority to undertake or hold
3096 may be conducted by any board member or an examiner appointed by the board. When any of

3097 these actions are approved and confirmed by the board and filed in its office, they are considered
3098 to be the action of the board and have the same effect as if originally made by the board.

3099 (g) When a full-time board member is absent or in other extraordinary circumstances the
3100 chair may, as dictated by public interest and efficient administration of the board, assign a pro
3101 tempore member to act in the place of a full-time member. Pro tempore members shall receive a
3102 per diem rate of compensation as established by the Division of Finance and all actual and
3103 necessary expenses incurred in attending to official business.

3104 (h) The chair may request staff and administrative support as necessary from the
3105 Department of Corrections.

3106 (3) (a) Except as provided in Subsection (3)(c), the Commission on Criminal and Juvenile
3107 Justice shall:

3108 (i) recommend five applicants to the governor for appointment to the Board of Pardons
3109 and Parole; and

3110 (ii) consider applicants' knowledge of the criminal justice system, state and federal
3111 criminal law, judicial procedure, corrections policies and procedures, and behavioral sciences.

3112 (b) The procedures and requirements of Subsection (3)(a) do not apply if the governor
3113 appoints a sitting board member to a new term of office.

3114 (4) (a) The board shall appoint an individual to serve as its mental health adviser and may
3115 appoint other staff necessary to aid it in fulfilling its responsibilities under Title 77, Chapter 16a,
3116 Commitment and Treatment of Mentally Ill Persons. The adviser shall prepare reports and
3117 recommendations to the board on all persons adjudicated as guilty and mentally ill, in accordance
3118 with Title 77, Chapter 16a.

3119 (b) The mental health adviser shall possess the qualifications necessary to carry out the
3120 duties imposed by the board and may not be employed by the Department of Corrections or the
3121 Utah State Hospital.

3122 (i) The Board of Pardons and Parole may review outside employment by the mental health
3123 advisor.

3124 (ii) The Board of Pardons and Parole shall develop rules governing employment with
3125 entities other than the board by the mental health advisor for the purpose of prohibiting a conflict
3126 of interest.

3127 (c) The mental health adviser shall:

3128 (i) act as liaison for the board with the Department of Human Services and local mental
3129 health authorities;

3130 (ii) educate the members of the board regarding the needs and special circumstances of
3131 mentally ill persons in the criminal justice system;

3132 (iii) in cooperation with the Department of Corrections, monitor the status of persons in
3133 the prison who have been found guilty and mentally ill;

3134 (iv) monitor the progress of other persons under the board's jurisdiction who are mentally
3135 ill;

3136 (v) conduct hearings as necessary in the preparation of reports and recommendations; and

3137 (vi) perform other duties as assigned by the board.

3138 Section 81. Section **78-8-102** is amended to read:

3139 **78-8-102. Judicial Conduct Commission -- Creation -- Members -- Terms --**

3140 **Vacancies -- Voting -- Expenses -- Power of chair.**

3141 (1) The membership of the Judicial Conduct Commission established by Article VIII,
3142 Section 13 of the Utah Constitution consists of:

3143 (a) two members of the House of Representatives to be appointed by the speaker of the
3144 House of Representatives for a two-year term, not more than one of whom may be of the same
3145 political party as the speaker;

3146 (b) two members of the Senate to be appointed by the president of the Senate for a
3147 two-year term, not more than one of whom may be of the same political party as the president;

3148 (c) three members from the board of commissioners of the Utah State Bar, who shall be
3149 appointed by the board of commissioners of the Utah State Bar for a four-year term;

3150 (d) two persons not members of the Utah State Bar, who shall be appointed by the
3151 governor, with the ~~[advice and]~~ consent of the Senate, for four-year terms, not more than one of
3152 whom may be of the same political party as the governor; and

3153 (e) one judge, and one alternate judge, of a trial court of record, to be selected by the
3154 nonjudicial members of the commission for four-year terms. The judge and the alternate judge
3155 shall coordinate attendance for meetings so that, if possible, at least one is in attendance at each
3156 meeting. If both judges are in attendance at a meeting, the alternate judge shall not be counted for
3157 quorum purposes nor vote on any issue before the commission.

3158 (2) The terms of the members shall be staggered so that approximately half of the

3159 commission expires every two years. The judges shall be appointed so that the terms expire in
3160 staggered two year increments.

3161 (3) If a judge serving on the commission is disqualified from participating in any
3162 proceeding, the commission shall select a substitute judge of a trial court of record.

3163 (4) The commission shall establish guidelines and procedures for the disqualification of
3164 any member from consideration of any matter.

3165 (5) (a) When a vacancy occurs in the membership for any reason, the replacement shall
3166 be appointed by the appointing authority for the unexpired term.

3167 (b) If the appointing authority fails to appoint a replacement, the commissioners who have
3168 been appointed may act as a commission under all the provisions of this section.

3169 (6) Six members of the commission shall constitute a quorum. Any action of a majority
3170 of the quorum constitutes the action of the commission.

3171 (7) (a) (i) Members who are not government employees shall receive no compensation or
3172 benefits for their services, but may receive per diem and expenses incurred in the performance of
3173 the member's official duties at the rates established by the Division of Finance under Sections
3174 63A-3-106 and 63A-3-107.

3175 (ii) Members may decline to receive per diem and expenses for their service.

3176 (b) (i) State government officer and employee members who do not receive salary, per
3177 diem, or expenses from their agency for their service may receive per diem and expenses incurred
3178 in the performance of their official duties from the commission at the rates established by the
3179 Division of Finance under Sections 63A-3-106 and 63A-3-107.

3180 (ii) State government officer and employee members may decline to receive per diem and
3181 expenses for their service.

3182 (c) Legislators on the commission shall receive compensation and expenses as provided
3183 in Section 36-2-2 and Legislative Joint Rule 15.03.

3184 (d) (i) The chair shall be allowed the actual expenses of secretarial services, the expenses
3185 of services for either a court reporter or a transcriber of electronic tape recordings, and other
3186 necessary administrative expenses incurred in the performance of the duties of the commission.

3187 (ii) The chair shall schedule all complaints to be heard by the commission and may not act
3188 to dismiss any complaint without the approval of the commission.

3189 (iii) The chair shall refer all policy matters to the commission.

- 3190 (8) Upon a majority vote of the quorum, the commission may:
- 3191 (a) employ a director, legal counsel, investigators, and other staff to assist the commission;
- 3192 and
- 3193 (b) incur other reasonable and necessary expenses within the authorized budget of the
- 3194 commission and consistent with the duties of the commission.

Legislative Review Note
as of 10-25-01 9:05 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Government Operations Interim Committee recommended this bill.